

Land Matters: Understanding Heirs' Property

USDA National Agricultural
Library
October 12, 2021



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DISCLAIMER: The guest speakers' portion of today's event will be recorded. The recording will show full-screen slides only, and we will minimize participants.

You may keep your camera off and use "anon" as your meeting name. (To rename yourself, go to the participants list, click next to your name and enter a new name.)

An announcement will be made when the recording begins and ends.

The recording will be shared on NAL YouTube with all Q&A edited out.



Photograph taken by [Dori \(dori@merr.info\)](mailto:dori@merr.info)

Schedule

10-10:05 Welcome – Paul Wester, Director, USDA National Agricultural Library

10:05-10:45 Keynote Speaker – Mavis Gragg, Chief Executive Officer of HeirShares and Director, Sustainable Forestry and African American Retention Project at the American Forest Foundation

10:45-11:00 Speaker – Rusty Rumley, Senior Staff Attorney, National Agricultural Law Center

11:00-11:15 Speaker – Francine (Fran) Miller, Senior Staff Attorney and Adjunct Faculty, Center for Agriculture and Food Systems, Vermont Law School

11:15-12:00 BREAK

12:00-12:35 Wikipedia Editing Training – Jamie Flood, Agricultural Law Information Partnership, USDA National Agricultural Library

12:35-12:40 Break

12:40-3:00 Time for editing, questions, and follow-up; one-on-one training as needed. Take breaks as needed. Shortly before 3 will wrap up by reviewing our impact



USDA Image by Lance Cheung



Mavis Gragg

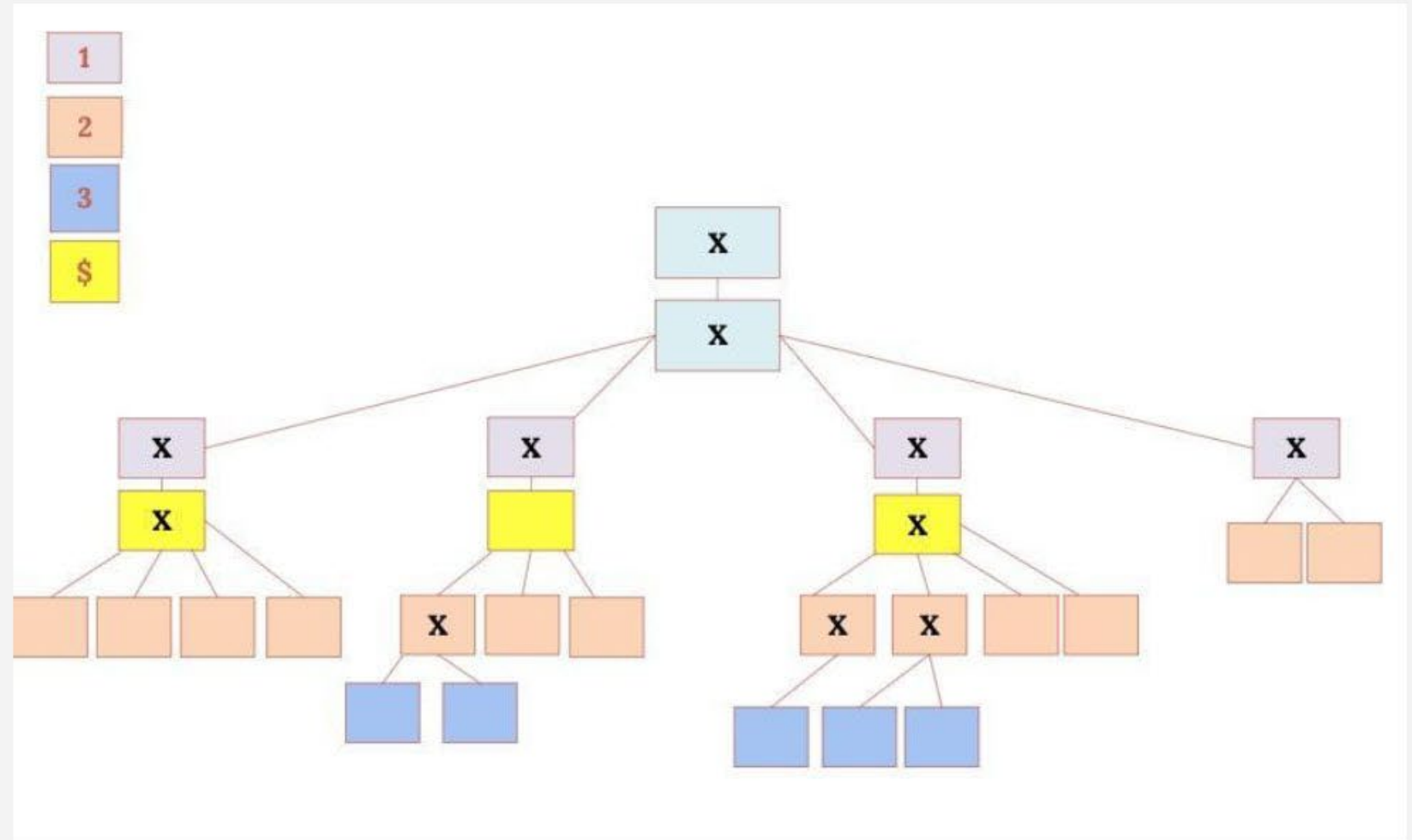
CEO & Co-Founder, HeirShares
Director, Sustainable Forestry
and African American Land
Retention Project, American
Forest Foundation

- 14+ years legal experience
- Expert on heirs' property
- Published author on the subject
- Consultant for OWN's *Sugar Queens* on land loss

HEIRSHARES

The future of heirs property is here.

What is Heirs Property?



