

May 23, 2011

Councilman Pat Dolan
Justice, Health, and Welfare Committee
St. Louis County Council
41 South Central Avenue
Clayton, MO 63105

Dear Councilman Dolan,

I'm writing to follow up on the St. Louis County Council Justice, Health and Welfare meeting which was held on May 10, 2011 regarding the Health Department Fees charged to farmers and other food vendors participating in Farmer's Markets in St. Louis County. First of all, I want to thank you for convening the meeting and hearing our concerns. I appreciate your interest in this evolving issue, as well as your expressed intent to expedite a resolution after you receive the results of further investigation into the matter.

Secondly, I want to provide you with up-dated information regarding one of our areas of concern about the fees charged to farmers. Before and after the May 10 meeting, I spoke with Jennifer Brooks in the Business Development Division of the Missouri Department of Agriculture. She has been very helpful in explaining the intent of Missouri Revised Statute 150-030. This statute states:

'Any farmer residing in this state who shall grow or process any article of farm produce or farm products on his farm is hereby authorized and permitted to vend, retail or wholesale said products, free from license, fee or taxation from any county or municipality, in any quantity he may choose, and by doing so shall not be considered a merchant; provided, he does not have a regular stand or place of business away from his farm; and provided further, that any such produce or products shall not be exempted from such health or police regulations as any community may require.'

I learned from Ms. Brooks that approximately two years ago the Missouri Department of Agriculture sent letter(s) to the St. Louis County Health Department regarding the intent of Statute 150-030 that "any farmer...is permitted to vend...free from license, fee or taxation." Ms. Brooks was surprised to learn some Missouri farmers were being charged fees by the County Health Dept. and forwarded the information that I presented at the meeting to the Mo. Dept. of Agri.'s General Counsel, Michael Warrick.

In response, Mr. Warrick sent the following reply. *"Missouri Department of Agriculture will be in contact with the local authorities and will continue to negotiate with them to waive the fees placed on farmers that attend and meet the criteria at farmers markets pursuant to RSMo. Section 150.030."* It's my understanding that the Mo. Dept. of Agri. will also contact other Missouri Counties and Cities that have misunderstood the intent of Statute 150.030 and have been mistakenly charging fees to farmers.

I forwarded the Justice and Health Committee members names and addresses to Ms. Brooks asking that any correspondence sent to the County Health Department be sent to the Committee members, as well. I'm not sure if this has occurred, so I'm also sending you their contact information in case you want to request copies of these correspondences.

Due to the clear intent of Missouri Revised Statute 150.030 that farmers remain free of license, fee, or taxation, *I respectfully request that the Justice, Health, and Welfare Committee immediately require the St. Louis County Health Department to stop charging these permit fees to farmers vending at St. Louis County Farmers Markets.* This is an easy change to make since it is mandated by the State of Missouri, supported by the Mo. Dept. of Agri., and is followed by other counties like St. Charles. It also requires no changes to the County's Health Codes or Guidelines.

I would further recommend to the committee, that St. Louis County, in the spirit of good will, offer refunds to those farmers who were unduly and mistakenly charged fees in 2011. The small farmers in our area are not a well organized and legally represented group, like those in Boone County, Mo., who retained legal counsel to protect their right to sell eggs at farmer's markets and won. Refunding the fees charged thus far this year would go a long way to smooth ruffled feathers and it would also show the County's intent for future collaboration on best practices.

As states, counties, and municipalities across the country work to update their business, zoning, and health guidelines, in terms of permits, fees, licensing, etc. to accommodate the unique economic food service culture represented by farmers markets, good-faith practices are a positive way to promote both the viability of this burgeoning micro-economy but also serve to protect the health and well-being of those in our communities who both buy and sell at farmers markets.

As requested by the committee, I continue to research best practices regarding farmer's markets business and health guidelines, as they are developing in other areas of the country, to further help St. Louis County take a progressive and forward thinking view on the matter in both policy and action. I look forward to sharing this information with you in the near future and greatly appreciate your time and consideration.

Sincerely,

Deborah Henderson
Market Manager
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