

United States Senate

July 23, 2020

The Honorable Sonny Perdue
Secretary
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Dear Secretary Perdue:

We are writing to express serious concern that USDA has structured the Farmers to Families Food Box Program in a way that limits the participation of small and mid-size farmers and producers most affected by the pandemic –those who produce for local and regional markets, farmers markets, farm to school programs, and farm-to-table restaurants. Specifically, we are concerned about USDA’s requirement that participants have received a voluntary Good Agricultural Practices (GAP) audit and certification and request that USDA recognize other forms of food safety measures for the program.

Unlike the mandatory Food Safety Modernization Act (FSMA) Produce Safety Rule requirements that are currently in place, GAP certification is a *voluntary* audit performed by USDA. Generally speaking, large farms tend to be the ones that have GAP certification, as the required time, paperwork, and costs are prohibitive for small and mid-size farms. Further, GAP certification is generally required by large retailers that are geographically distant from the producer to provide an additional level of food quality assurance.

For small local food systems, supply chains are short, allowing food quality or safety issues to be tracked to the originating producer with relative ease. Moreover, as consumers, schools, and restaurants that are part of local food systems often have direct relationships with farmers, breaches of food quality or safety not only carry regulatory penalties but also damage relationships and access to local markets. These inherent checks and balances in local food systems have resulted in the majority of small and mid-size farms opting out of GAP certification. While opting out of this voluntary certification prior to the pandemic did not compromise small and mid-size producers’ ability to supply local markets, it has now led to the exclusion of these producers from participating in the Farmers to Families Food Box Program. We are concerned that by requiring GAP certification the program disproportionately benefitted large farms with national distribution networks instead of the small and mid-size farms with local distribution networks.

We understand the importance of ensuring food safety for the Farmers to Families Food Box Program and believe that the program can be structured in a way that maintains an appropriate level of food safety while allowing mid-size and small producers – including beginning farmers, farmers of color, and indigenous farmers – to participate in the program.

Food safety and food security in our communities can be achieved without requiring suppliers of the Farmers to Families Food Box Program to be GAP audited and certified. We urge you to engage with small, local food suppliers to explore successful models to ensure food safety while increasing access to and creating equity within the Farmers to Families Food Box Program.

Additionally, to better understand the impacts that GAP certification requirements have had on the Farmers to Families Food Box Program, we request the following information:

1. An explanation for the voluntary GAP certification requirement for suppliers in the Farmers to Families Food Box Program, and USDA's records of how it has enforced the requirement, including instances where USDA refused reimbursement for non-GAP certified producers;
2. An analysis on the size and diversity (for example, minority farmers and beginning farmers and ranchers) of farms that participated in the first round of Farmers to Families Food Box Program;
3. An analysis of where produce from participating farms was distributed as food boxes, to clarify how effectively food boxes provided in a particular locality conferred benefits to local agricultural producers;
4. Ways in which the GAP requirement has impacted USDA's ability to ensure that the Farmers to Families Food Box Program benefits small and mid-size local producers as well as USDA's goal of expanding the program to underserved communities; and
5. Ways in which the GAP requirement has impacted the Farmers to Families Food Box Program's ability to facilitate relationships between distributors and producers in the same geographic region, versus distributors being forced to source products from other states and regions due to a lack of local GAP certified producers.

We request your immediate attention to this urgent matter and thank you for your consideration of our request.

Sincerely,

/s/ Mazie K. Hirono
United States Senator

/s/ Jeffrey A. Merkley
United States Senator

/s/ Bernard Sanders
United States Senator

/s/ Ron Wyden
United States Senator

/s/ Jeanne Shaheen
United States Senator

/s/ Brian Schatz
United States Senator

/s/ Cory A. Booker
United States Senator