Intestate Succession

If you die with:	here's what happens:
children but no spouse	children inherit everything
spouse but no descendants or parents	spouse inherits everything
spouse and one child or descendants of one child	spouse inherits 1/2 of your intestate real estate child or descendants inherit 1/2 of your intestate real estate
spouse and two+ children, or descendants of those children	spouse inherits 1/3 of your intestate real estate children or descendants inherit 1/3 of your intestate real estate
spouse and parents, no children or descendants	spouse inherits 1/2 of your intestate real estate parents inherit 1/2 of your intestate real estate
parents but no spouse or descendants	parents inherit everything
siblings but no spouse, descendants, or parents	siblings inherit everything

Legal Structure

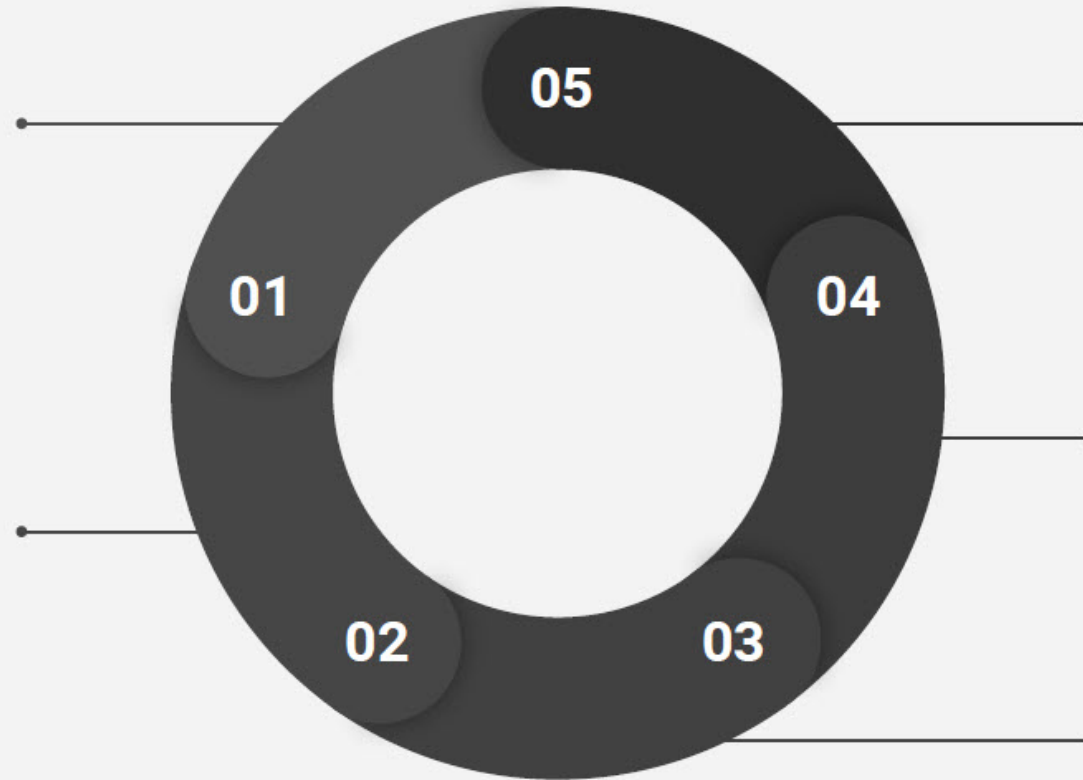
Ownership by Inheritance

Right to Seek Partition

Right to Transfer Individual Share

Tenants in Common

Unanimous Decision Making



Challenges

1. Can't prove ownership
2. Difficult to find attorney
3. Very expensive to resolve
4. Millions in lost wealth and financial assistance

