

Christine Solem
1836 Polo Grounds Rd
Charlottesville, VA 22911
September 24, 2007

Dr. Richard Hackenbracht, Program Manager
Virginia Department of Agriculture and Consumer Services
Office of Meat and Poultry Services
102 Governor St.
Richmond, Virginia 23219

RE: Overkill on small Nelson county Farm

Dear Dr. Hackenbracht:

I am writing to express my extreme displeasure with respect to your office's mishandling of the situation at Double H Farm in Nelson County, home of Richard Bean and Jean Rinaldi. Richard and Jean run a small diversified farm selling many varieties of vegetables, eggs from free ranging hens, and meat from humanely raised hogs, which Richard slaughters and processes into sausage, bacon, pork chops, etc... I am friends with and a customer of these fine people. Their meat products are excellent.

In May of 2006 an agent from your office approached Richard at the Charlottesville Farmer's Market and informed him that he could process and sell his pork products at the farm or at farmers' markets if the hogs were slaughtered at a federally inspected facility. The agent put nothing in writing, even though he was requested to do so by Richard. This is not a surprise since the agent's statement is not supported by law. There is no such exemption under 9 CFR Sec.303.1 (fitting Richard and Jean's situation) that would allow them to process their meat at home unless they ceased to be a farm and became a custom slaughter house or a retail food store, and both these establishments require inspection and costly buildings and equipment. The agent said nothing about these matters.

After having been misled by your office for a year and still processing at their farm, the couple was again approached at the Charlottesville Farmers' Market on July 14 and August 18, 2007. The agent complained about several aspects of their labeling of the meat, but provided nothing in writing. At this time the agent suggested that Richard contact VDACS' food inspectors for an inspection—nothing in writing.

On September 8th the same agent again came to the Market and detained an ice chest of pork products, claiming, inter alia, that Richard needed a business license to sell and that he had not arranged for an inspection under the Virginia Food Laws—again, nothing in writing, even upon demand. The agent said he would call and come out to the farm and “check on” the detained meat and also “look at” the facilities. An appointment was subsequently set for September 12th.

Again, erroneous legal information was dished out by your office. VA Code, Secs, 58.1-3703C2 and 58.1-3719A4 state respectively that a farmer is exempt from obtaining a business or peddler's license when selling his own farm-produced products.

Your office has access to the Attorney General's office. Why don't you use it? This is nothing short of incompetence on the part of your office. If Richard and Jean were breaking the law, they should have been informed specifically in writing; rather, they were misled that there were options available to them that didn't exist, and then were threatened with law that did exist, but didn't apply to them.

At this point in time Richard spoke to two attorneys, neither of whom was available to be at his farm on September 12th, but advised him to remain silent, to meet the agent at the end of the driveway with the ice chest of detained meat, and to not let any agent onto the property without a warrant.

I was there on September 12th as a witness. When the agent arrived, he was informed that Richard's attorneys had advised him to remain silent. The agent refused to provide anything in writing as to why the meat was detained. He kept trying to get Richard aside to talk to him in private. When pressed by me as to reasons the meat was detained, he refused to answer and immediately left. A few hours later 4 summonses each for Richard and Jean were served by the Sheriff's Office in Nelson County. The summonses charged the couple for selling misbranded and “economically adulterated” food.

On September 21st a search warrant was executed on the couple's farm, their home and curtilage area. Their computer was seized, pictures taken, and they were arrested for selling uninspected meat, handcuffed, mug shots taken, fingerprinted, the works. Participating in the raid were 2 agents from your office, 2 - 4 special agents, 1 state policeman, and 1 local Nelson County policeman, arriving in 4 -5 different vehicles. Oddly, no "dangerous" uninspected meat was seized.

Thus it is apparent that your office misled Richard and Jean and when Richard became suspicious and sought legal aid to protect his rights, your office retaliated and decided to "teach them a lesson," and at the same time scare the pants off of any other farmer who dare sell his own farm-produced meat as well.

As a taxpayer I object to the fact that good police officers' time should be spent on supporting your office's "power trip" when drug dealers, thieves, and spousal abusers could better be occupying these officers' time. And if you think terror tactics are going to stop the public demand for local small farm food, you'd better think again. People have a fundamental right to choose the food they want to eat. They buy food from the local farmer they trust because they know it is safer when it is not inspected, and they will get it by stealth if necessary. Are you going to try to put us all in jail?

Furthermore, local small farmers do not treat their animals inhumanely by crowding thousands into one building, nor do they create environmental problems, nor do their pork chops rival the taste of cardboard. Nor do they make people sick! Richard and Jean's meat never made anyone sick! Why don't you concentrate on agribusiness operations that do make people sick? Why don't you concentrate on food imported from China? Instead you office has denied me the freedom to buy Richard and Jean's excellent meat products and I don't like it one bit!

But, you say, "We're only enforcing the law." But, I ask, "Who is it at the Virginia General Assembly who always opposes the legislation filed by those of us who want to change the law to allow for small farm exemptions?" The answer is—Your Office, the Department of Agriculture and Consumers Services, Farm Bureau, premier agribusiness lobbyist who represents big meat processors and corporate big guys who pressure and bedazzle susceptible bureaucrats and legislators with their "influence" and power.

I say shame on your office, shame on the Virginia Department of Agriculture and Consumer Services, and shame on our Virginia State Government.

Yours truly,

Christine Solem
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cc: Governor Tim Kaine
Lieutenant Governor Bill Bolling
Attorney General Bob McDonnell
Secretary of Agriculture and Forestry, Robert Bloxom
Commissioner of Agriculture and consumer Services, Todd Kaymore
Senator Creigh Deeds
Delegate Rob Bell
Numerous other parties