



Testimony of Jimmy DeBiasi, Director of Programs, Maine Federation of Farmers' Markets, before the 131st Legislature's Joint Standing Committee on Agriculture, Conservation and Forestry

Welcome statement:

Good afternoon Senator Ingwersen, Representative Pleucker, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry. My name is Jimmy DeBiasi and I am the Executive Director of the Maine Federation of Farmers' Markets (MFFM). MFFM stands against LD 1823 as it is currently written.

We acknowledge the good intentions of Senator Hickman and those in the food sovereignty movement to make local food more accessible to all. Maine farmers' markets are already succeeding in some of the goals within the food sovereignty movement - making local food more accessible to all people, and providing low-barrier-to-entry opportunities for beginning farmers and food producers to access local shoppers. Maine farmers' markets have a reputation as a place that the public can trust to access healthy, fresh, local and safe food. State health and safety regulations are one mechanism in place to help ensure standards and minimize risks. MFFM's Board, in addition to many members within the farmers' market community (More than 2/3 of the market community from a survey we conducted in 2021), share concerns that food sovereignty ordinances may undermine consumer confidence at farmers' markets, and increase the risks to potential food-related illnesses at farmers' markets in Maine.

Our primary issue with LD 1823 is the intent of the bill to update the definition of "Direct producer-to-consumer transaction" by striking "Site of Production" from the definition. If this is successful, the legislation on food sovereignty will apply to transactions beyond the "Site of Production," such as farmers' markets. The "site of production" language is something the Federation pushed for in the initial 2017 Food Sovereignty bill to ensure that farmers' market vendors were still required, at-large, to follow state licensing requirements. Just 2 years ago, we saw this same attempt to change this definition via LD 574. The farmers' market community, among many other local food stakeholders, rallied to oppose this initiative. The majority of the farmers' market community does not want this attempt to undermine the food safety regime that keeps our farmers' markets safe and thriving for all.

There are over 400 farms and small businesses who sell at farmers' markets. Census data suggests that over \$20 million in sales happens at farmers' markets each year. Many farmer's livelihoods depend on the farmers' markets they sell at. We are not opposed to competition from more farmers' markets or more vendors in Maine. MFFM celebrates the growth of the FM community. That's why we exist. However, we need everyone playing by the same rules. We need all vendors following basic standards to ensure safety for consumers and to enhance

consumer confidence in farmers' markets. We see the current state regulatory framework as an asset to the farmers' market community and the vendors who sell there. Maine has accessible cottage food laws that keep food businesses educated and practicing proper sanitary requirements to keep their food products safe for consumption.

MFFM is willing to work with members of the ACF committee who want to help small food entrepreneurs achieve proper licensing to sell their products and make sure that those requirements are appropriate. We know that it is not all perfect and we hear that from vendors. However, removing all the requirements undermines nearly half a century of growth and momentum in ME's farmers' market community, built on these foundations. As the saying goes: "We're throwing out the baby with the bath water".

MFFM surveyed the FM community on this topic via an online survey in 2021. We had 25 market organizers respond. These 25 respondents are involved in organizing and vending at over 40 farmers' markets throughout the state, comprising more than $\frac{1}{3}$ of total farmers' markets in Maine.

Survey Result: 80% of farmers' market organizers do not wish for food sovereignty ordinances to be extended to the farmers' market community.

Below are a few of our major concerns:

- 1) Farmers' markets are NOT municipal in nature, unlike the intent of food sovereignty ordinances:**
 - a) 99%+ of farmers' market vendors do not live in the municipalities where they sell.
 - b) Nearly 25% of farmers' market shoppers live 15+ miles from the markets - thus, FM's are not exclusively places for local/community transactions as intended by the FS movement.
 - c) 10% to 30% of FM shoppers are tourists from out of state
- 2) Permitting food sovereignty to extend to FM's will cause divisiveness among existing markets. We anticipate the rise of new food sovereign marketplaces that undermine existing FM's and harm the farmers' market brand as safe establishments for fresh, local food access.**
 - a) LD 1823 opens the door to any interested party starting their own farmers' market without jumping through any hoops or minding any food safety regulations. This undermines the pre-existing farmers' markets business, despite serving the community for years, if not decades. We would NOT allow this for a grocery store, would we?
 - b) Farmers' markets, and their vendor-members who have thoughtfully grown them for decades, have all operated by the same baseline rules and regulations for food licensing as required by the State of Maine.
 - c) Nearly all existing farmers' markets have rules in place, or would establish rules, that do not allow vendors who sell processed foods/dairy without a license. However, we anticipate new "food sovereign" farmers' markets in communities

that already have an existing farmers' market. This creates vendor and consumer confusion and undermines the viability of the original farmers' markets that have operated following state law for decades.

3) Existing farms and small businesses will suffer due to food safety concerns and risks. The awareness that farmers' market vendors MAY be operating without proper inspection/licensing will be detrimental to all FM's.

- a) Every market suffers when a food-borne illness is reported, locally or even nationally. If a farmers' market were to be the source of a food-borne illness, the entire farmers' market community would lose customers and sales.
- b) Whatever the risk of food poisoning at farmers' markets, removing rules that are in place to protect public health increases the risk.
- c) 75% of fm shoppers are 45 or older (more vulnerable to any health issues)
- d) Low-income shoppers, especially people living in poverty, categorically experience greater health risks. Thus, they'd be more likely to experience greater harm if they encountered any food-borne illnesses. We note this, especially because the FS movement claims that they're movement makes local food more accessible. MFFM's program, Maine Harvest Bucks, would be a better strategy, especially with state support, in helping low-income consumers access safe, local food.
- e) The liability issue for a vendor making someone sick at a farmers' market is complicated. However, if it were to be a food sovereign vendor, their insurance (if they have it) would not cover unlicensed food products. All market vendors may be liable, depending on the circumstances.

4) Farmers' markets already offer a low-barrier to entry for beginning farmers and food businesses. Nearly half of the vendors at farmers' markets have been selling for 5 years or less. Access to resources (land, money, information) may be an issue for some prospective vendors. However, the policies requiring inspection and licensing for processed food and dairy vendors are valued by the farmers' market community as a way to help build trust among vendors and the community.

We ask for this committee to vote Ought Not to Pass on LD 1823 so long as there are provisions that implicate the farmers' market community within it.

Thank you for your time and service to Maine's people.

Respectfully,

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