

## Welcome

Welcome to the winter issue of the Farm and Ranch Freedom Alliance newsletter! Inside is the latest news about the National Animal Identification System, the food safety bills in Congress, genetically modified foods, and more.

FARFA works on issues that affect not only farmers and ranchers, but also urban food producers and consumers across the nation. Please help us to bring awareness to these issues by sharing this newsletter with others. You can also help spread the message by buying a bumper sticker or a T-shirt, using the enclosed form or visiting us online.

**Your membership is what makes our work possible, and we appreciate your continued support!** Every donation of any size is greatly appreciated and will enable us to continue our efforts at education and outreach, lobbying and advocating for fair regulations. Please consider giving a FARFA membership as a holiday gift this year too. It could be for your local farmer who you support at market, your young neighbor who is starting his or her first egg business with 3 chickens, or a friend at your riding stables. Your support is vital to continuing this work. Thank you!

## About Us

### Board of Directors and Officers:

Debbie Davis  
Steve Diver  
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Our phone numbers remain the same for now:

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**Social Networking:** Inspired by the media presentation at the Farm and Food Leadership Conference, we have launched into social networking. Check out our Twitter feed: <http://twitter.com/NAISTruth> and our Facebook page: <http://apps.facebook.com/causes/FARFA> Help spread the word by inviting your friends to follow us!

## **Update on NAIS**

At the end of September, Congress passed the 2010 Agriculture Appropriations bill, which provides funding for all USDA programs in the coming year. Congress authorized just \$5.3 million for NAIS, about a third of what the agency had requested. Unfortunately, the conference committee report included language that encourages the USDA to consider an “effective” NAIS program (which appears to be the new euphemism for a mandatory program):

Now that the listening tour has concluded, the conferees expect APHIS to provide the Committees with a complete and detailed strategic plan for the program, including tangible outcomes, measurable goals, specific milestones, and necessary resources for the entire program. Given the \$5,300,000 investment in this conference agreement and the \$142,000,000 that Congress has already provided for NAIS, the conferees expect APHIS to make demonstrable progress in effectively implementing the animal identification system. If significant progress is not made, the conferees will consider eliminating funding for the program.

So the threat of mandatory rulemaking remains. But the USDA’s options are extremely limited because of the limited funding.

Secretary of Agriculture Vilsack has announced that the agency will release new plans for animal identification. He has not provided any details, and said simply that the plans were going through the agency channels. In recent weeks, we have seen several articles in various trade journals, from equine magazines to food publications, extolling the virtues of NAIS. So it appears that the pro-NAIS industry is working on a plan to stage a comeback of the program. We must stay active and involved!

FARFA continues to put pressure for NAIS to end. FARFA coordinated a sign-on letter to Congress and to the USDA, which were signed by **100 organizations**, asking that USDA use the 2010 appropriations to wind NAIS down and refocus the agency on programs that actually improve animal health and respect individuals’ rights.

The letters are posted at <http://farmandranchfreedom.org/content/federal-updates>

## **2009 Farm and Food Leadership Conference**

This year’s conference was a great success! The speakers addressed issues critical to farmers, consumers, and nonprofits, with topics ranging from regulatory updates and legislative activities to climate change and access to local foods. There were sessions on effective lobbying and advocacy, genetically modified foods, the health and economic benefits of raw milk, and social media and grassroots organization. The food, which was all local and/or sustainably produced, was outstanding. The Pearl venue, with its support of local foods and sustainable systems, was both comfortable and conducive to the goals of the conference. Special thanks to the sponsors, speakers, and food donors who made this event possible! And thank you to all of the attendees who contributed to the engaging conversations and the many collaborations that began among participants during the two-day event.

**DVDs are available for purchase using the form on our website.** The DVDs are a great way to share this important information with your neighbors, local food groups, and anyone who could not make it to the conference this year!

Next year's conference will be held in Austin in September 2010 – more details in the coming months!

