

## **Public Market Advisory Commission Minutes- December 1, 2009**

### **Meeting Agenda**

#### 1. Call to Order

The meeting was called to order at 5:35 p.m.

P. Pollack: We can call the December meeting of the PMAC to order. Molly is not going to be here today, she is sick. In her absence, I'll call roll.

#### 2. Roll Call

Members Present: (3) S. Brines, G. Service, P. Pollack

Members Absent: (1) D. Black

Staff Present: (0)

Staff Absent (1) M. Notarianni

#### 3. Approval of Agenda

#### 4. Special Presentations

P. Pollack: This Friday, at the Farmers Market, the KDA will be holding an event called Kindlefest. Bonfire, smores, in the market space: a great use of the public market space. That is the same night as Midnight Madness, and the effort is to develop some activity in the Kerrytown area.

S. Brines: AAFM Vendors have been invited to be there, and there will be caroling, etc.

#### 5. Public Commentary – Agenda items only (3 minutes per speaker)

G. Thompson: Since October 2002, the National Organic Production Act has made it a federal offense to label any food product as “organic” unless its producer has been certified. There is an exemption for very small producers. There is also a Michigan Organic Production Act: Michigan’s act does not include small producer’s exemption. The Michigan Act is also much more specific regarding penalties for misrepresentation. However, there are a few vendors at the market that make use of the marketing advantage by implying the product is organic that are not certified. One vendor, Lynn Meissner, has displayed a sign since 2007 stating that she was a “certified” organic producer. The manager of the Michigan Organic Program, Ms. Colleen Collier, confirmed that this vendor was not a certified organic producer in 2007. This may be the most egregious example, but there are others. Peter Stark told a previous session of this Commission that it would be illegal for him to package his herbs to sell at the supermarket as “organic,” but he asserts that the sign over his table describes his farm, not his product.

Quality and trust are extremely important to retain market customers. These misrepresentations of organic must be corrected, or the reputation of the market will suffer. It is very simple: “organic” at the market must mean as much as “organic” at the

supermarket. It is also unfair to the vendors that go to the effort and expense of certification to compete against those that simply post a sign. I urge you to recommend that this problem be corrected. I am not suggesting that the market take on the task of verifying production. That would be difficult, and that is why the Federal certification process is expensive. The present market rules call for a copy of all required licenses and certificates to be attached, and it specifically includes “organic producer certification.” The current market rules also prohibit misrepresentation of a vendor’s product. I believe these two rules sufficient basis to prohibit signage that suggest or implies that a product is organic unless the producer is certified. However, should you wish to suggest a formal rule change, I have submitted to Molly copies of the market rules from the Howell and Lake Orion Farmers Markets as examples of markets that specifically regulate use of the term “organic.” If the Ann Arbor Farmers Market is to remain the best location for fresh produce in Ann Arbor, it must adopt the same high-quality standards that these markets in Michigan require.

Luis Vasquez: I’d like to refer you to the Current Magazine article in the November issue, entitled “Knowing What You’re Getting”, which talks about the “faked goods” issue. Curiously it does not quote Molly Notarianni in the article at all, I don’t know if the author tried to contact her to get a quote from her, but I found that curiously absent. I did find Jeff Straw’s comment: “our rules currently state that baked goods must be produced by the vendors but the definition of ‘produced’ is not exclusively specific and therefore left up to the decision of the market manager. Well if it IS the decision of the market manager, then shame on Molly, and I wish she was here so I could wag my finger at her and state as such.

I also wanted to bring a number of signatures I collected on my petition to support better baked goods rules at the market, I sent a copy to the market commission back in March and April of our proposed baked goods rules. I ask for your consideration as a commission to enact and implement and enforce a better set of baked goods rules. I also have here a partial list of places that have “from scratch” baked goods rules: some of them go so far as to say “no commercially prepared dough mixes, crusts, shells or fillings allowed”: Morgantown WV, Plattsburg NY, Bennington VT, Plainsboro MN, Wyoming OH, Rochester NY, Washington DC, Davidson NC, Westport CT, Oregon City OR, Frankenmuth MI, Chicago IL and literally dozens of other markets, including the Ann Arbor West Side Market. I sincerely doubt that if Kapnick’s were to apply to sell there they would be accepted. I’d also like to talk about the article in the Ann Arbor Chronicle where you, Peter, are quoted as saying it’s rare to have a producer only market like the one in Ann Arbor and that’s an aspect of the market that’s worth protecting. I agree with that, but for now it is only a notion. I’d like to be a promoter of the market and not have to return time after time asking for a change in the rules.

