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TO: Members of the Senate Committee on Energy, Consumer Protection and Government Reform

FROM: Representative André Jacque

DATE: February 25, 2014

RE: Assembly Bill 485

Chairman Cowles and Committee Members:

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. It 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 41 degrees F at point of sale.

The Department of Agriculture, Trade and Consumer Protection had been modifying their redraft of ATC 88 and are also 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. I sincerely appreciate DATCP's efforts and reconsideration. In many ways AB 485 would codify in statute their recent proposed rule changes, however, this legislation will facilitate the sales of farm fresh eggs much sooner than the revised rule would go into effect.

Attached for your reference is an informational chart that shows the differences and similarities between my original bill, the rule revisions and Substitute Amendment 1.

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

ASSEMBLY SUBSTITUTE AMENDMENT 1 TO ASSEMBLY BILL 485

<u>Issue</u>	<u>ASA 1</u>	<u>AB 485</u>	<u>ATCP 88 Rule Draft</u>
Licensing exemption for farmers selling at markets	Yes	Yes	Yes*
Licensing exemption for an egg route	Yes	No	Yes*
Mentions sales on premises (already exempt)	Yes	No	Yes*
“Egg”/“Farmer’s Market” defined	Yes	No	Yes
“Nest-run egg” defined, specifically included	Yes	No	Yes
Eggs sourced from farmers own flock	Yes	Yes	Yes
Requires direct-to-consumer sale	Yes	Yes	Yes
Flock size limited – 150 producers or less	Yes	No	Yes
Exempt eggs labeled ungraded and uninspected	Yes	No	Yes
Requires farmer’s name, address & pack date	Yes	Yes	Yes
Expiration date not later than 30 days after pack date	Yes	Yes	None
Temp of 41 degrees F or below at all times (point of sale)	Yes	No	Yes

*Mandates (free) registration with the Department of Agriculture, Trade and Consumer Protection