



Farm-to-Consumer
Legal Defense Fund®

CA: Food Freedom Resolution Passes in Santa Cruz County

Pete Kennedy, Esq. – September 28, 2011

On September 12 the Board of Supervisors of Santa Cruz County, California adopted a “Resolution Recognizing the Rights of Individuals to Grow and Consume Their Own Food and to Enter into Private Contracts with Other Individuals to Board Animals for Food”. The resolution was adopted in response to warning letters sent by county district attorneys and the California Department of Food and Agriculture (CDFA) to several California farmers operating shareholder dairies.

In a letter to the Santa Cruz County Board of Supervisors, supporters of the resolution stated that “while it is legitimate for government to see that producers are following the law in order to ensure the highest level of food safety for the public, there must be a distinction made between those farmers engaging in direct commerce with the public as in the case of a farmer’s market or grocery store and those individuals choosing to take part in a private herd share or community garden share.”

The resolution itself proclaims that the Santa Cruz County Board of Supervisors “supports, endorses and encourages the recognition of the right and freedom of people to raise their own food, including food derived from agricultural animals, for the enjoyment of themselves and their families, either by their own investment and labor or through the assistance of others through contractual arrangements.”

Even though the resolution is not law, it is still part of a growing response at the local level to overreach by state and federal governments in regulating private contracts between farms and those wanting to obtain food outside commercial channels. State agencies are being co-opted by agreements between the state and federal government on food regulation. These cooperative agreements involve the state agency ceding their regulatory powers to the feds and pushing the federal agenda. Implementation of the FDA Food Safety Modernization Act (FSMA) promises more of the same.

Courts and legislatures have failed for the most part to recognize the distinction between public and private in the areas of food production and distribution. **Through county and city ordinances, the local food movement is claiming the right to opt out of the government sanctioned food system as well as the right to be left alone.** As the Santa Cruz resolution points out, there is no local, state or federal law barring any person from raising their own food for use by themselves and their families; government needs to recognize that an individual has the right to raise their own food by contracting with someone to grow or produce food using that individual’s property. Those without either the land, time, knowledge, or skills to raise their own food should not be treated differently under the law for contracting the use of their property to someone else to raise food for them. Government power should not extend to interfering with private contractual arrangements.

The Santa Cruz resolution will hopefully be another of many similar actions across the country in the move towards a time when people have greater autonomy in choosing the foods they want to consume and the food producers they want to patronize--obtaining the food of their choice from the source of their choice.



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Hyperlinks for the PDF

Resolution Recognizing the Rights of Individuals to Grow and Consume Their Own Food and to Enter into Private Contracts with Other Individuals to Board Animals for Food – posted 13 September 2011 =
<http://www.farmtoconsumer.org/docs/SantaCruz-Right-to-Grow-and-Consume-Food-ltr.PDF>

letter – website post, “Santa Cruz County Passes a Food Freedom Resolution!” =
<http://localfoodfreedom-nevadacounty.org/blog/2011/09/santa-cruz-passes-right-to-grow-food-resolution/>

FDA Food Safety Modernization Act - “FDA Acts on Food Safety Act”, 20 May 2011 =
<http://www.farmtoconsumer.org/fda-acts-on-food-safety-bill.htm>