Confirming Ownership

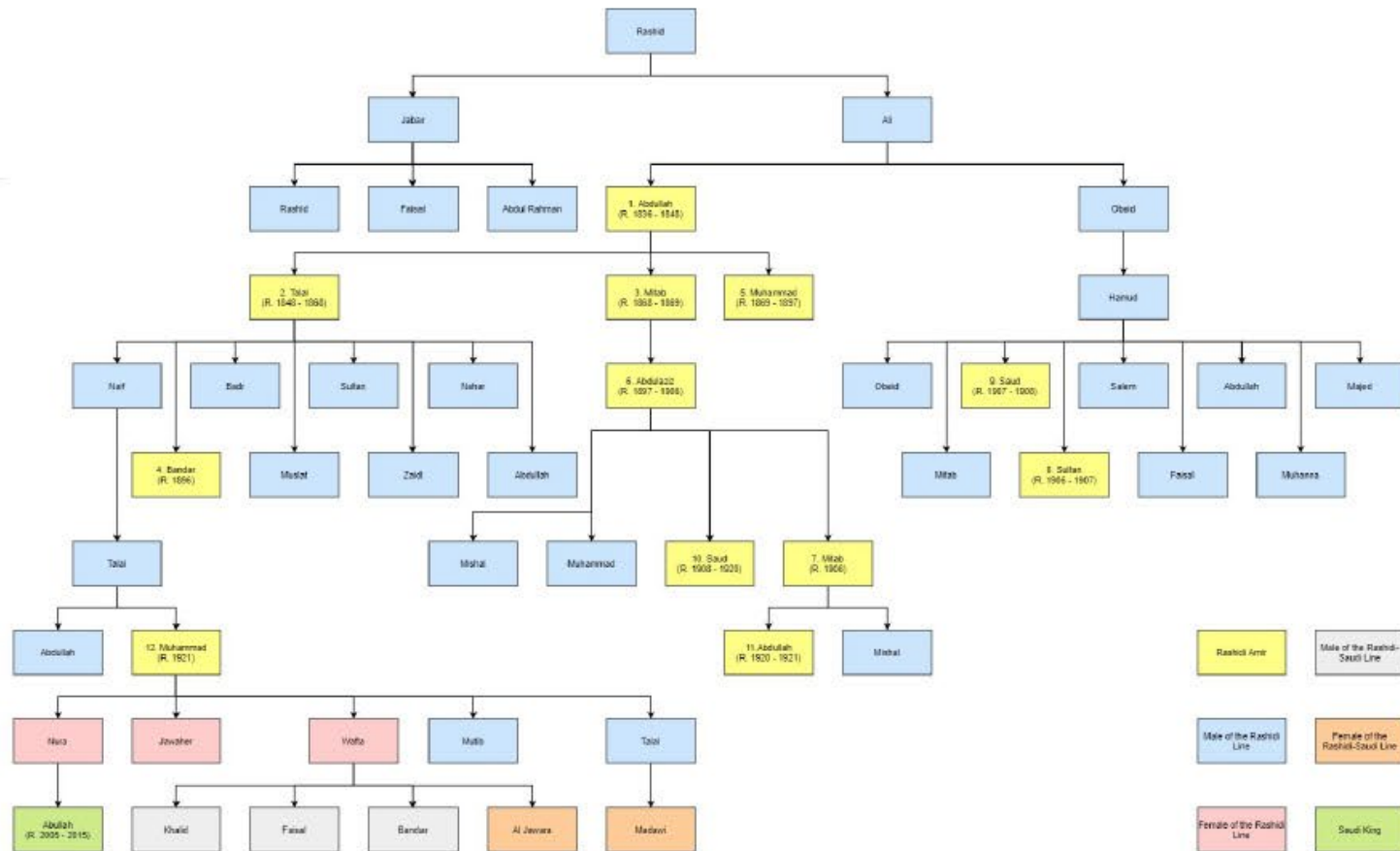
Create a Paper Trail

Complicated Math

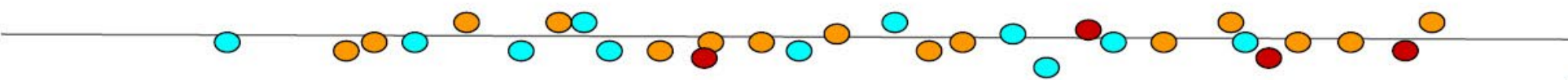
Multiple Jurisdictions

Inefficient Crowdsourcing Info

Inadequate Tree Building



1948 -



2021

Issues

FAMILY

Threat of Loss

Ineligibility for Assistance

No Legal Standing

Conflict

Undermanaged

IMPAIRMENTS BEYOND FAMILY

Disruption of food systems and supply chains, e.g. timber

Affordable housing

Natural resource protection

Economic blight

Incentives

1. Resiliency
2. Agriculture and environmental stewardship
3. Intergenerational wealth
4. Legal standing

Succession Planning to Avoid Heirs Property

Single Entity Ownership

1. Family Tree
2. Attorney Confirms Owners/Title Search
3. Owner Decision Making
4. Buyouts and Transfer to Entity Owner

Uniform Partition of Heirs Property Act

- Fair Market Value Appraisal
- Buyout of Petitioning Owner(s)'s Share
- Open Market Sale

Farm Bill 2018

- Farm and Tract Numbers for Heirs Property Owners
- Loan Program to Resolve Legal Issues

FEMA and State Expanded Eligibility Criteria for Disaster Relief

Needed Legal and Policy Solutions

- Technology Driven Innovation
- Robust Private Practice Support
- Expanded Eligibility Criteria
- Tenant in Common Redress
- Property Tax Foreclosures Redress

**Legal and Policy
Solutions**



Solution

Affordable, efficient technology

Easy-to-answer questions about family history

HeirShares' powerful algorithm to trace ownership succession



Thank You!

Heirshares.com
mavis@heirshares.com



Rusty Rumley

Senior Staff Attorney, National
Agricultural Law Center





Heir Property

Rusty Rumley
Senior Staff Attorney

About the Center

- The National Agricultural Law Center is the nation's leading source for agricultural and food law research and information.
 - Created in 1987, the NALC is a unit of the University of Arkansas System Division of Agriculture
 - The Center also works in close partnership with the USDA Agricultural Research Service, National Agricultural Library
- We provide objective, non-partisan research and information regarding laws and regulations affecting agriculture





The National Agricultural Law Center
The Nation's Leading Source of Agricultural and Food Law Research and Information

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- AG LAW REPORTER
- GENERAL RESOURCES

Up next in our webinar series:

Landowner Liability: How to Protect Your Operation

Tiffany Dowell Lashmet
Texas A&M Agrilife Extension



www.nationalaglawcenter.org



How did we get here?

- Heir property results when one generation who possesses legal title to property passes away without an estate plan and nothing is done to legally transfer title to the heirs.
 - Leaving real estate to heirs as tenants in common through an estate plan can create the same problem!
- This can go on for multiple generations and cause extreme fractionation of the property ownership
- This leads to a host of potential problems:
 - Availability for financing and loans
 - Government program eligibility (modified with 2018 FB)
 - Payment of property taxes
 - Use of the property
 - And many more...



Different Families...Different Situations

Two things to think about:

1. There are no two families in the entire world that are the same.
 2. There are no two farms in the entire world that are the same.
- The result is that no two heir property situations are the same.



Options can Vary...

Depending on the family situation and the value of the land your options may be limited.

- The best course is to avoid the issue with proper estate planning
- What if the problem is already present?
 - Uniform Partition of Heir Property or Affidavit of Heirship
 - If you meet the requirements
 - Partition by Sale
 - Maintain the status quo
 - Harrison place example



Uniform Partition of Heirs Property Act (UPHPA)

- Created by the Uniform Law Commission in 2010 to combat the unfair loss of tenancy-in-common rights of disadvantaged families
 - Loss of these property interests through forced partition sales have often been viewed as inequitable
 - Enacted in 18 States and introduced in another 6 (Uniform Law Commission)
 - Can only be applied to property that meets the definition of heir property
 - Generally replaces all partition law prior to UPHPA in regards to heir property



Remedies that UPHPA provides

- Gives cotenants the ability to buy out other cotenants
- It gives deference to “partition in kind” over a partition by sale if equitable
- It changes the sale process to maximize revenue from the sale of the property if none of the other approaches work



Other Estate Planning Tools

- Other estate planning tools not tied to passing on assets:
 - Living wills
 - Long-term care/health insurance
 - Durable Power of Attorney in case you lose your ability to make decisions for yourself
 - Be careful with these since you are giving someone a lot of control over your life and property.
- It's good to have these on file with your local hospital and if your plans change then remember to update them!
 - If you get divorced then you may not want your ex to have the power of life and death over you...





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Francine Miller, Esq

Senior Staff Attorney and
Adjunct Professor, Center for
Agriculture and Food Systems



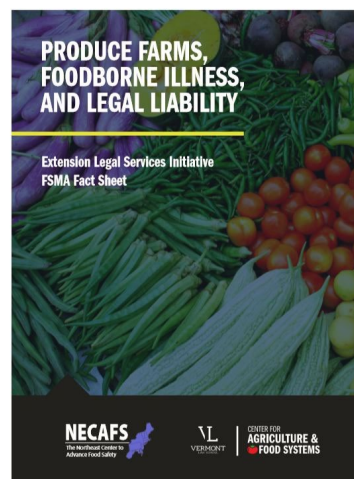
OUR MISSION

The Center for Agriculture and Food Systems develops tools and other legal educational resources for those working on food system and agriculture issues across the country. Working with stakeholder groups as partners, we lend our law and policy expertise to help support a more sustainable, just, and equitable food system.

We develop legal resources that span the food system.



Farmland Access Legal Toolkit



Extension Legal Services Initiative



Farmers Market Legal Toolkit

We develop legal resources that span the food system.

→ Food access and consumption

→ Surplus and waste



Healthy Food Policy Project



National Gleaning Project



Helping farmers and landowners affordably
access, transfer, and conserve farmland.



Leasing

Discover how farm leasing
can help new farmers



Access

Explore creative
arrangements for making



Transfer

Understand methods and
strategies for transferring

Heirs' Property

- Overview
- How Heirs' Property Works
- Amount of Land Owned as Heirs' Property
- Historical Context
- Challenges for Heirs' Property Owners
- Uniform Partition of Heirs Property Act
- Importance of Wills and Estate Planning
- A Lawyer's Suggestions for Heirs' Property Owners
- How An Attorney Can Help
- Additional Resources

Suggestions for heirs' property owners

by Mavis Gragg, attorney, director of the [SUSTAINABLE FORESTRY & AFRICAN AMERICAN LAND RETENTION](#) project, and CEO & cofounder of HeirShares

Passing family land from one generation to the next is a source of pride and a huge source of security for families. But holding on to family land can be very challenging. I've spoken with hundreds of heirs' property owners who struggle with finding a clear path to ownership security for their family's land. I recognize it's not easy, but there are many reasons to take action and numerous actions you can take to keep your family's land secure.



