

The "Food Patriot Act" - HR 875

Also referred to as the "Destruction of American Small Farms and Gardens Act."

HR 875, however, is only a central bill among many which give it force.

Food and Water Watch put out a misleading list of Myths and Facts about HR 875. Perhaps in wanting things to be okay, they didn't read the bill closely enough. But thanks to their misinformation, many more people are now looking carefully into what the bills actually say and can potentially do, and that is good because people need to see for themselves.

MYTH: H.R. 875 would mean a "goodbye to farmers markets" because the bill would "require such a burdensome complexity of rules, inspections, licensing, fees, and penalties for each farmer who wishes to sell locally - a fruit stand, at a farmers market."

FACT: There is no language in the bill that would result in farmers markets being regulated, penalized any fines, or shut down. Farmers markets would be able to continue to flourish under the bill. In fact, the bill would insist that imported foods meet strict safety standards to ensure that unsafe imported foods are not competing with locally-grown foods.

*As to the "fact" about imported food meeting strict safety standards, Foreign food **specifically** can be exempted. No other exemptions appear to be listed.*

(d) Variances- **States and foreign countries that export produce intended for consumption in the United States may request from the Administrator variances** from the requirements of the regulations under subsection (c). A request shall--

(1) be in writing;

(2) describe the reasons the variance is necessary;

(3) describe the procedures, processes, and practices that will be followed under the variance to ensure produce is not adulterated; and

(4) contain any other information required by the Administrator.

(e) Approval or Disapproval of Variances- If the Administrator determines after review of a request under subsection (d) that the requested variance provides equivalent protections to those promulgated under subsection (c), the Administrator may approve the request. The Administrator shall deny a request if it is--

(1) not sufficiently detailed to permit a determination;

(2) fails to cite sufficient grounds for allowing a variance; or

(3) does not provide reasonable assurances that the produce will not be adulterated.

No exemption is offered for farms or farmers markets or homes.

And then, back to farmers markets. FWW says "There is no language in the bill that would result in farmers markets being regulated," and yet

Section 406 clearly states all food offered for sale will be viewed as being in interstate commerce and subject to the provisions of this bill.

Read on.

C. 406. PRESUMPTION.

In any action to enforce the requirements of the food safety law, the connection with interstate commerce required for jurisdiction shall be presumed to exist

8) CATEGORY 4 FOOD ESTABLISHMENT- The term 'category 4 food establishment' means a food establishment that processes all other categories of food products not described in paragraphs (5) through (7).

(9) CATEGORY 5 FOOD ESTABLISHMENT- The term 'category 5 food establishment' means a food establishment that stores, holds, or transports food products prior to delivery for retail sale.

Farmers markets clearly fall under this.

14) FOOD PRODUCTION FACILITY- The term 'food production facility' means any farm, ranch, orchard, vineyard, aquaculture facility, or confined animal-feeding operation.

SEC. 206. FOOD PRODUCTION FACILITIES.

(a) Authorities- In carrying out the duties of the Administrator and the purposes of this Act, the Administrator shall have the authority, with respect to food production facilities, to--

(1) visit and inspect food production facilities in the United States and in foreign countries to determine if they are operating in compliance with the requirements of the food safety law;

Warrantless entry?

(2) review food safety records as required to be kept by the Administrator under section 210 and for other food safety purposes;

Regulations not currently applied to farmers markets and if the records are similar to HACCP, which wiped out 72 local processors in Kansas who had had no problems, one can expect they could wipe out numerous farmers markets.

(3) set good practice standards to protect the public and animal health and promote food safety;

These "good practices" can be set at a level above the capacity of farmers markets and small local producers to comply, just as has already been done with seed cleaning equipment, suddenly deemed a source of food contamination and requiring

now a million to a million and half building and equipment for each type of seed cleaned (sorted from plant material).

