

## **MEDIA CONTACT:**

Judith McGeary, 512-484-8821, [judith@farmandranchfreedom.org](mailto:judith@farmandranchfreedom.org)

## **FOR IMMEDIATE RELEASE**

### **FDA's Final Produce Rule Imposes Undue Burdens on Farmers**

AUSTIN, Texas – November 17, 2015 – The Food and Drug Administration's (FDA) final rule for farms that raise produce for human consumption, "is going to be very damaging for the growing local food movement, and the millions of American consumers who want more access, not less, to healthy local foods," stated Judith McGeary, founder and Executive Director of the Farm and Ranch Freedom Alliance, and a farmer herself.

The final rule comes after two rounds of proposed rulemaking, an unusual procedure taken by FDA in response to the outcry caused by the initial proposed rule. The final rule retains many of the positive changes that had been made in the second proposed rulemaking, but FDA made only a few additional changes.

"On the positive side, the final rule retains the changes relating to the use of compost and manure, as well as adding some clarification on grazing and the frequency required for water testing," stated Ms. McGeary. "Unfortunately, the agency chose to ignore the comments it received about the unrealistic standard for irrigation water, as well as the scope of the qualified exemption."

FDA's final rule includes standards for irrigation water that are based on the standard that applies to recreational waters, such as streams that people swim in. Numerous organizations and experts argued that the standard was unnecessarily restrictive and impractical when applied to agricultural uses.

In addition, Congress included a "qualified exemption" in the Food Safety Modernization Act (FSMA), exempting small-scale direct-marketing farmers from the produce rule and setting a gross sales limit of half a million dollars a year. Although meat and grain products are not regulated under FSMA, under the final rule sales of such products will all be counted toward the gross sales limit.

"FDA's decision to effectively narrow the scope of the Tester-Hagan qualified exemption is deeply disappointing," contended Ms. McGeary. "In practical terms, this rule pressures grain and livestock farmers to avoid diversification, harming farmers financially and discouraging environmentally responsible land use. From a food safety standpoint, it does not make sense to treat the small-scale production of produce the same as large-scale production, simply because the same person is producing other types of food as well."

Moreover, FDA's final rule would allow a local FDA official to revoke a farmer's exemption if the official claimed there were conditions at the farm or facility that posed a risk of foodborne illness, giving the agency extensive discretion. The agency did extend the deadlines for the farmer to respond as well as to come into compliance, but not as far as many commenters had urged.

"What sane person would start a small farm, knowing that he or she might have to comply with thousands of dollars of extra expense based on a bureaucrat's say-so and very little due process?" asked Ms. McGeary. "This rule creates significant disincentives to farming, at a time when we need more farmers, not fewer."

The Farm and Ranch Freedom Alliance has committed to providing materials to help farmers navigate the rules and understand their impact.

###

***About Farm and Ranch Freedom Alliance***

*Farm and Ranch Freedom Alliance (FARFA) is a national organization that supports independent family farmers and protects a healthy and productive food supply for American consumers. FARFA promotes common sense policies for local, diversified agricultural systems.*