ORGANIZATIONS PROVIDING DIRECT ASSISTANCE TO HEIRS' PROPERTY OWNERS (list in formation)

- Black Family Land Trust
<http://www.bflt.org/>
- Center for Heirs Property Preservation
<https://www.heirsproperty.org/>
- Federation of Southern Cooperatives/Land Assistance Fund,
<https://www.federation.coop/>
- Florida A&M University, Cooperative Extension Program
- Georgia Heirs' Property Law Center,
<https://www.gaheirsproperty.org/>
- HeirShares www.heirshares.com
- Indian Land Tenure Foundation,
<https://iltf.org/>
- Land Loss Prevention Project (North Carolina),
<https://www.landloss.org/>
- The Limited Resource Landowner Education and Assistance Network
- Louisiana Appleseed Center for Law & Justice,
<https://www.louisianaappleseed.org>
- McIntosh SEED,
<https://mcintoshseed.org/>
- Mississippi Center for Justice,
<https://mscenterforjustice.org/>
- Prairie View A&M University
- Roanoke Electric, Inc.,
<https://www.roanokeelectric.com>
- Sustainable Forestry and African American Land Retention Program
www.sflrnetwork.org (includes links to the eight partners working with landowners)
- University of Arkansas- Pine Bluff
- Winston County Self Help Cooperative,
<https://wccshc.com/>

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GET IN TOUCH



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vermontlaw.edu/cafs

Francine Miller, Esq.

Senior Staff Attorney/Adjunct
Faculty
Center for Agriculture and Food
Systems, Vermont Law School

CONTACT ME:
Email address:
fmiller@vermontlaw.edu

Lunch Break!
See you back at
12:00pm EST

Wikipedia editing training

Style guide:
Heirs'

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Heirs'

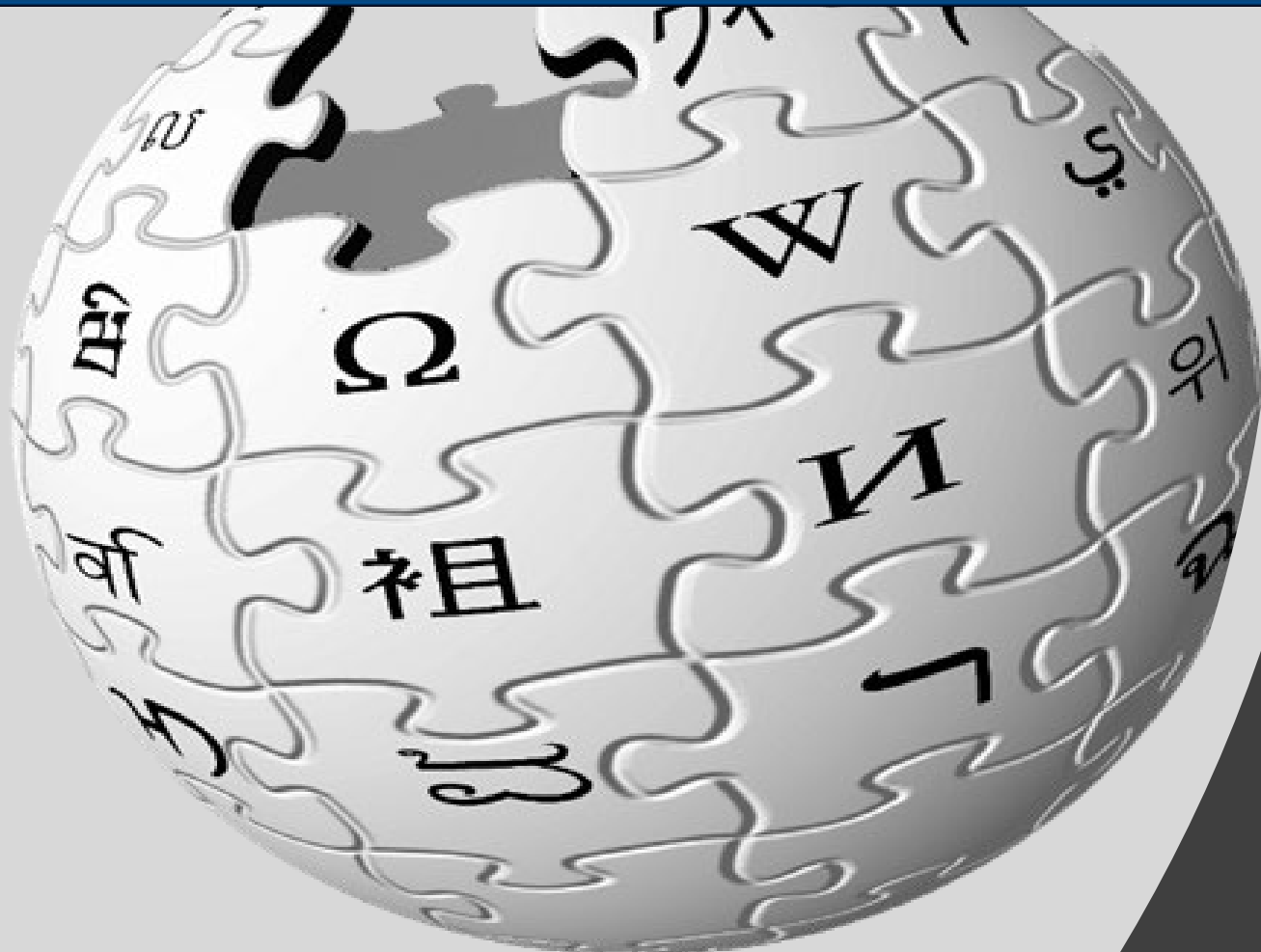
Pardon the blurriness!

Google Books Ngram
of heirs/heir's/heirs'
property



Training agenda

- Wikipedia & Why you should edit
- Wikipedia Policies & getting started
- Article anatomy
- Editing options to get you started



Wikipedia and why you should edit

WIKIPEDIA
The Free Encycl

Wikipedia

- Free, online encyclopedia
- Created & edited by volunteers
- Overseen by nonprofit Wikimedia Foundation
- 6+ million articles, 270+ language versions



Photo by Lance Cheung PD-USGov-USDA

But why?