(4) conduct monitoring and surveillance of animals, plants, products, or the environment, as appropriate; and

Surveillance. Warrantless entry? Certainly NAIS applied to farmers supplying cheeses and eggs to markets, but opens the door to limitless control over any home or farm or market or church kitchen or fair or celebration or

(5) collect and maintain information relevant to public health and farm practices.

This alone could be used to overwhelm any farmers attempting to participate in farmers markets - to say nothing of real milk dairy farmers - and opens the door, as does all of this section, to endless constitutional violations.

What information? Private health records of farmers and their families, who purchased the products, where they buy their feed, where they get their animals, who they associate with ...? The extreme breadth of both items would allow for limitless intrusion into private lives by government at a level we have never experienced. This has more scope and surveillance (which is not hidden but must be "complied with") than the Patriot Act.

And it would also allow for gathering of information on what supplements people use or produce and where they get any alternative medical treatment or whether they deliver any.

(b) Inspection of Records- A food production facility shall permit the Administrator upon presentation of appropriate credentials and at reasonable times and in a reasonable manner, to have access to and ability to copy **all records maintained by or on behalf of such food production establishment in any format (including paper or electronic) and at any location**, that are necessary to assist the Administrator--

*Who defines "reasonable"? Warrantless entry? What due process is there? What protections from government control over any and all private material? It says "all records" **not** "all records pertaining to food," and it goes on to include "at any location." So, if a farmer keeps his food records in his office, what would stop the government from demanding his personal records, his medical records, his wife's private records, his children's records? This happened in the case of the SWAT team raid on an organic coop in Ohio, all records, all computer equipment and even all food taken and with no charges yet filed against the Stowers for any violations.*

<http://agrariangrri.blogspot.com/2008/12/mana-co-op-case-taken-up-by-buckeye.html>

And again, anything related to [supplements and alternative health](#) , already greatly threatened by the FDA, would be included in this language. And alternative health practitioners have faced their own SWAT team raids, [by the FDA](#) which has also threatened cherry farmers for even linking to a peer reviewed study to show their produce is [potentially stronger](#) (and safer) than pharmaceuticals for controlling pain.

(1) to determine whether the food is contaminated, adulterated, or otherwise not in compliance with the food safety law; or

Seeds have been redefined by the FDA as food. Seed storage "facilities" (think mason jars, your refrigerator) have been deemed "sources of seed contamination." Seed cleaning equipment is as well and the standard to satisfy the FDA is so high, few if any farmers could clean seed (though that is how we get organic seed to save). In the same way, seed storage facilities (your house, the farmers' store room, etc.) will be subject to this. So this is where the government will be able to come into your home, say you are not in compliance with "the food safety" law - which may mandate a million dollar seed storage facility - and take your seeds.

(2) to track the food in commerce.

Monitor farmers bringing food to market, set standards for transporting.

"Transporting" is already included along with harvesting and seed cleaning equipment and seed storage, as a source of seed contamination, but could also be

included a source of food contamination and high certification levels set for any trucks or cars carrying food to market.

Finally, from someone who was involved in Illinois farmers markets but has stopped:

"This is EXACTLY why I have gotten out of farmers markets... The ones I was working had the same rules, plus wanted a \$1M insurance with indemnity and a hand washing station in every booth. Stupidity. I could see hand washing if you were cooking and serving on site, but sheesh - I couldn't even afford the permit that would have allowed me to give away pre-packaged samples! Stopped selling all but a few things on ebay, too - same basic thing.

True food safety means inspecting again. That means ending [HACCP](#) which [caused the problems](#) .

HR 875, HR 759, HR 814, HR 1332, SR 425 and SR 510 (and there may be more) create a giant new agency with massively intensified HACCP regulations, less inspections, foreign exemptions, surveillance of all Americans, government power over our homes, gardens, farms, and all run from out of the White House by Monsanto with power to impose up to a million dollar a day penalties and ten years in prison with no judicial review.