

Orrell, Vern - Richmond, VA

From: bricbenn [bricbenn@netscope.net]
Sent: Sunday, October 30, 2005 3:49 PM
To: Orrell, Vern - Richmond, VA
Subject: Response to Farm Bill Forum

Dear Mr. Orrell,

Thank you for your time and willingness to make sure my comments are received in Washington, DC by the USDA Under Secretary for Rural Development, Mr. Thomas C. Dorr.

Please put me on whatever mailing list your office has so that I may receive future information in a timely manner.

As I stated to you in our telephone conversation, farming, more specifically small acreage farming, is in the process of coming to a grinding halt in Virginia due to the lack of liability insurance to people visiting the farm. The insurance company in Virginia that bills itself as the largest farming membership organization does NOT offer liability insurance to farmers when said farmer has folks coming to the farm to make a purchase. This same insurance company does not offer liability insurance for people taking farm tours when people pay a fee to take the tour.

Mr. Orrell, as you well know, Agri-Culture has, and is in the process, of a dramatic change. Not just in Virginia but across the USA. Smaller acreage farmers feel they are up against corporate farming; poultry producers are in competition with pork and beef producers; flower farmers, fiber farmers, fruit and vegetable farmers...all of us are struggling to live our dreams and our lives on the farm, doing the work of our hands and hearts and making a difference. Probably all of us feel we're somewhat alone in our endeavors especially when information is sketchy and, too often, seemingly serendipitous in sending and receiving.

Many farmers want to open up their farms for non-traditional forms of farm income. I'm included in that group and teach at Concord University, Athens, WV, a class called Tourism Promotions: Developing a Tourism Trail. I also speak and teach at conventions, conferences, fiber festivals and workshops where I assist others, including small acreage farmers, to increase their farm income. The specific title is "INCREASING SMALL FARM INCOME USING AGRI-CULTURE - Including Agri-Tourism, Agri-Tainment and Agri-Education."

Farmers hear all the time, "tell the story of farming" yet, when I, and others, attempt to do so, we're told "do so at your own risk, we're not selling you liability coverage." You know the statistics better than I, Mr. Orrell. There are 260 million people in the USA, fewer than 2% are farmers and in VA we're down to around 50,000 farmers. I find it ironic the fastest growing segment of farmers in Virginia are female and that number is around 19,500. However, back to my point...if we don't tell our story NOW...then when???

If you send out a newsletter, please consider telling folks about the Virginias' Women in Agriculture group. We're currently found at

www.virginiaswomeninagriculture@yahoogroups.com and welcome other female farmers. We're actually open to farmers of either gender, living in any state, but we exist mainly for female farmers in Virginia and West Virginia.

Our information reads:

The Virginias' Women in Agriculture is a non-profit organization of women farmers in Virginia and West Virginia. Small acreage farmers face unique challenges in a world where farming has become big business.

Our Vision: To identify and increase the numbers of women in farms and ag-related businesses and to increase their profiles in leadership positions throughout all public and private agriculture sectors of business.

Our Mission: To provide assistance, education and support to women farmers and women in ag-related businesses and to encourage them to become involved in changing the face of agriculture.

Mr. Orrell, many thanks for your time and assistance; both are appreciated.

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www.thistlecovefarm.com; www.thistlecovefarm.blogspot.com - Appalachian Wool Works! - Nature's Own Colored Wool & Farm Spun Yarn for knitters, weavers & crocheters * American Curly Horses - Nature's Only Hypoallergenic Horse *

1. How should farm policy be designed to maximize U.S. competitiveness and our country's ability to effectively compete in global markets?

*I'm not smart enough to answer how we should "effectively compete in global markets" but I am smart enough to say...don't forget the home markets. There are a growing number (19,500 in Virginia alone) of female farmers who are farming to make a difference on a local and regional scale. Don't forget about us when deciding what and how and when and why...I'm telling you "who" right now. Female farmers are the fastest growing segment of farmers; this when the national average is white, male, 56 years old.

*Help us make a difference by *providing assistance in the form of people to help with marketing, promotions, developing strategies, developing partnerships; *providing assistance with grants and making those same grants easier to complete (farmers have to fit in grant writing *after* farming); dispersing information so more people can find out what the USDA offers...more ideas if you want them, just let me know.

2. How should farm policy address any unintended consequences and ensure that such consequences do not discourage new farmers and the next generation of farmers from entering production agriculture?

