

Growing Farmers: Supporting Community-Based Food Systems through Direct Marketing

Farmers Legal Action Group of St. Paul, MN received \$49,170 to by providing legal and technical support to Upper Midwest farmers already engaged or beginning to engage in direct marketing. Funds were used to pay FLAG attorneys' time to research and update educational tools; attorneys' travel and presentations at trainings; and the preparation of education guides.

Final Report



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FINAL PERFORMANCE REPORT

Farmers' Legal Action Group, Inc. (FLAG) USDA AMS Farmers Market Promotion Program MN-093-2008-G-0725 February 2010

PROJECT SUMMARY

“Growing Farmers: Supporting Community-Based Food Systems Through Direct Marketing,” a project of Farmers’ Legal Action Group, Inc. (FLAG), promoted domestic marketing of agricultural commodities by providing technical assistance, legal education, and resources that the Upper Midwest’s beginning, immigrant, and minority farmers need to begin or sustain direct-to-consumer marketing opportunities that are vital to farmers’ markets and a growing local and regional foods movement.

Work done under this grant (MN-093-2008-G-0725) advanced the development of farmers’ markets and other direct marketing outlets—the engines that drive local and regional food systems. This project, with work performed by FLAG in conjunction with Land Stewardship Project and other partner organizations, helped strengthen our local and regional food systems by providing legal and technical support to Upper Midwest farmers already engaged, or beginning to engage, in direct marketing and by collaborating with organizations who work directly with those farmers. Required resources included: staff attorneys’ time to research and perhaps update legal educational tools; staff attorneys’ preparation for, travel to, and presentations at trainings; layout, printing, and copying of education guides; and expenses such as mileage, per diem, postage, and telephone.

Project Approach

Provide training, research, and educational programs on legal issues, benefits, and logistics of agricultural direct marketing, the goal of this project is to “grow” the local and regional food system and the new direct farm marketers that together drive development of farmers’ markets and other direct-to-consumer marketing opportunities.

GOALS AND OUTCOMES ACHIEVED

Predicted Outcome: An estimated 25 to 50 farmers and extension educators will receive direct training in a workshop convened by Land Stewardship Project (LSP) and staffed by FLAG.

Result: Working during the grant period with partners LSP as well as the Minnesota Food Association, the Minnesota Farmers' Market Association, the Minnesota Fruit and Vegetable Growers Association, and the Association for the Advancement of Hmong Women in Minnesota, we provided direct training at workshops attended by at least 265 farmers who engage in direct marketing, many of whom were immigrant and beginning farmers. For example:

- On November 18, 2008, FLAG staff led a workshop for 30 farmers in Staples, MN, for the Minnesota Farmers' Market Association on market participation by farmers. At that workshop, FLAG's Hmong Community Outreach Liaison discussed various rules for farmers' market participation and provided the farmers with resources for their myriad questions, and distributed nine copies of our *Understanding Farmers' Market Rules* guide in English, Hmong, and Spanish (attached).
- On November 19, 2008, in Owatonna, MN, again in collaboration with the Minnesota Farmers' Market Association, FLAG staff led a workshop for approximately 38 farmers and market managers—40 percent of whom had less than four years' experience with farmers' markets, and 40 percent of whom had more than 15 years' experience. At that workshop, a FLAG attorney provided guidance to the farmers about rules governing farmers' market participation, risk management tools and loan programs, and distributed 35 copies of a guide to disaster programs in the 2008 Farm Bill (attached).
- On November 28, 2008, in Saint Paul, MN, in collaboration with the Association for the Advancement of Hmong Women in Minnesota (AAHWM), FLAG staff led a workshop for 12 farmers on legal issues in farmers' markets. Five copies of FLAG's *Understanding Farmers' Market Rules* were distributed to farmers.
- On December 11, 2008, two FLAG attorneys met individually with three farmers in Worthington, MN, to hear from them about the legal obstacles they face in directly marketing their goods to restaurants. FLAG attorneys gave the farmers legal information and guidance, and brainstormed with them to give them tools to overcome those obstacles. As a result of that meeting, FLAG prepared written materials to distribute to farmers, extension agents, and restaurant owners in the region to address misconceptions about the Country of Origin Labeling (COOL) rule (attached).

- On January 23, 2009, in Saint Cloud, MN, in collaboration with the Minnesota Fruit and Vegetable Growers Association, FLAG staff led a workshop for 15 farmers on legal issues affecting sales of fruits and vegetables to farmers' markets, and also restaurants and other markets, including such issues as the right to get paid and rights under the Perishable Agricultural Commodities Act; state and federal food safety regulations; insurance; state contract law; and recordkeeping. Each farmer received a copy of FLAG's *Selling Fruits and Vegetables to Local Retailers and Restaurants* guide (attached).
- On February 2, 2009, FLAG staff participated in Land Stewardship Project's Farm Beginnings Program for 14 new family farmers in Paynesville, MN, presenting on FLAG's work in community-based food systems, concentrating on the permitting and zoning process necessary to undertake on-farm processing and direct marketing; and land acquisition and zoning for small-farm production.
- On February 21, 2009, in collaboration with the Sustainable Farming Association, FLAG staff met with 43 small-scale farmers in Northfield, MN, on issues of farmland preservation; local production and direct marketing in farmers' markets; and legal strategies for transferring farmland from one generation to the next.
- On March 20 and 21, 2009, at the 4th Minority and Immigrant Farmers Conference in Saint Paul, MN, FLAG staff conducted a training for approximately 30 Hmong, Somali, Latino, and Karen farmers on risk management programs, including disaster recovery; and conducted a workshop for approximately 110 farmers (and federal officials) on the impact of the new Farm Bill for farmers growing fruits and vegetables for direct marketing through farmers' markets.

Predicted Outcome: An additional 50 to 75 farmers—many of whom will be immigrant and minority farmers and prospective farmers—will receive the educational materials prepared under this grant.

Result: At each of the workshops, FLAG education materials were distributed and further supplies were left with the partner organization for use by their wider membership—notably, *Understanding Farmers' Market Rules* (in English, Hmong, and Spanish). According to our records, 52 copies of which were distributed at workshops, and 127 copies were downloaded from FLAG's website during the grant period.

Also, in November and December 2008, working with the project collaborator LSP, FLAG staff researched, wrote, published, and posted on the organizations' websites, a fact sheet for small-scale farmers engaged in direct marketing that outlines the

impact of new federal Country of Origin regulations. It was downloaded, in whole or part, 79 times from FLAG's website last year.

Predicted Outcome: An estimated 5 to 15 farmers will engage in new direct marketing enterprises.

Result: When Ly Vang, Executive Director of the Association for the Advancement of Hmong Women in Minnesota, was asked to describe how Hmong farmers had changed their direct marketing operations after working with FLAG, she said, "You know what's different? They think differently. They think about the bigger world, not just their little land. ... They apply for programs. That's big."

- Indeed, when FLAG applied for funding through the Farmers Market Promotion Program, immigrant direct-marketing farmers in the Twin Cities metro region were largely isolated from USDA agency representatives, for several reasons, many of which are typical for immigrant farmers. Now, Hmong vegetable farmers are not an uncommon sight in places like the Dakota County office of FSA—which has, as a direct result of FLAG's advocacy on behalf of Hmong farmers, altered some FSA program forms to accommodate not just commodity crops but also more complex plantings of flowers, fruits, and vegetables.
- Because of FLAG's work, one Hmong farmer told us he is staying in direct-market farming only because his knowledge of market rules made him feel "safe" for the first time. Our attorneys helped another farmer avoid foreclosure on her home; she'll be planting in the spring. At FLAG's suggestion, a group of Hmong farmers asked that the annual meeting at the Saint Paul Farmers' Market be translated into the Hmong language. That, we believe, is a direct and healthy change in the way farmers engage in direct marketing.
- As this grant period began in 2008, FLAG was beginning in earnest to help Hmong fruit and vegetable growers in Dakota County recover from a devastating storm that wiped out much of the crops they hoped to sell at Twin Cities-area farmers' markets. In the months that followed, FLAG staff met individually with approximately 20 Hmong farm families affected by the storm, helping to connect about 5 new farmers for the first time to federal programs that will help them begin to recover and protect themselves from future disasters.

We helped one vegetable grower apply for an FSA loan to help her recover from the 2008 storm. She is a single mother from Saint Paul who had built her farm to 23 acres, growing dozens of vegetables and flowers. Then the storm hit, destroying half her crops, which were her only source of income, and it destroyed the shed on her farm, which she needed to store her tools and clean and process her vegetables.

She initially got by on a reduced income. But last spring she had no money to buy seed, fertilizer, or plants. Working with her, we saw firsthand and in great detail the way that vegetable growers keep their records and what has to be done to help translate those into the form that FSA requires. In total, we spent more than 130 hours working with her to complete her application, which was successful: she obtained the \$10,000 loan (one of the first Minnesota Hmong farmers to qualify), rebuilt her shed, and she already has repaid the loan.

While this may seem incredibly inefficient, we now can leverage what we learned and can help many other Hmong farmers with the application process. As a result of the lessons we learned, FLAG now has sought and obtained additional federal funding to help build a bridge between USDA and the large and growing number of immigrant vegetable growers in our region. We are working on a recordkeeping template that will allow vegetable growers to record the information sought by FSA from the very beginning of the season. Once we create that template, we will work with our partner organizations, such as the Association for the Advancement of Hmong Women in Minnesota, to provide training and education and make the tool available, and we will work with individual Hmong and immigrant farmers to incorporate this tool into their regular farm work.

Predicted Outcomes: Stronger community supported agriculture programs that will promote the production, marketing, and consumption of agricultural commodities in Minnesota; improved and expanded farmers' markets in the state of Minnesota; consumers will increase consumption of fresh, locally grown food and agricultural products; and farmers' markets will further solidify their prominent place in local economies.

Result: FLAG's work under this grant—providing training, technical support, legal counsel, and educational materials for hundreds of mostly immigrant and beginning farmers—has unquestionably “grown” farmers and contributed significantly to the strengthening of our region's farmers' markets. This was possible because FLAG had the experience, relationships, and trust that are necessary for truly effective work in immigrant communities such as the Hmong.

We know from working with and speaking to immigrant farmers engaged in direct marketing through farmers' markets that during the grant period they became more secure, informed, and productive producers. Dozens of farmers are now registering with the federal government and federal farm programs; exercising their rights as market venders and renters of land; and managing more stable operations.

Those are the elements—an engaged, informed, and stable community of direct marketing farmers—that are necessary for a healthy, growing roster of farmers' markets that meet the demand for fresh, locally grown foods and encourage wider consumption of nutritious vegetables and fruits throughout our region. The fact is,

there is no such thing as a thriving local foods market, and healthy farmers' markets, without a healthy, stable community of farmers.

FLAG contributed to what is, in our region, a healthy balance of the producers and consumers that are necessary to sustain successful farmers' markets. As the *Star Tribune* newspaper noted during the grant period,¹

Many of today's growers are selling at more markets than in the past because demand for fresh local food is exploding in Minnesota. In just five years, the number of farmers markets statewide has nearly tripled to about 130, including more than 50 in the metro area.... [T]he U.S. Department of Agriculture ranks the Twin Cities with Chicago, Atlanta and Madison, Wis., as the nation's metro hot spots.

In Minnesota, the demand for local foods is so strong that 80 percent of the nearly 300 growers who attended the annual Minnesota Fruit and Vegetable Growers conference this year said they now are selling directly to consumers.... Twin Cities markets couldn't have spiraled to their level of popularity without Hmong farmers, who increasingly supply most of the cropland vegetables, such as lettuce, onions, potatoes, beans, peppers, tomatoes, carrots, broccoli, zucchini and herbs. They also sell flower bouquets by the thousands. "Hmong growers represent about 70 percent of sellers in suburban markets and more than half of all growers in Minneapolis and St. Paul markets," said Jack Gerten, manager of Saint Paul Farmers' Markets. "If you didn't have the Hmong, you couldn't have these markets," he said.

Beneficiaries

Beneficiaries of FLAG's "Growing Farmers: Supporting Community-Based Food Systems Through Direct Marketing" program are the hundreds of small-scale, mostly low-income immigrant, minority, and beginning farmers in the Upper Midwest who hope to improve or initiate direct-to-consumer marketing and strengthen farmer-to-consumer sales in the region's farmers' markets; and consumers and communities in Minnesota that will have improved access to fresher, healthier food. The project had significant beneficiaries in the state's Hmong populations, which already have a growing presence in direct-to-consumer markets and strong ambitions for more.

¹ "Minnesota Among Nation's Farmers' Market Hot Spots," Laurie Blake, Kevin Giles, David Peterson, *Star Tribune* (July 20, 2009).

Lessons Learned

In each of the last five years that FLAG has worked with and among immigrant farmers, we have acquired a growing appreciation for the complexities of connecting new Americans with the systems that support American agriculture. We learned again during our grant period that registering Hmong farmers with the federal government—the first step in accessing federal risk management, disaster, and loan programs—was more formidable than anticipated. Immigrant farmers do not often keep records in a form required by the USDA. Translations and interpreting were time-consuming. Hmong farmers, who fled an oppressive government in their native country, do not naturally embrace government programs of any kind. Federal officials were not adequately prepared to work with farmers who raised something other than corn or soybeans.

Nonetheless, what we achieved was considerable outreach and legal education for a wide variety of small-scale fruit and vegetable farmers serving the region's farmers' markets, and a kind of pilot cluster of Hmong farmers who, during the grant period, did what none of their people had done before: They accessed services that they previously had no knowledge of, therefore taking the first step of stabilizing their operations by beginning the process of applying for federal farm programs that provide the potential for loans, extension expertise, and disaster recovery—and more stable lives as farmers who will ultimately serve both the markets and the people who buy their food directly from producers.

Additional Information

Below is a list of FLAG publications and media samples relevant to this grant.

FLAG Publications

- “Understanding Farmers’ Market Rules” – English (2006), Hmong (2007), and Spanish (2008) versions
- “Disaster Programs Under the 2008 Farm Bill” (2008)
- “Disaster Assistance for Market Gardeners: Steps for Farmers’ Market Vendors to Protect Themselves Against Financial Losses Due to Natural Disasters” (2009)
- “The Country of Origin Labeling Program: A Snapshot of How the Program Affects Farmers” (2009)
- “Land Use Planning and Farmland Preservation” (2009)
- “Selling Fruits and Vegetables to Local Retailers and Restaurants: An Overview of Legal Issues” (2009)

Media Samples

- Press release — 4th Minority and Immigrant Farming Conference (March 2009 in Saint Paul, MN) (NOTE: This year's conference, held Feb. 19-20 in Saint Paul, MN, does not fall within grant reporting period)
- Promotional flyer — Local Harvest Alliance: Working to Preserve Scott County Agricultural Land and Support Local Foods (2009)
- News article — “In Era of Fewer Farms, Minnesota Stands Out,” David Peterson and Joy Powell, Star Tribune (Feb. 4, 2009)

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February 24, 2010

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Disaster Assistance for Market Gardeners

Steps for Farmers' Market Vendors to Protect Themselves Against Financial Losses Due to Natural Disaster

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It's a basic principle of business planning—hope for the best, but plan for the worst. This principle applies to farming, too.

Natural disasters pose a threat to farmers. One hailstorm, freeze, flood or drought can destroy a year's crop—and a year's earnings. There is probably no plan that will replace all of the lost income. But farmers who have planned for this possibility will likely be in a better position to recover from the losses, and to go on to further success in their farming operations.

Many market gardeners may not be aware of steps they can take now to protect themselves against losses that may be caused by natural disaster in the future. This article is to help farmers' market vendors learn about disaster assistance programs offered by the United States Department of Agriculture. It describes five steps market gardeners can take in order to participate in federal disaster assistance programs. **It is important to note that most of these steps must be taken every year, whether or not the farmer experiences a natural disaster.**

This article focuses on particular concerns for market gardeners who grow vegetables, fruits, and flowers. It does not give full descriptions of the programs addressed. For more information, and to learn about other disaster assistance programs offered by the federal government, farmers may consult the book, *Farmers' Guide to Disaster Assistance*. The *Farmers' Guide to Disaster Assistance* is available from Farmers' Legal Action Group.

There are five steps for farmers' market vendors to plan for and participate in federal disaster assistance programs.

- **Step one**, register with the Farm Service Agency and obtain a farm number.
- **Step two**, apply for relevant programs. Most market gardeners should consider the NAP program and the SURE program. Some may also consider crop insurance.
- **Step three**, complete an acreage report with the Farm Service Agency (FSA).
- **Step four**, report production and yields to the Farm Service Agency.
- **Step Five**, communicate and seek advice. For example, you may want to seek advice if your plans change, or if you are uncertain about whether you must pay taxes on any disaster assistance you receive.

STEP ONE Register with the Farm Service Agency and Obtain a Farm Number

Market gardeners who have never participated in a federal government program related to farming should contact the Farm Service Agency, which is part of the United States Department of Agriculture. The Farm Service Agency is also called FSA.

The FSA has its headquarters in Washington, D.C., but it also has a state headquarters in each state. In addition, FSA has offices in many counties, although not every county has one. Most farmers work primarily with the employees in the FSA county offices.

Subpart A: Find Your Local FSA Office

To find their county office, Minnesota farmers can visit the website of the Farm Service Agency in Minnesota, which is www.fsa.usda.gov/mn and click on the link for county offices, or they can call the state FSA office at 651-602-7700.

