



FTCLDF 2013 Summary

July 8, 2014

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Since its inception in July 2007, the Farm-to-Consumer Legal Defense Fund ("FTCLDF" or the "Fund") has worked to establish and protect the rights of farmers to direct market the products of the farm and the rights of consumers to obtain the foods of their choice from the source of their choice.

This summary covers the Fund's work during 2013 and the first half of 2014.

FTCLDF continues to promote the local food movement and defend against government interference in private arrangements. There have been significant court victories for Fund members during this time with progress on the legislative front as well.

State-level work represents the best opportunity to advance the mission of the Fund and its members at this time. Over the past couple years there have been more enforcement actions against FTCLDF members at the local level, particularly for alleged zoning violations. At the federal level, there has been more support for some food freedom measures, but the bulk of our federal work continues to focus on defeating measures that are harmful to our members. The FDA Food Safety Modernization Act (FSMA) remains a major threat to food freedom choices.

HIGHLIGHTS

Jury Acquits Vernon Hershberger on 3 of 4 Criminal Charges in Wisconsin

On May 24, 2013, after a contentious five-day trial, a Sauk County jury acquitted Fund member Vernon Hershberger on three of four criminal misdemeanor charges for violations of the Wisconsin Food and Dairy Code. Hershberger is a dairy farmer in Loganville who leases cows to a private buyers club, providing raw dairy products and nutrient-dense foods to club members. The State of Wisconsin brought charges against Hershberger for operating a farm store without a retail food establishment permit, operating a dairy farm without a milk producer license, operating a dairy plant facility without a license, and violating a hold order that officials from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) had placed on food in his on-farm store during a 2010 raid.

Hershberger was acquitted on the three licensing charges, only being convicted of the hold order violation during the trial. Judge Guy Reynolds refused to let the jury hear testimony on the validity of the hold order. Hershberger is currently appealing his conviction for violating the hold order. Fund Vice President Elizabeth Rich and veteran trial attorney Glenn Reynolds did tremendous work in representing the courageous farmer with help from volunteer attorneys Amy Salberg and Ajna Wilson. The resources the Wisconsin Department of Justice spent on prosecuting the case were way out of proportion to the actual charges before the Court. The jury verdict vindicated Hershberger's private contractual arrangement with food buyers club members.

DATCP had claimed broad regulatory powers over operations like Hershberger's, asserting that it has jurisdiction over any dairy farm producing raw milk where any dairy product leaves the premises. This case represents the greatest court victory for the raw milk movement in the U.S.

Successful Lawsuits Against Michigan Swine ISO

In 2012, FTCLDF provided funding for lawsuits jointly filed by heritage breed hog farmer Mark Baker and several others challenging the constitutionality of a Michigan Swine Invasive Species Order (ISO). In 2013, member Baker received court approval to pursue his case independently and FTCLDF provided further funding for his representation.

The ISO prohibits the possession of various swine including "feral swine...Eurasian wild boar (and)...Russian Wild Boar." In December 2011 the Michigan Department of Natural

Resources (DNR) issued a Declaratory Ruling (DR) in which the department said it would distinguish illegal from legal swine based on the animal's physical characteristics rather than basing its decision on whether the pigs were in the wild or under human husbandry. According to the DR, a pig with a straight tail could be prohibited but so could a pig with a curly tail; virtually any domestically raised pig could be prohibited under the broad and vague standards.

Until shortly before Baker's case was to go to trial, the State of Michigan was seeking a court order in a counter lawsuit fining the farmer \$700,000 (or \$10,000 each) for the 70 illegal pigs the DNR claimed Baker possessed. Then in a pretrial hearing on February 26, 2014, the State reversed its position, conceding that the farmer's pigs were legal. Judge William Fagerman then dismissed the case with prejudice meaning DNR can't take any action against Baker for the pigs he is now raising on his farm. Attorney Michelle Halley represented Baker.

On March 21, 2014, Marquette County Circuit Court Judge Thomas Solka ruled on the remaining swine ISO lawsuits, holding that both the ISO and DR were unconstitutional by violating the 'equal protection' and 'due process' clauses of both the Michigan and U.S. Constitutions. The State is appealing the Judge's decision.