## 6. Approval of Minutes

### a. Meeting of November 3, 2009

## 7. Commission Business

P. Pollack: As I mentioned , Molly isn't here so her reports will not be a part of this meeting and will continue at next month's meeting.

- a. Old Business
- b. New Business

## 8. Reports and Communications

- a. Market Manager
- b. Related Boards, Commissions, Committees, and Task Forces

### 1) Policy & Procedures subcommittee:

D. Barkman: We are listening to the various voices around the community. Having a viable market is important to everyone. Additionally, there is the Great Lakes Vegetable Growers Convention next weekend in Grand Rapids. All three days they have various seminar sessions that address farm market and product issues, so it might be good to have someone attend and review.

S. Brines: We're all taking our attempts at re-drafting rules. The idea is to take existing stuff and make it a little clearer, from the beginning of the application process.

P.Pollack: It's been about two years since the current rules have been in operation, and so we've been keeping track of related comments questions and observations. The scheduled review we are going through right now has been organized by this commission, nobody in administration has told us to review the rules. Two things we've talked about doing:

- 1) clarifying terms on the vendor application.
- 2) other items that might require deliberate changes by the administration, recommended by us

In terms of the first track of action, we expect in January/February to refine these rules and terms and then in the March vendors public meeting bring those suggestion to a public forum. Our next session is on the 15<sup>th</sup> of December at 5pm at the market office. Everything we're doing now is suggestions, there will be no definitive proposals.

### c. Items from Commissioners

D. Barkman: There are a number of markets around the area that people and developers are looking to utilize and/or rent out the facilities, which is an issue that could face the market in the future, if there are facilities with better offers or facilities better suited to certain vendor's products.

P. Pollack: There was a time when the market was unique, but that isn't the case anymore, so how this market stays competitive is important. The good thing about our location is that the whole neighborhood is a destination.

d. Transmittals/communications received

Public Commentary - General (3 minutes per speaker)

Glenn Thompson: I was surprised to hear the market subcommittee meeting included three commissioners, which effectively puts it under the jurisdiction of the Open Meetings Act. So what I would like to know when and where are you going to publish the minutes of this meeting, as required by the Open Meetings Act? I also would like to comment that I think it is unfortunate you are choosing to conduct these meetings essentially outside the public sphere. Yes someone can attend, but the meetings are not broadcast nor available on demand. That seems like a rather poor approach for a body claiming to work in openness and transparency and whose total number is of commissioners is only five.

Luis Vasquez: I have to agree with Mister Thompson on that point. I'd like to also talk about the issue of organics: The late Ken King, producer and former market commissioner confided in me a few years ago about organic certification and the near impossibility and extreme expense for small farmers such as Frog Holler and others. Organic farmers, I think, need to be supported even if they aren't in compliance with federal statutes. Personally I would like to know what kind of pesticides are sprayed on produce sold at market. That would provide me with more information about what I will decide to buy. Furthermore, on the misrepresentation of the origin of products: I don't find that farmers who has consistently used organic methods who use the term on their signs as egregious as the example I keep bringing up, which is Kapnick Orchards' putting a label onto goods not of their own making. That is a blatant misrepresentation.

P. Pollack: A comment about our working session: we are a five person commission. In order to take advantage of the knowledge and experience of a small group of people it happens this particular subcommittee had three people attending. The meeting was published on the website, it was noted in advance, it was announced here at the November meeting just as our next meeting was announced today. They are not being conducted out of the view of the public. They are meetings that have been announced, there have been three commissioners attending so far, there may be more, but the meetings are noticed and people are welcome to attend. And while working sessions are not participatory as such, it's not unlikely that comments can be heard at each meeting. So we are not hiding, we are not doing anything behind closed doors, it is just the nature of a five person committee that when you do have subcommittees, you may actually have a quorum. It is our intent to keep doing what we are doing, which is to announce meetings, keep notes and follow through.

10. Adjournment

The meeting was adjourned at 6:04 pm