*By understanding the number one problem facing small acreage farmers today is liability insurance. In Virginia we're told if we have farm visitors who come to our farm and any money changes hands, our policies do **not** offer liability insurance! That means we can **not** sell farm products from our farm...that's **INSANE! PLEASE HELP!** If you can help with the liability insurance problem, please make it *affordable* liability insurance coverage.

*By encouraging and assisting small acreage and, specifically, female farmers to see farming as a job. Help in the form of workshops, seminars, conferences that are **affordable!** I can't tell you how many conferences, workshops, etc. I see advertised and the costs are absolutely prohibitive. The people attending those same conferences, workshops, etc. are people who are employees of local, state and federal governments, as well as not for profits who receive much of their funding from government organizations! Exactly who is being helped? Is the intended audience farmers or not?

*By providing timely information regarding the products offered by the USDA. Have your public relations department disperse information to the public more than a month before the deadline. *Have an e-newsletter sent to folks who request to be on your mailing list. If you've already got such a newsletter (????) make it easy to find on your website. *Have someone in every USDA office who can render assistance to farmers needing help with everything the USDA does, including grants. I can't tell you how many times I've contacted a USDA office only to be told, "gosh, I don't know, try the website." Are USDA employees in the business of helping farmers or not? In the many, many times I've attempted to get assistance from a USDA office, the **only** time I've received help is from the Richmond, VA office. Unfortunately, I'm six hours from Richmond.

*On the *front page* of the USDA website...have a link to publicize upcoming grants...and do so *well in advance* of the deadlines. Make the information easy to obtain; not difficult. We're not impressed by the wizardry of your website; we're impressed when the information is **easily** found!

3. How should farm policy be designed to effectively and fairly distribute assistance to producers?

*By having varying levels of assistance which are easy to locate on your website.

*By understanding *production* agriculture is only *one* component of farming. Most small acreage farmers don't want to compete on a production scale; nor do we have the money to do so. We want to provide specialty products for a niche market. Why should we be penalized because we either don't have the funds or we don't want to farm on a *large* scale? We're still commercial farmers and small businesses.

*By addressing the needs of *all* farmers --- including production, food producers, horticulture producers and fiber farmers.

4. How can farm policy best achieve conservation and environmental goals?

*By keeping those same goals simple and easy to understand.

*By realizing farmers are already held to higher standards than say, golf courses.

*By refusing to continue to establish rules and regulations *especially* when in direct conflict with *already established* rules and regulations. The simpler the story, the easier it is to remember the

story.

*You could also have the farming community better represented by different farmers (large and small acreage), representing all farming arenas, on the various USDA committees.

5. How can Federal rural and farm programs provide effective assistance in rural areas?

*By providing workshops, conferences, seminars, etc. that deal *specifically* with all areas of farming (not just production farming).

*Assist in developing Community Supported Agriculture that includes *non-food* production - horticulture and fiber.

*By providing assistance to Farmers' Markets.

*Make USDA programs more accessible and publicize them more effectively...use websites already in existence as links. For example - there are dozens of Fiber Festivals in the USA every year (find a calendar at <http://www.thistlecovefarm.com/fiber.html>), send informational e-mails to every festival website, food/beverage festival websites, etc.

*By working with Sustainable Farmers who are also non-food farmers.

*By making Organic designations easier to understand and affordable to attain.

6. How should agricultural product development, marketing and research-related issues be addressed in the next farm bill?

*In terms of both production and (not verses) small acreage farmers.

*I do realize production farms, for the most part, feed this nation but I also realize there's a growing want and need for small acreage farms, farmers and their products. All over the country, smaller acreage farmers are creating niche markets for items that production farmers simply cannot provide. The market will always be larger than the farmers fields'; any grocery store, food market, farmers' market and CSA tells you that's true. Provide assistance in all forms, arenas and areas for small acreage farmers and female farmers. Become a USDA "for the people, by the people and of the people". It's already worked quite well in other federal departments.

Question # 2

Secretary Mike Johanns

After a careful review of the April 25, 2005 National Animal Identification System's (NAIS) strategic plan put out by the USDA in conjunction with APHIS, I have been compelled to comment on the legitimacy, or lack thereof, of such a program.

As I see it, the NAIS strategic plan has many relevant issues associated with it and following is a summary of some of the major issues that have not been addressed adequately in the strategic plan:

- 1) The legitimate need for such a system;
- 2) The legality of implementing such a measure by means of executive order rather than through the legislative process;
- 3) The ability of the free market to correct its wrongs – Cost to benefit analysis;
- 4) Wildlife being excluded from all proposed regulation; and
- 5) Confidentiality.