- Wikipedia ranks in the Top 10
- Top search result
- Easy way to share
- More diverse editors – more diverse article offerings
 - More editors = more accuracy

Wikipedia policies and getting started

Wikipedia policies

Neutral Point of View – written so all sides can agree

Notability – significant independent sources - > help prove importance

Verifiability – using reliable sources to reference information

No original research – point to existing scholarship

Assume good faith – start with congenial spirit

Conflicts of interest – disclose and abide by terms of service

Getting started: Create a username/sign-in

Special page

Create account

Your username will be public.

You should make your username an anonymous username, not your real name.

If you use your real name as your username, your real name will not be private and will not be able to be made private later.

Username [\(help me choose\)](#)

Password




It is recommended to use a unique password that you are not using on any other website.

Confirm password


Email address (optional)



To protect the wiki against automated account creation, we kindly ask you to enter the words that appear below in the box [\(more info\)](#):

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	6,292,383 articles
	140,065 recent contributors

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From today's featured article




"Home" is the second episode of the [fourth season](#) of the American science fiction television series *The X-Files*, which originally aired on the [Fox network](#) on October 11, 1996. Directed by [Kim Manners](#) and written by [Glen Morgan](#) and [James Wong](#), it is a "monster-of-the-week" story, unconnected to the overarching [mythology of *The X-Files*](#). Watched by 18.85 million viewers, the initial broadcast had a [Nielsen rating](#) of 11.9. The series centers on [FBI special agents Fox Mulder \(David Duchovny\)](#) and [Dana Scully \(Gillian Anderson\)](#), who work on cases linked to the [paranormal](#). In this episode, Mulder and Scully investigate the death of a baby born with severe [physical defects](#). While in the isolated town of [Home, Pennsylvania](#), they meet a family of deformed farmers who have not left their home in a decade. "Home" was the first episode of the series to receive a [viewer discretion warning for graphic content](#). **(Full article...)**

Recently featured: [Hurricane Rosa \(2018\)](#) · [Eastern brown snake](#) · [Accolade \(company\)](#)

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Did you know ...


- ... that [Schneider's marmoset](#) *(pictured)* is one of three [primates newly described in the 2020s](#)?
- ... that in 2010, ice hockey executive [Kirovs Lipmans](#) was reported to be the second-richest person in Latvia?
- ... that [Benedict Cumberbatch](#) was originally expected to have a cameo appearance as 

In the news

- Following the [Czech legislative election](#), SPOLU agree to a coalition with [Pirates and Mayors](#), with SPOLU leader [Petr Fiala](#) *(pictured)* as the [Prime Minister](#).
- Journalists [Maria Ressa](#) and [Dmitry Muratov](#) are awarded the [Nobel Peace Prize](#) for their efforts to safeguard [freedom of speech](#).
- **A magnitude-5.9 earthquake** kills at least 20 people and injures 300 others in [Balochistan, Pakistan](#).

Ongoing: [COVID-19 pandemic](#) · [Cumbre Vieja eruption](#)


Recent deaths: [Raymond T. Odierno](#) · [Yossi Maiman](#) · [Farooq Feroze Khan](#) · [Chen Wenxin](#) · [Yesudasan](#) · [Budge Patty](#)



[Nominate an article](#)

On this day

October 11: Feast day of [Saint James the Deacon](#) (Anglicanism); **National Coming Out Day**; **Thanksgiving** in Canada (2021)

- 1311 – The peerage and clergy of the Kingdom of England published the **Ordinances of 1311** to restrict King Edward II's powers.
- 1531 – Swiss Reformation leader [Huldrych Zwingli](#) was killed in battle when Zürich forces were attacked by Catholic cantons in 

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**LAND MATTERS:
UNDERSTANDING
HEIRS' PROPERTY**

USDA National
Agricultural Library
October 12, 2021



Wiki Event Page

https://en.wikipedia.org/wiki/Wikipedia:Hier_Property_Edit-a-thon

Or search en.Wikipedia.org “Wikipedia:Heir_Property_Edit-a-thon”



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Wikipedia:Invasive Species Editathon

From Wikipedia, the free encyclopedia

Join us for the...



Article anatomy



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Print/export

Article Talk

Asian giant hornet

A B-class article from Wikipedia, the free encyclopedia

The **Asian giant hornet** (*Vespa mandarinia*), including the color form referred to as the **Japanese giant hornet**,^{[2][3]} is the world's largest hornet. It is native to temperate and tropical East Asia, South Asia, Mainland Southeast Asia, and parts of the Russian Far East. It was also found in the Pacific Northwest of North America in late 2019^[4]^[5] with a few more additional sightings in 2020,^{[6][7]} prompting concern that it could become an invasive species.^{[8][Aia 1]} They prefer to live in low mountains and forests, while almost completely avoiding plains and high-altitude climates. *V. mandarinia* creates nests by digging, co-opting pre-existing tunnels dug by rodents, or occupying spaces near rotted pine roots.^{[9][Arc 1]} It feeds primarily on larger insects, colonies of other eusocial insects, tree sap, and honey from honey bee colonies.^[10] The hornet has a body length of 45 millimetres (1¾ inches), a wingspan around 75 mm (3 in), and a stinger 6 mm (¼ in) long, which injects a large amount of potent venom.^[11] Although the scientific literature and official government sources continue to refer to this species by its established common name, the popular media have taken to using the nickname "**murder hornet**".^{[12][13]}

The Asian giant hornet is often confused with the smaller yellow-legged hornet (*Vespa velutina*), also known as the **Asian hornet**, an invasive species of major concern across Europe, including the UK.

The Eastern Cicada Killer *Sphexius speciosus* lives in the Eastern United States. It is not a hornet, but a large digger wasp, however. The females in particular, which can be 2 inches (5.1 cm) in length, are commonly confused with the Asian Giant Hornet.

Contents [hide]

- 1 Taxonomy and phylogeny
- 2 Description
 - 2.1 Queens and workers
 - 2.2 Drones
 - 2.3 Larvae
- 3 Distribution
 - 3.1 Ecological distribution
 - 3.2 Geographic distribution



Vespa mandarinia form "magnifica". Private collection, F. Turetta.