Dakota County Farm Service Agency

4100 220th Street West
Farmington, MN 55024
651-463-8626 extension 2

Subpart B: Make an Appointment (Request an Interpreter if Desired)

It is often a good idea to call FSA to set up an appointment to meet with someone and obtain a farm number. That way, you know that someone will be available and have time to answer your questions. If English is not your first language, you may want to ask FSA to try to arrange for an interpreter to assist you.

Subpart C: Bring Documents to Show you Own or Rent the Land

A **farm number** is used to identify your farm. In general, FSA will ask for evidence that you either own or operate the farm. Farm owners may bring evidence of ownership, such as a copy of the title. Farm operators may bring evidence that they are renting the land. Evidence might include a written lease. FSA may also accept a receipt for rent.

If you have land in several different counties, you will be assigned a different farm number for each one. If you rent land from more than one landowner, you will be assigned a different farm number for the land rented from each landowner. Similarly, if several tenants rent land from one landowner, each tenant will be assigned a different farm number (unless the tenants are farming together).

If you rent the same land from the same landowner year after year, you only need to obtain a farm number one time. However, if you decide to rent some other land next year, you would need to obtain a new farm number for that land.

Subpart D: Bring the Address or Other Description of the Location of the Land

FSA will need the location of the land in order to assign a farm number. Bring the address or other description of the land with you to the appointment. FSA can try to help you locate the land by using aerial photographs (pictures taken from the air).

Being assigned a farm number helps get farmers "in the system." FSA maintains records of farms in its computer system, known as the Service Center Information Management System (SCIMS). Farmers with farm numbers included in SCIMS are added to the FSA mailing list. Farmers on the FSA mailing list receive regular newsletters with information about USDA programs, including important deadlines.

Farmers included in SCIMS may also become eligible to vote in elections for the FSA county committee, or run for the committee themselves. The FSA county committee advises the FSA local office on implementation of USDA programs in the county.

STEP TWO Apply for the Noninsured Crop Disaster Assistance Program (NAP) and any Other Relevant Programs

The federal government provides some disaster assistance to farmers and other citizens after natural disasters. However, several very important disaster assistance programs for farmers are **ONLY** available to help farmers who sign up for them in advance, **BEFORE** there has been a specific natural disaster. For market gardeners, the most important of these programs is probably the Non-insured Crop Disaster Assistance Program, or NAP. Other programs which may be relevant to market gardeners include crop insurance and Supplemental Revenue Assistance Payment Program (SURE).

Subpart A Identify Crops for Which You Want to Obtain Coverage

In general, NAP coverage is available for any crop grown for food or fiber. Most flowers grown in the field and nursery crops grown in the field or in a controlled environment are also included. Different types or varieties of a crop can be treated as separate crops for purposes of NAP. All of the crops that you would like to obtain NAP coverage for should be listed on the NAP application.

One challenge for market gardeners can be matching the names that they use to refer to certain crops with the names that FSA uses. When you go to the FSA office to apply for NAP, bring as much information as you can about the crops you plan to grow. Bring the names of the type of crop and the variety of crop. There are many kinds of tomato—do you plan to plant red, orange, or yellow tomatoes? Slicing tomatoes, or cherry tomatoes or grape tomatoes, or plum (Roma) tomatoes? Is the crop intended to be eaten fresh or to be sold to a processor for canning?

It can be helpful to bring pictures of the crops. For example, many growers bring seed packets they have purchased. Or you may bring pictures of the crops growing in the field. Sometimes you may have to talk to other growers, an Extension agent, or to a trained interpreter to find the name that FSA uses for a crop. Sometimes, FSA simply may not recognize the crop because no one has ever reported planting the crop to it, and so FSA has no history on the crop. You may still want to report the crop to FSA—as you and other growers report a greater variety of crops, FSA will collect this information and be able to add new crops and crop varieties to the list of covered crops for future years. If you grow a crop that is an important part of your farm income, but FSA will not include in the NAP program, you may want to discuss your options with an attorney or farm advocate.

Subpart B Find Out if Crop Insurance is Available for Any of the Crops You Plan to Grow

The NAP program is for crops that do not have crop insurance available. It used to be that farmers could obtain crop insurance for only a small handful of crops. Now, many more crops are eligible for crop insurance—at least in certain states.

In Minnesota for the 2009 crop year, crop insurance is available for:

- Apples (minimum yield average of 150 bushels/acre)
- Barley
- Canola
- Corn

- Cultivated wild rice
- Dry beans (certain counties or by written agreement)
- Dry peas (Kittson county or by written agreement)
- Flax (certain counties or by written agreement)
- Sugar beets (for processing) (certain counties or by written agreement)
- Oats
- Potatoes (certain counties or by written agreement) (specialty types by written agreement)
- Processing beans (snap type and lima type) (for processing) (certain counties)
- Soybeans
- Sunflowers
- Wheat
- Forage crops (such as alfalfa, red clover, grasses)
- Shell green peas (for processing)
- Nursery crops (for wholesale)
- Sweet corn (for processing)
- Popcorn (for processing)

Many market growers in Minnesota probably do not grow any crops which are eligible for basic multiperil crop insurance. Market growers generally grow their crops for sale at retail (such as at the farmers' market), rather than under a contract with a processor.

Information about crops for which crop insurance is available in each state is available on the website of the Risk Management Agency, www.rma.usda.gov. The Risk Management Agency is a part of the United States Department of Agriculture.

One newer type of crop insurance provides coverage for farm revenue, rather than for the yields of individual crops. This "whole farm" revenue insurance is known as Adjusted Gross Revenue coverage (AGR) and Adjusted Gross Revenue-Lite coverage (AGR-Lite). AGR and AGR-Lite provide insurance coverage for revenue from several crops under a single policy. Some revenue from livestock may also be covered. In general, participation in AGR or AGR-Lite requires a producer to submit detailed

income and tax records from previous years. For more information about AGR and AGR-Lite, contact a crop insurance provider.

Subpart C Fill Out the Application for NAP Coverage

In order to participate in NAP, producers are required to file an application for NAP coverage (Form CCC-471) in the local FSA office for the county where their acreage is located. Farmers who own or rent land in more than one county may need to apply at more than one local FSA office.

The application must be filed no later than the deadline, or the application closing date, for that area and must be accompanied by a service fee.

For 2009, the application closing date in Minnesota for most spring-planted crops is March 15. This deadline may change in future years. Some crops have application closing dates in the fall. Crops with application closing dates in the fall include strawberries, raspberries, rhubarb, and asparagus.

Subpart D Apply for a Fee Waiver if Eligible, or Pay Required Fees

In general, FSA charges a fee for farmers to participate in the NAP program. However, farmers who qualify as **limited resource producers** may request a waiver of the fee. Farmers may do this by answering "yes" to question 7 on the NAP application form, CCC-471.

A limited resource farmer is a person who: (1) has "direct or indirect" gross farm sales of \$116,800 or less in each of the previous two years; and (2) has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous two years.

Farmers should be sure that they can prove they qualify as limited resource producers if they request the fee waiver. FSA may request the farmer to provide evidence of eligibility for the waiver—including records for the two preceding tax years. If the farmer is not able to provide that evidence, there may be serious consequences.

For farmers who do not qualify for a waiver of the fee, the total fee required is based on how many different crops the producer has and in how many counties. The fee for NAP coverage is \$250 per crop per administrative county, up to a maximum of \$750 per administrative county per year and a maximum of \$1,875 per producer per year. It is expected that the fee increase will take effect for the 2009 crop year.

Subpart E Watch for Information about the SURE Program

The Supplemental Revenue Assistance Payment Program (SURE) is another program that may benefit market gardeners affected by natural disaster. The SURE program will provide cash payments to eligible producers who have incurred crop production losses or crop quality losses, or both. A farmer's SURE payment will be 60 percent of the difference, as determined by FSA, between the revenue amount guaranteed under the program and the farmer's actual total farm revenue.

The SURE program was created by Congress in the 2008 Farm Bill, but USDA has not yet published detailed regulations that explain how the program will work.

For SURE eligibility, crop insurance or NAP generally must be obtained for all crops for which coverage is available. Farmers who meet the definition of socially disadvantaged, limited resource, or beginning farmers or ranchers may request a waiver of this requirement from FSA. Hmong farmers are considered to be "socially disadvantaged" by FSA. Thus, it appears that Hmong farmers will not be required to obtain NAP coverage in order to participate in SURE. However, participating in NAP and submitting the records and reports required for NAP may help Hmong farmers to receive all of the benefits under SURE to which they are entitled.

STEP THREE Submit an Acreage Report.

Farmers who participate in USDA disaster assistance programs must submit a report that lists the crops they have planted on their farms, and the crops they still intend to plant. The acreage report form is also referred to as FSA-578. The farmer must keep a copy of the completed acreage report for at least three years.

In general, farmers should call to make an appointment at the FSA office to fill out the acreage report. Farmers may want to request the assistance of an interpreter at that time.

Farmers benefit from filling out an acreage report in several ways. An acreage report is required in order to participate in most FSA programs. In general, FSA bases assistance for crop losses caused by natural disaster on production history—the yields a producer has achieved in the past.

Subpart A Assemble Information Needed to Complete an Acreage report (FSA-578)?

Farmers should bring detailed information with them when they go to their appointment at the FSA office. They should bring lists of:

- Crops planted
- Intended use of the crop (for example, fresh or processing)

- Is the crop irrigated?
- Amount of each crop planted (by acre or by row-feet)
- Date planted (especially important for crops with multiple plantings, or for farmland that is planted with more than one crop at a time)
- Any additional helpful information (for example, seed packets can help with identifying crop varieties. Seed packets can also help with calculating row-feet planted).

Subpart B Things to Remember When Completing an Acreage Report

It is very important that farmers make sure their acreage report is accurate. NAP payments are based on the information submitted to FSA by farmers. However, FSA may conduct spot checks and use other means to investigate information submitted by farmers. Submitting inaccurate information can have serious consequences for farmers.

Farmers should never sign anything they do not agree with or do not believe is accurate.

Farmers need to use special care when reporting crops with multiple plantings, or land with two crops planted at the same time, to insure that the report is accurate.

STEP FOUR Submit a Production Report or Report of Losses, if Needed

Subpart A Production Report

Farmers must report and certify the production, acreage yields, and harvest date for each harvested crop for which an application for NAP coverage was filed. In general, the production report must be filed on or before the NAP acreage reporting date for the crop for the next crop year.

For most crops, farmers must retain, for a minimum of three years, records of the acreage, production, and yields for each crop for which an application for NAP coverage is filed.

Subpart B Report Losses within 15 calendar days

In order to collect NAP benefits, farmers must report their losses. In general, a farmer must give FSA notice of any crop loss within 15 calendar days after damage to the crop.

In addition to reporting the crop loss, the producer must also apply for NAP benefits.

Producers must file an application for NAP benefits on the proper FSA form with the local FSA office prior to the *earlier* of: (1) the date the producer files an application for coverage for the crop for the subsequent crop year; or (2) the application closing date for

the crop for the subsequent crop year. The form to report a crop loss and apply for NAP benefits is CCC-576 or CCC-576-1.

If the farmer chooses not to harvest the crop, all eligible acres must be left intact until they have been appraised and released by an approved loss adjuster. There is no charge to farmers participating in NAP for services provided by the FSA loss adjuster following a disaster.

If the producer harvests the damaged crop, FSA requires the producer to notify the local office within 15 days after the harvest is completed and to provide documentary evidence of the crop production. This may mean leaving a representative sample of the crop unharvested for inspection by a loss adjuster.

Subpart C Verifiable or Reliable Evidence of Production

Farmers are required to provide documentary evidence of production by no later than the acreage reporting date for the crop year following the crop year they file an application for payment. Failure to produce production records acceptable to FSA can have severe results.

FSA has somewhat strict standards regarding the type of records that are acceptable to support a farmer's yield certification. At the same time, the regulations seem to give FSA significant discretion in determining what is an acceptable record.

Documentary evidence may be used to verify the information provided by the farmer if the crop has been sold, fed to livestock, or otherwise disposed of through noncommercial channels. Examples of acceptable documentary evidence include truck scale tickets and contemporaneous measurements or diaries—provided that these records are reliable or verifiable. A contemporaneous measurement or diary likely means one that was taken or written down at the time of the harvest or very shortly thereafter.

In general, a record is considered **verifiable** if it is contemporaneous and may be verified by FSA through an independent source and if it may be used to substantiate the amount of production reported. In general, a record is considered **reliable** if it is contemporaneous and kept in the ordinary course of the farmer's business. Reliable records include copies of receipts, ledgers of income, income statements of deposit slips, register tapes, invoices for custom harvesting, and pick records.

STEP FIVE Communicate and Seek Advice

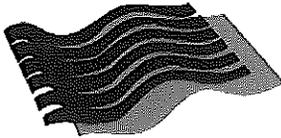
In farming, unexpected situations may arise. It is important that farmers communicate with FSA if they make changes to their plans. Farmers should feel free to communicate

by telephone, though it is generally wise to follow up with a written record. If FSA agrees to a change by the farmer, the farmer should ask the FSA employee to document the change in writing.

If FSA makes a decision that the farmer does not agree with, the farmer may have the right to appeal that decision. In an appeal, the farmer asks that the original decision be changed.

Many market gardeners have questions about their legal rights and responsibilities. In particular, they may have questions about their obligations to pay income tax and/or sales tax. Farmers should seek advice and assistance with these questions. Sometimes help is readily available. And sometimes making a request for help highlights a need that must be met.

FLAG



FARMERS' LEGAL
ACTION GROUP,
INCORPORATED

Entendiendo las Reglas de los Mercados de Campesinos

Por Jess Anna Speier y Jill E. Krueger

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Los Mercados de Campesinos han crecido en popularidad en toda la nación. Estos mercados son populares entre los consumidores que buscan alimentos locales y frescos. Estos mercados también son populares entre los campesinos que buscan un mercado más directo de sus productos. Su popularidad se ha extendido entre campesinos principiantes e inmigrantes. Este artículo tiene como finalidad ayudar a estos

campesinos a entender sus responsabilidades y derechos como vendedores en dichos mercados. El artículo comienza observando algunas de las reglas más comúnmente utilizadas en los mercados que frecuentemente son malinterpretadas. Además de las reglas del mercado, los derechos y responsabilidades de un vendedor, pueden

estar regidos también por leyes federales, estatales y locales. Este artículo hace énfasis en algunas de las leyes relevantes que podrían ser aplicadas en este contexto.

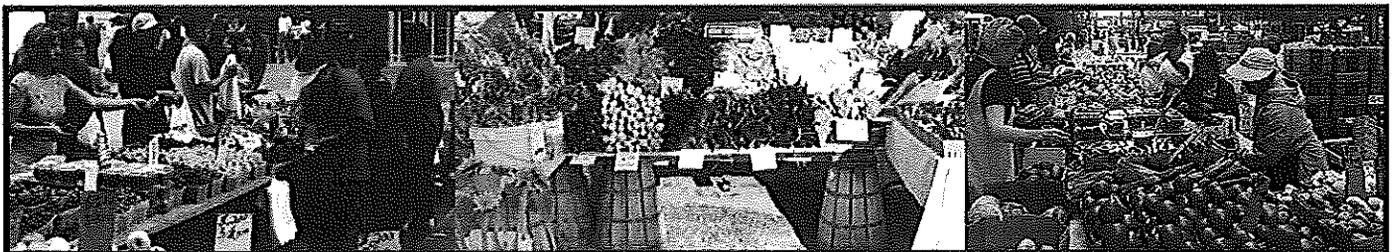
Este artículo fué escrito con propósitos educacionales y no sustituye de ninguna manera el consejo de un abogado quien está al corriente con las últimas actualizaciones en las leyes federales, estatales y locales y quien ha revisado los reglamentos de su mercado en particular. Para obtener consejo legal acerca de su situación, consulte a un abogado en su localidad.

Reglamentos para los Mercados de Campesinos

Para ayudar a los mercados a funcionar sin inconvenientes, los mercados de campesinos generalmente exponen los derechos y responsabilidades de los vendedores en los reglamentos del mercado. Entender dichos reglamentos ayuda a los campesinos a apegarse a dichas reglas y evitar malentendidos. También les ayudará a darse cuenta si están siendo tratados de igual manera que los otros vendedores en el mercado.

Un acuerdo o contrato firmado por un campesino y el mercado, donde se asienten las intenciones del campesino de apegarse a los reglamentos del mercado para poder par-

Lea y entienda los reglamentos. El punto de inicio para entender las reglas aplicables en *su* mercado, deberá ser leyendo los reglamentos de *su* mercado o su contrato. Si usted no tiene una copia de los reglamentos para revisarlas y mantenerla en sus records, usted debe solicitar una copia al gerente de su mercado.



ticipar como vendedor, crea un acuerdo legal entre el campesino y el mercado para hacer cumplir dicho reglamento. Estas disposiciones exponen los derechos y responsabilidades que un vendedor tiene y pueden ser encontradas en el reglamento del Mercado de campesinos, o en un acuerdo o contrato entre el mercado y el campesino. Si es un requisito que el campesino tenga que ser miembro de una asociación de productores para poder vender en el mercado, Los reglamentos de ésta asociación, también conocidas como ordenanzas, pueden establecer derechos y/o responsabilidades adicionales. En general, este artículo usa el término “reglamentos del mercado” refiriéndose a todas estas fuentes mencionadas.