In addition to the state lawsuits, a federal lawsuit by Brenda Turunen challenging the ISO is scheduled for trial in 2015.

Zook Victory in Pennsylvania

Fund General Counsel Gary Cox successfully represented Amish farmer Christian Zook in criminal and civil actions brought against the farmer for alleged violations related to food sales Zook made on his farm. In 2011 Zook built a barn on his property and used a portion of it for a farm store to sell raw milk and other farm produced foods to members of the Communities Alliance for Responsible Eco-Agriculture (CARE), a private food buyers club.

The Commonwealth of Pennsylvania filed a criminal charge against Zook for a violation of the state building code, claiming that since Zook used part of the barn for food sales, the barn was actually a "commercial building" and, therefore, not entitled to the exemptions from various provisions of the building code that an agricultural building would have. Having to comply with building code requirements would have cost Zook tens of thousands of dollars and potentially set a bad precedent for farmers elsewhere in the state.

At a hearing in Cumberland County District Court on March 11, 2013, Magistrate Judge Jessica Brewbaker dismissed

the case, holding that a barn can be used for both agricultural and commercial purposes and still be under the building code exemption.

The civil suit against Zook and his wife, Lena, was filed by the Hopewell Township Board of Supervisors in September 2012. The suit claimed that the 'land use' permit the township had granted the Zooks to build the barn did not allow for its use as a retail store. The suit sought fines and a court order requiring the Zooks to file for a 'conditional use' permit which would also mean that they would have to comply with building code requirements for a retail sales establishment.

On October 24, 2012, the magistrate hearing the case ruled in favor of the Zooks, holding that the Pennsylvania Right to Farm Act protected their right to sell farm products without needing to apply for a 'conditional use' permit. The Zooks successfully represented themselves at the hearing but retained Cox when the Township Board of Supervisors appealed the decision. In an April 2014 hearing, the township withdrew its lawsuit.

Landmark Bill Becomes Law in Virginia

On March 6, 2014, Governor Terry McAuliffe signed into law SB 51, a groundbreaking bill creating more economic opportunities and decreasing regulations for Virginia's family farms. SB 51 increases access to locally produced food while offering farmers new markets for their products and a more favorable regulatory climate.

The Fund actively supported the legislation. Fund member Martha Boneta was the driving force behind the bill. In 2012, Boneta was accused by Fauquier County zoning officials with multiple permitting violations and threatened with fines for activities on her farm, including pumpkin carvings, yoga classes, and a child's birthday party.

The new law limits the power of local government. Localities can no longer prohibit agri-tourism activities unless they have a substantial impact on the public's health, safety, and welfare. Localities also cannot require a permit for agri-tourism activities, except in limited circumstances.

Under the new law, on-farm stores selling foods produced by other farms will not be required to have either a state or local permit. The bill also frees farmers to sell more non-food products in their farm stores than they have in the past by eliminating both state and local permitting requirements.

In the words of Joel Salatin, who also contributed significantly to the bill's passage, "Farmers may now wear some of the middle-man hats (where the profits are) and bring historically-normal processing and public interactive activities back to the farm... This is a great win for farmers who want to interact directly with their customers." SB 51 could be just the first of a number of precedent setting local food bills to pass in the state.

There were a number of other significant cases with which the Fund has been involved over the past year. Next is a brief review of some of them.

SIGNIFICANT CASES

Dan Brown Case Before the Maine Supreme Court

On May 13, 2014, the case of Blue Hill Dairy farmer Dan Brown was argued by FTCLDF General Counsel Gary Cox before the Maine Supreme Court. The farmer appealed an April 2013 lower court ruling that found him guilty on three counts for violations of Maine's food and dairy code: selling raw milk without a license, selling raw milk without labeling it as such, and operating a retail food establishment without a license. Brown and his wife, Judy, sold raw dairy products and other foods at the couple's farm stand.

In 2011 the Town of Blue Hill passed a food sovereignty ordinance allowing the direct sale of food from producer to consumer without licensing or inspection requirements. Later that year, the Maine Department of Agriculture, Conservation and Forestry (DACF) filed suit against Brown in a challenge to the food sovereignty ordinance.

