

## Maine Town Declares Food 'Sovereignty'

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Following the lead of Sedgwick, Maine to exempt itself from state and federal food safety regulations, three other towns in Hancock County are now poised to adopt similar "food sovereignty" measures.

Titled "The Ordinance to Protect the Health and Integrity of the Local Food System," Sedgwick's four-page document invokes the town's right to self-governance, and states that local producers and processors may sell food to consumers without licensing.

"We have faith in our citizens' ability to educate themselves and make informed decisions," reads the ordinance, which was adopted unanimously March 5 at a meeting of about 100 residents. "We hold that federal and state regulations impede local food production and constitute a usurpation of our citizens' right to foods of their choice."

Maine's Department of Agriculture, Food and Rural Resources is taking a wait-and-see attitude on Sedgwick's self rule. Newly appointed Ag Commissioner Walter Whitcomb said he was aware of the initiative. Prior to assuming his new position, he had toured the area and met proponents of the ordinance.

"The Agriculture Department has not been aggressive on this subject, in part because these areas are currently before the state legislature," said Commissioner Whitcomb about inspection and food processing concerns addressed by both the Sedgwick ordinance and two bills. "Our staff has been dealing with these concerns for several years, but they've come to a head this year. We kind of wanted that to work through the process before we became more active in enforcement."

If approved, these two bills -- LD 366 and LD 330 -- would further ease regulation of raw milk sales, and exempt farm and homemade food products from certain licensing requirements. Agriculture department officials are preparing testimony on the proposed measures to present once hearings are scheduled.

Sedgwick residents aren't waiting for the state to grant more local control, they've seized it. "The [town] ordinance codifies the way that people have been doing food business for a very long time," said Sedgwick farmer Bob St. Peters, who celebrated the passage of the ordinance by starting a home-based cookie business. If the enterprise is successful, his family can scale up their processing accordingly. The cottage industry route, he argues, avoids a big initial investment.

"The direct relationship creates transparency and accountability and all the things you need to ensure a safe food system, and it's been the way things have operated," he explains. "The certifications of home kitchens, the trend toward licensing and bureaucracy has really put a damper on small cottage industries and small farm businesses, and I think this is going to have the opposite effect."

St. Peters said the Sedgwick ordinance grew out of a controversy over poultry, and a request from small farms slaughtering fewer than 1,000 birds to do so without having to use an indoor processing facility. There was a lot of back and forth debate but, in the end, the small poultry processors' bid was denied.

"We felt like we, as farmers and farm patrons, presented a really good case to the state and they said we can't help you because our state funding is at stake," said St. Peters, referring to the state's fear that it could lose federal funding for its meat inspection program if small producers were exempt from inspection.

"So we discussed other avenues," St. Peters continued, "and some of us were familiar with different local ordinances, some that had passed in Maine regarding GMOs, others that had passed elsewhere regarding corporate personhood. We felt that dealing with this on a town level was the way to go."

New England's strong populist tradition is evident in ordinances banning GMO crops in certain areas.

"I think there is a fair amount of authority in a New England town meeting process," said Commissioner Whitcomb. "State to state, it's a little different. It's a citizen's gathering and they have the absolute legislative authority on matters of finance, but they're also kind of a populist event.

"And sending a letter from the state telling a town they can and cannot do something inspires, probably, the opposite reaction."

When a federal animal identification program, to track livestock in the event of an animal disease outbreak, was being discussed in Hancock County, a state representative got a pie of manure in his face.

Whitcomb said the state Attorney General's office is investigating the issue of local food regulation, and is drafting a formal legal response to the town. Among the concerns to be raised are whether food produced in Sedgwick could be sold out of town or whether the town would have to notify consumers or face liability if food safety problems occurred.

"We haven't found anything in the statute that says that the town can supersede the state on food safety," Whitcomb said.