## **Food Safety Bills Move Forward in Congress**

On July 30, the U.S. House passed its version of a food safety bill, HR 2749. After failing to pass on the first attempt, HR 2749 was amended to provide some relief for the local foods movement. Specifically, the bill includes a definition for “retail food establishments” that allows for some cottage level processing without FDA regulation. The amendments also inserted some exemptions in the registration and record-keeping sections of the bill for farmers selling direct to consumers. But HR 2749, as passed, still directs FDA to set standards for how farmers grow and harvest some types of produce, such as leafy greens, even for the small farmers selling directly to consumers. The bill also puts local facilities processing local foods for local markets under the same regulatory regime, and paying the same fees, as the major industrialized agribusinesses, like Dole or Del Monte.

Then the Senate began its process. In November, the Senate Committee on Health, Education, Labor & Pensions (HELP) approved S. 510, the Senate version of HR 2749. While FDA claimed at a hearing that the bill only covers food in interstate commerce, the language of the bill does not contain any such limitation and would impose sweeping regulations on *all* farms and food processors. On its face, the bill applies to any farm or food producer, regardless of the size or scope of distribution. Despite grassroots protests, the HELP Committee did not address the concerns of small producers.

Both bills place significant emphasis on the HACCP process, which stands for Hazard Analysis and Critical Control Point. Although the concept of preventative controls is a good one, the USDA's implementation of HACCP, with its requirements to develop and maintain extensive records, has already proven to be an overwhelming burden for a significant number of small, regional meat processors across the country. In the meat industry, HACCP has resulted in fewer independent inspections of the large slaughter plants where pathogens such as *e. coli* originate. At the same time, the UDSDA has imposed sanctions on small, regional processors due to paperwork violations that posed no health threat. Authorizing the FDA to apply a HACCP system to small, local foods processors could drive many of them out of business without truly improving the safety of the food processed in large, centralized processing plants.

Ultimately, both bills create incentives for retailers to import more food from other countries. Not only do the bills burden family farms and small business, they also create dual standards because it will be impossible, in practical terms, to hold foreign food facilities to the same standards and inspections. This will hurt both our food safety and our food security.

The large industrial food system is broken. Poor agency oversight has simply compounded the problems created by the centralized growing and processing of food, which in turn has led to reliance on imported foods and foods shipped all over the country. But increased regulations, record-keeping obligations, and the penalties and fees could destroy the small businesses that provide an alternative through the local food system. Congress needs to focus on the source of the problems: industrial agriculture, imported foods, and massive processing plants that ship food all over the country.

Burdening small farms and local processors, who are producing nutritious, safe food, can only hurt the safety of our food supply by reducing consumers' options.

**TAKE ACTION:** We do not know when the full Senate will vote on S. 510. It might be in December, or it might be early in 2010. Don't wait! Call your Senators today and ask to speak to the staffer who handles food safety. Talk with the staffer about the importance of local foods to both farmers and consumers, stressing that local foods provide an important alternative to the mainstream food supply that has seen so many food safety problems. Urge them to support an exemption for farmers selling directly to consumers and for small-scale processors. State and local laws are enough for local operations. FDA regulation of every food source is impractical and counterproductive.

## Is there more to the story on GMOs?

*By Howard Vlieger*

In addition to the considerable questions about the safety of GMOs and their effects on mammals, what about other potential side effects to crop producers of GMO crops and their use?

Dust is a common factor that all of us in crop production must deal with. Whether it comes from a country road or a combine harvesting a crop, dust is present in many places in rural America.

A crop farmer in northwest Iowa had some keen observations in regards to dust and decided to do some testing. This gentleman, who we will call John, noticed a significant amount of dust in the hog building where he custom feeds hogs. John gathered a sample of the dust from inside the hog building and placed it in a zip lock bag and identified it as hog dust.

John noticed an unusually large amount of dust around the combine when harvest was in progress in his brother's Liberty Link corn field. Liberty is an herbicide with the active ingredient of glufosinate which is a nonselective herbicide similar to Roundup, Roundup contains glyphosate as the active ingredient. John collected a sample of the dust from the combine in the Liberty Link corn field and placed it in a zip lock bag and labeled it.

