

At the request of the Florida legislature, the following report was prepared by the Florida Food Safety and Food Defense Advisory Council through a specially convened Small Farms Subcommittee. This report summarizes the efforts of the Advisory Council to review existing food safety requirements governing those small farms which are permitted as a “food establishment” under Chapter 500, Florida Statutes. It is anticipated that these findings will assist the Department of Agriculture and Consumer Services as the Department prepares its recommendations to the Senate President and Speaker of the House on food safety issues and efforts to minimize costs to small farmers.

#### **4. Recommendations for the sale of honey**

Farmers engaged in beekeeping are essential to Florida agriculture. In addition to honey production, Florida’s beekeepers provide essential pollinators for many agricultural crops. Just as large commercial apiary operations support production agriculture, small-scale beekeeping operations can benefit other small farm operations. Their ability to supply pollination at a reasonable cost is of great benefit to the small farm community.

Honey processing is regulated through the processor. FDACS regulates honey processing facility sanitation because packing and processing honey also comes under food processing. Section 500.12, 1(a) FS requires permits to manufacture, process, or pack honey. Such permits are obtained by application and are issued annually and a \$335 fee is charged.

In July of 2009 by the request of the honey industry FDACS adopted Rules 5K-4.027 and 5K-4.028 Florida Administrative Code prohibiting the production and sale of adulterated honey and requiring that all honey sold in Florida comply with the rules. The rules prohibit the sale of the honey-fructose blends and chemically treated honeys labeled as pure honey that have flooded the market over the past decade. The beekeeping community is seeking solutions that would allow small operations to be able to afford to operate without the costs of a permitted facility.

In Florida, there are currently about 1600 registered beekeepers. Of those, 1100 registered beekeepers are producing honey from 1-10 hives and are considered the “hobbyist” beekeepers. There are about 300 part-time or “sideline” beekeepers producing honey from 11-200 hives and 212 full-time or “commercial” beekeepers over 200 hives.

The average hive produces 5-7 gallons of honey per year, so a producer with 50-70 hives averages 250 to 700 gallons of honey per year. This means the vast majority of Florida beekeepers are operating on a part-time or hobbyist level. Approximately 87% of Florida registered beekeepers are in this range and produce about 2% of the honey produced in Florida.

This shows that the chain of commerce for these hobbyist/part-time beekeepers is very small with very limited sales outside of their local communities (UF/IFAS publication, 2009). Because honey processing requires specialized equipment, it is impractical to co-op with producers of other agriculture products to reduce processing expenses.

**Issue:** Current regulations and costs for permitting a honey processing facility are a concern for many small beekeepers.

**Discussion:** In looking for solutions, the industry suggests changes to Chapter 500.12.4 FS for honey language. That section allows exemption from FDACS food permit requirements for persons selling

sugar cane or sorghum syrup that has been boiled and bottled on a premise located within the state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of product, and a statement that reads "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services." Adding "honey" to this section could exempt the small farmers who are marketing through direct sales to end consumers from the permitting and inspection requirements.

**Honey laws in other states:** The regulations on honey inspection, marketing and labeling vary by state. New York and Texas have complete exemptions from inspections for direct sales of honey. New York only becomes involved if there is a consumer complaint. Mississippi allows for "persons who make infrequent casual sales of honey (less than 500 gallons of honey per year), shall not be inspected unless requested by the producer". Tennessee allows for "persons who make infrequent casual sales of honey or who packs or sells less than 150 gallons of honey per year" are not included in the retail food store definition. Kentucky exempts those selling less than 150 gallons per year as well. In Georgia, honey is exempted from the Georgia Food Act. These states believe that honey is a fundamentally safe food. Honey does not require pasteurization or any other specialized preservation procedures prior to packaging. Honey does not require refrigeration for storage.

### **Subcommittee Recommendations**

- Exempt honey producers with limited sales (volume in gallons, to be determined).
- Require labeling that reflects the exemption from inspection and the risks, as well as the statement "Not for Resale" and This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."
- Require primary ingredients from exempt products to be grown on the seller's property.
- Restrict sales of exempt products sold directly to a consumer to the producer's farm, a farmer's market, or a roadside stand.
- Products are sold by the farmer or family member.
- Establish a nominal registration fee for premises identification and traceability.
- Establish a food safety educational component related to exempt products.

### **Conclusion**

1. The main objective of this project was to assist small farmers to bring direct sales of their farm products to the end consumer. The short transaction chain from the grower to the consumer provides a unique relationship between them. These farmers work as hard to attract and retain each customer as they do in producing their crop. They must earn customer loyalty with high quality and wholesome products and must do it with every sale. However, having the Department of Agriculture and Consumer Services, educate vendors and permit facilities also has great value and helps ensure the safety of the food that is produced and consumed.
2. The Subcommittee examined and discussed many issues in developing the final recommendations. Their intent is to ensure that all foods sold to the consumer are produced in a sanitary environment and are processed in a manner to eliminate and prevent reintroduction of food pathogens and other processing hazards while minimizing the regulatory requirements.
3. The Subcommittee understands the increased potential for food safety violations with no regulatory oversight and the implications for food borne illnesses.
4. The Subcommittee consensus is that the food safety risks for direct sales of the four commodity groups considered is minimal. When limiting direct-to-consumer sales to a short transaction chain and the fewer instances the food changes hands, the opportunity decreased for cross contamination and the possibility of food borne illnesses. According to the National

Independent Consumer & Farmer Association, an exhaustive search of the history of food borne illness has not shown food from farmer's markets or on-farms sales contributed to communicable illness. It has been publicized over the years that food borne illness outbreaks have come from permitted and unpermitted facilities alike.

5. The Subcommittee offers these recommendations in an effort to minimize the cost to small farmers to bring their product to market while ensuring a safe food supply. Such an undertaking must achieve a balance between economics and public health concerns. The Subcommittee also recommends the Food Safety and Food Defense Advisory Council continue to work with FDACS to help maintain that balance.