

Hal Prince, Director
Department of Agriculture, Food and Rural Resources
Division of Quality Assurance & Regulations
28 State House Station
Augusta, Maine 04333-0028
hal.prince@maine.gov

Re: Chapter 348: Proposed Rules for Poultry Slaughter and Processing With Grower/Producer Exemption

Dear Mr. Prince:

The purpose of my letter is to respond to the rules proposed by your division to accompany a bill passed by the Maine Legislature in 2009: Chapter 354 LD 1034 “An Act to Increase Access to Farm Fresh Poultry”.

I am a consumer of Maine farm products. I literally can count on one hand the number of times I visit a supermarket in a year. I have dramatically increased my health by consuming locally produced beef, farm fresh milk, poultry, eggs, lamb, pork, locally produced vegetables, and other products. In my mind there is no comparison between this food and that carried by the typical supermarket; often shipped and trucked in from foreign countries, and other points in the US. Local farms and their ability to operate without undo inspections and regulations from State and Federal regulators are a solution to the health crisis in this country. I don't believe it is fair to paint these small farms as producing unsafe or inferior products.

Based on my reading of the title of the law, I can only assume that our elected representatives in the Maine legislature intended to re-affirm the intent to make these products more accessible. I do not believe they had any intent to have this law's purpose circumvented by regulations that will put more farmers in debt, and out of business.

I understand that the legislation prescribes certain requirements that can't be changed by your department. We as consumers and farmers will have to work with our legislators to get some of these requirements changed in the future. Among the items in the bill that are not changeable at this time are: producer must have a valid license. In New York, for instance, small exempt producers are NOT required to be licensed, so I know this is a Maine requirement that is not used in all states. Licensing for small exempt farms should not be required.

My Recommendations for changes you should make to the Rules. Rules are online at:
www.mofga.org/LinkClick.aspx?fileticket=ONFxD7hYZWs%3D&tabid=1410

- 1) Section 1.3 Any reference to “Building” should be dropped from the rules. Poultry and other livestock producers have been processing food outdoors if that's what they have available for centuries. For a small producer, a building should have NO affect on the safety of the ending food product.

- 2) Section 2.2 Any reference to a “home kitchen” should be dropped. The room or area where animals are processed should be clean, but any reference to the type of area will only provide another reason for inspectors to find fault with a processor.
- 3) Section 2.4 Any reference to the internet should be dropped. This is a clear violation of producer’s right to advertise and is unconstitutional. As long as the producer is selling a product in-state and in accordance with the other rules, they should be able to advertise freely.
- 4) Section 3.1 Any reference to “Floors, walls, and ceilings should be constructed” should be dropped and replaced with “Area of slaughter and processing”
- 5) Sections 3.3 This item should be dropped completely. Tyson Foods or Perdue Chicken may need this but it is wrong to assume that a small farm processor will have safer poultry by building a structure.
- 6) Section 6.6 is OK, but my note is that outdoors is probably the best place to slaughter poultry.
- 7) Section 7.7 should be dropped. A statement about minimizing flies might be OK.
- 8) Section 8 should be dropped. Any reference to toilets is just a reason for inspectors to write up a producer. How one relieves themselves should be of no concern to the government.
- 9) Section 4 is actually good. This section is an example where you did a good job (and you thought I was going to be completely critical)
- 10) Section 5 Item 1 is good. After Item 1, you get into minutia that will only give an inspector another reason to write up a producer. Delete all other items in Section 5.
- 11) Section 6.2 I don’t have a lot of knowledge in this area, but I would think that hot and cold water even if not pressurized would be adequate. Please drop all references to “under pressure”.
- 12) Section 6.3. Drop all references to a sewage disposal system. Education of producers that if waste water is deposited on the ground, that they should move the processing area the next time, or insure that the area is cleaned would be more appropriate. Many producers do not have access to an approved disposal area, and references to it have NO effect on food safety, and will only drive more producers out of business.
- 13) Section 6.4 Drop this section. As I said before, as long as the producer cleans an area, the government should not be dictating expensive renovations.
- 14) Section 6.8 This refers to “buildings” and as I stated before, any references to buildings should be dropped.
- 15) Section 6.10 Drop this section. Many of the cleaning products on the referred list are dangerous. I don’t want to force my food provider to make his or her family sick.
- 16) Section 7.3 This section should read: “Any ice used shall be stored, transported, and handled in a sanitary manner”. That’s it.
- 17) Section 7.6 This section should be dropped. The term “food adulteration” seems like a term equated with the fact that this food is contaminated. Calling farm raised food unsafe or adulterated should not be mentioned, unless you have a good reason for it. The legislature intended to make it easier for consumers and these small producers to operate, and prescribed tests are just harassment.
- 18) Section 7.8 should be dropped. As we’ve seen in other states, terminology like this may be used to violate the constitutional rights of farmers against search and seizure.

- 19) Section 8. Only items 4 and 5 are acceptable. So what if someone wants to take a smoke break? If they are maintaining personal cleanliness and wearing gloves, that is plenty adequate.
- 20) Section 9.1C Net weight on a package should NOT be required. This is a pain for producers, and we're talking whole birds here, so the consumer knows when they are paying an appropriate price.
- 21) Section 9.1. F and G. I disagree with these requirements, but I realize that these requirements are in the law, and I'll need to work with the legislature to change these labeling requirements.
- 22) Section 10: Again, I disagree that these producers need a license, but will have to address this problem with the legislature.
- 23) Section 10.2 No inspection should be required for a license. Maine consumers are the best inspectors in the world. We will insure we buy our food from farmers we know and trust.
- 24) Section 11.1. There is NO reference in the law to inspections. The only inspections should be ONLY if a complaint or reported illness is received by the state. The inspectors should be required to obtain a search warrant by a court before they would be allowed on a producer's property. Inspectors would better spend their time on large producers, not small farms.

In closing, I hope the department will help consumers and small farms have access to locally produced products by amending these rules. At the hearing, mention was made that the USDA has threatened the department that if they did not implement these rules, Maine producers would be subject to Federal inspection and/or denial of Federal funds. We need to make a stand here in the state of Maine against these unfair Federal suggestions. The tenth amendment to the constitution guarantees states rights, and declares states sovereign. The people of the State are tired of our department administrators ignoring the best interests of farmers and consumers in Maine by implementing unreasonable rules suggested by the Federal Government. Over-regulation is often used by the USDA and FDA to destroy competition for the large industrial producers of the kind of food that is making us all sick. Please help us preserve the wisp of farm heritage and "local knowledge" that we are beginning to re-establish here in Maine.

Sincerely,

John O'Donnell
445 South Monmouth Road
Monmouth, ME 04259
(207) 933 3052
johno@mainegrassfed.us