The two main issues in the case were whether the local ordinance controlled over conflicting state law and whether the state was estopped (prohibited) from prosecuting Brown for selling milk on his farm without a permit when the state allowed unlicensed on-farm sales of raw milk until 2009—Brown had relied on this state policy in spending money to set up his dairy, thinking there was no subsequent change to Maine statutes or regulations. The Supreme Court hearing focused on the latter issue.

There are now eleven Maine towns that have passed food sovereignty ordinances and numerous localities elsewhere in the country that have also passed food sovereignty ordinances and resolutions. The Brown case represents the first court challenge to the ordinances. The Maine Supreme Court ruled against Brown but there could be a push for a statewide food sovereignty bill in the next legislative session.

Challenging FDA's Interstate Ban on Raw Milk

The Fund is representing Organic Pastures Dairy Company (OPDC) in OPDC's petition to FDA to modify the interstate ban on raw milk by amending the federal regulation establishing the ban; the citizens petition is asking FDA to allow the shipment of raw milk from one state where its sale is legal to another state where its sale is legal.

OPDC filed the petition currently before FDA in May 2013 and has yet to receive a response from the agency. Federal law requires FDA to answer the petition within six months of its filing.

The Fund is also supporting two federal bills introduced in March 2014 that would respectively overturn and modify the ban. See **Federal Level Activity** (p.4) for more details.

Working to Uphold Michigan's Right to Farm Act

Michigan has the strongest Right to Farm Act (RTFA) in the country and is the model other states should follow. Under it, farmers should be protected no matter what the local zoning laws are as long as they have a commercial operation and are in compliance with applicable Generally Accepted Agricultural Management Practices (GAAMPs) issued by the Michigan Department of Agriculture and Rural Development (MDARD).

In 2012 Fund members Randy and Libby Buchler won a widely publicized victory when a Marquette County judge held that their farming operation on non-agriculturally zoned land was protected under the RTFA. Since that time, however, townships around the state have not slowed down in going after farming operations that should be protected under the RTFA for alleged zoning violations.

Gary Cox is currently defending several Fund members: Jeremy and Jessica Hudson, Kilyndra Taylor, and Jackie Kerr who have either received citations for zoning violations or been threatened with them for small-scale farming in urban and suburban areas. We are at work in the courts and the legislature to ensure Michigan's Right to Farm Act prevails over conflicting zoning ordinances in supporting the local food movement and defending the neighborhood farm.

FTCLDF Members' Cases Before VA Supreme Court

Oyster farmers Anthony Bavuso and Greg Garrett had their cases over a zoning dispute with York County heard by the Virginia Supreme Court on October 28, 2013. FTCLDF provided funding for Bavuso's legal representation before the high court.

The dispute was over whether Bavuso and Garrett needed a 'special use' permit to operate a commercial oyster farm on land that included their residences. York County claimed that there could only be one principal use and that, with the residence serving as the principal use, both Bavuso and Garrett need a 'special use' permit for their oyster businesses; but York County had previously denied Bavuso's application for a special use permit.

The Supreme Court ruled against the oyster farmers, but the adverse ruling eventually led to the passage of state legislation in March 2014 that exempts aquaculture operations on agriculturally zoned land from the special use permit requirement.

Bavuso's fight against York County is ongoing. Since the Supreme Court decision, both the farmer and York County have filed lawsuits against the other; and the County Board of Supervisors—against the recommendation of its Planning Commission—voted on June 17, 2014, to rezone Bavuso's neighborhood so his property would no longer be designated for agricultural use. Battles like this between farmers and local zoning boards are becoming more common around the country.

Drakes Bay Oyster Company Litigation Fund

FTCLDF is continuing to administer a litigation fund for Drakes Bay Oyster Company (DBOC) to accept contributions to support DBOC's efforts to legally farm the waters off of Point Reyes, California.

In November 2012 the National Park Service (NPS) refused to renew the federal government's agreement with DBOC allowing the firm to farm the waters off Point Reyes. In recent years, DBOC has been responsible for between 30 to almost 40 percent of California's oyster production. Now, the effort of NPS to rewild the Point Reyes area is effectively forcing the state to rely on imports instead of a quality local source.