Hemos revisado una variedad de reglamentos de mercados, acuerdos, y contratos para escribir éste artículo. Cada mercado posee reglas propias que son diferentes a los otros, pero algunos conceptos son similares en la mayoría de ellos. Enseguida encontrará una discusión de algunas de las reglas más comúnmente utilizadas y otras que pueden dar cábida a malentendidos.

Nota: Como cualquier otra ley, los reglamentos del mercado puede cambiar. El proceso de cambio para éstas reglas está explicado por lo general dentro del mismo reglamento, ordenanzas de asociaciones de productores, o en los contratos.

Elegibilidad

Cada mercado tiene diferentes reglas que establecen quien puede participar como vendedor. A continuación presentamos cuatro de los factores más comunes que determinan la elegibilidad del vendedor.

1. Mercados de “Productores Exclusivamente” (Producer Only)

Para asegurarse de que los beneficios de su mercado local sean dirigidos directamente a los productores locales, algunos mercados exigen que sus vendedores sean productores exclusivamente. Un mercado de “Productores Exclusivo” es un Mercado en el cual se le permite participar a vendedores que ofrezcan únicamente lo que ellos producen.

2. “Cargando” (Carrying)

“Cargando” es vender o distribuir productos que el vendedor no produce. Explicado de otra manera, si un vendedor esta “cargando”, el o ella está ofreciendo productos que son producidos por otras personas. Estos vendedores son llamados distribuidores. Algunos mercados permiten ésta modalidad, algunos otros, no.

Cooperativas y Cargando. El hecho de que una cooperativa de campesinos sea elegible para participar como un vendedor en un mercado de campesinos, puede depender de la posibilidad de que el mercado en cuestión permita o no “cargadores”. Algunos mercados de campesinos les permiten vender “cargando” por que muchos campesinos contribuyen con sus productos para ser vendidos por una cooperativa, y la persona representando a la cooperativa en su sitio no produjo los productos ofrecidos a la venta. Otros mercados campesinos consideran cooperativas que han producido los alimentos ellas mismas, como si las cooperativas fuesen un productor individual. En este caso, la cooperativa no esta “cargando”, siempre y cuando los alimentos sean producidos por un miembro de la cooperativa.

3. Lugar de Producción

Los mercados de campesinos son regularmente creados para el beneficio de los campesinos de la localidad, para así poder ofrecer productos frescos y minimizar la distancia de transportación para traer los productos al consumidor. Para alcanzar ésta meta, muchos mercados limitan la elegibilidad de campesinos quienes producen sus alimentos dentro de una región, condado o distancia al mercado.

4. Diversidad de Productos

Para establecer un mercado con productos diversos, algunos mercados tienen ciertas reglas de elegibilidad, basadas en los productos que ellos quieren vender. Un mercado puede proveer una lista de productos específicos los cuales podrán o no ser vendidos. Otros mercados pueden requerir que los campesinos sometan sus aplicaciones con un listado de productos que pretendan vender. Esta lista es revisada por el mercado para determinar si los alimentos listados son aceptados. La elegibilidad para vender sus productos en estos mercados puede depender de los productos o productos similares que ya se estén vendiendo actualmente en el mercado.

Operaciones del Mercado

Los reglamentos del mercado establecen cómo el mercado va a operar desde la gerencia del mercado hasta detalles relacionados con los espacios para vender así como también la resolución de conflictos. Es importante para el vendedor apegarse a las reglas operacionales del mercado ya que de no hacerlo, podría afectar la habilidad del campesino de vender en el mercado. En seguida le explicaremos algunas de las terminologías más comunes utilizadas en los reglamentos de los mercados las

cuales explican el funcionamiento de un mercado, y otras áreas donde pudieran surgir dudas.

1. Gerencia

El manejo diario del mercado de campesinos es generalmente la responsabilidad del gerente del mercado. Sin embargo, inspecciones de granjas, resoluciones de conflictos, y otras decisiones administrativas, puedan involucrar a las asociaciones de productores, la mesa directiva del mercado, o al comité de vendedores del mercado elegido como cuerpo gubernamental. Los vendedores pueden pedir asistencia a estos diferentes grupos en caso de conflicto, dudas o aclaraciones.

Gerente del Mercado. La mayoría de los mercados tienen un gerente de mercado el cual es responsable de las operaciones del mercado. Dependiendo del tamaño del mercado, el gerente puede ser un voluntario o un empleado de tiempo completo. El gerente del mercado usualmente tiene la autoridad de aplicar los reglamentos del mercado, y la responsabilidad de asegurarse que todos los vendedores sean tratados en una manera consistente con dichas reglas. Los gerentes de mercado pueden también ser un recurso importante para los vendedores, ellos podrán responder preguntas relacionadas con la operación del mercado y sus reglas.

Inspecciones. Muchas reglas del mercado tienen disposiciones que requieren inspecciones de sus granjas con el fin de asegurarse que cumplan con los requisitos de las reglas del mercado. Por ejemplo, si un campesino esta participando en un mercado que requiere que todos los productos vendidos hayan sido cultivados dentro de un radio no mayor de 20 millas del mercado, las reglas pueden también estipular que el gerente del mercado u otra persona visite su granja para confirmar que la misma se encuentra dentro de la distancia exigida, y que la granja tenga la capacidad de producir la cantidad de alimento que el campesino planea vender.

2. Cuotas

Para participar como vendedor en un mercado de campesinos usualmente se requiere el pago de una cuota, aunque éste requerimiento puede variar considerablemente. Algunos mercados requieren un pago de membresías en el mercado o asociaciones de productores, pago de cuotas anuales por el uso del espacio para vender, o cuotas mensuales o diarias. Puede que haya otras cuotas por mantenimiento de las instalaciones y electricidad para los refrigeradores. Los mercados que permiten "cargadores" pueden tener diferentes cuotas para campesinos y distribuidores.

La mayoría de los mercados requieren que sus cuotas sean pagadas antes de vender en el mercado, algunos otros permiten que dichas cuotas sean hechas en pagos. Generalmente, el no pagar las cuotas en la fecha límite o un pago incompleto, resultará en la prohibición del uso de piso en el mercado. Sin embargo, una de las reglas revisadas durante la elaboración de este artículo tiene una provisión que permite perdonar las cuotas adeudadas debido a dificultades de salud o desastres naturales.

3. Espacios para Vendedores

Los mercados de campesinos tienen reglamentos para el proceso de asignación de los espacios para vendedores con el fin de que cada uno tenga un espacio definido para mostrar sus productos que tendrá a la venta. Las reglas del mercado deben explicar claramente la asignación de los espacios, duración de la asignación, y como se llevará a cabo la asignación de éstos. Algunos mercados operan simplemente en "el que llega primero, es asignado primero" cada día que el mercado abre. Otros mercados le prometen al vendedor que obtendrá un espacio, pero no un espacio específico. Otros mercados asignan espacios específicos a los vendedores por toda una temporada. Otros mercados le dan prioridad para espacios a vendedores con mayor antigüedad, o el tiempo que dicho vendedor ha estado continuamente vendiendo en el mercado. Otros mercados asignan espacios basándose en los productos que serán vendidos o en el orden en el que el vendedor se anotó y pagó su cuota de la temporada.

La asignación de Espacios puede ser motivo de confusión y malentendidos. Debido a que los vendedores podrían desear un espacio en particular, dichos vendedores regularmente tienen preguntas con respecto a estas reglas. En primer lugar, los vendedores deberán de entender las reglas del mercado referentes a la asignación de espacios. Luego deben de averiguar si estas reglas están siendo aplicadas a todos los vendedores. Si las reglas no están siendo aplicadas a todos por igual, el vendedor puede hablar al respecto con el gerente del mercado. Si el problema es con el gerente del mercado, el vendedor puede hablar con la asociación de productores o el cuerpo gubernamental del mercado o la mesa directiva. Si el vendedor cree que estas reglas son injustas, dicho vendedor puede tratar de cambiar las reglas, a través del gerente del mercado, la asociación de productores, o la mesa directiva del mercado.

Ocupación de los Espacios de Venta. Muchos mercados campesinos tienen reglas en cuanto a la hora específica para que los vendedores estén presentes y listos para vender en los días de mercado. También hay reglas que requieren que los vendedores ocupen sus espacios por un periodo de tiempo específico durante los días de mercado esto crea oportunidades para que los espacios que no han sido ocupados puedan ser rentados a vendedores temporales o eventuales.

Espacios Disponibles. Además de asignar espacios para los vendedores al principio del año, un mercado puede también tener reglas para asignar o rentar espacios cuando estén vacantes. Los espacios vacantes a corto plazo son usualmente rentados a vendedores temporales o eventuales. Los espacios vacantes a largo plazo se ofrecen normalmente a vendedores con contratos de temporada antes de ofrecerlos a otros. Las reglas del mercado también pueden contemplar si las cuotas pagadas por el vendedor que originalmente tenía el espacio se le reembolsarán o no.

Vendedores Temporales y Eventuales. La mayoría de los mercados de campesinos cuentan con renta de espacios por día o por mes además de rentar espacios por temporada. Como lo mencionamos anteriormente, existen oportunidades para rentar por día cuando los vendedores de temporada desocupan sus espacios antes del tiempo requerido, o el mismo mercado reserva algunos espacios para productos de temporada limitada. Los reglamentos del mercado generalmente cuentan con procedimientos o prioridades para la asignación de espacios para vendedores temporales o por un día. Es responsabilidad de los vendedores verificar las reglas o clarificarlas con el gerente del mercado para saber si la renta a vendedores temporales o diarios son por un día o por todo el fin de semana. La elegibilidad para asignaciones de espacios temporales o diarios típicamente es similar a la de los vendedores anuales, los mercados a veces establecen cuotas específicas para ésta clase de vendedores.

Sub-arrendamientos. Los vendedores a veces desean mantener sus espacios aunque no les sea posible utilizarlos por un tiempo determinado.

La mayoría de las reglas en éstos mercados, explican si los espacios pueden ser rentados sucesivamente o asignados a otros individuos. Un "sub-arrendamiento" ocurre cuando otra persona renta un espacio de un vendedor original por un periodo en particular, pero el vendedor original mantiene la responsabilidad bajo el contrato o acuerdo. "Asignación" del derecho a ocupar el espacio es similar, pero las responsabilidades bajo el contrato son asignadas al nuevo vendedor.

Algunos mercados permiten sub-arrendamientos o asignaciones de derechos para ocupar el espacio solo con aprobación del gerente del mercado, o únicamente a miembros de la familia. Otros mercados no permiten sub-arrendamientos o asignaciones del derecho a ocupar el espacio bajo ninguna circunstancia. Uno de los contratos de mercados de campesinos que revisamos para escribir éste artículo, revoca el derecho a participar en el mercado si un vendedor trata de asignar sus derechos bajo el contrato. Sin embargo, si el mercado de campesinos no permite sub-arrendamientos o asignaciones, puede que permitan que un espacio pase a un miembro de la familia después que el vendedor haya fallecido.

Electricidad/Refrigeración. Los mercados pueden proveer acceso a electricidad para algunos o todos los espacios. Muchas reglas de mercados mencionan la necesidad de electricidad en los espacios para vendedores que venden productos que requieren refrigeración. La mayoría de los mercados requieren que el vendedor pague por costos de electricidad de su espacio. El mercado puede hacerle pagar cuotas preestablecidas o cuotas basadas en el consumo eléctrico.

4. Mercados y Niños Menores

Los mercados tienen una variedad de planteamientos en cuanto al rol de menores de edad. Por ejemplo, algunos mercados permiten que los niños menores de 18 años de edad estén involucrados en la venta de productos, pero sólo si son supervisados por uno de los padres u otro adulto. Las reglas de los mercados relacionadas con niños menores de edad participando en el mismo son adicionales a cualquier otra ley federal o estatal aplicable con respecto al empleo de menores.

5. Resolución de Disputas

Los reglamentos de los mercados generalmente contienen alternativas para resolver disputas. Los problemas comunes pueden ocurrir entre dos vendedores en el mercado, o vendedores potenciales y el mercado o el gerente del mercado. Las reglas del mercado contienen un proceso para resolver inconvenientes entre vendedores. El gerente del mercado usualmente tiene un rol en la resolución de problemas entre vendedores, el cual puede ser tan informal como hablar con cada vendedor involucrado. Aunque, algunas reglas proveen una manera más formal de resolver los problemas, la cual puede o no involucrar al gerente en la toma de decisiones para la resolución de una disputa. Algunos procesos más complejos requieren de ciertos procedimientos para poner una queja de parte de los vendedores o que se establezca un comité de revisión de quejas. Adicionalmente, algu-

nos procesos formales del mercado para resolver disputas permiten que la decisión hecha por el gerente del mercado pueda ser apelada. En algunos casos, a través de un mediador.

En general, los mercados de campesinos que son auspiciados por el gobierno deben proveer a los vendedores con sus respectivos procesos legales. Aunque existen algunas decisiones reportadas de la corte relacionada con mercados de campesinos, los reglamentos de los mercados pueden contener provisiones en referencia a honorarios de abogados o gastos en el evento de que una disputa conduzca a una demanda o se requiera de los servicios de un abogado.

En caso de que surgiera una disputa entre un vendedor y el gerente del mercado. Esta clase de disputas pueden ser difíciles de resolver si las reglas del mercado requieren que el gerente resuelva la disputa. Para resolver la disputa, el vendedor deberá primero entender las reglas de su mercado con respecto a la resolución del problema en particular. El vendedor deberá adicionalmente tratar de entender las reglas del mercado acerca de la resolución de problemas, y si existen provisiones específicas para el proceso de resolución de disputas si la misma involucra al gerente del mercado. Los vendedores deberán expresar sus preocupaciones con la asociación de productores o la mesa directiva. Si un vendedor cree que las reglas que están siendo aplicadas por el gerente son injustas, existe la posibilidad de tratar de cambiarlas a través del gerente del mercado, la asociación de productores o la mesa directiva.

6. Multas y Cancelación de Contratos

En ocasiones, los gerentes de mercados tienen la autorización de tomar decisiones con el propósito de aplicar los reglamentos del mercado. Dos de las medidas más comúnmente usadas son multas monetarias y la terminación del derecho a vender en el mercado.

Multas. Algunos de los reglamentos de los mercados de campesinos establecen multas a los vendedores que no se adhieren a dichos reglamentos. Estas multas normalmente son monetarias. Las multas se incrementarán de acuerdo al número de violaciones que un vendedor haya cometido. Otras penalidades también incluyen el tener que comparecer ante los miembros de la asociación de productores.

Cancelación de Contratos. Las reglas del Mercado usualmente hacen referencia a cuando, como, y por me-

dio de quien el contrato entre el mercado y el vendedor puede ser cancelado o terminado.

Algunas reglas del mercado pueden tener provisiones llamadas "cancelación ó terminación." Sin embargo, si existe o no, una sección de las reglas que habla de "terminación," la mejor idea es familiarizarse con cualquier provisión que esté relacionada con éste tema. Algunos reglamentos de los mercados proveen ejemplos específicos de las acciones o falta de acciones que pueden causar terminación. Por ejemplo, si un vendedor no paga las cuotas requeridas antes de la fecha límite, ésta falta puede resultar en la terminación del derecho a vender en el mercado. Algunas reglas de los mercados establecen que múltiples ausencias durante los días de venta pueden ocasionar la terminación de sus derechos a participar en el mercado. Otro ejemplo, discutido anteriormente, involucra la terminación del derecho a vender si un vendedor sub-arrenda o asigna su espacio a otro individuo.

Bajo ciertas reglas del mercado, un vendedor que quiera terminar su contrato, o que simplemente deja de vender en el mercado, puede perder el derecho a un reembolso de sus cuotas pagadas. Bajo otras reglas, estos vendedores pueden ser elegibles para recibir un reembolso parcial.

7. Seguro

Existen riesgos relacionados al participar en los mercados de campesinos. Por ejemplo, un empleado puede lastimarse mientras trabaja en su granja o durante la transportación de productos al mercado. Un cliente puede lastimarse mientras compra algo en su espacio de venta, o un cliente se puede enfermar a causa de un producto que usted le vendió. También, existen riesgos de perder las cosechas debido a mal tiempo o plagas.

Seguro de Responsabilidad. Muchos mercados de campesinos requieren que sus vendedores obtengan su propio seguro de responsabilidad. Algunos mercados requieren coberturas de montos específicos. También pueden requerir que el campesino provea prueba de que esta asegurado. La prueba de seguro requerida es típicamente un documento que muestra que usted posee protección para actividades de ventas en el mercado. Algunos mercados de campesinos o asociaciones de campesinos proveen pólizas de seguro de grupo en vez de exigir pólizas individuales.

Los campesinos que no sepan como obtener una póliza que responda a las exigencias y necesidades del negocio, deberán consultar a un agente de seguros. Aún los campesinos que sus negocios no requieran de un seguro,

deberán considerar la compra de una póliza y seguro de responsabilidad. Los campesinos que ya tienen una póliza de responsabilidad deben chequear con su compañía de seguros para saber si ésta cubre los riesgos relacionados con su negocio en el mercado.

