

Larry Butler and Carol Anne Sayle, Boggy Creek Farms, Austin, Texas

Since 1991, Larry Butler and Carol Anne Sayle have grown USDA certified organic vegetables and fruits in and around Austin, Texas, where they divide the crops into cold-tolerant and heat-tolerant. They grow over 100 different vegetables, with an emphasis on leafy greens in the winter and heirloom tomatoes in the summer. With two small farms, their total cultivated area is only 10 acres, but with crops intensively planted. They build their soil using soil tests, home-made compost (made to USDA standards, with their chickens' manure), mulches, and cover crops.

As Larry and Carol Anne have been in business since 1991, their many longtime customers know and appreciate their safe, nutritious, and vitally fresh produce and fruit.



Boggy Creek Farms employs 10 people and their expenses keep rising, and are approximately 80% of their gross sales. Most of their workers have been with them for many years. They have not raised the retail price of their produce in two years, out of concern for their customers.

Both Larry and Carol Anne work more than full time on the farms and get paid for their labor at the end of the year. What is left after expenses and taxes is what they receive to live a very simple lifestyle.

FDA produce standards mandated in S. 510 would add another layer of federal regulations on this tiny family business and could jeopardize Boggy Creek Farm's ability to continue to operate.

Bonnie Martinell, On Thyme Gourmet, Red Lodge, Montana

When she was just starting her processing business, Bonnie Martinell of On Thyme Gourmet got a quick boost. Her herbs, mixed with cream cheese, won a European Union taste test competition. Bonnie's small FDA-registered operation, housed on her small Carbon County Montana farm, supplies area farmers markets, groceries, restaurants and schools. She also sells direct to consumers on-line.

In an era when people are being forced out of agriculture, Bonnie has worked her way in following her former career as a utility executive. On top of running On Thyme Gourmet, she's also a direct market farmer, raising apples, apricots, pears, plums, chokecherries, garlic, basil, etc. She processes some into jams, which she sells largely in local markets.

Bonnie is worried about the 'one size fits all' approach to small facilities and direct market farms embodied in S. 510.

"This bill will shut us down," Bonnie said. The paperwork and fees necessary to comply with S. 510's "Hazard Analysis and Risk-Based Preventive Controls" requirements. "I spend half my time doing paperwork as it is," says Bonnie. "I'd love to hire a secretary, but I just can't afford it." Her business is already bound by state and county laws. The rules that apply to her should be scaled to meet her size, not identical to those for the largest farms and facilities.



Support Senator Jon Tester's Healthy Local Food Amendments to S. 510

One Size Does Not Fit All When It Comes to Food Safety

As Congress works to pass legislation that attempts to address the worst safety problems in the U.S. food system, the small farmers and processors who produce food for farmers markets and other local venues, and the consumers who rely on their fresh, seasonal, healthy foods are urging Senators to ensure that the bill does not stymie these newly emerging small businesses.

Although Senate negotiators have reportedly adopted new provisions that would require flexibility and reduce paperwork and expense, and give FDA the discretion to exempt some low risk food facilities from some portions of the new regulations, the bill still takes a "one size fits all" approach to food safety. S. 510 would authorize FDA to institute new regulations for farming and harvesting raw agricultural products, impose on food processing facilities extensive new recordkeeping and control requirements, and authorize large penalties for failing to comply with paperwork and recordkeeping mandates.

Senator Jon Tester is offering common sense amendments that will draw a bright line around the small local food processors and small direct market farmers whose produce is already appropriately governed by an existing framework of state and local health, sanitation and inspection laws. Senator Tester's amendments would focus federal resources where they are most needed, and exempt direct market farms from FDA regulations for farming and harvesting of raw agricultural products, and small food processors from cumbersome and expensive FDA Hazard Analysis Control, trace-back and recordkeeping requirements.

Here are some of the small businesses that Senator Tester's amendments would help preserve.



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Gus Wahner, Way of Life Farms, Stanfield, Oregon

Gus Wahner is concerned that federal food safety legislation would increase expenses with no corresponding food safety benefit.

Gus was raised on the 7.5 acre farm along the Umatilla River that he now farms for direct sales to farmers markets throughout the region. He brews and sells compost tea, raises produce and pastured chickens on his farm, and is a regular fixture at regional farmers' markets. Gus uses organic methods, but he does not have organic certification. In his well-composted, biologically remineralized soils he grows a rich variety of produce that he sells directly to customers.