The litigation fund was originally set up to pay on DBOC's lawsuit against NPS, seeking to obtain a court order

requiring renewal of the agreement; the purpose has since expanded to include funding DBOC's court battle with the California Coastal Commission (CCC).

DBOC filed suit against CCC in April 2013 to set aside two CCC orders issued against the company that would have put it out of business regardless of a favorable ruling in the lawsuit against NPS. The litigation with CCC is currently in the Marin County Superior Court.

In the federal lawsuit, district and appellate courts hearing the case have both held that NPS was not required to renew its agreement with DBOC. On June 30, 2014, the U.S. Supreme Court denied DBOC's appeal, refusing to hear the case.

Federal Lawsuit Against Michigan Swine Invasive Species Order (ISO)

FTCLDF is also administering a litigation fund for a federal court challenge to the Michigan Swine Invasive Species Order (ISO). In March 2013 Fund member Brenda Turunen filed a lawsuit against officials of the Michigan Department of Natural Resources (DNR) and Michigan Department of Agriculture and Rural Development (MDARD) in the Federal District Court for the Western District of Michigan, claiming that an 1842 Treaty between the Lake Superior Chippewa Indian tribe and the United States of America controls over any Michigan laws.

Turunen is a member of the Keweenaw Bay Indian Community (KBIC) and claims in her complaint that KBIC is a modern day successor in interest to signatories to the 1842 Treaty. The suit argues that the Treaty, which ceded land to the Chippewa, included the right to commercially farm land within the ceded territory. Last year the judge hearing the case rejected the defendants' motion to dismiss. A trial has been scheduled on the matter for 2015. See *Federal Level Activity* (p. 4) for more details.

Beyond pursuing remedies in the courts and at the administrative level, the Fund also seeks to improve the political and regulatory climate for local food producers and consumers.

Legislation and Public Policy

The Fund provides consultation and serves as an information clearinghouse for those working on changes to their state and local laws, such as passing raw milk legislation or changing regulations governing food production. The Fund also maintains a petition service designed to increase the effectiveness of food freedom activities and sends action alerts to its email subscribers letting them know how they can help pass (or fight) state and federal bills that affect them.

State-Level Activity in 2013

Some of the matters worked on include:

- An Arkansas raw milk bill passing into law legalizing the sale of cow milk and expanding the quantity of goat milk that can be sold in the state; the Fund worked with Little Rock chef, Lee Richardson, who led the effort. [HB1536]
- A successful grassroots effort in North Dakota to pass a herdshare bill; Fund farmer member Jim Bartlett was among those responsible for its passage. [SB 2072]

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- A Mississippi Cottage Foods bill that passed into law; the Fund worked with Senator Angela Hill. [SB 2553]
- Legislation passing in Indiana to allow unlicensed direct sale of rabbits processed on the farm.
- A successful effort in Troy, Wisconsin, to pass a Food Sovereignty ordinance; the Fund member Brandon LaGreca was largely responsible for its passage.
- Amendment of the Indiana regulation on wild hogs that partly based their legality on physical characteristics. The change clarified that the regulation did not apply to hogs raised on a farm. Senator Jim Banks and Fund members Pete Eshelman and Mark Baker were responsible for the amendment.
- A raw milk bill in Montana that passed the House but was defeated in the Senate.
- Opposing potentially detrimental regulations proposed in South Dakota and Illinois (the effort in Illinois is ongoing).

State-Level Activity in 2013

Some of the matters worked on include:

- Virginia Senate Bill 51 (HB 268) passed into law, allowing more on-farm activities free of local regulation; Fund member Martha Boneta led the effort. See *Highlights*.
- Successful legislation in Indiana to expand the number of on-farm processed poultry that can be sold and eliminate local jurisdiction over poultry and egg sales; Fund members Pete Eshelman and Blaine Hitzfield were instrumental in the bill's passage. [SB 179]
- Successful effort in Virginia, led by Fund member Anthony Bavuso, to exempt aquaculture operations statewide from local permitting requirements. [HB 1089]
- Passage of law in Tennessee that adopted federal exemption enabling farmers to sell up to 20,000 birds slaughtered and processed on the farm; the Fund worked with Senator Frank Niceley. [SB 1707]
- The defeat of stealth legislation in Illinois that would have banned the sale of raw milk statewide. [HB 4036]
- Raw milk bills in California and Louisiana.
- Food Freedom bill in Virginia that would greatly expand, beyond any other state, the types of cottage foods that can be sold.
- Joining with the Michigan Small Farm Coalition in an ongoing effort to oppose policy changes that would deprive farms on non-agriculturally zoned land of protections provided by the Michigan Right to Farm Act.

