

S 510, The Food Safety Modernization Act – Why It Will Make Food Less Safe

Considerations submitted by the National Independent Consumers and Farmers Association (NICFA)

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S-510 will have the unintended destructive consequence of eliminating small farms and consumer access to local food. The main threats to food safety – by the government’s own admission – are centralized production, centralized processing and long distance transportation. The food safety bills will increase these risk factors by further consolidating agriculture into fewer, larger industrial farms through enormous regulatory burdens that small farms cannot endure. Small farms and farmers markets are an important economic engine, environmental safeguard and national security asset. There is not a history of food borne illness from farmers’ markets or small farms.

- 1) S510 grants sweeping powers to the FDA (and the USDA). *(see Reference (1) on attached page)*
 - a) The FDA already has jurisdiction over live food animals, but S510 expands the FDA’s powers and authority. In addition to the agency adding new regulations, agents could go on to farms, where less than one half of one percent of foodborne illnesses originate, without having credible evidence that a problem exists, needing only “reason to believe” in order to quarantine or shut down a farm. *(Please see example on reverse side of paper)*
 - b) TITLE II Sec. 208: striking “presents a threat of serious adverse health consequences or death to humans or animals” and inserting “is adulterated or misbranded” means that if an agent “believed” that raw milk, for instance, to be an adulterated food, he or she could shut down a farm that provides raw milk to consumers.

These agencies already have expansive authority to monitor and inspect areas where problems actually occur – processing and handing – yet they are not fully inspecting. Why expand their powers to farms and cause financial harm to those who produce the food? Increased inspections and regulations would only serve to impose additional costs and burdens on family farming, destabilize local economies, promote "factory" food to the consumer and limit the consumers right to purchase local products..

- 2) S510 is an enabling statute for international regulations. *(see Reference (2) on attached page)*

Reducing national authority and applying international standards to farms and small businesses will hurt the only growing sector of agriculture this nation has, the direct trade and local food movements. All of the "Food Safety" bills allow for this. International guidelines and standards are not designed to increase food safety, but to harmonize and standardize all food production and processes.

 - a) The U.S. has already implemented several disastrous international standards, including “Hazard Analysis & Critical Control Points” (HACCP) and "The Leafy Green Marketing Order."
 - i) HACCP has not increased food safety, but has resulted in the closure of slaughterhouses unable to afford it that serviced small farmers in direct trade, increasing farmers’ costs for travel to distant abattoirs and decreasing their ability to stay in business. S510 will allow HACCP – a 50-page book of rules – to be required on farms.
 - ii) The International Plant Protection Convention’s (IPPC's) "Pest Free" standard, known as "The Leafy Green Marketing Order" was written by industrial distributors and has resulted in no increase in food safety but has caused gross financial burdens on small farms. E.g., in the Growers’ Compliance Costs for the Leafy Greens Marketing Agreement (LGMA) and Other Food Safety Programs survey conducted in 2008 and 2009 by the University of California, one of their many findings stated, “Growers reported their seasonal food safety costs more than doubled after the implementation of the LGMA, increasing from a mean of \$24.04 per acre in 2006 to \$54.63 per acre in 2007.”
- 3) Lobbyists for industrial agriculture do not represent small farmers and the consumers who buy from them. Congress needs to consider the consequences to consumers and small farmers of giving agencies more power to enforce (fine and imprison) those who are simply not as financially capable of exerting influence on the writing of the regulations that Congress is considering authorizing by these statutes.

Conclusion:

- S-510 will not increase food safety.
- S-510 will put undue burden on the small farmer getting his products to the consumer.
- S-510 will reduce or eliminate consumer access to locally grown food.

We ask you to consider not acting on these bills until they can be properly worded.

(please see reverse side for further information)

FDA Abuse of Power, Real Life Consequences

One current example of the FDA's abuse of power was in July 2008, when the FDA issued a nationwide warning regarding a Salmonella risk on varieties of tomatoes. "The disease wasn't found on Georgia tomatoes, but the general public's perception was that all tomatoes were affected," said Archie Flanders, an economist with the University of Georgia College of Agricultural and Environmental Sciences. The scare cost Georgia farmers \$13.9 million. Georgia grows about 3,000 acres of tomatoes, worth between \$60 million and \$80 million annually. According to an article from the University of Georgia, "During the tomato scare of 2008, the U.S. tomato industry lost an estimated \$300 million in revenue. Florida growers bore the brunt of the recall, incurring up to \$100 million in losses." It later was determined that the outbreak of Salmonella did not come from tomatoes.

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