



## **Create Agricultural Ombudsman Position to Provide Regulatory Guidance for Farmers and Food Businesses**

Texas farmers and small-scale food producers must navigate a convoluted regulatory landscape in order to legally operate their businesses. Confusion over ambiguous regulations and unintentional violations of regulations impose costs not only on the producer but also on the agencies in lost time and unnecessary expense.

Navigating the regulatory maze is complicated by several factors:

- 1) **Multiple agencies:** the Department of State Health Services (DSHS), Texas Department of Agriculture, and the Texas Animal Health Commission each separately regulate aspects of farming and food businesses.
- 2) **Multiple jurisdictions:** Many farmers sell their food in multiple cities or counties. As a result, they have to comply not only with DSHS regulations, but with the patchwork of requirements from local health departments.
- 3) **One-size-fits-all regulations:** The regulations that have been written for large-scale producers, and it is often far from clear what a small-scale producer must do to comply;
- 4) **Piecemeal regulation:** While many farmers have diversified their farms and are producing multiple products for both environmental and economic reasons, the regulations are designed for single, large-scale product lines. Many farmers are required to get multiple permits from different sections or divisions of various agencies, multiplying both their costs and the potential for confusion.

Farmers and small-scale food producers do not have the legal training to sort through these issues, and their businesses are not large or profitable enough to hire staff or legal counsel to help. According to the last agricultural census, 91.7% of all the farms in Texas grossed less than \$100,000 in sales. Between 2007 and 2012, the number of farms with revenue under \$100,000 saw a net increase of 1,461 farms.<sup>1</sup> In other words, the overwhelming majority of Texas farms are small businesses, and hundreds of these farms begin new operations every year. The profit margins are extraordinarily slim, and many are only able to operate by relying on income from a second job.

Creating an ombudsman position would encourage the establishment and growth of Texas agricultural and food businesses, reduce their expenses, and improve regulatory compliance and consistency. A single ombudsman who is familiar with all regulations and their application will provide a much-needed resource for the businesses that are providing food (and jobs) for Texans.

Providing an ombudsman service for farmers and other food businesses would help numerous farmers and food businesses across the state, benefiting local economies, reducing food deserts, and improving consumer access to locally produced foods.

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*September 26, 2014*

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<sup>1</sup> 2012 USDA Census of Agriculture.

[http://www.agcensus.usda.gov/Publications/2012/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_State\\_Level/Texas/st48\\_1\\_002\\_002.pdf](http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1_State_Level/Texas/st48_1_002_002.pdf).