



## **Recommended Amendments to S. 510 The Food Safety Modernization Act**

*The National Sustainable Agriculture Coalition applauds the Senate for taking steps to decrease food-borne illnesses by strengthening federal food safety oversight and enforcement in the pending Food Safety Modernization Act. We also are very grateful for the improvements that were made to the bill in Committee and would like to be in a position to support final passage.*

*However, the bill as reported by the Committee in our view needs significant further improvement to be more supportive of sustainable agriculture and less injurious to small and medium-sized family farms, local and regional food systems, and rural jobs. As the bill currently stands, it could easily spur industry concentration, reduce competition, jeopardize wildlife habitat, inhibit value-adding agricultural enterprises that are key to small and medium-sized family farm survival, and erect unnecessary barriers to consumer access to healthy local food.*

*We therefore support the following practical, common sense amendments as the minimum required changes to the bill to turn it into a bill we could support. Each and every one of these amendments in our view is a win-win proposition – individually and together they would either improve or do no harm to food safety while reducing the negative farm, consumer, social, and environmental impacts noted above.*

### **Science and Risk-Based Definition, Standards, and Inspection Frequency**

The produce standards section of the bill as reported by the Committee is risk-based, as it should be. However, the parts of the bill that are based on the definition of a facility are not risk-based. The entire bill needs to be science-based, not just the produce standard section. Therefore, while we endorse the current regulatory requirement for all farms determined to be facilities register with the FDA, we strongly support amendments to –

- focus FDA resources on only those on-farm processing and co-mingling activities that present significant risk for causing food borne pathogen contamination, as determined by FDA;
- ensure that food safety performance standards are also based on scientific risk assessments; and
- provide the agency with discretionary authority to reduce farm inspection frequencies based on relative risk and the need to allocate inspection resources in a risk-based manner.

### **Paperwork Reduction**

We support a paperwork reduction amendment to the Preventative Control section and the regulation and guidance subsections of the Produce Standards section to require that farm regulation and guidance be practicable for all sizes and types of operations, take risk into account, and minimize the number of separate standards applying to any farm facility, relying on crop specific requirements only where FDA determines it necessary to address considerations unique to a specific

crop. It is unnecessarily burdensome, costly, and impractical to require diversified farming operations to contend with a large number of redundant regulations.

### **Wildlife Habitat and Conservation**

Because produce standards have already threatened wildlife, habitat, and biodiversity where they are already in effect, we support an amendment to remove anti-wildlife “animal encroachment” language from the bill and replace it with science-based standards related to animals in the growing area.

### **Traceability**

With respect to traceability and recordkeeping requirements, we support an amendment to exempt food that is direct marketed by the farmer to stores, restaurants, and individual consumers as well as food with labels that preserve the identity of the individual farm through the supply chain all the way to the final consumer (“farm identity preserved marketing”).

We also support a provision to limit farmer recordkeeping for food going into the wholesale market to receipts from the first point of sale beyond the farm gate.

### **Training and Technical Assistance**

We support an amendment to incorporate Senator Stabenow’s *Growing Safe Food Act* (S. 2758) into S. 510. That bill creates a competitive grants program within USDA to provide food safety training and technical assistance to small and mid-sized producers and small processors and produce wholesalers. Creating and funding this program could do more to create positive food safety outcomes for food from small and mid-scale farming and small local and regional processors than anything already in S. 510.

### **Taxes**

S. 510 does not include the tax provision included in the House-passed companion bill, but clearly that will be a major issue for House-Senate conference. We are unalterably opposed to the House bill’s Flat Tax that would disproportionately hammer small and mid-scale farms, charging them the same annual tax as multinational corporations. Should the final measure include a tax provision, the only measure acceptable to us would be one that is based on ability to pay, with a graduated, progressive tax structure and a substantial exemption at the bottom end of the gross income scale.