Seguro de Cultivo. Aunque por lo general las reglas del mercado no requieran este tipo de seguro, es recomendable considerar una póliza de cobertura de sus cultivos. Muchos cultivos comerciales son elegibles para Programas de Seguro de Cultivos Federales, o para el Programa de Asistencia para Desastres de Cultivos No Asegurados (NAP) administrados por el Departamento de Agricultura de los Estados Unidos. Todo campesino interesado en este tipo de seguro para cultivos o cobertura NAP deberán contactar a su Agencia de Servicio Campesino local para averiguar si usted es elegible. La Agencia de Servicio Campesino puede proveerle una lista de agentes de seguro de cultivos. La Agencia de Servicio puede también proveerle una lista de seguros o NAP con las fechas límites para aplicar por cultivo. En general, los campesinos deberán aplicar para obtener cobertura durante el periodo de elegibilidad (antes del inicio del cultivo anual) y mantener documentos que le comprueben la extensión territorial así como también el historial de cultivo.

Una nota acerca del mantenimiento de documentos. Además de archivar los reglamentos del mercado, también es una buena idea que los campesinos mantengan documentadas su producción y rendimiento, incluyendo extensión de las tierras plantadas, producciones, costos, productos vendidos, precio por unidad vendida, y productos no vendidos y regresados después del día de mercado. Esta documentación puede ser beneficiosa en caso de que surja algún conflicto y para planear para la próxima temporada. También pueden ayudar para mostrar si un campesino califica para obtener un préstamo. Toda documentación relacionada al historial de cultivos producidos es esencial en caso de que un desastre natural destruya los cultivos.

Leyes Locales, Estatales, y Federales

En adición a los reglamentos de los mercados, la participación de los campesinos en el mercado puede estar gobernada por leyes locales, estatales y federales. Dependiendo del Estado, Condado, Ciudad o Pueblo donde el mercado esté localizado, los campesinos necesitarán apegarse a las leyes en referencia a muchas cosas, incluyendo licencias y permisos, manejo de alimentos y se-

guridad, cobro y reporte de impuestos de ventas, asuntos laborales, y prácticas de cultivo.

En muchas de las reglas de los mercados revisadas para este artículo, los mercados pusieron la carga de apegarse a las leyes relevantes en el vendedor. Sin embargo, es recomendable que el campesino se apegue a las leyes relevantes aunque no sea un requisito. El gerente del mercado podrá proveerle con información de las leyes relevantes, pero es la responsabilidad del campesino obedecerlas. Los campesinos deberán contactar a las agencias estatales o locales para saber los requerimientos y seguir los pasos necesarios para apegarse a las reglas.

Es imposible discutir en este artículo todas las leyes locales, estatales, y federales que puedan ser aplicables a los vendedores de los mercados de campesinos en los Estados Unidos. Para mostrar un ejemplo de las clases de leyes que pueden ser aplicadas, ésta sección discute brevemente algunas leyes relevantes a nivel federal y del estado de Minnesota en particular. Para los campesinos en Minnesota, esta discusión es general y no constituye consejo legal. Para los campesinos en otros estados, es muy posible que las leyes en su estado puedan ser diferentes. Para obtener consejo en referencia a su situación particular, consulte un abogado.

Leyes para obtener una licencia

Muchos estados y gobiernos locales generalmente requieren que las personas obtengan sus licencias antes de vender alimentos. Los solicitantes de licencias para venta de alimentos en estos estados y localidades necesitarán demostrar conocimiento del manejo sanitario de alimentos, ser inspeccionado, y pagar las cuotas establecidas. Sin embargo, algunas leyes para las licencias de venta de alimentos incluyen excepciones para campesinos que venden sus productos en los mercados de campesinos. Por ejemplo, en Minnesota existen excepciones que pueden ser aplicables a campesinos que venden productos de granjas u hortalizas.

Los campesinos deberán consultar con las autoridades estatales para saber si es necesario obtener una licencia para vender alimentos en el mercado de campesinos. Además de contactar a las autoridades estatales, los campesinos deberán contactar a las autoridades locales donde el mercado está localizado para saber si existen otros requerimientos de licencias. Por ejemplo, los vendedores de alimentos procesados o preparados en el Mercado de Saint Paul en Minnesota se les exige una "licencia de mercado de campesinos" de la Ciudad de Saint Paul.

Leyes Sanitarias de Alimentos

Existe una variedad de leyes sanitarias para el manejo de alimentos aplicables a los campesinos que participan como vendedores en los mercados de campesinos. Estas leyes están relacionadas a una variedad de asuntos relacionados al almacenaje, exhibición y transportación de los alimentos. Estas reglas sanitarias son comúnmente aplicadas a las reglas de los mercados de campesinos. Sin embargo, el vendedor deberá obedecer cualquier regla pertinente, sea estatal o federal.

Etiquetado

Hay muchas leyes que hacen referencia a los procedimientos de etiquetado de productos alimenticios. En general, las personas deberán cumplir con los requerimientos gubernamentales para el etiquetado de alimentos. Sin embargo, algunas excepciones en estas reglas también pueden ser aplicables a los vendedores en el mercado.

Aparte de incluir el nombre de la granja o "marca" en la etiqueta, algunos campesinos podrán pedir una aprobación para hacer una etiqueta en particular que certifique sus productos bajo ciertos métodos o localidad de la producción. Por ejemplo, "Orgánico aprobado por USDA" o "Cultivado en Minnesota."

Para mayor información acerca del etiquetado en Minnesota, incluyendo la etiqueta Cultivado en Minnesota, contacte al Departamento de Agricultura, División de Inspección de Alimentos y Lácteos de Minnesota al 651-201-6027.

Leyes de Impuestos

Las leyes de Impuestos son extremadamente complejas, y puede ser difícil saber exactamente lo que es requerido a manera de poder cumplir con los requerimientos

Para mayor información en referencia a los requerimientos de licencia en Minnesota, y si alguna excepción aplica a usted o a sus productos, contacte al Departamento de Agricultura en Minnesota, División de Inspección de Alimentos y Lácteos al 651-201-6027. Las reglas generales en referencia a requerimientos para obtener una licencia para la venta de alimentos en Minnesota puede conseguirse en los Estatutos de Minnesota Capítulo 28A. Bajo una excepción a las reglas de Minnesota con respecto al requerimiento de una licencia para vender alimentos, los campesinos no necesitarán obtener una licencia para vender productos de las granjas u hortalizas ocupados y cultivados por ellos mismos. El significado de esta excepción fue referida por la Corte Suprema de Minnesota en el año 2005 en el caso de *State of Minnesota v. Hartmann*. En general, la corte decidió que los campesinos están exentos de los requerimientos de obtener licencias para vender productos de sus propias granjas, aún así, los campesinos deberán de apegarse a otras leyes acerca de producción y venta de sus productos. El Departamento de Agricultura de Minnesota ha aparentemente tomado la posición que los campesinos deben obtener licencias para vender productos, si esos productos contienen ingredientes que no sean producidos en la granja. Sin embargo, otras excepciones podrán ser aplicadas a la venta de mercados campesinos o eventos comunales, así como también a ciertos alimentos procesados o enlatados en casa.

Para mayor información acerca de los requerimientos fiscales en Minnesota, contacte al Departamento de Impuestos de Minnesota (MDR) al 651-282-5225 o visite www.taxes.state.mn.us. Las siguientes planillas informativas pueden ser encontradas en la página web del MDR:

Producción Agrícola, planilla informativa de Impuesto de Ventas 100

Ingredientes Alimenticios y Alimentos, Planilla Informativa 102A

Alimentos Preparados, planilla informativa de Impuesto de Ventas 102D

Estampas de Alimentos, planilla informativa de Impuesto de Ventas 115

Ventas Locales y Uso de Impuestos, planilla informativa de Impuesto de Ventas 164

Para mayor información acerca requerimientos federales fiscales, contacte El Departamento Interno Fiscal de los Estados Unidos (IRS) al 1-800-826-1040 o visite www.irs.gov.

estatales y federales. Muchas reglas de los mercados de campesinos hablan acerca de las leyes de impuestos, y la mayoría de las reglas exigen que los vendedores cumplan con las leyes estatales y federales de impuestos. Las leyes estatales y federales pueden incluir leyes que hacen referencia a ingresos, empleo, ventas, y uso de impuestos. Los vendedores deberán recabar y mantener documentos con referencia a impuestos de ventas. Los requerimientos fiscales pueden variar dependiendo de los productos que se vendan. Algunas ciudades y condados tienen también requerimientos de impuestos de venta. Para mayor información acerca de los requerimientos de impuestos, deberá contactar a los departamentos estatales y federales de impuestos. Los campesinos deben

también considerar consultar con un preparador de impuestos especializado que responda a sus necesidades en particular.

Leyes Laborales

Las leyes laborales son también extremadamente complicadas. Los campesinos que emplean personal para ayudarles con la producción o ventas deberán obedecer las leyes laborales aplicables. Sin embargo, muchas leyes laborales tienen excepciones en relación al trabajo agrícola. Algunas de estas excepciones pueden ser aplicadas a las actividades de los mercados de campesinos.

Para mayor información acerca de leyes laborales, incluyendo leyes laborales para menores de edad, contacte El Departamento Laboral e Industrial de Minnesota (DOLI) al 800-342-5354 o visite www.doli.state.mn.us y al Departamento Laboral de los Estados Unidos, División de Trabajo y Estándares al 612-370-3371 o visite www.dol.gov.

Discriminación

En adición a las leyes que deben ser obedecidas por los vendedores de mercados de campesinos, hay leyes que protegen a los vendedores. Por ejemplo, las leyes antidiscriminatorias protegen a los campesinos. Leyes estatales y federales prohíben la discriminación basada en factores como; raza, color, origen natural, sexo, estado civil, orientación sexual, religión, edad, ser recipiente de beneficios gubernamentales, o ser deshabilitado física o mentalmente en algunas situaciones. Estas leyes pueden ser aplicadas en su mercado de campesinos. Si usted cree que el Mercado de campesinos le ha discriminado debido a uno o más de estos factores, usted puede buscar resolver la disputa como está dispuesto en las reglas del mercado, o puede consultar con un abogado.

Apoyo Federal para Mercados de Campesinos

1. Programas de Nutrición de Mercados Campesinos USDA (FMNP)

El congreso y el USDA establecieron dos Programas de Nutrición de Mercados de Campesinos (FMNP) para darle acceso a las personas de bajos ingresos a alimentos frescos, crudos y nutritivos producidos por campesinos locales. Los dos programas son El Programa de Nutrición en Mercados Campesinos para Mujeres, Infantes y Niños y El Programa de Nutrición en Mercados Campesinos para Ancianos. Estos programas son mantenidos económicamente por el estado y el gobierno federal pero son administrados mediante agencias estatales. Tanto campe-

sinos independientes y mercados de campesinos pueden participar en este programa. Los FMNP les proporcionan a los participantes de los programas con cupones o tarjetas de débito llamadas Transferencia de Beneficios Electrónica (EBT) para ser utilizadas únicamente en los mercados de campesinos. Los vendedores en el mercado aceptan los cupones y las tarjetas de débito para después canjearlas por dinero. Los campesinos interesados en participar en el programa deben contactar al gerente de su mercado y/o su departamento estatal de agricultura, y preguntar que necesita hacer para aceptar y redimir los cupones y las tarjetas de débito.

2. Estampas de Alimentos

Las estampas de alimentos son otorgadas a individuos de bajos ingresos económicos para ser usadas en tiendas participantes. Aunque no son exclusivamente utilizadas en los mercados de campesinos, pueden ser utilizadas en la mayoría de éstos. Los vendedores interesados en participar en estos programas de estampas de alimentos deben contactar al gerente de su mercado y/o al departamento estatal de agricultura. ●



FLAG



FARMERS' LEGAL
ACTION GROUP,
INCORPORATED

Kom Totaub Khw Muag Zaub Cov Cai Tswj

Sau tawm Jess Anna Speier thiab Jill E. Krueger
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MUAJ RAWS LI

Khw Muag Zaub Cov Cai
Tswj

Raug Leej Twg

Keu Ua Num

Keu Saib thiab Tswj

Nqi Them

Rooj Muag Khoom

Khw Muag Zaub thiab
Menyuam Tsis Muaj
Hnub Nyooog

Keu Kho Teebmeem

Nplua thiab Lus Cog
Tseg

Keu Pov Hwm

Cai Tswj Zos, Xeev, thiab
Tebchaws

Cov khw muag zaub muaj koob muaj npe puv teb chaws. Lawv tseemcee rau cov tibneeg nyiam noj zaub tshiab thiab loj hlob ze lawv tej chaw nyob. Lawv muaj nqi rau cov neeg ua liaj ua teb xav muag khoom ncaj nraim rau cov tibneeg. Tsis tagli, lawv muaj koob muaj npe nrog cov tibneeg nyuam quav pib ua liaj ua teb thiab cov nyiam txiv tuaj ua liaj ua teb lwm lub teb chaws tuaj. Tshab ntawv no lub hom phiaj yog los pab cov tibneeg ua liaj ua teb totaub lawv tej dej num thaum lawv muag khoom hauv lub khw muag zaub. Tshab ntawv no pib nrog cov cai raug siv heev es muaj ntau tibneeg tsis totaub. Muaj ntxiv rau cov kev cai siv hauv khw muag zaub, ib tug tibneeg muag khoom tej zaum tseem raug cov kev cai zos, xeev, thiab teb chaws los tswj thiab. Tshab ntawv yuav muab qee txoj cai los piav kom tibneeg pom thiab paub.

Tshab ntawv yog sau los ua kev kawm xwb thiab yuav sib hloov tsis tau rau ib tug kws lij choj es paub cov num thiab xov txog cov cai tswj hauv zos, xeev, thiab teb chaws es tau saib xyuas koj cov cai hauv khw muag zaub lawm. Yog koj xav tau kws lij choj cov lus pom thiab paub txog koj qhov teebmeem, mus ntsib ib tus kws lij choj ua haujlwm ze ntawm koj qhov chaw nyob.

Khw Muag Zaub Cov Cai Tswj

Ua kom lub khw khiav zoo, cov khw muag zaub feem ntau muaj cov cai thiab dej num ntawm cov tibneeg muag khoom los sau tseg ua kev tswj. Txoj kev totaub cov cai tswj lub khw yuav pab cov neeg ua liaj ua teb ua raws kev cai thiab nres teebmeem. Yog cov neeg ua liaj ua teb paub thiab totaub cov kev cai tswj zoo lawv yuav paub saib xyuas saib lwm tus neeg puas coj zoo ib yam rau tag nrho cov tibneeg muag khoom.

Nyeem thiab totaub cov kev cai tswj. Yuav pib nhriav kev totaub txog cai tswj *koj* lub khw muag zaub ces yog nyeem *koj* lub khw cov ntawv sau kev cai los yog koj daim ntawv cog lus nrog lub khw. Yog tias koj tsis muaj ib daim ntawv ntawm koj lub khw sau txog kev cai tswj thiab cia nrog cov ntawv tseem ceeb, koj yuav tsum kom tug neeg saib xyuas lub khw luam ib daim rau koj.



Ib daim ntawv pom zoo los yog cog lus es tug neeg ua liaj ua teb thiab ib lub khw muag zaub sau npe ua ke, hais tias tus neeg ua liaj ua teb muaj lub hom phiaj yuav los ua li cov lus sau tswj lub khw hais thiaj li yuav muag tau khoom; yog ib tsab ntawv muaj nqi rau hauv tsev hais plaub ntawm tus tibneeg ua liaj ua teb thiab lub khw. Cov lus sau tseg hais txog tus neeg ua liaj ua teb cov cai thiab ua ib tug neeg muag khoom tej zaum yuav nyob hauv khw muag zaub cov cai tswj, los yog ib daim ntawv pom zoo los sau tseg ntawm lub khw thiab tus neeg ua liaj ua teb. Yog tias tug neeg ua liaj ua teb yuav tsum tau koom rau ib lub koomhaum rau cov tibneeg ua liaj ua teb thiaj li yuav muag tau khoom hauv lub khw, cov cai siv hauv lub koomhaum ua liaj ua teb, feem ntau hu ua *by-laws*, tej zaum yuav muaj cai thiab num ntxiv. Feem ntau, tsab ntawv no siv lo lus “lub khw muag zaub cov cai tswj” rau tag nrho cov cai siv.

Peb ntsuam xyuas ob peb tsab ntawv tuav khw muag zaub cov cai tswj, lus pom zoo, thiab lus cog tseg rau daim ntawv sau no. Txhua tsab ntawv tuav khw muag zaub txhawv, tabsis muaj ib co lus lawv tag nrho siv. Hauv qab yog ib co lus hais txog cov cai tswj thiab cai muaj kev tsis sib totaub ntau.

Lus Saib: Yam li kev cai tswj, khw muag zaub cov cai tswj muaj hloov thiab. Kev hloov cov khw muag zaub cov cai tswj feem ntau raug sau rau hauv cov cai tswj, koomhaum ua liaj ua teb cov *by-laws*, lo lus cog sau tseg.

Raug Leej Twg

Txhua lub khw muaj cov kev nkag ntsuam xyuas saib leej twg ua tau ib tug neeg muag khoom nyob hauv. Hauv qab no yog plaub nqe lus uas cov khw siv tshaj los ntsuam saib leej twg ua tau ib tug neeg muag khoom.

