

At Rural Vermont, we receive lots of member questions and try to respond as best as we can. We have, in fact, had members call and ask if we could recommend an insurance company to them. We have also received calls from members who are concerned they will be forced to purchase insurance they don't want or need. So, several months ago we received a call from a farmer who posed an interesting question. The question was, instead of simply responding to inquiries about where to purchase the best insurance, why aren't we questioning the need for liability insurance in the first place. This seemed to be a good question, it attracted our attention and addressing this issue in some way seemed to fit our role as an advocacy group with a mission of economic justice for family farms.

We've been doing a great job in Vermont rebuilding our food system. There have been tremendous increases in the amount and variety of fresh foods available to consumers, much of it marketed directly from the person or people who have produced the food. This direct marketing has been based on a bond of trust between farmers and other fresh food producers and their customers. This relationship marketing is unique to local food systems, community food systems. This is about the rebuilding of our food system- it has helped to define this complex social movement we are all part of. We are buying and selling our food in a completely different way, with a different set of rules. A different code of ethics and behavior not related to the industrial model. Now I am not just talking about we farmers- or about those of us who are producers and vending at our markets. I am including our customers as well. They are part of this movement too.

So, we would like to see a continued expansion of food products offered at markets throughout the state. I think we all hope for that. Especially as more food items become available that cannot be found in any supermarket – value added raw dairy products, wild harvested mushrooms, ramps and other foraged foods, herbal teas and tinctures, home baked goods fermented foods... there is a long list of foods that are not inspected or stamped or irradiated or sanitized or approved by an agency of the government .These are real foods and there is a real demand for them. So if we all think back three years, five years and remember what our markets looked like then... and then imagine what these same markets can look like three years from now... I think it is thrilling. We have all witnessed that which inevitably happens when people are allowed be innovative and bold and unafraid.

What does this have to do with mandatory liability insurance? We have some questions. What is the acceptable amount of power to give the insurance industry over our markets, over our livelihood? If we forcibly place an insurance agent with his risk assessment charts and tables between each and every farmers' market vendor and his customers how might that impact this local, fresh food movement as a whole? Would that protect us?

Would that make us, or our customers safer? Will it make our products safer? Would it make more fresh food available for our customers? We don't think so.

If a market forces all existing and potential vendors, regardless of their size or the maturity of their business or their ability to purchase insurance coverage - forces them to purchase coverage, in some cases even before they have made their first sale, would that policy be a net positive for our local food system? We do not think so.

If, resulting from a policy of mandatory liability insurance for all vendors the insurance industry begins vetting farmers market vendors – if they in any way begin to decide who can or cannot vend at a market, or if the insurance industry decides they need to define “Farmers’ Market” , how could such actions help us?

Much of this whole discussion regarding insurance seems as if it should be moot since no farmers’ market vendor in Vermont has ever been sued. Could it be, in part, because uninsured people make a lousy target for personal injury lawyers? In addition, much of the fear of an unregulated local food system, and the fear of increased regulation is based purely on speculation – what we are afraid could happen. The one thing we know for sure is that the largely unregulated rebuilding of our food system has worked for us quite well up to right now.

Admittedly, we do not know for sure what would happen under the circumstances I outlined a few moments ago. However, we firmly believe that increased regulation will inhibit market growth and the introduction of new products and vendors. We believe quite simply that increased regulation would be bad for our members, their customers and for everyone who has been benefiting from this locally grown, fresh food movement.

Every farmers market throughout the state has a board of directors and a market manager. These folks make the rules for their own markets and that is the way it should be. We understand there are times that forcing liability coverage on all vendors will seem like the right thing to do. It may be the path of least resistance or it may satisfy the fears of those who wonder “what could happen” or “what may happen”. We hope these folks will ask themselves, “How much faith and trust do we have in ourselves and our customers to continue on with our relationship based local food system without interference from any outside industry or government agency?” I believe we have already lived the answer.

Rural Vermont is opposed to mandatory farmers’ market liability insurance. We believe that all vendors should have a choice about whether or not to have insurance, and we believe that those who want insurance should have it available to them.