

Support Local Businesses and Fresh Local Foods
Vote YES on the Tester-Hagan Amendment

November 11, 2010

Food safety is a priority shared by all. The growing trend toward healthy, fresh, locally sourced vegetables, meats, fruit, dairy, and value-added products improves food safety by providing the opportunity for consumers to know their farmers and processors, to choose products on the basis of that relationship, and to readily trace any problems should they occur.

Although the current version of S.510 includes some provisions that give consideration to and provide flexibility for local, diversified operations, it still would impose extensive new federal regulations on small businesses, many of whom cannot absorb the associated costs and who are already effectively regulated under existing federal, state and local standards. For example, in its guidance documents for cut produce, the FDA has estimated that ***it will take 100 hours by a trained team of personnel to develop a HACCP plan*** for businesses making products such as leafy green salad mixes or broccoli florets.

The food safety problems in the industrial food system, with its long, multi-sourced food supply chains that extend across thousands of miles and even international borders, can and should be addressed without harming the local food systems that provide an alternative for consumers. Imposing new federal regulations on small-scale, local food producers who have not contributed to the outbreaks that have prompted Congressional action would produce no benefits, while hindering small businesses that bring both safe food and jobs to local communities and divert limited federal resources away from the real problem.

The Tester-Hagan amendment uses a multi-prong test that provides appropriate regulation for small-scale, local food producers:

- The first prong of the test is that the producer has annual gross sales under \$500,000. The SBA's definition of "small business" covers businesses with gross sales of 150% this amount.
- The second prong of the test is that the producer sells more than half of their products directly to consumers or to local restaurants and retailers that in turn sell directly to consumers who can hold producers accountable for any problems.

The Tester-Hagan amendment does not create an exemption to current law or regulations:

- The amendment protects small-scale, local producers from the imposition of certain new FDA regulations, specifically the HARCP paperwork and produce safety standards.
- ***The producers are still subject to any existing FDA regulation and authority.***
- ***These producers are also still subject to applicable state and local regulations***, and must either document compliance with these regulations or document that they have identified potential hazards and are implementing preventive controls and monitoring.

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