According to statements made in the April 25, 2005 strategic plan, "the strongest driving force for developing the NAIS is the risk of an outbreak of a foreign animal disease." This is a quirky position to take considering USDA's strong support for reopening the Canadian border at the risk of importing another case of BSE. To constrain and regulate your own producers as a means to minimize risk while opening up the borders at the risk of importing the very thing you are trying to defeat is senseless at best. It is ironic that the big push to implement NAIS occurred immediately following the confirmation of mad cow disease in the U.S. when food safety became an intense issue here at home and with our trading partners. Yet, nowhere in the draft plan is the issue of food safety mentioned. It seems a bit overzealous to implement such a program when less intrusive measures are already in place to deal with these problems. In addition, the need for NAIS still remains in question when you consider that one of the most contagious diseases – foot and mouth disease - was in this country at one time and has been essentially eradicated for the better part of 6 decades. Brucellosis is another health concern that has seen substantially reduced detrimental impacts as a result of coordinated efforts on the part of producers and government officials without going to such extreme and overbearing burdens as NAIS will do. The only real goal of NAIS as stated in the draft plan is to "identify animals having contact with a foreign or domestic animal disease of concern within 48 hours of discovery." It does nothing to prevent diseases from coming into our land nor does it alleviate food safety concerns.

It is interesting that those who stand to lose the most from disease outbreaks (producers) are largely against NAIS as a government mandated program. Moreover, with Food Safety being absent from the plan, it appears that the public at large must not be too involved in the issue either. Therefore, one could easily conclude that the only

people showing overwhelming support for the program are government officials and academia personnel, neither of which should be in a position to force regulation on an industry without substantial support from those parties directly impacted. Otherwise, this becomes usurpation of power by those to whom it does not belong, which leads me to the next concern.

The strategic plan addresses the issue of authority by stating "the Animal Health Protection Act authorizes the Secretary of the USDA to carry out operations and measures to detect, control, or eradicate livestock pests or disease," and "also provides ample authority to establish and implement either a mandatory or voluntary system of animal ID." However, the industry, as mentioned above, is doing a good job of managing disease outbreaks under current legislation and regulation. Furthermore, the need to claim "*ample*" legal "*authority*" to implement NAIS says a great deal about what they don't really have. For instance, USDA officials claim the Animal Plant Health Protection Act gives them regulatory authority. However, our government is a government of the people, for the people, by the people; not of the government, for the government, by the government. Mandatory implementation of NAIS by means of the Animal Plant Health Protection Act amounts to nothing more than Executive Activism or Legislating from the Throne, an act the Judiciary is currently under fire for in other arenas. Supposing that NAIS is such a good idea, then USDA officials and all other supporters should discontinue their rhetoric regarding executive authority and put their message before Congress. Provided their expansive oratory as outlined in the strategic plan is correct regarding all its virtues and broad support, they should have nothing to fear if it were to go through the House and Senate. All stakeholders could then be involved in the process.

NAIS is not only illegitimately mandated, but is proposed on the false assumption that a free market economy is incapable of correcting its wrongs without government intervention. Those who profess the NAIS proposal to be the only way of salvaging the reputation and credibility of the US livestock industry are ultimately demonstrating their fear and lack of faith in the same free market economy that made this country strong in the first place. Additionally, they are advancing the cause and embracing the principles of a socialistic society which cannot and will not sustain the advances made under our free market system.

I find it very appalling that on April 8th, 2004 the USDA blocked a Creek Stone Farms initiative (already in place prior to the Dec 23, 2003 BSE outbreak) which prohibited Creek Stone Farms from testing every animal processed at their facility over concerns that such measures were cost prohibitive and that market pressures would then indirectly mandate all other processors meet the same standards in order to stay competitive. Instead, the government will now directly mandate NAIS (48 hour trace-back). This action has a much greater cost in the form of bigger government, higher taxes, increased labor, and a more expensive product, which will negatively impact both producers and the public at large. But USDA officials claim this measure is necessary in order to resume trade with foreign trading partners. They have backed these claims with the argument that Canada, Australia, and other countries have already set the standard by implementing such a system and that we must do likewise to stay competitive. One should remind them that first, the Creek Stone Farms initiative is the free market at work, and second that Japan, our largest importer of US beef products, initially wanted a

mandatory testing program not mandatory trace back, in order to resume trade. It looks as though the U.S. doesn't want to be the leader in food safety, but rather the follower. The USDA apparently does not want US processors to set the standards, but is satisfied following the lead of foreign powers.