Federal-Level Activity

Much of the Fund's work at the federal level focuses on opposing legislation and rulemaking that would undermine the sustainability and freedoms of small family farms or otherwise negatively impact those engaged in the local food movement. Occasionally the opportunity arises to push for favorable bills or to mitigate the potential harm wielded by complex legislation like the 2014 Farm Bill. Here's a brief review of efforts over the past year:

Raw Milk: The Fund worked with staff of Representative Thomas Massie (R-KY) on legislation to overturn the ban on raw milk for human consumption in interstate commerce. Massie was the lead sponsor of the raw milk bills HR 4307 and 4308 that he introduced on March 26, 2014. The Milk Freedom Act of 2014 (HR 4307) would effectively repeal the

ban allowing the shipment to and from any state. The Interstate Milk Freedom Act of 2014 (HR 4308) would modify the ban, only allowing the shipment of raw milk from one state where its sale is legal to other states where the sale is also legal. The congressman was able to get many more cosponsors than was the case with past federal raw milk legislation. HR 4307 had 12 cosponsors while HR 4308 had 23.

FSMA: The Fund was active in the rule-making process of the FDA Food Safety Modernization Act (FSMA), particularly working to stop FDA attempts to dilute the Tester-Hagen amendment to FSMA. Tester-Hagen exempts producers with less than \$500,000 yearly annual gross income from onerous requirements of federal produce standards and food safety plans. The Fund will continue to be active in monitoring the implementation of FSMA and submitting comments during its rulemaking process. FSMA is the greatest threat to food freedom at this time.

GMOs: The Fund sent numerous action alerts over the past year to voice opposition against federal approval of a variety of products engineered using genetically modified organisms (GMOs)—herbicides, seeds, seafood, etc. Generally, the Fund's effort to combat GMOs has focused on the federal rule-making process and responding during comment periods.

TPP: The Fund actively opposed congressional ratification of the sovereignty-robbing Trans-Pacific Partnership (TPP) agreement. The TPP would, among other things, enable corporations to dictate trade policy to governments. Its status is currently in limbo in Congress.

Fundraising

Fundraising Director Cathy Raymond organized two major Farm-to-Fork FundRAISERS in 2013. On September 7th and 8th, "Save Your Bacon Weekend" was held in Swoope and Staunton, Virginia, consisting of three events as one package. The weekend kicked off with the FTCLDF's fifth annual Benefactor Appreciation Event at Polyface Farm in Swoope for those making donations during the annual fundraising drive. Each year, the Weston A. Price Foundation (WAPF) generously sends out an appeal letter to its members on behalf of the Fund; the 2013 Appeal was the most successful yet. Many thanks to WAPF President and FTCLDF founder Sally Fallon Morell for her continued support. Thanks as well to the Salatin Family for their long time support and for continuing to graciously let the event be held on their farm.

On the evening of September 7th, BaconPaloosa, the second part of the weekend, was held in Staunton. The sold-out event was a mini-foodfest that included a competition for the best bacon appetizer and the best kombucha. The final event of the weekend was the P3 (Polyface, Paleo and Porkfest) Workshop in Staunton at the Stonewall Jackson Hotel on September 8th, with talks given by Joel Salatin, Jenny McGruther and Paleo leader Robb Wolf. In the past two years, Cathy Raymond has made a successful outreach effort to the Paleo food community, with Wolf being a great source of support.

