

# CAMP VERDE BUGLE

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## Unfit for Human Consumption? Part 1

*Regulations and sauer-ed relationships in homegrown foods*

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VERDE VALLEY - Like all great revolutions, this one began over something so seemingly trivial as a barrel of sauerkraut.

In this case it was the old-fashioned, naturally fermented kind -- the kind that needs no pasteurization or refrigeration.

It's the same kind Capt. James Cook had onboard when he circumnavigated the globe. Cook knew well that on a long ocean voyage his vats of sauerkraut would be the only thing standing between his men and the dreaded scurvy.

But sometime between Cook's voyage and the day government took a stand on food safety, naturally fermented sauerkraut got a bad rap.

Health departments, at least those in Arizona, do not see it as a product that is fit for human consumption -- at least not without government oversight and no small expense for permits and inspections.

In fact there are numerous homemade foodstuffs that were once considered delicious, nutritious and safe that are now available only if they are produced in large quantities, sufficient to cover the cost of government intervention.

And a growing number of folks, who would like to offer the public a choice when it comes to what they eat, as well a more stable local food supply, are not happy.

### Sauer-ed relations

In 2010, Sedona resident Sandy Boyce planted a garden full of cabbage. When it ripened she picked it, shredded it and placed it all in a large vat, where it was salted, sealed and the naturally occurring lacto bacteria was allowed to do its thing.



Although fresh produce sold at farmer's markets in Yavapai County draws an exemption from most fees and regulations, once it is processed in any fashion a whole new set of rules, regulations and fees come into play, many of which local growers and food processors would love to see changed.

When it was done she put it in jars, labeled it, loaded in her car and took it to her local farmer's market.

It wasn't long, however, before a Yavapai County health inspector showed up and told her it was unfit for human consumption and that she must cease selling it to the public.

So the next week when she returned to the market, her jars were labeled "Pet Food: Not for Human Consumption."

In spite of the fact few animals eat naturally fermented sauerkraut, Boyce sold all 435 pounds of sauerkraut by the end of the season.

And that's when Arizona Department of Agriculture sent Boyce a cease-and-desist order, in response to a complaint filed by the Yavapai County Department of Health Services.

Now she and a growing number of folks, who feel personal decisions on what they eat are none of the government's business, are fighting back.

#### Cottage foods

Over the last decade, the Verde Valley has seen the emergence of several farmer's markets, Community Supported Agriculture (CSA) organizations and a steadily increasing demand for fresh produce, homemade baked goods, salsas, jams, jellies and other prepared foods.

Under county regulations fresh produce can be sold without special permits as long as the person selling the produce is the same person who grew it.

The same goes for jams and jellies as long as the maker grew the majority of the contents in the jar and the jars are properly labeled.

Confectionary items such as brownies, cookies, fruit pies, toffee and divinity are now exempt also, thanks to a law passed in 2011, as long as the person preparing them has a food handler's license, is registered with the state and properly labels the product,

But many products that fall into a broad category known as cottage foods or artisan foods, such as homemade sauerkraut, jerky, fresh bread and infused oils, don't receive the same exemption.

Along with products like fresh milk from a local farmer or cheese made from the neighbor's raw goat milk are altogether illegal to sell to the public without licenses, permits, testing and/or the use of a commercial kitchen.

#### Onerous costs



Although she was one of the founders of the valley's first farmer's market in Camp Verde, Diane Scantlebury has stopped selling value added items at the market, such as jams and jellies, because of the county's special event fees.

It is not just the state and federal regulations that have local producers up in arms. It's the cost of doing business.

In Yavapai County, farmers markets are considered special events. Vendors must pay a special event fee, although in the instance of farmer's market the \$137 fee is good for six months.

If a vendor sells jams or jellies from fruit grown on land they own or lease, the fee is waived.

But those who make their products in a commercial kitchen, for instance sauerkraut, and those who sell jams and jellies from fruit not grown by the producer, must pay a fee of \$137 per market.

When the valley farmer's markets first started up, each farmer's market worked with the others so they wouldn't interfere with each other. That's why Sedona, Cottonwood, Cornville and Camp Verde are each open on a different day

It wasn't done for the sake of the consumer as much as it was done for the vendors.

But under county regulations, if someone like Boyce sells at all four markets each week, they need to pay out nearly \$550 for special event permits.

Boyce and her fellow vendors have not missed the fact that neighboring Gila County and Coconino County do not charge any fees at farmer's markets unless the vendor is serving food for consumption on the premises.

There are other fees also, like the food handler's classes, the cost of using a commercial kitchen, sending samples to a lab to certify that the ph value of the contents is below the 4.6 standard, and the cost of certifying the preparation process.

"I won't mess with it any more," says Camp Verde grower Diane Scantlebury, who has a commercial growing operation that provides fresh produce to area restaurants.

"It's not worth the time," says her neighbor and fellow founder of the Camp Verde Farmers Market Denise Gould.

## Food Freedom

Fees and regulations have many of those who helped start up and manage the valley's farmer's markets looking for ways to solve what they see as an antiquated and unfair system.

"I was selling out of sauerkraut every weekend, even when I was selling it as pet food," says Boyce, "It was never a matter of food safety. It's a matter of regulations that need to change."

The notion that the government, at least in Arizona, considers her sauerkraut unfit for human consumption has been the impetus behind a proclamation Boyce and others are now passing around the valley and directing at their local town and city councils.

It's called the Local Food Freedom Proclamation, and it's an effort to bring awareness and change to the way things are done when it comes to buying foods the consumer clearly has a taste for.

Part 2: Unfit for Human Consumption? Fed up and wanting change

- [Unfit for Human Consumption? Part 2](#)

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