Cooperatives thiab Carrying. Txoj kev ntsuam xyuas saib ib lubkoomhaum cov neeg ua liaj ua teb nkag puas tau ua ib tug neeg muag khoom nyob hauv ib lub khw muag zaub saib ntawm lub khw muag zaub puas pub “*carrying*.” Qee lub khw muag zaub yuav txiav txim tias lub koomhaum yog tibneeg ua cov khoom xwb los yog *carrying* vim tias feem ntau tug neeg ua khoom xav rau lub cooperative tug neeg muag xwb nws tsis yog tus ua tag nrho cov khoom muag. Qee lub khw muag zaub yuav txiav txim tias lub koomhaum yog tus ua cov zaub, yam li lub koomhaum yog ib tus tibneeg. Yog raws li no, lub koomhaum tsis yog nqa khoom muag xwb, yog tias cov zaub mov tawm ntawm ib tus tub koom xeeb.

1. Khw Rau “Tibneeg Ua Cov Khoom Xwb”

Muaj tej lub khw tsuas pub cov tibneeg ua cov khoom ua tus muag xwb, lawv thiaj li yuav tau txiaj ntsim. Ib lub khw rau “tibneeg ua cov khoom xwb” yog ib qho chaw es tsis pub ib tug neeg tsis tau ua yam khoom muag.

2. Khw Rau “Tibneeg Nqa Khoom”

“Carrying” yog kev muag los faib khoom es tus tibneeg muag tsis yog tus ua. Pixam tias, yog ib tug neeg muag khoom nqa, txhais tau tias nws muag tejkhoom lwm tug neeg ua. Cov neeg muag khoom no, hu tau “dealers” thiab. Muaj qee lub khw pub cov tibneeg nqa khoom muag, qee lub tsis kam.

3. Chaw Ua Yam Khoom

Feem ntau khw muag zaub yog tsim los pab cov neeg ua liaj ua teb nyob ib cheeb tsam zej zos, tsim kom zaub mov ntshiab tshaj, thiab txiav kev yuav xa zaub mov mus rau cov neeg yuav noj. Pab lub hom phiaj no, muaj ntau lub khw lawv txiav kev nkag koom rau cov neeg ua liaj ua teb nyob rau ib qho chaw, teb chaws, zos, los raws li kev deb nyob ntawm lub khw.

4. Kom Muaj Khoom Ntau Yam

Yuav ua ib lub khw kom muaj ntau yam khoom, tej lub khw lawv muaj cai los tswj saib cov neeg ua liaj ua teb twg thiaj li nkag tau raws li lawv muaj dabtsi muag. Ib lub khw tej zaum muaj daim ntawv sau cov khoom lawv kam thiab tsis kam muag. Qee lub khw yuav kom tus neeg ua liaj ua teb sau ntawv nkag saib lawv yuav muag dabtsi. Tom qab ntawm, lub khw mas li muab daim ntawv los xyuas saib puas yuav siv cov khoom. Kev txiav txim saib nkag puas tau mus muag khoom nyob ntawv puas tau muaj neeg nyob hauv lub khw twb muag cov khoom sau lawm los tsis tau.

Kev Ua Num

Cov kev cai tswj lub khw tsim los saib xyuas kev khiav thiab tswj lub khw cov neeg muag khoom thiab pab nres kev tsis totaub. Nws tseemceeb heev kom txhua tug neeg muag khoom caum ib lub khw cov kev cai tswj vim tias yog tsis mloog yuav muaj peevxwm los txiav tus neeg ua liaj ua teb kev muag khoom rau lub khw. Hauv qab muaj ob peb lo lus siv rau cai tswj khw muag zaub mov, saib xyuas thiab tej lus nug.

1. Kev Saib thiab Tswj

Tus tibneeg saib xyuas lub khw kev khiav haujlwm hu tau ua tus *market manager*. Yog tias muaj soj ntsuam liaj teb, txiav txim plaub, thiab lwm yam teebmeem hauv khw, tej zaum yuav siv koomhaum cov neeg ua liaj ua teb, cov tibneeg saib lub khw loj, los yog ib pab

tibneeg muag khoom los ua haujlwm kav lub khw. Tibneeg muag khoom yog muaj lus nug los teebmeem mus nhriav kev pab ntawm cov neeg no los tau thiab.

♦ **Tus Tibneeg Saib Xyuas Lub Khw.** Feem ntau ntawm cov khw muag zaub muaj ib tug tibneeg qhov haujlwm yog los khiav lub khw. Nyob ntawv lub khw loj los me, tus tibneeg no nws muab nws lus sijhawm tuaj pab los tau nws raug them tuaj ua haujlwm los tau. Tus tibneeg saib xyuas lub khw feem ntau muaj peevxwm los tuav cov cai tswj lub khw, thiab nws txoj haujlwm yog kom txhua tus tibneeg muag khoom raws kev coj mus zoo ib yam cov cai tswj. Tus neeg no nws yog ib tug neeg pab tau thaum cov neeg muag khoom muaj lus nug txog kev cai khiav lub khw thiab cov cai tswj thiab.

♦ **Kev Soj Ntsuam.** Muaj ntau lub khw muag zaub sau tseg koj cov neeg ua liaj ua teb yuav tsum pom zoo kam lub khw tuaj soj ntsuam lawv cov liaj teb saib xyuas thiab raws qab cov kev cai tswj lub khw. Pixam tias, yog muaj ib tug neeg ua liaj ua teb koom tes nrog ib lub khw cog lus tias txhua yam zaub coj los muag tsis pub dhau 20 miles ntawm lub khw, cov cai yuav cia tus tibneeg saib xyuas lub khw los yog lwm tus tuaj xyuas daim teb kom muaj li cog tseg, thiab kom daim teb yeej muaj peevxwm yuav ua tau cov khoom muag tom khw.

2. Nqi Them

Feem ntau muag khoom hauv ib lub khw muag zaub, muaj ib tus nqi them, tabsiss tus nqi them txhawv deb heev nyob raws li lub khw. Qee lub khw cov neeg muag khoom yuav tsum them los koom lub khw los yog cov koomhaum rau cov neeg ua khoom muag, kom them raws xyoo rau rooj muag khoom thiab, los yog kom them nqi raws hli los yog hnuv. Tej zaum muaj lwm cov nqi thiab rau kev tu lub khw thiab hluavtaws xob rau taubyees. Cov khw es kam tibneeg nqa khoom muag tej zaum muaj lwm cov nqi rau cov neeg ua liaj ua teb thiab muag khoom them.

Cov khw ntau lub yuav kom them cov nqi ua ntej pib muag khoom hauv lub khw, tabsis muaj qee lub kam muab tus nqi los ua ob peb zaum them. Feem coob, yog tsis them tus nqi ua ntej hnuv sau tseg los yog them tsis txaus lub khw muab tus neeg ua liaj ua teb txoj cai muag khoom hauv lub khw txiav. Muaj tsab cai tswj khw saib xyuas tus neeg muaj nqi them dhau hnuv teem tseg yog nws muaj kev piam sij los mobheev es nws thiaj tsis tau them.

3. Rooj Muag Khoom

Khw muag zaub muaj cai tswj thiab muab chaw muag

khoom rau tibneeg muag khoom kom txhua tug neeg muaj nws qho chaw teeb khoom. Cov cai tswj lub khw yuav tsum sau mee saib cov chaw twg yuav xauj ntev licas, thiab saib qho chaw yuav zoo licas. Qee lub khw yuav siv tus cai es “leeg twg tuaj ua ntej, leej twg tau xaiv” rau hnuv lub khw qhib. Qee lub khw yuav lav tias tus neeg muag khoom yuav tau chaw, tabsis tsis kam lav saib yog qhov chaw twg. Tseem muaj qee lub khw pub kom ib tug neeg muag khoom nyob ib qhov chaw kom tag lub caij. Tej lub khw muaj kev xaiv chaw rau cov tibneeg muag ua ntej saib lawv muag khoom nyob ntawm lub khw ntev licas lawm. Muaj tej lub khw yuav muaj chaw raws li cov khoom muag los yog raws li cov tibneeg muag khoom tau sau npe tseg thiab them raws li lub caij.

Faib Chaw Muag Khoom ua tau ib txoj kev nyuaj siab thiab tsis muaj kev totaub. Vim tias cov tibneeg muag khoom xav tau qee qhov chaw, feem ntau lawv muaj lus nug txog cov cai tswj no. Qhov ib, cov tibneeg muag khoom yuav tsum tau kawm kom totaub cov cai tswj lub khw hais txoj kev faib chaw. Ces lawv yuav tsum tau ntsuam xyuas saib cov cai puas zoo siv rau txhua leej txhua tus. Yog tias cov cai tsis raug siv ncaj ncees rau txhua tus, tug neeg muag khoom tej zaum yuav tau piav kev txhawj xeeb nrog tug neeg saib xyuas lub khw tham. Yog teebmeem yog nrog tug neeg saib lub khw, tus neeg muag khoom tej zaum xav piav kev txhawj rau koomhaum cov neeg ua khoom los yog cov neeg txiav txim nyob hauv lub khw, yam li cov neeg saib xyuas num. Yog tug neeg muag khoom ntseeg tias cov cai tswj yog cov tsis ncaj ncees, nws muaj cai hais saib puas hloov tau, nws nrog tau tug neeg saib xyuas lub khw, koomhaum cov neeg ua khoom, los yog cov neeg txiav txim hauv lub khw tham.

♦ Khiav Dej Num Ntawm Chaw Muag Khoom.

Muaj ntau lub khw muag khoom muaj cai tswj saib cov tibneeg muag khoom yuav tau ua num thaum twg thiab npaj kom tau pib muag khoom rau hnuv lub khw qhib. Cov cai tswj kom tibneeg muag khoom tuaj ua dej num thaum lub khw qhib kom raws sijhawm pab saib xyuas kom cov chaw tsis muaj neeg los muab xauj tau rau cov tibneeg xav muag lub sijhawm luv.

♦ **Chaw Muag Khoom Qhib.** Txiv rau kev faib chaw muag khoom thaum xyoo pib, ib lub khw muaj kev cai tswj los faib xauj cov chaw muag khoom thaum tsis muaj neeg nyob lawm. Thaum cov neeg tsis nyob feem ntau qhov chaw muab xauj rau cov tibneeg muag khoom tsis ntev los yog raws hnuv. Thaum cov neeg tsis

nyob lawm mus ntev feem ntau qhov chaw yuav xauj rau cov tibneeg muaj npe muag khoom ua ntej lwm tus. Cov cai tswj khw muaj qee zaum txiav txim saib cov nqi tug neeg muag khoom them tag ntawd es yuav tsis nyob lawm, puas yuav raug ntxiv rov qab rau nws.

◆ **Cov Tibneeg Muag Khoom Ib Hnub/Ib Pliag.**

Muaj tej lub khw muag zaub kam xauj raws hnub los yog raws hli thiab tsis yog raws xyoo xwb. Yam li hais saum, toj no qee zaum, yog cov tibneeg xauj xyoo tsis tuaj muag khoom, cov neeg nyiam muag raws hnub tuaj xauj los tau, muaj qee qhov chaw cia tseg xauj rau cov khoom es lub caij siav luv xwb. Cov cai tswj khw feem ntau muaj kev sau tseg saib yuav faib chaw muag khoom licas rau tibneeg xav xauj ib hnub los yog ib mentsi. Cov neeg muag khoom yuav tsum saib cov cai los nug tus tibneeg saib xyuas lub khw saib xauj chaw tau ib hnub xwb puas tau los yog yuav tsum xauj ib asthiv khiag. Cov cai nkag mus muag khoom ib pliag los yog ib hnub zoo ib yam li cov muag ib xyoo, thiab cov khw muaj tus nqi rau cov tibneeg no them.

◆ **Xauj Ntawm Tibneeg Muag Khoom.** Qho zaum cov tibneeg muag khoom tsis muaj sijhawm tuaj muag tabsiss lawv tseem xav tuav. Feem ntau cov cai tswj khw yeej sau tseg tias ib tug neeg muag khoom puas xauj tau nws qho chaw rau lwm tus tibneeg tuaj muag. Ib txoj kev xauj hu “sublease” yog thaum ib tus tswv chaw muag tawm rau lwm tus tibneeg raws sijhawm tabsiss nws tseem tuav cov ntaub ntawv cog tseg. “Assignment” los zoo ib yam li thiab, tabsiss cov lus cog muab rau tug neeg ntshiab lawm.

Qee lub khw kam xauj tawm raws “sublease” los yog “assignment” xwb yog tus tibneeg ua haujlwm saib xyuas lub khw tso cai, los yog tug neeg los xauj yog ib tsev neeg. Qee lub khw tsis kam xauj tawm li. Ib daim ntawv cog rau khw peb saib xyuas tuav cai muab tus tibneeg tso tawm tsis pub muag khoom lawm yog tus tibneeg muag khoom xauj chaw tawm. Tiamsis, yog lub khw cov cai tswj tsis kam xauj tawm los, tej zaum lawv kam ib tug tibneeg muab rau nws tsev neeg yog tias nws tuag.

◆ **Hluavtaws Xob/Txee Txias.** Tej cov khw muaj hluavtaws xob rau qee qho chaw los yog tag nrho li. Muaj ntau lub khw cov cai tswj yuav kom muaj hluavtaws xob rau cov tibneeg muag khoom yuav tsum cia kom txias. Feem ntau cov khw yuav kom tus tibneeg muag khoom yog tus them nqi hluavtaws xob rau nws qho chaw muag khoom. Lub khw kom them ib tug nqi xwb los yog kom them raws li siv los muaj thiab.

4. Khw Muag Zaub thiab Cov Menyuam Tsis Muaj Hnub Nyoog

Cov khw muaj ntau txoj kev xav txog menyuam yaus kev coj thiab ua thaum tuaj tom khw. Pixam li, qee lub khw cia cov menyuam tsis tau muaj 18 xyoo pab muag khoom thiab, tabsiss yog muaj ib tug neeg laus los hnub nyoog txaus nyob saib xyuas xwb. Cov cai tswj tom khw siv nrog lwm cov kev cai saib xyuas menyuam kev ua haujlwm.

5. Kev Kho Teebmeem

Cov cai tswj tom khw feem ntau muaj kev kho teebmeem sau thiab. Cov teebmeem pom ntau yog tawm ntawm ob tug tibneeg muag khoom, los yog cov tibneeg muag khoom thiab tus tibneeg ua haujlwm saib xyuas lub khw. Ntawm cov kev cai tswj tom khw yeej muaj kev kho teebmeem ntawm ob tus tibneeg muag khoom. Tus tibneeg ua haujlwm saib xyuas lub khw pab kho teebmeem tau yam yoojyim raws li nrog ib tus tham tag masli mus nrog ib tus tham kom totaub. Tabsis, tej lub khw mauj cai ua muaj qauv, es siv tau los yog tsis siv tus tibneeg ua haujlwm saib xyuas lub khw los ua tug neeg txiav txim plaub. Cov kev kho teebmeem muaj qauv, qee zaum yuav tsum muaj kev kho kom cov tibneeg muag khoom siv los yog yuav nrhiav ib cov neeg los ua neeg txiav txim thiab xyuas teebmeem. Ntxiv ntawm, qee lub khw kev kho teebmeem muaj qauv muaj kev hais dua yog tsis pom zoo yam li tus neeg ua haujlwm saib lub khw txiav txim. Qee zaum, muaj tibneeg los nyob nruab nrab tham kom totaub.

Teebmeem ntawm tibneeg muag khoom thiab tus ua haujlwm saib xyuas lub khw. Cov teebmeem no muaj tshwm qho zaum yog lub khw yuav kom tus tibneeg ua haujlwm saib xyuas lub khw ua tus txiav txim teebmeem. Thaum yuav kho qho teebmeem, tug neeg muag khoom yuav tsum tau nrhiav kev totaub lub khw cov cai tswj. Tus neeg muag khoom yuav tsum totaub cov cai tswj hais txog kev kho teebmeem, thiab yog muaj lus hais txog kev yuav nrhiav kev totaub nrog tug neeg ua haujlwm saib xyuas lub khw. Tej zaum, cov neeg muag khoom mus piav kev chim rau cov koomhaum neeg ua khoom los yog tuav lub khw thiab, yam li cov tibneeg txiav txim rau lub khw. Yog ib tug neeg muag khoom ntseeg tias cov cai tus tibneeg ua haujlwm saib xyuas lub khw siv tsis ncaj, nws muaj cai mus hais rau tus tibneeg ua haujlwm, lub koomhaum cov neeg ua khoom, los yog tus loj xyuas lub khw.

Feem ntau, khw muag zaub yog tawm ntawm tsoom fvw, yuav tsum tau muaj kev rau cov tibneeg muag khoom mus nrhiav kev ncaj ncees. Tsis muaj ntau rooj plaub hauv tsev hais plaub txog khw muag zaub, tej zaum daim ntawv sau cai tswj yuav muaj sau txog kws lij choj cov nqi los yog kev siv nyiaj yog muaj teebmeem yuav ntsib kws lij choj.

6. Nplua thiab Lus Cog Tseg

Cov tibneeg ua haujlwm saib xyuas lub khw feem ntau muaj cai kom lwm tug neeg ua yam li sau hauv cov cai tswj. Ob qho kev siv ntau tshaj kom neeg ua raws cai sau tseg yog kom lawv them nqi nplua thiab txiav lawv txoj cai muag khoom hauv lub khw.

♦**Nplua.** Tej lub khw muag zaub cov cai tswj kom cov neeg muag khoom es tsis ua raws kev cai raug nplua. Nplua tau nyiaj. Nyiaj nplua qee zaum mus raws li kev tsis ua raws li cov cai tswj. Kev nplua qho zaum yog koj tus neeg txhaum mus ntsib lub koomhaum cov neeg ua thiab.