John also noticed a large amount of dust around the combine during harvest in his father's Roundup Ready corn field so he collected a dust sample from the combine and placed it in a zip lock bag and labeled it. John then sent all of these dust samples to Midwest Labs and had a mold count and identification test conducted on the samples.

The results are as follows:

	Hog dust	Liberty Link Corn Dust	Roundup Ready corn dust
Total mold count	14,000 cfu/g	7,200,000 cfu/g	15,600,000 cfu/g
Aspergillus sp. (other)	10,000 cfu/g	7,000,000 cfu/g	15,600,000 cfu/g
Penicillium sp	3,000 cfu/g	200,000 cfu/g	--

When John received the results from Midwest Labs there was a note for him to call the lab. When John called the lab, they were interested in where these samples had been taken. The concern was due

to the health hazards that these molds could pose to people working in the environment where this dust was located. The lab strongly advised that anyone working in the area of this dust should wear protective breathing apparatus.

After receiving this information from John, I called Dr. Elaine Ingham to discuss this discovery and then sent her the test results. After reviewing the test results, Dr. Ingham told me that if the *Aspergillus* spores get inside a person's lungs, there is no antibiotic that is effective to stop the mold from spreading through the lungs. Few cases of *Aspergillus* lung infections resulting in death have been recorded, but possibly only because pneumonia, asthma or viral infections are assumed to be the cause of death when respiratory failure occurs. A fungus growing in the lungs has not been considered as a cause of death by most physicians. Nor does death always occur, as the *Aspergillus niger* mold growing in the lungs might just cause a persistent cough and respiratory discomfort.

Dr. Ingham also told me that one of the side effects she has observed time and again is a decrease in the beneficial fungi in soil, including loss of mycorrhizal fungi and mycorrhizal fungal colonization of root system following glyphosate herbicide (the active ingredient in Roundup herbicide) application. When the beneficial fungi are reduced, then an increase in disease-causing fungi, such as *Fusarium* and other opportunistic fungi (*Pythium*, *Phytophthora*, *Rhizoctonia*, *Sclerotium*, *Sclerotinia*) in the soil and fields where Roundup Ready (RR) crops are raised and crops are sprayed with glyphosate were observed. This has been validated by a few scientific studies related to increases in *Fusarium* following glyphosate use.

Following this discovery, I have spent many hours online researching the use of glyphosate and the affects of *Fusarium* and other opportunistic fungi. I would suggest that anyone wanting to educate themselves on this subject do a Google search of this phrase "Does glyphosate cause fusarium?" You will have many articles to read from many different areas in the world. I have listed some of the various websites for your convenience. You will need to scroll down to view the *Fusarium* related article on some of these links.

<http://www.ars.usda.gov/sp2UserFiles/Place/36221500/cswq-0210-170287.pdf>

<http://www.gene.ch/genet/2003/Jul/msg00071.html>

<http://www.i-sis.org.uk/temp/GM%20dossier/Round-upReady.htm>

<http://www.newscientist.com/article/dn4051-weedkiller-may-boost-toxic-fungi.html>

<http://www.impactlab.com/2003/08/14/herbicide-may-boost-toxic-fungi/>

<http://www.ipsnews.net/interna.asp?idnews=19754>

[http://lastonespeaks.blogspot.com/2003\\_09\\_07\\_lastonespeaks\\_archive.html](http://lastonespeaks.blogspot.com/2003_09_07_lastonespeaks_archive.html)

Since learning of this problem associated with GMO crops I have heard numerous stories from different people in production agriculture about respiratory problems that seem to be connected with grain dust. I will share just a couple with you:

- One gentleman has a job unloading grain (soybeans and corn) at a local elevator at harvest time. Within days of beginning to unload grain in the fall he comes down with a bad head cold that lasts for more than a month. Before the widespread use of Roundup Ready corn and soybeans he did not have this problem.
- Another farmer told me that his brother came down with pneumonia after cleaning out his grain bin which contained Roundup Ready corn.