"I sell my patrons safe, nutrient rich food, following state and local sanitation rules for direct sales at farmers markets," he said.

However, the current version of S.510, the Food Safety Modernization Act concerns him deeply. It mandates additional steps to certify compliance with FDA farming and harvesting rules. Accountability and traceability are needed in the industrial food system where larger growers and processors have long, complex supply chains. He supports Sen. Jon Tester's Healthy Local Food common sense amendments to S. 510. As Gus puts it, "I believe that knowing your farmer is the clearest path to food safety."



Perry McNeese, Good Earth Market, Billings, Montana



As part of its mission, the Good Earth Market, a co-op grocery store for healthy foods, purchases hundreds of locally grown or produced products from 81 individual producers/growers. Each grower or producer is a small family farm or business. Their products are fresh from the fields or minimally processed, if processed at all. "Whether they grow produce, raise livestock or make jam and jelly, their businesses are small by every comparison, small enough that they personally know their customers or retailers on a first name basis," said Perry McNeese, general manager.

In the 16 years Good Earth has been buying local products, the store has not had a single incident of product integrity and has never had to recall anything locally produced.

Many of these local growers and processors gross no more than \$100,000 a year and some only a couple thousand dollars annually, according to Perry. "Paying fees and establishing and maintaining the record keeping requirements proposed in S. 510 bill would be an undue hardship, enough of a hardship that they would likely be unable to continue in their business," he said.

Good Earth Market buys \$402,307 worth of products from its local producers annually. This total represents about 18 percent of total purchases and is integral to the store. "These purchases represent the majority of the income for many of our grower/producers, but their products hardly represent a potential health risk," Perry said. "The proposed legislation would most certainly eliminate some food sources for the Good Earth and would be devastating to our grocery store. This country should be able to prevent food borne illness without eliminating small farmers growing locally and small processors contributing to the Billings economy."

Monica Wiitanen, Small Potatoes Farm, Paonia, Colorado

In 1997, the Wiitanen family moved to Paonia, Colorado, where they purchased an organic farm.

Several years later, when the Colorado organic certification fee increased from \$160 to \$800 per year, they opted not to renew their certification. Since then, they have continued to grow their crops using organic methods, but now market their produce as "grown without pesticides or chemical fertilizers" rather than certified organic. Their main cash crops are potatoes and garlic, along with a limited amount of other vegetables—peppers and chilies, tomatoes, lettuce, greens, peas, green beans, herbs and root vegetables—all of which they sell locally.

Wayne Wiitanen is retired, and the income from their farm sales is an essential part of the couple's budget. The possibility of more governmental regulation and the increased paperwork involved could impact them negatively and make it extremely difficult for them to stay in business. "We are a small, family-run farm," explains Monica. "We need to spend our time in the fields. If the paperwork becomes too much, it will take our farming opportunity away from us."

The Wiitanens agree that food safety is essential, but feel strongly that local, direct-sales farms such as theirs do not need to be regulated by the federal government. Direct market farms do not present the same safety hazards or risk that large commercial operations or importers whose produce is stored, comingled and shipped widely.



Carol LeResche, Clear Creek Valley Produce, Clearmont, Wyoming

Since 2003, Carol LeResche and her business partner have grown their local food business to supply 60 families in Sheridan, Buffalo, and Gillette with organic, heirloom vegetables, including tomatoes, green beans, cabbage, and squash. The business is now in a pilot program to demonstrate how hoop tunnels (low cost greenhouses) could extend the growing season in Wyoming.

In general, Carol doesn't have a problem with federal agencies acting to protect the food supply, but she thinks federal regulation should focus on what's dangerous, not on little operators like Clear Creek Valley Produce. Her farming operation is very careful. Carol has tested the water well supplying the farm and thoroughly washes the produce before distributing it to her customers. There has never been a hint of a food borne illnesses from her produce.

Carol supports Senator Tester's amendments to S. 510. "State and local agencies should monitor small local producers and suggest improvements," Carol said. "I would hate to see anything that would discourage growth of local food, especially in Wyoming, where there are few local producers."

