

December 22, 2009

Dear Representative Nancy Smith,

I'm writing to request your help.

The Maine Dept of Ag has proposed rules to go along with the poultry 1,000 bird exemption law recently passed by the state legislature, and held a hearing Monday, Dec. 21 to hear from the public. I was shocked to read these rules. They seem to be the same rules that currently apply to larger producers up to 20,000 birds when it relates to facilities, equipment, water, buildings, etc.

Henrietta Beaufait explained in overview how the Dept had come up with the rules, and she basically stated that they had used "guidelines" published by the USDA. She went on to say and I'm a little unclear on exactly what she said but I believe she stated that if they didn't use these rules, the feds were threatening to come in and inspect all producers, and/or withhold federal funds to Maine.

There is little argument from those that study the policies and rules of the US FDA and USDA that they are heavily influenced by large corporations such as Monsanto, Cargill, Tyson, and others. Their rules are clearly aimed at making it very difficult for small farms to adhere to the law, and therefore will cause these farmers to abandon farming. These small farmers are EXACTLY those that by and large produce the safest food in the country.

My whole problem with this situation is:

- 1) The rules go way beyond what was listed in the bill as far as requirements for the exemption. They place very expensive requirements on these small producers that will have the effect of demoralizing them, harassing them, raising their cost of production to unsustainable levels, and threatening many of them to abandon their dreams of raising healthy food for their communities.
- 2) By using Federal Guidelines, the Maine Dept. of Agriculture is violating the 10th amendment of the constitution that clearly states that matters relating to in-state sales of food products is the jurisdiction of the state. By using the federal rules, these administrators are specifically going against the constitution, and the intent of the US Congress in granting the 1,000 bird limit to protect small farmers.
- 3) These state administrators are in effect becoming federal agents, implementing policies that directly threaten the viability of small farmers in the state.

I do not believe that the intent of the Maine Legislature in passing the 1,000 bird exemption is being addressed by the proposal of these draconian rules. The legislature's intent seems clearly aimed at protecting these small producers from the strict rules rightfully required of those in larger production situations, or for inter-state sales.

I wish you could have heard the testimony of the farmers and consumers who attended the meeting. I'm going to estimate that of the 40 or so people who testified, only three were for the proposal. One was Donald Barnet (sp?). One was another turkey producer with multiple facilities who feels threatened by the lower cost of production of these small farmers, and the third was an employee of the state epidemiologic department spewing the same old "food safety" mantra that is being used to force through these unconstitutional regulations in a lot of areas.

One speaker asked if there had EVER been a report of sickness in the state due to contaminated farm raised chickens and the answer was NO! There were many heart-wrenching presentations about how these struggling farmers will be devastated by the rules if they are implemented as proposed.

What I'm requesting is how can we immediately address this issue to force the department to delay implementing these rules until further action can be taken?

Also, what action can we take to either sue the department, or the individuals involved to get this rule stopped?

I want to be honest with you that I will be sharing this letter with others interested in the issue, and also with the Farm to Consumer Legal Defense Fund to get their reading on the legality of these rules, and also get their advice on how we can proceed.

I hope you'll be able to help.

Sincerely,

John O'Donnell

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