Another side effect of the GMO Roundup Ready crops is that certain chemical companies have taken away our rights as biological or organic crop farmers. The wind spreads the toxic dust from the neighboring fields onto the fields of those who care to make the extra effort to raise a healthier, more nutritious crop. Even though we grow only biologically produced non-GMO crops on our farm we have gotten in the habit of always wearing a dust mask when we are handling grain.

Now this certainly could be just a coincidence, but does it make you wonder; is there more to the story?

*Howard Vlieger is the president and co-founder of Verity Farms, and serves on the Board of the Farm and Ranch Freedom Alliance. Verity Farms has a successful biological crop production division, a grain division, a feed division focusing on natural livestock production, and a natural meat division. Special thanks to Dr. Elaine Ingham for her research and contributions to this article.*

## **Texas Raw Milk Update**

Raw, or unpasteurized, milk is a proxy for many of the issues facing independent agriculture and local foods today. Raw milk is an unprocessed, traditional food. Consumers are willing to pay a premium for it, providing economic opportunity for the farmers. Raw milk is inherently small-scale and unsuited for production by large confinement operations. Regulators typically oppose raw milk because it challenges conventional wisdom about the health and safety of foods. Ultimately, the fight to retain and improve access to raw milk mirrors the fight to save many aspects of independent agriculture, from consumer choice to the economic viability of small farms.

When the Texas Department of State Health Services (TDSHS) sought to restrict access to raw milk in the spring, FARFA stepped forward and mounted a grassroots campaign to protect raw dairy farmers and consumers. We succeeded in the first battle – the TDSHS Council rejected the agency staff’s proposal to change the current regulations to make it even harder to access raw milk.

So we moved to next stage: trying to improve access to raw milk. The current regulations in Texas allow Grade A licensed raw milk to be sold only “at the point of production” – in other words, the farm. This means that consumers are put to considerable expense and trouble to obtain raw milk, while farmers face a significant marketing barrier even after they comply with the expensive and time-consuming regulations. During FARFA’s 2008 Farm and Food Leadership Conference, we brought together a group of farmers, consumers, and nonprofits to develop an alternative. Over the course of the next year, the informal working group developed a proposal to allow licensed Grade A raw milk farmers to bring their products to farmers markets, CSAs, and other drop points. The proposal was signed by FARFA, Texas Organic Farmers and Gardeners Association, Slow Foods of Austin and Dallas, the Sustainable Food Center, Weston A Price Foundation, and Farm-to-Consumer Legal Defense Fund.

The TDSHS Council invited us to participate in an “information session” at their November 4 meeting. We prepared a packet with our proposal, a fact sheet about raw milk, and letters from consumers supporting the proposal. Dr. Ted Beals of the Farm-to-Consumer Foundation flew in from Michigan to provide expert testimony. He began the information session with a great talk about the safety of raw milk. Although the agency epidemiologist followed with many statements about

how all milk should be pasteurized, she had little data to support the claim. In fact, the only “outbreak” in Texas linked to raw milk consisted of 2 adult men who got sick in 2000.

After the formal presentations, the Council opened the session up for public comment. Judith McGeary set forth FARFA’s proposal, emphasizing that it maintains the direct farmer-to-consumer nature of raw milk sales and includes protections such as temperature standards for transportation. We offered copies of all of the scientific studies cited in our fact sheet and presented the Chair with copies of 450 letters of support from Texans. Health professionals, farmers, a farmers market organizer, and consumers all spoke articulately and passionately in favor of improving access to healthy, safe raw dairy. They were reinforced by a crowd of raw milk supporters who listened closely, as did the Council members.

Both during and after the meeting, several Council members expressed support for allowing delivery and sales at farmers markets. We are cautiously optimistic about the future, but we have a long way to go. The next step is to move our proposal into the formal rulemaking process.

Thank you to everyone who wrote, came, or spoke in support of raw milk. Special thanks go to Emily Erickson, Kenneth Miller, Bryan Lambeth, and Tom Henslee for their extensive work as part of the working group, including developing the fact sheet and organizing the letter campaign. Stay tuned for more action steps!