A study commissioned by the Kansas State Department of Agriculture and completed by Kansas State University economists James Mintert, Sean Fox and Ted Schroeder entitled "The Economic Impact of BSE on the U.S. Beef Industry," demonstrates that by testing 75% of all U.S. cattle harvested (something the USDA has vigorously fought against), 25% of the Pacific Rim export markets could be easily recovered and testing would be a breakeven proposition. Additionally, if half of those markets were regained by testing only 25% of cattle, returns would be up by \$750 million compared to the \$640 million it would cost to have every animal harvested in 2004 tested.

Although there has been no formal cost to benefit analysis completed on the project, I think it is plain to see that NAIS is a loser from top to bottom. Creek Stone very well may have the right idea as it allows for food safety and trade issues to be addressed without additional government intervention. Moreover, market forces may lead to traceability anyway. If it takes that route, changes should be the result of free market pressures, not an overbearing government, and pork barrel spending resulting from government mandates.

While free market corrections may be slow, they are in fact much more efficient and effective than all the well-meaning government quick fixes which more often than not create a larger problem to both the industry and the taxpayer down the road. There is a plethora of well-intentioned government programs already in place that demonstrate this. Commodity price support programs for example, are a great place to find evidence showing how well-intentioned government programs go awry when free market principles are circumvented.

Another shortfall of NAIS is the fact that with all the brilliant efforts made to control the spread of animal diseases, they have utterly and completely failed to incorporate wildlife issues into the plan. With all the hype over the Bird Flue and Exotic New Castle Disease running rampant, officials should be concerned about wild bird species being carriers of these or similar diseases to livestock species. As mentioned previously, Brucellosis was at one time nearly eradicated. However, there is evidence that associates increased cases in livestock with transmissions from native Buffalo and elk herds. According to APHIS, it is estimated that upwards of 50% of buffalo and elk residing in Yellowstone National Park are carriers of this disease. Based upon the effectiveness of current management techniques to control infectious diseases and the vulnerability of livestock to diseases spread by wildlife, it only makes sense that efforts to control, detect, and eradicate disease would focus on wildlife to livestock transmissions before excessive regulatory measures are placed on livestock producers alone. At a bare minimum, a management plan for control of wildlife disease transmission should be included in the plan with an emphasis equal to that placed on livestock.

To the strategic plan's credit, confidentiality has been addressed as a concern to stakeholders. However, as of yet, there has not been a credible plan presented to rectify the problem and given the present circumstances with regard to social security numbers

and other personal data being misused by unauthorized persons, it is doubtful this concern will ever fade.

Regardless of intentions, NAIS is not only ill-suited to achieving its specified goals, but fails in its attempt and ability to prevent outbreaks of infectious animal diseases, maintain consumer confidence, ensure adequate food safety standards, promote principles of economics that foster a free market, offer protection against socialism, and limit big government.

On the other hand, implementation of NAIS will be extremely successful in: legitimizing legislation from the throne by circumventing the legislative process; creating an additional multibillion dollar tax funded bureaucracy responsible for the implementation of NAIS and the system required to maintain it; Collecting, maintaining, and storing private data that the government should have no legal authority to be in possession of; Increasing the risk of private data falling into criminal hands; and effectively stifling the ability of the free market to efficiently correct its own problems.

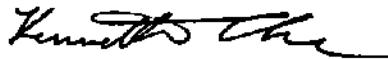
It is for these reasons that the whole idea of NAIS should be rejected as 100% pure unadulterated garbage. As Creek Stone Farms has illustrated by actively seeking to test every animal prior to the BSE outbreak, individual market players will adjust their production practices to meet the demands of their customers out of their own self preservation instincts. Consumers are not without power either as they will vote for changes in production practices through the use of their purchasing power. Only the product of their choice will ultimately win the day, thereby eliminating the need for government mandates and intervention.

In an effort to promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, the free market should be free to operate uninhibited with new regulation and tax burdens. Implementing NAIS and preventing Creek Stone Farms and others from testing every animal or otherwise responding to changing consumer demands does not effectuate these goals. Government should never do for the people what the people can do for themselves. Finally, in the words of Thomas Jefferson, "Were we directed from Washington when to sow, and when to reap, we should soon want bread." (Thomas Jefferson, Autobiography, 1821)

And according to Benjamin Franklin in his Historical Review of Pennsylvania, 1759 -

"They that can give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

With that said I believe the livestock industry and the USDA should stop attempting to legislate or regulate their way out of their problems and let the imagination and initiative of a free market continue to keep our economy strong and progressive.



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