



Written by [Robert Confer](#) on September 12, 2013

The Food Safety Modernization Act: A War on Food Freedom and Family Farms

In recent years, the concept of food freedom has become incredibly popular in the United States. Americans have warmed up to it because they now understand that it is a critical component of personal liberty and know that by supporting local farmers they have greater access to healthier foods and an improved security of supply.

By forgoing the middle man and the dangerous mix of federal controls and corporatism that favor ag giants and multinational food processors, consumers across the country now interact directly with smaller agribusinesses. By doing so, they can enjoy pesticide-free produce, non-GMO foods, grass-fed beef, free-range chickens, tastier and healthier heirloom vegetables, and antiquities, such as raw milk, all on the cheap. It's the free market and personal choice realized at the local and most primal of levels — all humans have to eat; let them do it on their own terms.



This has proven to be a threat to the federal government, a government that has since the mid-1800s consistently curtailed personal freedom and government-free capitalism that were recognized by our nation's founding. Especially under the watch of President Barack Obama, we have been witness to a government intent on continually changing the rules of the game when it comes to food freedom, specifically with the way that family farms operate. Luckily, the people have turned back some onerous regulations proposed by the Obama administration that would have [mandated commercial drivers licenses for farm workers](#) and [would have kept today's teens — tomorrow's farm owners and farm workers — from all aspects of experience-making and character-building farm work](#).

But, we are not out of the woods yet.

Using fear as a tactic to claim control over our day-to-day lives (just as they have with all of the post-9/11 security endeavors), Congress passed and then President Obama signed into law in 2011 [the Food Safety Modernization Act](#), claiming that it will prevent the spread of E coli, Mad Cow disease, and the like by empowering the Food and Drug Administration to regulate every facet of a farm's or food facility's operations.

As with anything the federal government is wont to do, it's not the threat of the disease we should fear but rather the government itself. The act gives the FDA almost unlimited power and affects farms of all sizes, though not equally. Farms with \$25,000 in annual food sales are excluded outright from the law;



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any farm with revenues from \$25,001 to \$500,000 will face partial exemptions; and any farm above that suffers the full force of the law. The law affects over [three-quarters of U.S. farms](#).

Slowly but surely, many aspects of the act have taken effect and are just now affecting farms and their customers. Many more regulations are coming down the pike.

One of the most onerous requirements of the legislation is tracking. The act establishes a food tracing system that requires farms and food producers, large and small, to track the origins of their food, whether they grew it or it was previously distributed. Extensive records will need to be maintained that show exactly where the fruits and vegetables came from, how they were grown, how they were stored and just who they were sold to. Based on that, all registered farms would be subject to warrantless searches whereby the FDA would have carte blanche to analyze all of their private records to verify appropriate tracking.

That same FDA also thinks that it knows farming better than the farmers do, so the act allows the agency to regulate how crops are raised and harvested. The standards and regulations that determine what makes for hazard analysis and preventive controls have not been finalized (they are still within the public comment period), so for the time being (and likely into the future), compliance is at the whim, mood, and agenda of an FDA inspector.

Many believe that going forward the FDA will gradually adopt and enforce standards introduced by the World Trade Organization which, among other things, would ban manure use and require the chemical enhancement of crops and cattle. Farmers, under WTO standards and even those currently under consideration, would be forced to abandon practices that have been safely used to feed people for generations.

If by chance the FDA did discover contamination, the act empowers the government to create a police state to suppress an outbreak. The FDA would have the ability to quarantine an entire geographic region and prevent the movement of produce in and out of the designated area. If one farm in a given town was shown to provide tainted foods, all other farms in that town would need to cease operations while the government's investigation takes place. If a shutdown happens during that small and crucial window of time when crops need to be harvested or food producers need to be supplied, the farmers will lose out on their livelihood.

The above items represent just a sampling of the assaults upon the farmer. The act amounts to a massive loss of rights comparable to the Patriot Act of agriculture. It looks at what farmers do with a fine-toothed comb and demands that they conform to a set of practices laid out by an oppressive federal agency.

To the consumer, the act means higher prices at the grocery store at the fruit stand or at the local cheese shop, bakery or dairy. The new rules and regulations will add to the cost of doing business. And don't forget, the government has already forced food prices through the roof in recent years thanks to inflation caused by bad monetary policy and the ill-advised pursuit of ethanol, which caused corn, corn products, and everything that eats corn (chicken, swine, and cattle) to go up in cost.

With the same gusto, the act will also limit consumer's choices. Compliance is made easier for corporate giants, owing to cost, resource, and personnel issues, so many smaller family farms may be forced to sell out to them or limit greatly what the FDA considers "high risk" foodstuff — which include perfectly safe things such as raw milk and organic foods, constant targets of federal ire and "inspections" (military-style raids).



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The Food Safety Modernization Act is just another in a long line of attacks on free markets and free people in the United States of America. It's now the law (even though the federal government has no constitutional jurisdiction over farms and intrastate trade), but there's still a chance to stop some of its most dangerous aspects from coming into being. In January of this year, the FDA released what it considers to be "science-based standards for growing, harvesting, packing, and holding produce on domestic and foreign farms" which would define the rules and regulations for all things farming. Those standards are [available for review on the FDA's website](#) and [can be commented on](#) until November 15, a date that the FDA has delayed because of so much input and controversy to date.

Farmers, food lovers, and freedom lovers must participate and make their voice heard, before a wider variety of ridiculous standards go into effect. If they don't, farmers — and consumers — everywhere will suffer.



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