Scientific classification

Kingdom:	Animalia
Phylum:	Arthropoda
Class:	Insecta
Order:	Hymenoptera
Family:	Vespidae
Genus:	Vespa

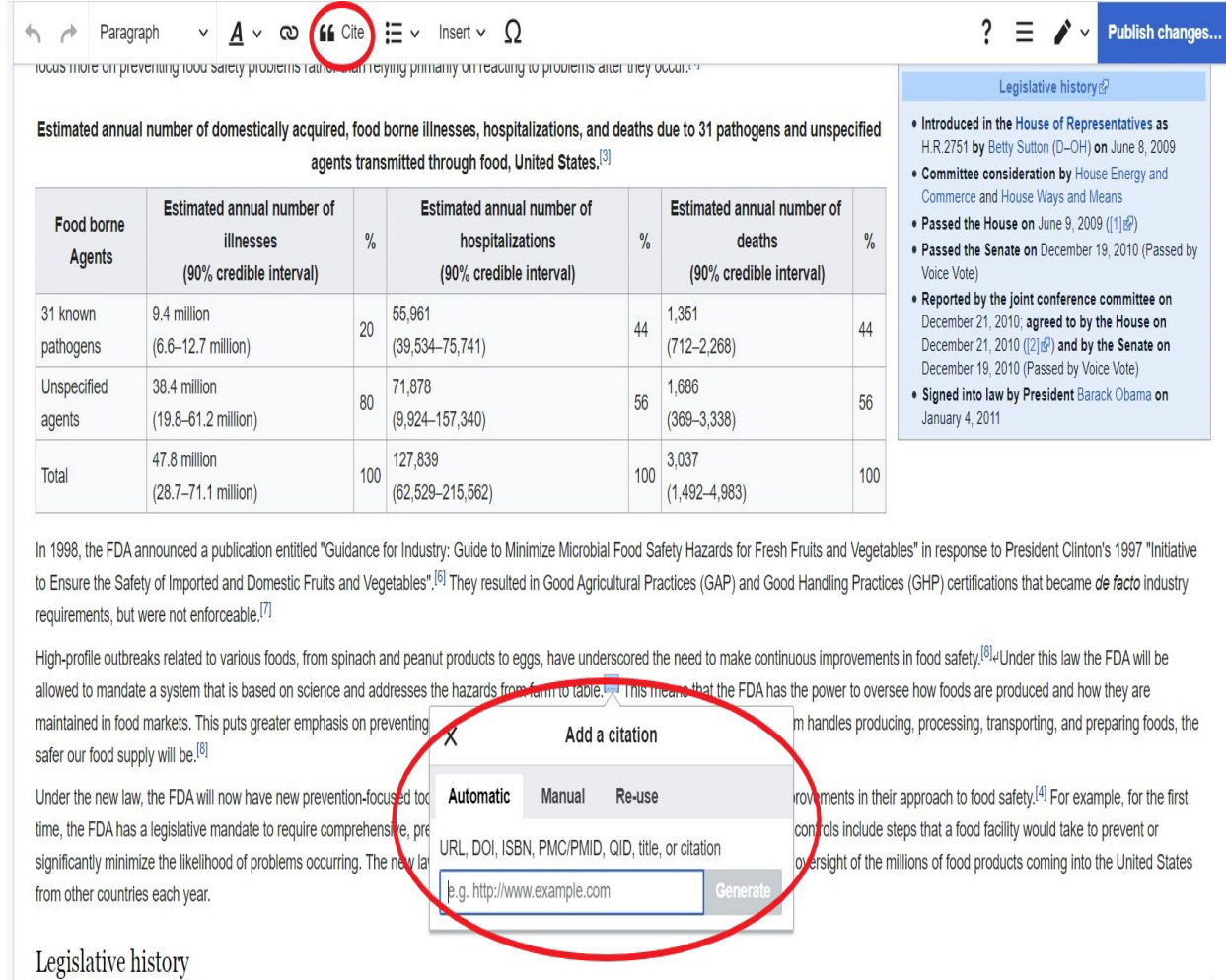
Editing options
to get you
started

Add references

1. Place cursor in desired location, select “cite”

2. Follow prompts

- “Automatic” – insert a URL, ISBN, DOI and automatically generate a citation
- “Manual” – follow prompts and put in the information manually.



Estimated annual number of domestically acquired, food borne illnesses, hospitalizations, and deaths due to 31 pathogens and unspecified agents transmitted through food, United States.^[3]

Food borne Agents	Estimated annual number of illnesses (90% credible interval)	%	Estimated annual number of hospitalizations (90% credible interval)	%	Estimated annual number of deaths (90% credible interval)	%
31 known pathogens	9.4 million (6.6–12.7 million)	20	55,961 (39,534–75,741)	44	1,351 (712–2,268)	44
Unspecified agents	38.4 million (19.8–61.2 million)	80	71,878 (9,924–157,340)	56	1,686 (369–3,338)	56
Total	47.8 million (28.7–71.1 million)	100	127,839 (62,529–215,562)	100	3,037 (1,492–4,983)	100

In 1998, the FDA announced a publication entitled "Guidance for Industry: Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables" in response to President Clinton's 1997 "Initiative to Ensure the Safety of Imported and Domestic Fruits and Vegetables".^[6] They resulted in Good Agricultural Practices (GAP) and Good Handling Practices (GHP) certifications that became *de facto* industry requirements, but were not enforceable.^[7]

High-profile outbreaks related to various foods, from spinach and peanut products to eggs, have underscored the need to make continuous improvements in food safety.^[8] Under this law the FDA will be allowed to mandate a system that is based on science and addresses the hazards from farm to table.^[9] This means that the FDA has the power to oversee how foods are produced and how they are maintained in food markets. This puts greater emphasis on preventing outbreaks and ensures that the food we eat is safer and that the food we eat is safer our food supply will be.^[9]

Under the new law, the FDA will now have new prevention-focused tools. For example, for the first time, the FDA has a legislative mandate to require comprehensive, pre-market safety reviews for certain foods. This will help significantly minimize the likelihood of problems occurring. The new law also requires the FDA to conduct more frequent inspections of food facilities from other countries each year.

Legislative history

- Introduced in the House of Representatives as H.R. 2751 by Betty Sutton (D-OH) on June 8, 2009
- Committee consideration by House Energy and Commerce and House Ways and Means
- Passed the House on June 9, 2009 ([1])
- Passed the Senate on December 19, 2010 (Passed by Voice Vote)
- Reported by the joint conference committee on December 21, 2010; agreed to by the House on December 21, 2010 ([2]) and by the Senate on December 19, 2010 (Passed by Voice Vote)
- Signed into law by President Barack Obama on January 4, 2011

Link between articles

The screenshot shows the Wikipedia article editor for "FDA Food Safety Modernization Act". The text "President Barack Obama" is selected. A red circle highlights the link icon in the toolbar. A second red circle highlights the "Add a link" dialog box, which shows search results for "Barack Obama". The "Done" button in the dialog is also highlighted.

Article Talk

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Paragraph A Cite Insert ?