The other major event in 2013 was the third annual FundRAISER Dinner held the night before the start of

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WAPF's Annual International Wise Traditions Conference in Atlanta. The highlight of the sold-out event was the "Debate of the Decade" between food freedom movement leaders Joel Salatin and Dr. Joseph Mercola over whether the federal government should require labeling of foods containing GMOs. The debate brought before the public implications for farmers and consumers of requiring or not requiring labeling on foods containing GMOs. The Fund also continued its tradition of holding the FundRAISER Breakfasts during the conference.

In 2014, the Fund launched a partnership with Buchi Kombucha and receives a portion of the proceeds from the sale of Buchi's "Sovereign" brand of kombucha. Likeminded businesses such as Dr. Ron's Ultra Pure, Green Pastures, and U.S. Wellness continued their support of the Fund whether through in-kind donations for FTCLDF fundraisers or through financial contributions.

The Communities Alliance for Responsible Eco-Agriculture (CARE) has been a strong financial supporter since the Fund's inception. The biggest donor to the Fund remains the Farm-to-Consumer Foundation (FTCF) in providing grants for public interest litigation (PIL).

Outreach

FTCLDF was represented last year at eighty conferences by volunteers spreading the word about the Fund and its work. The highlight of the conference schedules again was the Mother Earth News Fairs (MENF). At the biggest MENF conference in Seven Springs, Pennsylvania, in September 2013, Fund Vice President Elizabeth Rich, Fund Treasurer John Moody, and FTCLDF member Mark Baker spoke to large crowds. Rich and FTCLDF member and dairy farmer Charlotte Smith spoke at the fair in Puyallup, Washington in 2013 and 2014 while Moody spoke at the newest 2014 fair in Asheville, North Carolina.

The Fund continues to send out its electronic digest to its e-mail subscribers and also continues on with its podcast, "The Food Rights Hour". In addition to listening online at the website, the podcast episodes are also available for download at iTunes. The Fund's Food Rights News website continues to post content on food rights developments around the country. The Fund's Facebook page has enjoyed steady growth the past year thanks to the work of Social Media Director Michelle Ray.

The Fund continues to meet the needs of its growing membership which includes not only family farms but also the consumers and buyers club members who obtain foods from these farms as well as homesteaders and artisan food producers, many of whom source ingredients directly from the farm.

Membership

The Fund successfully held its first annual membership drive in March 2014 to "Sow the Seeds of Food Freedom for Future Generations." Membership is a key source of funding for FTCLDF and also contributes to greater political power in advocating for the local food movement.

The Fund has four membership categories: Farmer, Consumer, Artisan Food Producer (e.g., off-farm food producers selling their products direct to consumers), and

Affiliate Community (e.g., food buyers clubs and cooperatives). The Fund also offers Non-Member Consulting Agreements (NMCA) for those who have a philosophical or religious objection to membership in an organization that engages in litigation, such as persons from the Mennonite, Amish or other Anabaptist faiths. Those under an NMCA enjoy the same benefits as members except the possibility of representation.

The core membership benefits are:

- **Unlimited consultation with attorneys** on matters within the Fund's mission statement. Legal services include interpretation of federal and state laws and resolving disputes on the administrative level with government agencies.
- **Tailored contracts and other documents**, including herdshare agreements and buyers club contracts.
- **24/7 access to toll-free hotline** to reach an attorney in an emergency.
- **Possible representation** on matters within the Fund's mission statement.
- **Consultations with operational experts:**
 - farm management practices with Tim Wightman, who operated shareholder dairies in Wisconsin and Ohio for several years and is one of the leading agricultural consultants in the country.
 - administrative setup and operation of food buyers clubs with Fund board member John Moody, who is the administrator for a successful buyers club in Kentucky.
 - dairy goat operations and herd health with Sharon Wilson, who owned and operated the largest raw goat dairy in Colorado (Natural Choice Dairy, LLC) and was one of the founding board members and Treasurer of the Raw Milk Association of Colorado (RMAC). Her role in RMAC was to help to define and create testing regimes for goats and raw goat milk along with quality recognition and recommended collection processes.
- **A 15% discount** on all items purchased through the Fund's online store.
- **Access to the Members-Only website** for informational resources, recordings, etc. This site is currently being reorganized to enhance features like "Ask the Expert" and to serve as a repository of relevant case law, analyses and research to support the Fund's growing attorney network.