♦**Kev Txiav Lus Cog Tseg.** Cov cai tswj khw muag zaub, feem ntau yeej sau meej hais txog thaum twg, vim li cas, thiab leeg twg yog cov tibneeg cog lus nrog lub khw thiab tug neeg muag khoom thiaj li muaj cai los txiav lus cog tseg.

Qee cov cai tswj khw muag zaum muaj lus sau tias “termination.” Tiamsiss, yog tias cov cai tswj khw muaj tshaj lus sau “termination” lost sis muaj, nws yog ib qho tswvyim zoo nyeem cov cai tswj thiab paub cov lus es yuav xaus tau cov lus cog tseg. Qee lub khw cov cai muaj kev pixam raws li koj los yog kev tsis raws lus es yuav txiav tau cov lus cog tseg. Pixam li, ib tug neeg muag khoom tsis kam them ib tus nqi kom raws hnub teem tseg, kev tsis ua ib yam li sau no yuav txiav tau nws txoj kev tuaj muag khoom ntawm lub khw. Qee lub khw sau meej tias lawv muaj cai txiav kev muag khoom ntawm lub khw yog tus tibneeg muag khoom tsis tuaj muag raws li sau tseg. Ib qho kev pixam ntxiv thiab, sau rau saum, hais txog txoj kev yuav txiav tsis pub muag khoom lawm yob ib tug tibneeg muag khoom muaj lub hom phiaj yuav los xauj nws qho chaw tawm los yog muab nws qho chaw sau npe rau lwm tug neeg.

Raws li sau hauv ib cov cai tswj khw muag zaub, ib tug tibneeg muag khoom es yuav nrhiav kev txiav daim ntawv cog tseg, los yog cia li tsis tuaj koom tes nrog lub khw, nws tsis muaj cai kom lub khw thim cov nyiaj nws them tag lawm. Qee lub khw, hos kam thim ib cov nqi rau tus tibneeg zoo li no.

7. Kev Pov Hwm

Muaj qee yam kev pheej hmoo thaum ua haujlwm nrog ib lub khw muag zaub thiab. Pixam li, ib tug neeg ua haujlwm rau koj daim teb raug mob los yog thaum nws xa koj cov khoom tuaj tom khw. Ib tug tibneeg tuaj yuav khoom raug mob thaum nws tseem yuav khoom ntawm koj qhov chaw muag khoom, los yog nws hos mob vim noj cov khoom yuav ntawm koj. Muaj kev pheej hmoo ntawm cov qoob thiab yog muaj huab cua phem los yog kab mob.

♦**Kev Pov Hwm Thaiv Teebmeem.** Ntau tus cov khw muag zaub yuav kom cov tibneeg muag khoom nws yuav nws kev pov hwm thaiv teebmeem. Qee lub khw cov cai tswj kom yuav kev pov hwm raws kom raug ib tus nqi nyiaj. Tej zaum lawm yuav kom tus neeg ua liaj ua teb nws cov pov thawj tias muaj kev pov hwm thiab. Daim ntawv pov thawj tias muaj kev pov hwm no feem ntau qhia tau tias muaj kev pov hwm rau cov haujlwm yuav ua tom lub khw. Ob peb lub khw muag zaub los yog koomhaum rau cov neeg ua liag ua teb kam yuav kev pov hwm sawvdaws es tsis kom txhua tus nws yuav nws.

Cov neeg ua liaj ua teb es muaj lus nug txog kev yuav pov hwm rau lawv cov kev ua haujlwm tej zaum yuav zoo yog nrog ib tug tibneeg muag pov hwm tham. Cov neeg ua liaj ua teb es muag khoom rau ib lub khw tsis kom lawv yuav kev pov hwm los tej zaum yuav tau ua zoo xav txoj kev yuav pov hwm rau lawv cov chaw ua num thiab txoj num. Cov neeg ua liaj ua teb es twb muaj kev pov hwm rau lawv cov chaw num thiab txoj num los yuav tau nrog tus tibneeg muag kev pov hwm tham saib kev pov hwm puas yuav tiv thaiv kev pheej hmoo ntawm lawv qho haujlwm.

♦**Kev Pov Hwm Rau Cov Qoob.** Feem ntau cov khw tsis muaj cai los tswj kom neeg ua liaj ua teb yuav kev pov hwm rau cov qoob tabsis muaj kev pov hwm rau cov qoob thiab. Muaj ntau cov qoob muag es nkag tau rau lub kom tswj Federal Crop Insurance Program, los yog lub Non-Insured Crop Disaster Assistance Program (NAP) tawm ntawm lub United States Department of Agriculture. Neeg ua liaj ua teb es xav paub ntxiv txog kev pov hwm rau qoob los NAP kev npog hu tau rau lwm lub chaw ua haujlwm Farm Service Agency mus nrhiav saib leej twg thiaj li nkag tau. Lub Farm Service Agency muaj peevxwm muab tau ib daim ntawv sau cov tibneeg muag kev pov hwm rau qoob cov npe rau koj. Lub Farm Service Agency muaj peevxwm muab ib daim ntawv sau cov kev pov hwm los NAP daim ntawv nkag raws sijhawm rau cov qoob rau koj thiab. Feem ntau, cov tibneeg ua liaj ua teb yuav

tsum tau ua ntaub ntawv nkag rau kev pov hwm thuum lub sijhawm kam xwb (ua ntej xyoo qoob pib) thiab yuav tau khaws cov ntaub ntawv ua pov thawj tias muaj teb ntau licas thiab ib xyoo ua tau qoob ntau licas.

Ib lo lus txog kev khaws ntaub ntawv. Ntxiv cov ntaub ntawv es sau cov cai tswj lawv lub khw, nws yog ib qho tswvyim zoo rau cov neeg ua liaj ua teb kom lawv khaws sau thiab khaws tseg saib lawv cov qoob yog dabtsi, lawv num mus zoo licas, ua teb ib xyoo ntau licas (los yog ua pestsawg kab), cov tau qoob ntau licas, tag nyiaj ntau licas, muag tau nyiaj ntau licas, muag ib yam no tus nqi yog licas, thiab cov qoob es muag tsis poob tom khw yuav tau koj los tsev yog licas. Cov ntaub ntawv no yuav pab tau yog muaj teebmeem los yog yuav npaj rau lwm xyoo cog qoob. Cov ntaub ntawv no yuav ua pov thawj saib ib tug neeg ua liaj ua teb puas txais tau nyiaj. Cov ntaub ntawv xyuas kev ua qoob yuav muaj nqi yog huab cua phem los raug qoob thiab.

Cai Tswj Zos, Xeev, thiab Tebchaws

Ntxiv rau cov cai tswj lub khw, ib tug neeg ua liaj ua teb kev koom hauv lub khw yuav tsum raws li cov cai tswj hauv zos, xeev, thaib teb chaws. Nyob rau ntawm lub xeev, lub tuam nroog, lub zos, los yog nroog ntawm lub khw, cov neeg ua liaj ua teb yuav tsum raws cov cai tswj ntau yam, raws li ntaub ntawv tso cai thiab ua haujlwm, kev saib xyuas zaub mov thiab tsis nyab xeeb, khaws thiab qhais kev txiav se, cai tswj kev ua num, thiab ua liaj u a teb.

Feem ntau ntawm cov kev cai tswj khw peb xyuas thaum sau daim ntawv no, cov khw muaj haujlwm ua raws cov cai no rau tus tibneeg muag khoom saib xyuas. Tiamsis, ib tug neeg ua liaj ua teb yuav tsum ua raws li

cov cai es raug nws txawm tias cov cai tswj lub khw sau los tsis sau li. Tus neeg ua haujlwm saib xyuas lub khw tej zaum yuav muab tau xov hais txog cov cai yuav raug, tabsiss yog tug neeg ua liaj ua teb qho num es mus raws li txoj cai. Cov tibneeg ua liaj ua teb tej zaum yuav tau mus ntsib cov koomhaum hauv xeev los yog zos nrhiav cov cai yuav tswj kev ua num thiab saib xyuas kom mus raws li cov cai.

Daim ntawv no tsis muaj peevxwm yuav piav tag nrho cov cai hauv zos, xeev, thiab teb chaws es yuav raug cov tibneeg muag khoom tom khw muag zaub hauv United States. Ua kev pixam tias cov kev cai es yuav raug cov tibneeg no, tshaj lus sau no yuav piav mentsi txog cov cai nyob hauv lub teb chaws thiab lub xeev Minnesota. Rau cov tibneeg ua liaj ua teb hauv Minnesota, cov lus hauv no yog ntshiab lus xwb tsis yog lus yuav siv tau yam li nrog tus kws lij choj tham. Rau cov tibneeg ua liaj ua teb nyob lwm lub xeev tsis yog Minnesota, nco tias cov cai nyob hauv koj lub xeeb tej zaum ntxawv dua. Yog xav tau lus qhia txog koj qho teebmeem, mus nrog ib tug kws lij choj tham.

Cai Tswj Ntaub Ntawv Ua Haujlwm

Ntau lub xeev thiab cov tsoom fww zos yuav kom ib tug neeg muaj ntaub ntawv ua ntej lawv muag zaub mov. Cov tibneeg xav tau ntaub ntawv muag zaub mov hauv cov xeev thiab zos no, yuav tsum tau ua qauv qhia tau tias lawv paub saib xyuas zaub mov kom nyab xeeb, kam soj ntsuam xyuas, thiab them nqi. Tiamsis, muaj ib cov cai tswj kev noj haus es kam cov tibneeg ua liaj ua teb muag khoom tom khw muag zaub muag tsis yuav ntaub ntawv ua noj haus thiab. Pixam li, hauv Minnesota muaj cai tso cov neeg ua liaj ua teb muag khoom tom teb.

Cov tibneeg ua liaj ua teb yuav tsum mus nrog cov tsoom fww nyob hauv lawv lub xeev tham nrhiav saib lawv puas yuav tau muab ntaub ntawv tso cai thiaj li yuav muag tau tom khw muag zaub. Ntxiv rau qho nrog

Yog xav paub ntxiv txog cov ntaub ntawv tso cai hauv Minnesota, thiab saib puas muab kev tso cai rau koj thiab koj cov khoom, hu rau Minnesota Department of Agriculture, Dairy and Food Inspection Division ntawm 651-201-6027. Cov cai rau sawvdaws hais txog kev totaub ntawv muag zaub mov hauv Minnesota nrhiav tau ntawm Minnesota Statutes Chapter 28A. Nyob raws li Minnesota cov cai tswj ntaub ntawv muag khoom noj, cov neeg ua liaj ua teb tsis tau daim ntawv tso cai los tau yog yuav muag zaub tom lawv cov teb xwb. Cov lus txhais no tawm ntawm Minnesota Supreme Court xyoo 2005 ntawm rooj plaub *State of Minnesota v. Hartmann*. Feem ntau, lub tsev hais plaub txiav txim tias cov tibneeg ua liaj ua teb tsis muaj ntaub ntawv muag lawv cov qoob tom teb los tau, tiamsis cov tibneeg ua liaj ua teb tej zaum hos raug lwm txoj cai txog kev ua qoob thiab muag khoom thiab. Lub Minnesota Department of Agriculture zoo yam li yuav kom cov neeg ua liaj ua teb muaj daim ntawv muag khoom noj, yog cov khoom no muaj qho yam es tsis yog tawm ntawm daim teb los. Tiamsis, lwm yam kev zam tej zaum yuav raug thiab hais txog kev muag khoom tom khw muag zaub los yog lwm yam kev sau ua ke, ib yam li rau qho cov khoom uas tom tsev los yog ntim tom tsev.

cov tsoom fwv tham, cov tibneeg ua liaj ua teb tej zaum yuav tsum nrog cov neeg ua haulwm ze lub khw saib puas yuav tau muaj lwm yam ntaub ntawv tso cai. Pixam li, cov tibneeg muag zaub mov noj ua tag lawm ntawm Saint Paul Khw Muag Zaub hauv Minnesota yuav tsum muaj ib daim ntawv tso cai ua “Farmers Market” ntawm City of Saint Paul.

Cai Tswj Zaub Mov Kev Nyab Xeeb

Muaj ib cov cai tswj kev ua noj ua haus tej zaum yuav raug cov neeg ua liaj ua teb muag khoom tom khw muag zoo. Cov cai no tej zaum yuav hais txog ntau yam, kev ntiv zaub mov, kev cia zaub mov kom neeg pom, thiab kev xa zaub mov. Cov cai tswj zaub mov kev nyab xeeb feem ntau rau sau nyob hauv cov cai tswj lub khw muag zaub. Tiamsis, ib tus tibneeg muag khoom yuav tsum tau raws cov cai hauv lub xeev thiab teb chaws thiab.

Lus Sau Cim Khoom

Muaj ntau txoj cai tswj lus sau cim khoom noj. Feem ntau, cov tibneeg yuav tsum tau ua raws li tsoom fwv cov cai tswj zaub mov. Tiamsis, muaj qho txoj cai muaj kev zam rau cov cai no rau cov neeg muag khoom tom khw muag zaub.

Ntxiv rau lawv cov npe teb los “npe khoom” nyob ntawm daim ntawv cim, tej tug neeg ua liaj ua teb xav tau cai ua ib daim ntawv cim sau tias lawv ua lawv cov khoom zoo li cas los yog ntawm ib qho chaw tuaj. Pixam, cov lus xav sau no yog li “USDA Organic” los “Minnesota Grown.”

Yog xav paub ntxiv txog lus sau cim khoom hauv Minnesota, yam li daim ntawv Minnesota Grown los cim, hu rau Minnesota Department of Agriculture, Dairy and Food Inspection Division ntawm 651-201-6027.

Cai Txog Se

Cov cai tswj se muaj ntau, thiab nws nyuaj heev yuav nrhiav kom paub meej thiab cov cai hauv lub xeev thiab lub teb chaws mus zoo licas. Muaj ntau cov khw muag zaub hais txog se, thiab feem coob cov cai tswj sau meej tias cov tibneeg muag khoom yuav tsum raws cov cai hais txog se hauv lub xeev thiab lub teb chaws. Cov cai tswj se hauv lub xeev thiab teb chaws hais txog nyiaj txiag khwv tau, nyiaj ua haujlwm, khoom muag, thiab se rau kev siv. Tej zaum cov tibneeg muag khoom yuav tsum tau txiav se thiab cia ntaub ntawv saib txiav se mus zoo licas. Cov cai tswj se yuav txhawj raws li cov

khoom muag. Tej lub zos los tuam nroog muaj se rau cov khoom muag thiab. Yog xav paub txiv hais txog cov cai tswj se, cov neeg ua liaj ua teb yuav tau hu rau lub xeev los lub teb chaws cov tibneeg ua haulwm saib xyuas nyiaj txiag. Cov neeg ua liaj ua teb yuav tsum txiav txim saib lawv puas tau mus ntsib ib tus tibneeg ua haujlwm paub zoo.

Yog xav paub ntxiv txog cov cai tswj se hauv Minnesota, hu rau Minnesota Department of Revenue (MDR) ntawm 651-282-5225 los www.taxes.state.mn.us. Cov ntawv pab hauv qab no muaj nyob ntawv MDR lub website:

Agricultural Production, Sales Tax Fact Sheet 100 (Kev Ua Qoob, Kev Txiav Se Daim 100)

Food and Food Ingredients, Fact Sheet 102A (Zaub Mov thiab Khoom Rau, Daim Qhia 102A)

Prepared Food, Sales Tax Fact Sheet 102D (Zaub Mov Ua Tiav, Kev Txiav Se Daim 102D)

Food Stamps, Sales Tax Fact Sheet 115 (Nyiaj Tsoom fwv Pab Yuav Noj, Kev Txiav Se Daim 115)

Local Sales and Use Taxes, Sales Tax Fact Sheet 164 (Se Siv thiab Muag, Kev Txiav Se Daim 164)

Yog xav paub ntxiv txog cov cai tswj se hauv United States hu Internal Revenue Service (IRS) ntawm 1-800-826-1040 los mus xyuas www.irs.gov.

Cai Tswj Kev Ua Haujlwm

Cai tswj kev ua haujlwm muaj ntau heev. Cov tibneeg ua liaj ua teb es ntiav neeg ua qoob los muag yuav tsum raws cov cai tswj kev ua haujlwm es raug lawv. Tiamsis, tau tshaj cai muaj kev zam rau cov ua haulwm tom teb. Tej zaum cov kev zam no kuj raug cov haujlwm tom khw muag zaub.

Yog xav paub ntxiv txog cai tswj kev ua haujlwm, ntxiv nrog kev cai saib xyuas menyuum ua haujlwm, hu rau Minnesota Department of Labor and Industry (DOLI) ntawm 800-342-5354 los www.doli.state.mn.us thiab ntawm United States Department of Labor, Employment and Standards Division raws li 612-370-3371 los www.dol.gov.