FDA Food Safety Modernization Act

A start-class article from Wikipedia, the free encyclopedia

This article's use of external links may not follow Wikipedia's policies or guidelines. Please improve this article by removing excessive or inappropriate external links, and converting useful links where appropriate into footnote references. (August 2019) (Learn how and when to remove this message)

The **Food Safety Modernization Act (FSMA)** was signed into law by President **Barack Obama** on January 4, 2011. The FSMA has given the Food and Drug Administration (FDA) new authorities to regulate its powers, including mandatory recall authority, which the dozen rulemakings and issue at least 10 guidance documents. The law was prompted after many reported incidents of the Grocery Manufacturers Association. Tainted food has addressed food safety since 1938.^[1] It is also the first

Background

The **neutrality of this** remove this message

The Center for Disease Control and Prevention (CDC)

ts the FDA a number of new to undertake more than a notices, and other tasks. largely crafted by members of d legal expenses. piece of federal legislation efense.^[2]

talk page. Please do not remove this template message)

ans) get sick, 128,000 are

FDA Food Safet

Long title To amend the Cosmetic Act food supply.

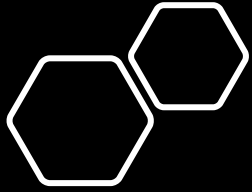
Acronyms (colloquial) FSMA

Enacted by the 111th Unit

Effective January 4, 20

Ci

1. Select text
2. Select link icon
3. Select article and "Done"



Add external links

The screenshot shows the Wikipedia edit interface for the article 'Asian giant hornet'. At the top, there is a toolbar with various editing tools like Paragraph, Bold, Italic, and Cite. Below the toolbar, there are two external links listed:

- "How officials in Washington state are attempting to eradicate the 'Murder Hornet' before it spreads" *PBS NewsHour*. 12 December 2020. Retrieved 23 December 2020.
- "Pest Alert: Asian Giant Hornet" *American Bee Journal*. 1 February 2020. Retrieved 5 January 2021.

Below the links is a section titled "External links" with a list of related resources:

- The Asian Giant Hornet
- Yellowjackets and hornets
- Video footage, National Geographic
- Asian giant hornet images
- Species Profile – Asian Giant Hornet (*Vespa mandarinia*), National Invasive Species Information Center, United States National Agricultural Library
- Invasive Hornets | Washington State Department of Agriculture
- "Asian Giant Hornets" *Penn State Extension*. 6 May 2020. Retrieved 19 November 2020.

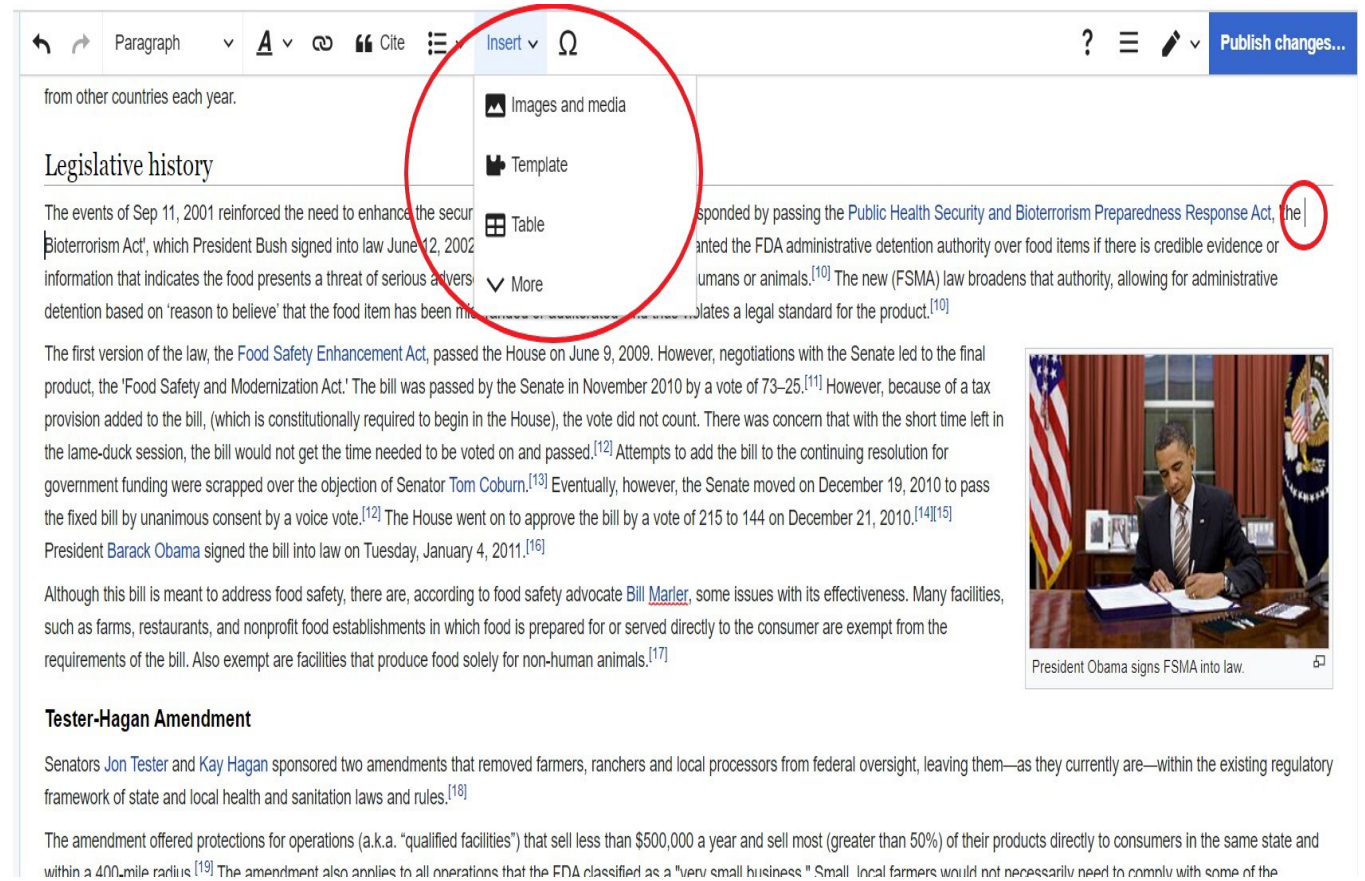
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from other countries each year.