Educational Resources

In an effort to meet the information needs of the growing local food community, the Fund provides educational resources through the online store, via the Members-Only website and as optional membership gifts.

The Members-Only website provides free access to conference recordings (e.g., both the 2010 and 2011 Raw Milk Symposium audio recordings) and video presentations (e.g., the three-hour Activist Workshop video recording by Fund board member Judith McGeary taped at the 2011 Weston A. Price Foundation's Annual International Wise Traditions Conference). More items will be added in the near future.

Booklets published by the Fund, often in partnership with others, are offered as a gift to new members; these may also be purchased through the online store:

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- **Raw Milk Production Handbook** by Tim Wightman, which is also available for download courtesy of the Farm- to-Consumer Foundation;
- **Safe Handling – Consumer’s Guide: Preserving the Quality of Fresh, Unprocessed Whole Milk** by Peggy Beals, RN; quantity discounts are available directly from Spring House Press; and
- **Food Club and Co-op Handbook** by John Moody.

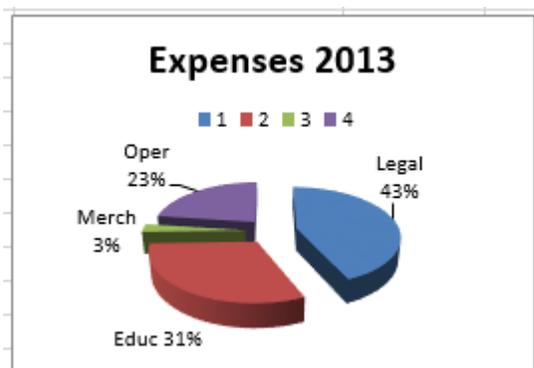
Currently, individual members may choose either *Safe Handling* or the RMP handbook. All three are provided to Affiliate Communities.

Finances

The Fund is a true grassroots organization and receives the bulk of its revenue from membership fees and private individual donations. “Corporate” donations come from small businesses that support local food production; the Fund receives no funding from any government agency.

Within the past year or so, the Fund has received support from like-minded individuals who have chosen to allocate a portion of their business proceeds to aid the work of the Fund. Some give directly to the Fund and others make tax-deductible donations to 501(c)(3) nonprofits that have set up accounts earmarked for the Fund.

Expenses continue to increase as the Fund takes on more cases and expands its outreach to the public. In 2013, legal services accounted for 43% of total expenses, 31% for education, 23% for operations, and 3% for merchandising.



Options for Tax-Deductible Donations

Tax deductible donations earmarked for “FTCLDF” may be made directly to either of these nonprofits:

WAPF: The Weston A. Price Foundation, a 501(c)(3) nonprofit, was instrumental in establishing the Fund and has now arranged to disperse monies earmarked for “FTCLDF” not only for public interest litigation but also for educational activities related to the Fund’s mission. Call 202-363-4394.

FTCF: The Farm-to-Consumer Foundation, a 501(c)(3) nonprofit, accepts donations earmarked for “public interest litigation” (PIL) and disperses the monies as grants to the Fund for specific cases. Call 513-593-9430.

The Fund's capacity to take on cases is governed by the resources available. The commitment of those in the growing attorney network is evident by the reduced fees charged for handling cases and even the offers to work *pro bono*. The Fund’s costs are often far less than what farmers would have to pay on their own. Many issues are resolved at the administrative level, saving thousands in potential court costs.

About FTCLDF

The mission of the Farm-to-Consumer Legal Defense Fund (“FTCLDF” or the “Fund”) is to protect the rights of farmers and artisan food producers to market the products of the farm direct to consumers, whether or not the farmer has a permit. The Fund also protects the rights of consumers to obtain the foods of their choice from the sources of their choice. We face a tough battle, as FDA, state agencies, and even local health departments continue to expand their powers and seek to impose their views on what foods should be consumed.

The Fund protects farmers from government harassment and levels the playing field, making it more difficult for the government to win wars of attrition by depleting the farmer’s resources through court proceedings. Farmers are now able to spend their money on farming instead of lawyers.

With your help, the Fund can build on the successes of the past year. Thanks for your support and your belief in our mission.



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