



# Tell FDA to be Fair to Small Farmers

## Protect Small Farmers and Food Producers from Onerous Food Safety Modernization Act Regulations

Thousands of people fought hard for the Tester-Hagan amendment to exempt small-scale, direct-marketing farms and artisan food producers from the most burdensome aspects of the Food Safety Modernization Act (FSMA). **This exemption is essential to the continued vitality of the local foods movement.**

Now the FDA is proposing rules that undermine the exemption for these vulnerable producers. Under the proposed rules, if the FDA decides to revoke the Tester-Hagan exemption and force a small-scale, direct-marketing farmer or artisan food producer to comply with the new federal requirements:

- The farmer or producer gets only 10 days to submit a written appeal;
- FDA does not have to grant the farmer or producer a hearing;
- FDA is not held to any specific standard for what evidence must be shown to justify the revocation; and
- The farmer must comply with all FSMA regulations within 60 days, and food producers must comply within 120 days; under either deadline, it will be impossible for most small-scale businesses to survive and stay in business.

**In practical terms, under the agency's proposed rules, the FDA will be able to target small farms and food producers one-by-one and put them out of business, with little to no recourse for the farmers.**

The proposed rules also impose new requirements on these producers through the back door – by preventing them from selling to local food businesses unless they sign “assurances” that subject them to unknown requirements and liabilities.

**Will you add your voice by signing our letter to tell FDA to implement the Tester-Hagan exemption fairly?**

**SIGN ON HERE:** <http://bit.ly/sign-the-tester-hagan-letter>

*Whether you are an individual consumer, a farmer, farmers market, food business, or nonprofit, please join us in this fight to protect small farms and food producers!*



[www.farmandranchfreedom.org/alert-protect-small-farmers-from-fsma-regulations](http://www.farmandranchfreedom.org/alert-protect-small-farmers-from-fsma-regulations)

or

Email [info@farmandranchfreedom.org](mailto:info@farmandranchfreedom.org) or call (254) 697-2661 for more information

More action items on the back of this flyer ->

## **ACTION ITEM #2: CONTACT YOUR FEDERAL LEGISLATORS**

Call or email your U.S. Representative and Senators and urge them to tell FDA to respect both the letter and the intent of the Tester-Hagan exemption!

You can **find out who represents you** at [www.house.gov](http://www.house.gov) (for your Representative) and [www.senate.gov](http://www.senate.gov) (for your Senators). Or you can call the Capitol Switchboard at 202-224-3121.

When you call, ask to speak to the staffer who handles food and agricultural issues.

**Key message:** "I am a constituent, and I am worried that the FDA's proposed regulations will unfairly harm the farmers and food producers who I buy my food from. (*Or, if you are a producer, "my farm/food business."*) I would like Representative \_\_\_/ Senator \_\_\_ to send a letter to the FDA, urging the agency to revise its regulations so as to implement the Tester-Hagan exemption fairly and with proper due process protections."

You can add to that message using some of the sample talking points below.

## **ACTION ITEM #3: SPREAD THE WORD**

Share the sign-on letter with your networks and encourage them to join the fight! If you're on social media, share the memes from our Facebook page (/FarmAndRanchFreedom) and our Tweets (@FARFA\_org — use the hashtags #FSMA #FamilyFarmers #TesterExemption). You can also download flyers and view suggested Tweets and Facebook posts: [www.farmandranchfreedom.org/fsma-promo-toolkit](http://www.farmandranchfreedom.org/fsma-promo-toolkit)

## **SAMPLE TALKING POINTS**

Here are some talking points you can use when you call your federal legislators. *You don't need to cover all of these, just pick the three or four points that fit your views.*

- Everyone wants safe food. And the track record of small-scale farmers and food producers is excellent — the major foodborne illness outbreaks have all come from the large-scale industrialized food system. That's why Congress decided to include the Tester-Hagan exemption in the first place.
- The FDA's proposed regulations undermine the Tester-Hagan provision by putting these small, high quality farms and food producers at the risk that an individual bureaucrat can target them with no evidentiary basis for vague, unspecified problems.
- Revoking the exemption means that the producer would have to comply with extensive, expensive new regulatory requirements. For example, the regulations for farmers growing fruits and vegetables would require building washing and packing facilities, frequent water testing, extensive recordkeeping and documentation, and processes that will cost thousands of dollars per year.
- Most producers will not be able to comply in the extremely short deadlines proposed by FDA, and instead will simply go out of business.
- Imposing regulatory burdens on small, local businesses effectively undermines the economic development opportunity that local food and agriculture provide for the whole community.
- The FDA has other methods, besides revoking the Tester-Hagan exemption, to deal with situations in which there is an actual threat to people's health or a time-sensitive issue.
- Exempt farms and producers should not be required to provide ambiguous "assurances" in order to sell to other food businesses under FDA's new "supplier verification" program. These assurances do nothing to improve food safety, but they will discourage small-scale producers from selling to these markets by creating unclear, unknown legal liabilities.