Legislative history

The events of Sep 11, 2001 reinforced the need to enhance the security of the food supply. The 'Public Health Security and Bioterrorism Preparedness Response Act', which President Bush signed into law June 12, 2002, provided information that indicates the food presents a threat of serious adverse health consequences or death to humans or animals.^[10] The new (FSMA) law broadens that authority, allowing for administrative detention based on 'reason to believe' that the food item has been mislabeled or adulterated. The new law also establishes a legal standard for the product.^[10]


The first version of the law, the Food Safety Enhancement Act, passed the House on June 9, 2009. However, negotiations with the Senate led to the final product, the 'Food Safety and Modernization Act.' The bill was passed by the Senate in November 2010 by a vote of 73–25.^[11] However, because of a tax provision added to the bill, (which is constitutionally required to begin in the House), the vote did not count. There was concern that with the short time left in the lame-duck session, the bill would not get the time needed to be voted on and passed.^[12] Attempts to add the bill to the continuing resolution for government funding were scrapped over the objection of Senator Tom Coburn.^[13] Eventually, however, the Senate moved on December 19, 2010 to pass the fixed bill by unanimous consent by a voice vote.^[12] The House went on to approve the bill by a vote of 215 to 144 on December 21, 2010.^{[14][15]} President Barack Obama signed the bill into law on Tuesday, January 4, 2011.^[16]

Although this bill is meant to address food safety, there are, according to food safety advocate Bill Marler, some issues with its effectiveness. Many facilities, such as farms, restaurants, and nonprofit food establishments in which food is prepared for or served directly to the consumer are exempt from the requirements of the bill. Also exempt are facilities that produce food solely for non-human animals.^[17]

Tester-Hagan Amendment

Senators Jon Tester and Kay Hagan sponsored two amendments that removed farmers, ranchers and local processors from federal oversight, leaving them—as they currently are—within the existing regulatory framework of state and local health and sanitation laws and rules.^[18]

The amendment offered protections for operations (a.k.a. "qualified facilities") that sell less than \$500,000 a year and sell most (greater than 50%) of their products directly to consumers in the same state and within a 400-mile radius.^[19] The amendment also applies to all operations that the FDA classified as a "very small business". Small local farmers would not necessarily need to comply with some of the

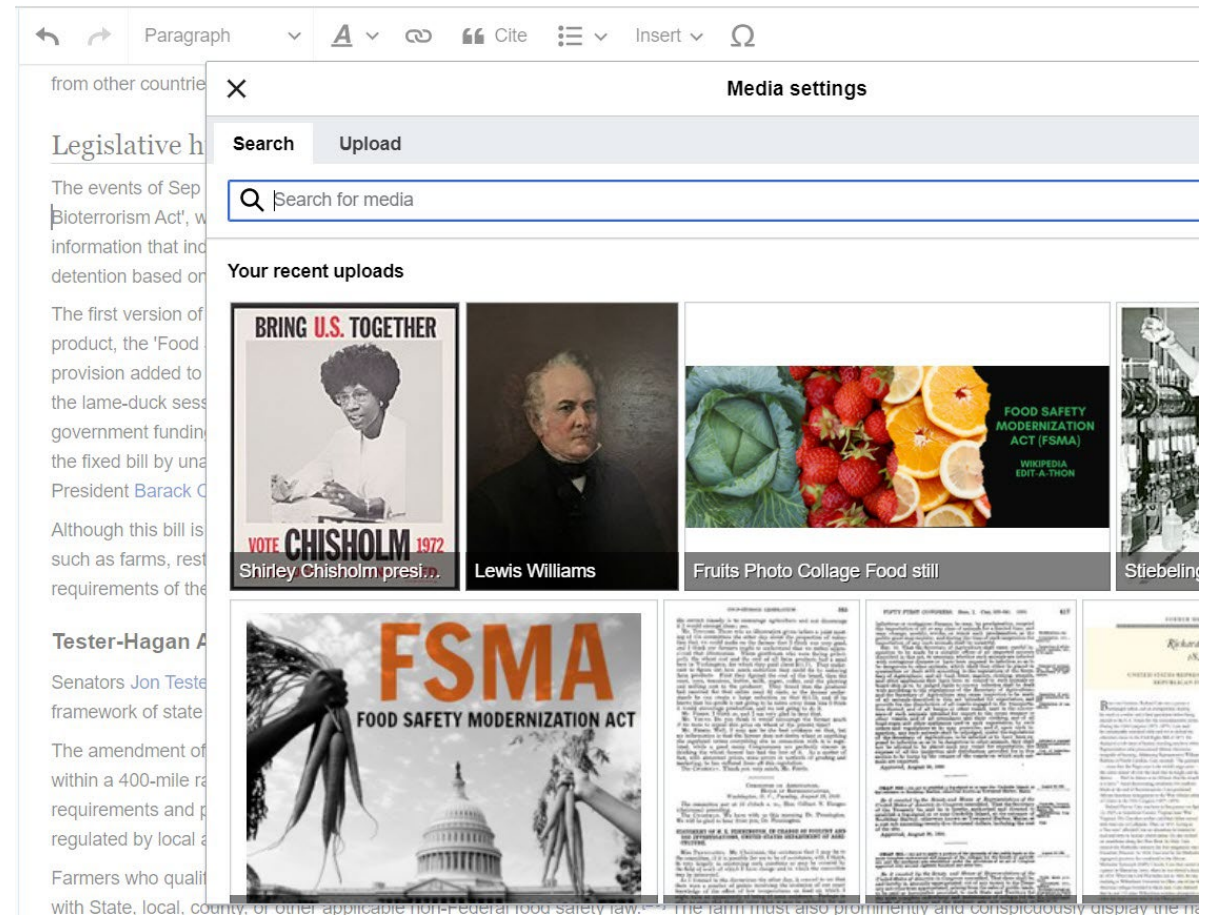


President Obama signs FSMA into law.

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FDA Food Safety Modernization Act

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The **Food Safety Modernization Act (FSMA)** was signed into law by President Barack Obama on January 4, 2011. The FSMA has given the Food and Drug Administration (FDA) new authorities to regulate the way foods are grown, harvested and processed. The law grants the FDA a number of new powers, including mandatory recall authority, which the agency has sought for many years. The FSMA requires the FDA to undertake more than a dozen rulemakings and issue at least 10 guidance documents, as well as a host of reports, plans, strategies, standards, notices, and other tasks.

The law was prompted after many reported incidents of foodborne illnesses during the first decade of the 2000s and was largely crafted by members of the [Grocery Manufacturers Association](#). Tainted food has cost the food industry billions of dollars in recalls, lost sales and legal expenses.

This bill is similar to the Food Safety Enhancement Act which passed the House in 2009. It is considered the first major piece of federal legislation addressing food safety since 1938.^[1] It is also the first piece of legislation to address intentional adulteration and [Food Defense](#).^[2]

Background

FDA Food Safety Modernization Act

Long title To amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

Questions?

- Please feel free to speak up at any time for assistance – for in depth questions we'll move to a breakout room.

- Feel free to email me!

Contact: jamie.flood@usda.gov