Saib Tsis Tau Lwm Tus

Ntxiv rau cov es neeg muag khoom tom khw muag zaub yuav tsum ua raws li, muaj lwm cov cai tswj tiv thaiv cov neeg muag khoom. Pixam li, cov cai tsis pub neeg saib tsis tau lwm tus tej zaum yuav pab tau cov tibneeg ua liaj ua teb. Cai hauv lub xeev thiab teb chaws tsis pub saib tsis tau lwm tus neeg yog vim lawm haiv neeg, xim nqaij daim tawv, tuaj lwm teb chaws tuaj, yog poj niam los txiv neej, ib tug poj niam txiv neej tsis muaj cuab yig, kev nkauj nraug, kev cai dab qhuas, muaj hnuv nyoog licas, tau txais nyiaj pab ntawm tsoom fwv, los yog xiam ib ce los yog hlwb tsis zoo nyob qee zaum. Cov cai tswj no tej zaum koj lub khw siv thiab. Yog koj ntseeg tias lub khw tsis ua raws kev cai es saib tsis tau lwm tus neeg raws li cov sau saum no, koj muaj cai mus nrhiav kev pab raws li sau tseg hauv lub khw cov cai tswj, los yog mus ntsib tau ib tus kws lij choj.

Tsoom fwv Kev Pab Rau Cov Khw Muag Zaub

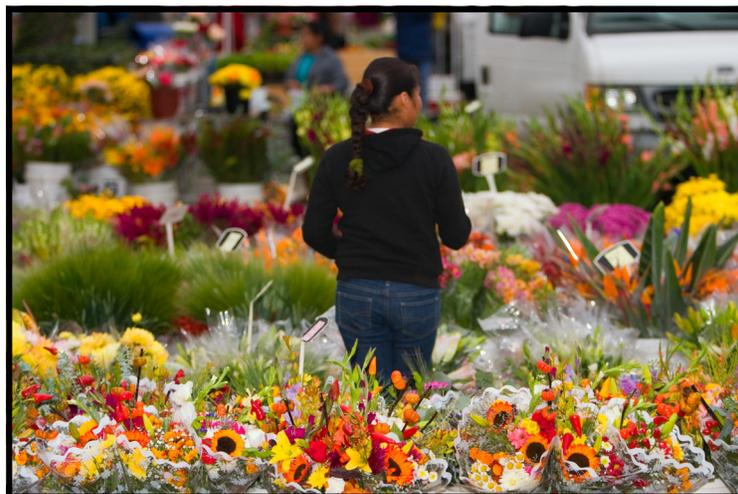
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LAND USE PLANNING AND FARMLAND PRESERVATION

Presented at

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Sustaining Our Farms: Produce, Pasture & Perseverance

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LAND USE PLANNING AND FARMLAND PRESERVATION

CAUTION: This is an outline for educational purposes only. To learn the details about any certain point, read the current statutes, regulations, and policy notices, which can change frequently. These materials cannot substitute for an experienced lawyer who is up-to-date on the latest changes in federal laws and regulations.

COMMON LAND USE TOOLS FOR PROTECTING FARMLAND

State and local governments may use a wide array of land use planning tools and techniques to preserve farmland. This outline provides a brief description of some of the land use planning tools and techniques most commonly used to protect farmland from development.

Agricultural Protection Zoning

Agricultural protection zoning (APZ) generally refers to zoning ordinances that: (1) designate areas where farming is the primary land use; and (2) discourage, restrict, or prohibit other land uses in those areas. In addition, APZ ordinances typically limit the residential densities that are allowed in an agricultural protection land use zone.

Generally, APZ ordinances are designed to protect productive farmland and preserve the agricultural land base by keeping large areas of good farmland relatively free of non-farm development. In some cases, however, these ordinances are controversial because landowners fear they might reduce the market value of land. In addition, some APZ ordinances are viewed unfavorably because they limit farmers' rights to operate farm-related business; for example, by prohibiting the construction and operation of on-farm processing facilities or

retail businesses. On the other hand, by restricting non-farm development in agricultural areas, APZ ensures that enough farms exist in the area to support local agricultural service businesses and maintain a viable farming community. In addition, by restricting the development potential of large areas of agricultural land, APZ limits speculation related to land development and helps keep land prices affordable for farmers. For more information about APZ, you may wish to review the Farmland Information Center's fact sheet concerning APZ, available at: [http://www.farmlandinfo.org/documents/29478/FS APZ 9-98.pdf](http://www.farmlandinfo.org/documents/29478/FS_APZ_9-98.pdf).

Conservation Easements

Agricultural conservation easements are restrictions that farmers voluntarily place on their farmland to protect farmland from development and keep it available for farming. Landowners typically grant a conservation easement to a qualified conservation organization or public agency, such as a land trust or a government-sponsored program for purchasing conservation easements. In turn, the organization or agency which received the easement monitors and enforces the restrictions set forth in the easement agreement. Farmers can donate or sell conservation easements to an organization or agency.

Agricultural conservation easements typically limit non-farm development and other uses incompatible with farming on the farmland that is subject to the easement. Most easements permit construction of farm buildings and do not restrict farming practices. In some cases, an easement might require the farmer to develop a soil and/or water conservation plan. Farmers who donate conservation easements may be eligible for income, estate, and property tax benefits. Property taxes may also be reduced for farmers who sell conservation easements, since the market value of their property may be lowered by the restrictions the easement places on their land.

While conservation easements are intended to limit development on the property covered by the easement, they do not affect other private property rights. Therefore, farmers retain the right to use their land for farming and other purposes that do not interfere with preserving the land for continued agricultural use. Farmers who grant a conservation easement continue to hold title to their properties and may transfer their property, as they desire. All future landowners are bound by the conservation easement and must comply with the restrictions set forth by the easement agreement.

Easements may apply to entire parcels of land or to specific parts of a property. Most easements are permanent, but some types of easements only impose restrictions for a limited number of years.

In those cases where farmers sell agricultural conservation easements, the easements are typically sold to a government agency or private conservation organization that has implemented a purchase of agricultural conservation easement program (PACE). Generally speaking, PACE programs pay farmers to protect their land from development. The agency or organization usually pays a farmer the difference between the value of the land for agricultural use and the value of the land for its "highest and best use" – generally, residential or commercial development. Easement value is typically determined by professional appraisals.

PACE programs are designed to be a financial alternative for farmers who might otherwise be pressured to sell land for non-agricultural uses. Permanent easements compensate farmers for the development potential of their land, while preventing development that would take the land out of agricultural use. By removing the development potential from farmland, the future market value of the land is typically reduced. If the land is later sold, this reduction in market value may help to make the land more affordable for beginning farmers and others who want to purchase agricultural land for the purpose of farming.

For more information about conservation easements, you may wish to review the Farmland Information Center's fact sheet concerning conservation easements, available at: http://www.farmlandinfo.org/documents/27762/ACE_06-2008.pdf, and its fact sheet concerning PACE programs, available at: http://www.farmlandinfo.org/documents/27751/PACE_July_2008.pdf.

Transfer of Development Rights Programs

Transfer of development rights (TDR) programs allow landowners to transfer the right to develop one parcel of land to a different parcel of land. TDR programs are generally established through local zoning ordinances. These programs are often used to protect farmland by shifting development from an agricultural area to an area planned for residential or urban growth. Typically, the local government responsible for enforcing the zoning ordinance that created the TDR program is responsible for approving TDR transactions and monitoring land use restrictions placed on farmland pursuant to the transactions.

Generally, TDR programs that are designed to protect farmland transfer the development rights from a piece of farmland to another piece of land. Typically, the land to which the development rights are transferred is located in a "growth area" located close to municipal services. The farmer is compensated for the value of his or her development rights and a permanent agricultural conservation easement is applied to the farmland, prohibiting development on that land. In exchange, the landowner who purchases the development rights is usually allowed to build in the growth area, generally referred to as the "receiving zone" at a higher density level than would ordinarily be permitted by the local zoning ordinance.

Although TDR programs are designed to accomplish the same purposes as PACE programs, the two programs are different. TDR programs are not publicly funded. Instead, TDR programs involve the purchase of development rights on the private market, usually by a developer. In contrast, under PACE programs, a publicly funded conservation organization or public agency reimburses farmers for giving up their development rights. For more information about TDR programs, you may wish to review the Farmland Information Center's fact sheet concerning TDR programs, available at:

http://www.farmlandinfo.org/documents/37001/TDR_04-2008.pdf.

MINNESOTA LAWS RELATING TO FARMLAND PRESERVATION

The Minnesota Statutes referred to here are available online at <http://www.revisor.leg.state.mn.us/stats/>. Copies of the statutes may also be available through local libraries or the Office of the Revisor of Statutes. The Office of the Revisor of Statutes can be contacted at (651) 296-2868.

Conservation Easements: Minnesota Statutes, Chapter 84C authorizes governmental agencies and charitable organizations to hold conservation easements and sets forth the process for creating and challenging easements.

The Green Acres Program: Minnesota's Agricultural Property Tax Law, referred to as the Green Acres Program, lowers the taxable values on qualifying farmland and allows landowners to defer paying special assessments. Section 273.111 of the Minnesota Statutes governs the Green Acres Program.

The Metropolitan Agricultural Preserves Act: Applies to qualifying farmland located within the seven-county metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington). To participate in the program, local governments must designate “agricultural preserve” areas within their boundaries for long-term agricultural use. Only one dwelling is allowed for every 40 acres in the designated agricultural preserve area. Landowners within the designated area must agree to restrict the use of their land to agricultural purposes. This restriction must be reflected on the land’s certificate of title. Farmers who own land enrolled in the program receive certain tax benefits and protections against interference with their farming operations. In addition, cities are prohibited from annexing agricultural preserve land, except under special circumstances.

For a local government to remove land from the agricultural preserve program, the government must amend its comprehensive plan to remove zoning for the long-term agricultural area and notify affected landowners by letter. Landowners may also remove land from the program by notifying the local government of their intent to remove the land from the program. Removal of land from the program may not occur for at least eight years from the date that the government or the landowner announces the intent to remove land from the program. Chapter 473H of the Minnesota Statutes governs the Metropolitan Agricultural Preserves Act.

Greater Minnesota’s Agricultural Land Preservation Program: Applies to qualifying farmland outside of the seven-county metropolitan area. Counties that wish to participate must develop an agricultural land preservation plan, which must be reviewed and approved by the commissioner of the Minnesota Department of Agriculture. Generally speaking, the plan must designate areas of land suitable for long-term agricultural use, and these designations must be incorporated into the County’s comprehensive plan. As with the metropolitan area program, farmers with land enrolled in the program receive certain tax benefits and protections against interference with their farming operations. Unlike the metropolitan area program, once a farmer gives notice that the farmer wants to remove his or her land from the program, program benefits cease immediately. Chapter 40A of the Minnesota Statutes governs Greater Minnesota’s Agricultural Land Preservation Program.

MINNESOTA LAWS RELATING TO LAND USE PLANNING

Comprehensive Planning for the Metropolitan Area Counties: The Metro Land Planning Act sets forth land use planning policy and authority for the metropolitan area, contains requirements for updating and amending county comprehensive plans, and authorizes the Metropolitan Council to review and approve those plans or require plan modifications. Chapter 473 of the Minnesota Statutes sets forth the laws that apply to the comprehensive planning process in the metropolitan area. Additional information about the comprehensive planning process in the metropolitan area can be obtained through the Metropolitan Council's *Local Planning Handbook*, available at <http://www.metrocouncil.org/planning/LPH/handbook.htm>.

Land Use Planning Outside of the Metropolitan Area Counties: Sections 394.21 through 394.37 of the Minnesota Statutes authorize and regulate county, township, and municipality comprehensive planning and zoning ordinances. Sections 462.351 through 462.364 specifically authorize municipalities and townships to engage in comprehensive planning.

The Regional Development Act, set forth in Sections 462.381 through 462.398 of the Minnesota Statutes, authorizes the formation of regional development commissions to assist local governments with land use planning. More information about the regional development commissions can be found through the website for the Minnesota Regional Development Organizations, available at <http://www.mrdo.org>.

RESOURCES FOR MORE INFORMATION ABOUT FARMLAND PROTECTION

The American Farmland Trust is a national organization working on farmland conservation models. More information can be found through its website, available at <http://www.farmland.org/>.

The Land Trust Alliance promotes voluntary land conservation and serves as a resource to land trusts around the country. They offer an extensive list of land

trusts throughout the country. More information can be found through its website, available at <http://www.landtrustalliance.org/>.

The Farm and Ranch Land Protection Program (FRPP) is a federal program administered by the Natural Resources and Conservation Service of USDA that provides matching funds to help purchase development rights to keep productive farm and rangeland in agricultural uses. Working through existing programs, USDA partners with State, tribal, or local governments and non-governmental organizations to acquire conservation easements or other interests in land from landowners. USDA provides up to 50 percent of the fair market easement value of the conservation easement. More information can be found through its website, available at <http://www.nrcs.usda.gov/programs/frpp/>.

Press Release

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4th Minority and Immigrant Farming Conference on Friday and Saturday, March 20-21, 2009, in St. Paul, MN

St. Paul—The Association for the Advancement of Hmong Women in Minnesota, Minnesota Food Association, and USDA-Farm Service Agency will jointly co-host the 4th Minority and Immigrant Farming Conference on March 20-21, 2009 at The Wilder Foundation's Auditorium on 451 South Lexington Parkway at the corner of University Avenue in St. Paul, MN. The conference theme is "Helping To Grow Profits On Your Small Farm." Farmers' Legal Action Group is one of the conference's sponsors.

The two-day conference will focus on important topics for the farmers that include knowing your production costs, composting, transitioning to organic farming, managing agricultural risks, food safety, marketing, Farm Bill and policy, and applying for grants and loans.

According to survey results conducted by the University of Minnesota, the major barriers for success in farming for minority vegetable growers in the Twin Cities Metropolitan Area are: lack of farming skills and knowledge, access to and knowledge of markets, and language and cultural barriers. The upcoming conference provides opportunities for the betterment of minority and underserved farmers that have the greatest needs for sustained successes in their small farm operations.

The 2007 Census of Agriculture shows that immigrants are among the fastest growing sector of farmers today. Immigrant farmers are passionate about and experienced in agriculture, and have shaped the character of U.S. agriculture throughout American history. While the number of farms in our country has been declining since WWII, the census now shows a leveling of this trend which can be accredited to the increasing numbers of immigrant farmers across all demographic groups. Immigrant farmers are diverse in terms of country of origin, where they live, what they produce and how they sell. By supporting these new and aspiring farmers, we not only will ensure

that there will be adequate supply of local foods available in our communities, but also contribute to local economic development and healthy communities.

The conference will be interpreted into Laotian, Hmong, Spanish, Karen and Cambodian languages. The conference hosts invite farmers of any language to register. Interested participants please call the hosts with translation or other needs.

The training conference is intended to foster partnerships between non governmental community based organizations, MDA, and the USDA Agencies to assist minority, limited resources and underserved farmers in Minnesota and Western Wisconsin.

The deadline to signup is Monday, March 9, 2008. Registration is on line at www.mnfoodassociation.org; Interested farmers and CBOs can register online at or by calling MFA at 651-433-3676, or the Association for the Advancement of Hmong Women in Minnesota at 651-255-0799.

In era of fewer farms, Minnesota stands out

By DAVID PETERSON and JOY POWELL, Star Tribune staff writers

February 4, 2009

As most of the major Farm Belt states lose farms by the thousands, Minnesota is bucking the trend.

In five years the state has gained 2,200 small to micro size farms and added nearly 100 in the mega category -- 2,000 acres or bigger. That has offset the loss of more than 2,100 mid-sized farms, those in the hundreds of acres, the federal government reported Wednesday.

As a group, the state's farmers enjoyed a big increase in income between 2002 and 2007, according to figures gathered last year for a massive nationwide agricultural census. But costs rose dramatically -- up to 90 percent in some categories, particularly for fuel and fertilizer, as energy costs jumped overall.

Still, the hike in income was significant, said Minnesota Agriculture Commissioner Gene Hugoson: from \$8.6 billion to \$13.2 billion, with the same trend expected to continue through 2008. "Agriculture is still a big part of this state's economy," Hugoson said.

Minnesota is no longer the fastest-growing state in terms of number of farms, as it was in the last five-year period, when it added thousands. This time it was just up slightly. But it still stands out against its Farm Belt cousins: States like Illinois, Iowa, Nebraska and Indiana are still losing thousands more farms in each new census.

The rise of the smaller in Minnesota and many other places, offsetting the losses in mid-sized ones, raises questions about what's really going on. Is it a sign of a new brand of farming -- smaller-scale, more organic, often serving or being created by Minnesota's multitudes of immigrants from around the world? Or is it a sign of wealth, of Range Rover hobby farms with stables in back?

Charli Mills of Valley Natural Foods in Burnsville, which expanded last summer from a hole-in-the-wall place to 10,500 square feet, said it must have something to do with a growing desire for more food choices, and growing numbers of young people digging into the soil to serve them.

'A great food area'

"The Twin Cities is a great food area," she said. "Nowhere else in the country are there are as many natural food co-ops as here. According to my directory, Oregon has 10, Washington State has 12, Texas has two -- and we have 30. There is not enough supply

to meet the demand, and that's got to account for the growth in small farms."

Although just a sliver of the market, organic product sales did hit nearly \$40 million in 2007, produced by 636 farmers in Minnesota -- a new category in the latest ag census, which is conducted every five years.

Ben Doherty and Erin Johnson, farming a handful of acres near Northfield since 2006 and producing 300 varieties of fruit, vegetables, flowers and herbs, report that they already have a waiting list of 80 families who hope to get a chance to drive to their farm and pick up freshly harvested beans, snow peas and lemon balm. They have bought and are restoring a historic, sprawl-threatened barn from just outside Mankato.

