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TO: Members of the Assembly Committee on Consumer Protection
FROM: Representative André Jacque
DATE: December 10, 2013
RE: Assembly Bill 485

Chairman Thiesfeldt and Members of the Assembly Committee on Consumer Protection:

Thank you for the opportunity to testify on Assembly Bill 485. This bill originated from discussions with my constituents taking into account both common sense and similar legislation by our neighboring states, and will facilitate the sale of farm fresh eggs at farmer's markets limited to individuals who own and keep the chickens they are sourced from, providing that sales are direct to consumers and that vendors follow reasonable guidelines regarding packing, labeling and temperature requirements.

Currently it is legal for an individual to sell eggs on his or her own farm. However this same individual who may sell eggs at his or her farm may not transport them a few miles down the road to offer them at a local farmer's market without purchasing a required \$95 food processing license for on-the-farm, washing, packaging, and cold holding the egg unless the eggs are produced at a farm licensed as a Wisconsin Dairy Plant per ATC 70.03.

Unfortunately many farmers or those who simply enjoy keeping chickens have simply written off being a farm fresh egg vendor at a local market or two because the cost and red tape in Wisconsin associated with selling eggs directly to consumers at market simply isn't worth it.

In Minnesota, people selling eggs at farmer's markets produced only on their own farm are exempt from licensing. Michigan does not license or regulate eggs being sold directly by a producer to a consumer or a "first receiver". Iowa exempts the sale of farm fresh eggs from licensing and regulation if the eggs are sold at a farmer's market.

Local farmer's markets in Wisconsin have been and are increasingly becoming a valued resource for locals and tourists alike, and promote a viable culture of healthy, sustainable foods and local small businesses. The cost and red tape currently discouraging the sale of farm fresh eggs by farmers who would like to provide another great product at our thriving seasonal markets both large and small sends the wrong message about our state. This bill seeks to replace the current rules with a more business and farm-to-consumer friendly environment for those who may wish to supply fresh eggs at local markets.

Basic rules to safeguard the consumer will still be in place including requirements that cartons in which eggs are packed be labeled with the seller's name and address, the date on which the eggs were packed into the carton, and a date that falls no more than 30 days after the date on which the eggs were packed by which the eggs must be sold. The packaged eggs must be kept at 45 degrees Fahrenheit or below at all times prior to sale.

After this hearing was scheduled, I have heard from the Department of Agriculture, Trade and Consumer Protection that they are modifying their redraft of ATC 88 and are willing to create a more cottage-industry-friendly environment for folks such as my constituent, Robert Markham, who sells eggs from his flock for extra income and would like to take them to local markets except that the current rules make that cost prohibitive for him (see his attached testimony). I sincerely appreciate DATCP's efforts and reconsideration, and in many ways AB 485 would codify in statute their recent proposed rule changes.

Thanks again for hearing AB 485 today and I am happy to answer any questions you may have.

Dear Committee Members:

My name is Robert Markham Sr. and I am from Mishicot, WI, though, unfortunately cannot attend today's hearing on Assembly Bill 485 as much as I would like to attend in person.

I enjoy keeping my own flock of chickens and sell eggs privately to those who come to my hobby farm.

This extra income, small though it is, really helps me to supplement my income as I am retired. I would like to sell at local farmers market in my area as I have a large garden as well and enjoy gardening. I found that I could not afford to make enough income selling eggs at markets in Wisconsin due to having to pay almost \$100 in licensing fees not to mention other costs associated with complying with the current rules and regulations.

I know other folks as well who would appreciate the opportunity to sell to friends and neighbors at local markets as well. The people I sell eggs to love the opportunity to get farm fresh eggs and I don't believe Wisconsin should make it so difficult for people like me to enjoy earning a small side income by selling at markets as well.

Thank you again for hearing Assembly Bill 485 today and doing all in your power to open the farm fresh egg market to farmers market consumers.

Sincerely,

Robert Markham Sr.

Comparison of ATCP 88 Draft Rule Revisions and Assembly Bill 485

Issue	Draft ATCP 88	Assembly Bill 485
Exemption from food processing licensing	Both the ATCP 88 draft rule revision and AB 485 exempt producers selling at farmers' markets from obtaining a food processing plant license. In addition to farmers' markets, the draft rule also exempts sales on premises or an egg route. It also exempts nest-run egg operators (people who only collect unwashed, ungraded eggs from their flock and sell them for further processing) from a food processing plant license.	Both the ATCP 88 draft rule revision and AB 485 exempt producers selling at farmers' markets from obtaining a food processing plant license. AB 485 does not mention sales on premises or egg routes or nest-run eggs.
Flock size	Limits exemption to flocks of less than 150 birds.	Does not appear to limit flock size.
Source of eggs	Both the ATCP 88 draft rule revision and AB 485 require the eggs to come from the producer's own flock. Both require the producer to sell eggs directly to the consumer.	Both the ATCP 88 draft rule revision and AB 485 require the eggs to come from the producer's own flock. Both require the producer to sell eggs directly to the consumer.
Registration	Requires registration with the department. There is no fee for registration.	Does not require registration.
Labeling	Exempt eggs shall be labeled as ungraded and uninspected and shall have the seller's name, address and pack date on them. It does not require an expiration date.	Exempt eggs shall be labeled with the sellers name and address, pack date, and an expiration date 30 days after the pack date. It does not require a label stating the eggs are ungraded or uninspected.
Temperature requirements	Does not explicitly mention a temperature requirement for exempt eggs. However, the rule requires eggs sold at retail to be kept at an ambient temperature of 41° F or less.	Requires exempt eggs to be kept at an ambient temperature of 45° F or below at all times prior to sale.