### **Excerpts from the Presentation by Dr. Ted Beals to the Texas Department of State Health Services Council**

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It is obvious, but needs to be constantly repeated: if milk had been hazardous to the individuals in large numbers of communities that have been consuming it, the drinking of milk would have disappeared centuries ago.

...

And to emphasize that the numbers are remarkably low, data shows that more people are killed on golf courses from lightning strikes than die or even suffer serious complications from drinking raw milk.

...

Although counter intuitive to biologists, the facts clearly show that fresh milk is a very unfriendly environment for these common pathogens. There are many bactericidal and bacteriostatic factors in fresh milk including the lactoperoxidase system, lysozymes, and lactoferrin all well-documented and accepted as active in fresh milk. Added to this are the competitive inhibition activities of “probiotic” organisms that are present in fresh milk.

...

I do not fully understand the critical factors in the management practices [between raw for retail milk and milk destined for pasteurization], but there are some very obvious differences. Pre-pasteurized milk comes from dairies with larger herds usually confined indoors, that are fed processed foods with high grain content, and where maximum volume and efficiency are principle production drivers. At the dairies providing milk intended for consumption in the fresh unprocessed state, the herds are much smaller; most are pastured on grass and fed predominately forage. The farmers pay particular attention to the condition of the pasture soil, quality of the forage and health of the animals. Focus is on quality of the milk to meet the expectations of the consumers who pay a premium. Although often

unspoken these consumers are not simply against pasteurization, they want fresh WHOLE milk that tastes good and has a higher fat content.

...

It is argued that pasteurization is such an easy measure for guaranteeing milk safety. But a significant and rapidly expanding population of consumers, who want the nutritional and health benefits of milk, want it fresh from a farmer they trust. And to maximize those benefits they want that milk to be unprocessed. Government policy that overrides that choice based on reports of extraordinarily rare instances of milk illness and even much rarer serious complications is policy based on worse case scenarios and hysteria, rather than objective risk assessment!

### **Key Points**

- Reports of the extremely rare outbreaks and even rarer severe consequences of milkborne illness do not reflect the actual public health risk of raw milk.
- The simple naming with genus and species is an inaccurate means of identifying virulent pathogens. This error has serious regulatory and economic consequences.
- Distinct difference in farm management practices comparing the (a) commodity processed milk producers with (b) milk production intended for fresh unprocessed consumption, must be factored into the public health and regulatory policies. Pre-pasteurized milk and fresh unprocessed whole milk are both “raw milk” but they are different products.
- There is a large and rapidly expanding group of knowledgeable consumers who want fresh whole milk that has not been processed, and are willing to pay a premium to obtain it directly from their farmer.

*Ted Beals is a retired physician in Michigan, who served 31 years on the faculty of the University of Michigan Medical School's Department of Pathology and in the Veterans Health Administration, including serving as the Director of Pathology and Laboratory Service and overseeing all diagnostic services in the nation's VA Medical Centers. He has testified across the country and in Canada on safety and testing of raw milk.*

### **Wisconsin Agency Prosecutes Farmers For Refusing to Register**

In 2004, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) became the first state agency to mandate NAIS premises registration, and it recently began enforcing the regulation. In October, Pat Monchilovich, a rancher, was found guilty by a district court and fined \$200 plus court costs of \$190. Monchilovich argued that his property was not a “premises” and that the costs of NAIS far outweighed the benefits. Notably, the DATCP found Monchilovich not in the process of investigating a disease outbreak, but with pre-NAIS tracking methods when he consigned some cattle at a sale. Despite the obvious fact that the agency was able to trace the animals without NAIS, it still chose to prosecute Monchilovich.