Conversations with a number of smaller farmers, including recent start-ups, suggest a strong link with refugees and other immigrants whose tastes are not always those of the conventional supermarket.

"We had a Greek customer that was making a traditional Greek dinner," said Lori Pint, of rural Scott County, who raises lamb with her husband, Norm. Sitting at the kitchen table and paging through her order book, she ticked off the nationalities of folks she has met in a business she started just a few years ago: "A friend from India who buys lamb twice a year from us ... Russian ... Russian... Russian ... Argentina! Every year they have a traditional Argentinian barbeque. The Ukraine ... India ... Kurd ..."

In another sign of changing demographics as well as changing taste in cheese and milk, inventories of goats have quadrupled in Minnesota over the past 10 years, from fewer than 10,000 to nearly 37,000, a rate of increase far higher than the nation's. The number of commercial goat farms in the Upper Midwest, one expert estimates, has shot from five or six to 600 over the past three decades.

But the number of horses on farms has also soared by more than 20,000 to nearly 100,000 in 10 years, in what would seem to be a sign of rising wealth. In fact, if you type "hobbyfarms.net" into a Web browser, what comes up is a pair of real estate agents in Burnsville who market large-acreage estates.

Grow or get squeezed out

Even as that form of rural acreage spreads, so does the squeeze on the oldest form of farming, the mid-sized spread.

Outside a farmhouse on Biscayne Avenue in Farmington is a sign of the times: a small placard that advertises fresh farm eggs. It's not only milk that's being sold at this longtime dairy farm, but now beef, eggs and apples to supplement the milk income. John Brand owns the mid-sized dairy farm, and he's faced with the prospect of getting bigger or getting out of farming.

Brand's son, Aaron, wants to begin selling his white and brown eggs, as well as apples,

at one of the growing number of farmers' markets that have blossomed throughout the state. Sales of the family's Holstein beef have soared in recent years.

To build a new barn and buy more land in a fast-developing area is costly, he said. He could use another couple of dozen cows to help support Aaron, should he marry and begin a family.

Despite higher operating costs and the question of whether his land is worth more for development than for farming, John Brand said he wants to remain a farmer. His own parents never had a big operation, but they sacrificed so three of their sons could get into farming. There aren't many lines of work where three generations can work side by side, each with their own jobs, Brand said.

"It definitely is a lifestyle," he said. "It's seven days a week, but it's something that gets in your blood. Raising a crop, and getting out there and sitting in a combine, and seeing the crop come in. There are a lot of benefits to farming. You get to raise your kids out there on the farm. We've been blessed, very blessed."

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Met Council panel OKs sprawl in long-term plan

By **DAVID PETERSON**, Star Tribune

February 17, 2009

A key committee of the Metropolitan Council unanimously approved late Tuesday a plan by Scott County to spread suburbs over much of what is now farmland. But its chairwoman commended the farmland preservationists who are fighting that plan.

"We're very pleased you did come down today," Council Member Natalie Haas Steffen told the activists. "Stay on that County Board. They run for election. ... You could be onto something -- and could come up with solutions that could be used in other parts of this region to deal with this problem."

The council could not, however, she added, do what the activists were seeking, which was to stall or amend the plan to make it a more powerful force for farmland protection.

"I share the concerns of these farmers," she said. "I really do." The retention of prime farmland for local food production "is a big issue for the region. But we have no oversight over food. Food is not a 'system' that the Legislature has created or given us. But I'd like to see this addressed somehow."

The plan, which envisions developing most of the western half of the county over the next century, ignited a several-hours-long public hearing last spring. It spawned a grass-roots movement with legal representation from St. Paul, including a seven-page letter last fall pleading for more time before the Met Council considered the plan.

Yet when the plan went before the Met Council this week, it was listed as having "no known opposition." Activists were incredulous at that.

"We've been hammering at this for the last year and a half, and now this is thrown in our face?" said Jennifer Jensen, a leader of the Local Harvest Alliance. "Unbelievable."

Haas Steffen permitted four members of the group to address the committee at some length, and instructed council staffer Tom Caswell to make sure the record of opposition to the plan was corrected. Confronted by activists afterward as to what he was thinking, Caswell said he had noted that the county had made some changes in the plan in response to their protests, and, having not heard directly from them, he assumed it was all smoothed over.

"It's long-term," he told them, meaning most of the farmland at issue won't be developed for decades.

Attorney Susan Stokes, executive director of the Farmers Legal Action Group, said the activists and their attorneys emerged from the session with mixed feelings. They appreciated the expressions of support, she said, but worry that the plan will lock the county into slowly erasing its agricultural heritage.

In a letter to the council, Stokes praised Dakota County for steps it is taking to "protect agriculture by limiting rural residential growth." In "sharp contrast," she said, Scott's plan leaves "prime soils to be buried under concrete."

Scott County's top planners testified about the many steps the county has taken to work with farmland activists, and pledged to find ways to make agriculture protection measures work. Caswell praised the public participation process they undertook over several years as "outstanding."

Stokes said the group intends to keep after the issue. "We're not finished with this," she said.

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Minnesota among nation's farmers market hot spots

It's opening day for a new farmers market in Minnetonka and -- following a trend that's taken off in Minnesota -- shoppers flock by the hundreds to buy fresh, local produce.

Awaiting them at a shaded table loaded with strawberries, potatoes, snap beans, green beans, zucchini, onions and herbs is Hmong grower Long Yang. He's brought this bounty from his 40-acre farm in Rosemount where he and his family raise fields of food for the metro area's booming farm market.

"The customers keep coming more and more," said Yang, who can sell most everything he grows at one market or another, seven days a week.

Many of today's growers are selling at more markets than in the past because demand for fresh local food is exploding in Minnesota. In just five years, the number of farmers markets statewide has nearly tripled to about 130, including more than 50 in the metro area. At least two dozen suburbs have one or more, and the big markets of Minneapolis and St. Paul have spawned neighborhood mini-markets at 12 locations. This year alone, new markets opened in Woodbury, Minnetonka, New Hope, Inver Grove Heights, Savage and South St. Paul.

Noting a fast upswing in farmers markets

nationwide -- from 1,755 to 4,685 over 14 years -- the U.S. Department of Agriculture ranks the Twin Cities with Chicago, Atlanta and Madison, Wis., as the nation's metro hot spots.

In Minnesota, the demand for local foods is so strong that 80 percent of the nearly 300 growers who attended the annual Minnesota Fruit and Vegetable Growers conference this year said they now are selling directly to consumers. That's the opposite of 20 years ago, when most of them sold to wholesalers and stores. And many more farmers are striving to extend Minnesota's growing season -- and their profits -- with a new generation of greenhouses.

Why the boom?

Thriving in part on the nostalgia of long-ago trips to grandma's and grandpa's for fresh food from the garden, customers come to today's farmers markets for the superior taste and health benefits of fruits and vegetables grown nearby.

"Everybody's thinking healthy these days," said Terry Gerten, who sold tomatoes recently at a new market location in Inver Grove Heights. She and her husband Mike, of Hastings, have sold produce at markets for 30 years but they find the latest trend amazing. "Now it's the thing," she said.

With a farmers market now just 2 miles from her Minnetonka house, Jackie Zimmerman plans to

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shop there every week. "There is something appealing to me about coming here and buying a fresh box of beans to take home and cook for dinner," she said. "Because I live here, I keep running into people I know -- it feels personal and fresh."

Alan and Carol Bensman of Minnetonka said they had read a convincing case for eating local food to reduce money and energy spent to transport food. "We want to eat local because it's healthier and because it supports our community," Alan said.

"The local food movement that we see nationwide, it's really strong in Minnesota," said Terry Nennich, a University of Minnesota extension professor who specializes in farmers markets. The markets are multiplying because they are "the most common way that people can access local foods," he said. By selling directly to consumers, farmers can make 50 percent more on their produce, Nennich said.

Food scares, including worries about pesticides and contaminants, also drive people to farmers markets.

"People want fresh produce and people want to know where it's coming from," said Eden Prairie raspberry and tomato grower Terry Picha. "The vendors are the growers and the customer gets to meet the person who is growing their food."

Hmong are big players

Twin Cities markets couldn't have spiraled to their level of popularity without Hmong farmers, who like Yang increasingly supply most of the cropland vegetables, such as lettuce, onions, potatoes, beans, peppers, tomatoes, carrots, broccoli, zucchini and herbs. They also sell flower bouquets by the thousands.

Hmong growers represent about 70 percent of sellers in suburban markets and more than half of all growers in Minneapolis and St. Paul markets, said Jack Gerten, manager of St. Paul Farmers Markets. "If you didn't have the Hmong you couldn't have these markets," he said.

Yang said he works dawn to midnight keeping the produce coming from his farm. His pledge to customers: "Picked today -- sell today."

Profits vary wildly depending on growers' overhead costs. Mike Gerten, Jack's second cousin, said that vendors can expect to make a few hundred dollars a day at a suburban market and more at the large markets in Minneapolis and St. Paul. No one tracks overall sales.

Extending the season

Because of the surging interest in Minnesota-grown food, new ideas have burst onto the scene to draw even more dollars into the market. Some chambers of commerce now sponsor markets

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and more sellers now can accept payments from customers on public assistance.

About 400 growers in Minnesota are trying a new solar-heated "high tunnel" to try to open the cold state growing season five weeks earlier in the spring and keep it going five weeks later in the fall, Nennich said.

Typically 25 feet wide and 100 feet long and covered with a thick plastic, the tunnels let heat inside and keep interior temperatures at 80 to 90 degrees even when the outside temperature is hovering around 40 degrees.

One tunnel near Fargo, N.D., this year yielded ripe cucumbers in May and tomatoes in June, Nennich said.

Now, close to the peak of summer bounty, markets soon will be bursting with tomatoes, corn, squash and beans.

"I love fresh produce," said Karen Stokfisz of Minnetonka, who shopped at that city's new market on the Minnetonka Civic Center campus at 14600 Minnetonka Blvd. "I believe in buying local. It really does taste a lot better."

David Peterson contributed to this article. Laurie Blake • 612-673-1711 Kevin Giles • 612-673-4432

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DISASTER PROGRAMS UNDER THE 2008 FARM BILL

Fee Increase for CAT-level Crop Insurance and NAP Coverage

The 2008 Farm Bill raises the administrative fee for catastrophic crop insurance (CAT) coverage from \$100 to \$300 per crop per county.

It increases the administrative fee for the Noninsured Crop Disaster Assistance Program (NAP) from \$100 to \$250 per crop per county, up to a maximum of \$750 per county and \$1875 per farmer.

Five New Standing Disaster Programs Created

The 2008 Farm Bill creates five new disaster programs that will be available on a standing basis for losses resulting from disasters that occur before October 1, 2011. This means that farmers suffering losses to crops and livestock as a result of a disaster anywhere in the country will be able to immediately apply for assistance, rather than having to hope that their losses would be covered by an ad hoc disaster program that might be adopted at a later date.

Although the specific requirements for each program will not be known until the Farm Service Agency (FSA) publishes program regulations, which is not expected until 2009, this handout gives some basic information about program coverage and requirements.

Availability of the New Programs Not Limited to Declared Disaster Counties

The new disaster programs will be available in all counties covered by a presidential disaster declaration or disaster designation issued by the Secretary of Agriculture, along with all bordering counties. This is similar to program availability of other federal disaster programs. However, these new disaster programs will also be available to any individual farmer who suffered more than a 50 percent reduction in normal production due to weather conditions, whether or not the farmer's county is covered by a disaster declaration.

In General, Crop Insurance or NAP Coverage Required on All Crops to Be Eligible for the New Programs

It is a general requirement for almost all of these new disaster programs that a farmer have obtained at least CAT crop insurance coverage or NAP coverage for all of the farmer's crops in all counties where such coverage is available. As a result, farmers must secure crop insurance or NAP coverage on all crops at the beginning of each crop year if they want to maintain eligibility for these new disaster programs.

One-Time General Waiver for 2008 Crop Year If Buy-In Fee Paid by September 16

Because the 2008 Farm Bill was enacted after the closing dates for obtaining crop insurance or NAP coverage for the 2008 crop year, Congress included a one-time waiver of this coverage requirement for 2008. However, to take advantage of this waiver for the 2008 crop year, farmers who did not already have crop insurance or NAP coverage on all crops had to pay a "buy-in" fee to FSA by September 16, 2008.

Waiver for All Crop Years for Socially Disadvantaged, Limited Resource, and Beginning Farmers

Separate from the one-time waiver available to all farmers for the 2008 crop year, there is a targeted waiver of the requirement that the farmer have obtained crop insurance or NAP coverage to be eligible for the new disaster programs. This waiver is available in all crop years for farmers who meet the definition of socially disadvantaged, limited resource, or beginning farmers or ranchers. This waiver does not require a buy-in fee of any kind.

For the purpose of the new disaster programs, a “socially disadvantaged” farmer is a farmer who is a member of a group that has been subject to racial or ethnic prejudice. A “limited resource” farmer is a farmer who meets specific income limits. (USDA has an online tool to help farmers determine whether they qualify as limited resource farmers:

www.lrftool.sc.egov.usda.gov/tool.asp.) A “beginning” farmer is a farmer who has operated a farm for no more than 10 years.

Farmers who believe that they are eligible for a waiver under one or more of these categories should request this waiver from FSA.

Overview of the New Programs

As mentioned above, the specific details of the new programs will not be known until FSA issues program regulations. This is not likely to happen before 2009. However, it is possible to get a general idea of the losses that will be covered and the assistance provided based on the Farm Bill language itself and some internal policy notices issued by FSA over the past couple of months. In particular, FSA Notice DAP-289, “Announcing Supplemental Agricultural Disaster Assistance Programs,” provides a general overview of the new programs.

Supplemental Revenue Assistance Payment Program (SURE)

The Supplemental Revenue Assistance Payment Program (SURE) will provide cash payments to eligible farmers who have incurred crop production losses or crop quality losses, or both. A farmer’s SURE payment will be 60 percent of the difference between the revenue amount guaranteed under the program and the farmer’s actual total farm revenue for all crop acreage in all counties.

The general SURE eligibility requirement is that crop insurance or NAP must be obtained for all crops for which coverage is available. A farmer’s revenue guarantee under SURE will be based on 115 percent of the farmer’s crop insurance coverage (acreage times price election times yield election) for each insurable crop and 120 percent of the farmer’s NAP coverage (acreage times NAP program price times yield guarantee) for each non-insurable crop.

A farmer’s actual total farm revenue will be calculated for SURE by determining the estimated actual value of all crops produced, 15 percent of any direct payments under the Direct and Counter-Cyclical Program (DCP), the full amount of any counter-cyclical payments under DCP or crop revenue payments, the full amount of any LDPs or marketing loan gains, the full amount of any payments received under crop insurance or NAP coverage, and the full amount of any other disaster payments for the same loss.

Livestock Indemnity Program (LIP)

The Livestock Indemnity Program (LIP) will provide cash payments to eligible livestock producers for death losses due to adverse weather that are in excess of normal mortality. Eligible losses may include those determined by FSA to have been caused by hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold. FSA's notice DAP-289 makes clear that there will be no state, county, or other area trigger for LIP availability.

There is no crop insurance or NAP coverage requirement for LIP.

LIP indemnity payments will be 75 percent of the fair market value of the livestock on the day before the date of death of the livestock. FSA will determine the livestock value based on certain set categories.

Livestock Forage Disaster Program (LFP)

The Livestock Forage Disaster Program (LFP) will provide cash payments to eligible livestock producers who suffered grazing losses for eligible livestock because of drought or fire. Drought losses will be covered on land that is native or improved pastureland with permanent vegetative cover and on land planted to a crop specifically for grazing. Fire losses will be covered on rangeland managed by a federal agency if the fire prevents the producer from being able to graze the normal number of permitted livestock.

The general LFP eligibility requirement is that crop insurance or NAP must be obtained for crops grown on grazing land, if coverage is available.

The LFP payment rate for drought losses will be 60 percent of the producer's monthly feed cost, as determined by FSA; a producer may receive the equivalent of one, two, or three "monthly" payments based on the severity of drought in the area. LFP payments for fire losses will be 50 percent of the producer's monthly feed cost for livestock covered by the federal grazing lease, as determined by FSA, for a maximum of 180 calendar days per year.

Tree Assistance Program (TAP)

The Tree Assistance Program (TAP) will provide cash payments to eligible orchardists and nursery tree growers for qualifying tree losses due to natural disaster. The producer must have experienced more than 15 percent tree mortality due to the disaster.

It is a general TAP eligibility requirement that crop insurance or NAP must be obtained for all crops growing on vines and trees, if coverage is available.

TAP payments will be 70 percent of replanting costs and 50 percent of pruning, removal, and other salvage costs for qualifying losses.

Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (EALP)

Under the Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (EALP), FSA may spend up to \$50 million per year to provide emergency relief for losses due to feed or water shortages, disease, adverse weather, or other conditions, such as blizzards and wildfires, that are not adequately addressed by other disaster programs.

It will be a general EALP eligibility requirement that crop insurance or NAP coverage have been obtained for all crops, if coverage is available.

Check FLAG Website for Future Updates

The FSA policy notices related to these new disaster programs can be found on the FLAG website at www.flaginc.org/topics/disaster/index.php, along with other information on disaster assistance for farmers. As more details become available about the new disaster programs, additional updates will be posted there. ■

If you have any questions about the information in this handout or any other disaster program issue, contact the Minnesota Family Farm Law Project:

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