Another case remains pending against Emanuel Miller, Jr., an Amish farmer who has refused to register on religious grounds. In fact, most of the Old Order Amish communities have refused to register, and the State is using Miller as a test case. At a hearing on September 23<sup>rd</sup>, the Judge asked for briefing on the question of whether mandatory premises registration burdened Miller's religious beliefs and whether the State has a compelling interest in the program. FARFA's Executive Director, Judith McGeary, working together with attorneys in Wisconsin and Michigan, submitted an *amicus curiae* (“friend of the court”) brief, signed by twenty-two organizations that support farming and individual freedom.

The brief discusses the Amish community's sincere religious belief that they cannot register their property because NAIS may lead to the "Mark of the Beast" and denial of salvation. The brief then explains the history of premises registration and NAIS, showing how they are different from other government requirements. Although the State of Wisconsin has a compelling interest in livestock health, NAIS and mandatory premises registration do not further that interest. The State presented no evidence that premises registration will be effective even for the limited purpose of traceback and did not address the inherent problems with the databases and flawed assumptions behind the program. Ultimately, the State's claim that it needs to know where every animal is located is unachievable even with mandatory premises registration. The brief also explained that evidence shows mandatory premises registration may actually harm animal health because of its reliance on random numbers generated by a centralized computer system.

The brief's conclusion states:

Mandatory premises registration imposes on the Amish a severe burden on their religious beliefs and an unconscionable financial burden that threatens to destroy the economic basis of their community. The State has failed to demonstrate that mandatory premises registration furthers a compelling state interest in livestock health. ... A voluntary premises registration system coupled with the current system would be less restrictive and still accomplish the State's compelling interest in livestock health.

The undocumented inconvenience to the State of saving a few days' time pales in view of the tremendous burden placed upon the Amish community by mandatory premises registration. Their entire way of life – from the source of their income, to their food, to their daily transportation – is dependent on livestock. Their way of life is dictated by their centuries-old religious faith. Imposing mandatory premises registration forces them to choose between breaking the law or violating their deeply held religious beliefs, in order to perhaps save a State agency some time in tracking a livestock disease after it has already occurred.

The full brief is available on FARFA's website. A decision in the case is expected in early 2010.

### **Please Support Our Work**

The Farm and Ranch Freedom Alliance is a consistently strong voice for farmers, ranchers, homesteaders, and consumers. FARFA has become the preeminent organization in the fight against NAIS, and our work does not stop there. We have also become a resource for information and guidance on issues such as food safety and raw milk. In September we held our 3rd Annual Farm and Food Leadership Conference which served as a great venue for education and collaboration among independent farmers and ranchers, consumers, and sustainable food and farming organizations.

We know that these are difficult economic times for everyone. FARFA works on a very tight budget. Our executive director works 60+ hours each week as a volunteer, enabling us to do the work of a much larger organization on a very small budget! We do all our printing in-house, which has enabled us to distribute over half a million pages of materials to the public and legislators over the last four

years. We recently obtained a nonprofit mailing license, which will allow us to significantly reduce our expenses for our member newsletter beginning next year.

In the coming months, our fight against NAIS will continue, as will our work to amend the food safety bills in Congress, to improve access to raw milk, and to increase competition in the livestock industry. In addition, we will begin an education and outreach campaign on genetically modified crops and foods.

Thank you for your previous donations which enable us to continue making an impact through this important work. We recognize that it will be harder for our donors to give this year, but please remember that even a small donation will help us to continue representing independent agriculture and independently-thinking consumers. Thank you for your support!

The membership and order form is available at <http://farmandranchfreedom.org/content/join-farfa>

Special thanks to the individuals and businesses who helped make the 2009 Farm and Food Leadership Conference a success with their donations of money, advertising, food, and items for the silent auction:

*Acre*s USA; Susan Barackman; Betsy Ross's Grassfed Beef; Bradley Farms; Cobrahead Tools; Coyote Creek Organic Feed Mill; Don and Debbie Davis; *Edible Austin*; *Edible DFW*; Full Quiver Farms; H-E-B; Home Sweet Farm; Kitchen Pride Mushrooms; Loncito's Lamb; The Pearl; Richardson Farms; Thunderheart Bison; Veldhuizen Texas Farmstead Cheese; Pam Walker and Walter Isle; Whole Foods