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Greenmarket Sellers Debate Maze of Producer-Only Rules

By INDRANI SEN AUG. 6, 2008

IN the not particularly scandal-ridden world of farmers' markets, the Greenmarket's decision to suspend an upstate meat farmer, Jay Dines, for selling meat he had bought and not raised himself, has caused a minor commotion. As farmers and customers debated his transgression across market tables laden with produce, old grievances and new suspicions came to light.

"I think the hardest thing is there are definitely a lot of violations," said Eve Kaplan-Walbrecht, an owner of Garden of Eve Farm in Riverhead, N.Y., who sells produce at the Greenmarket. "I think that's part of what makes the Jay Dines story complicated, is that everyone acknowledges that it's not just him. His may be more egregious and he may have less explanations for it, but lots of people are doing it."

Mr. Dines, who was evicted from the Greenmarket last fall, acknowledged last week that he had sold some chicken and beef purchased from other suppliers. Greenmarket officials said that two other vendors had been suspended over the past year and a half for breaking rules that require vendors to sell only what they produce.

The basic aim of the producer-only rules is to ensure that all foods sold at market originate entirely or mostly on family farms within a half day's drive from New York City. The 10-page document detailing these rules, however, is anything but clear.

"Cumbersome, confusing and contradictory," was the assessment of Michael Hurwitz, the director of Greenmarket, which operates 45 markets in the five boroughs.

Pickle makers can sell preserved foods such as peppers in vinegar, but not processed foods such as hot sauce. Farmers, on the other hand, can sell processed hot sauce if it is made with their peppers. Dairies may purchase a higher percentage of their milk for [cheese](#) if the cheese is made from one



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WHAT IS FAIR? Alfred Milanese, left, said he is criticized for selling pretzels he does not make.

type of milk rather than two milks, such as cow and sheep. Cider makers can buy 40 percent of the apples they press from local farmers, whereas wheatgrass juice sellers must grow all their wheatgrass.

Mr. Hurwitz said he is looking to clarify the rules with the assistance of the organization's Farmer Consumer Advisory Committee. Essentially, he said, the rules successfully support the markets' mission to preserve farmland by allowing small-scale farmers to sell directly to New Yorkers. "It's a question of how they read, and being user-friendly, more than anything else," he said.

But some farmers said the rules need to be changed, not just rewritten, to ensure greater equity between producers and eliminate unreasonable or unenforceable rules.

"I don't understand why you're allowed to purchase outside milk for yogurt and butter but not for fluid milk," said Dante Hesse, whose farm, Milk Thistle Farm, in Ghent, N.Y., produces milk and half-and-half.

Michael Yezzi of Flying Pigs Farm, a pork farm in Shushan, N.Y., said he hopes Greenmarket will level the playing field.

"Cheese-makers can bring in outside milk, but someone who makes sausage has to bring in 100 percent your own meat," he said. "I don't think there's a stricter or looser producer-only rule. It's either producer-only or it's not."

The producer-only rules have evolved as Greenmarket has, said Bob Lewis, a state agriculture official and a co-founder of Greenmarket in 1976.

"When we started, it was almost entirely fresh produce and maybe a little apple cider," Mr. Lewis said. "It was maybe 100 items. Now it's 1,000 items."

Those include meat, fish, pickles, jams, cheeses, yogurts, maple syrup, honey and, most contentious of all, bread. The Northeast's limited wheat industry and lack of small mills make finding local flour extremely difficult.

The rules state that bakers "must use grain grown and milled in region," but

they provide several exceptions.

Currently only two Greenmarket bakers, Wild Hive Farm in Clinton Corners, N.Y., and Hawthorne Valley Farm, in Ghent, N.Y., mill their own flour. Greenmarket officials say most of the 30 or so others buy flour milled outside of the region.

Don Lewis, who uses stone-ground locally grown grains for the bread he produces at Wild Hive Farm, said the rule was intended to encourage an increase in flour production in the region.

"Greenmarket wants to have the carbohydrate products," he said. "They want produce-your-own, and they want the major ingredients to be local. That's the end of the rainbow. I think they're doing a pretty good job of it, but it's not easy."

At farmers' markets nationwide, there is no consensus on producer-only rules, said Stacy Miller, executive secretary of the Farmers Market Coalition, a national nonprofit founded in Iowa. Some farmers' markets don't have producer-only rules, she said, and some allow co-ops or consignment of goods.

"There's such a dearth of farmers, and there needs to be some innovative strategies for bringing in small producers," said Ms. Miller, who used to manage a farmers' market in West Virginia. "That might require a revision of the producer-only rule, or a new way of looking at producer-only while still upholding the

notion of local food."

Whatever a market's rules are, Ms. Miller said, "it really comes down to the integrity and credibility of the market."

Ms. Kaplan-Walbrecht agreed. "I think farmers want fairness," she said. "Either they really make people stick to the line, or it's a free-for-all. There's really no middle ground."

Bernadette Martin, a former Greenmarket inspector who now runs a farmers' market in Long Beach, said that most farmers obeyed the producer-only rules, but some were suspicious of others' compliance.

"There's some jealousy, and they're very competitive with each other," she said. "They sling the mud themselves."

Alfred Milanese, the co-owner of Martin's Pretzels, said he has felt some resentment from other vendors because he owns the bakery in partnership with the Mennonite family in Pennsylvania that produces the pretzels. Mr. Milanese, who handles the marketing side of the business, is in his 26th year at Greenmarket, and said the company is "grandfathered in."

"Over the years people have pointed fingers," he said. "They say, what about the pretzel man? He doesn't have his hands in the dough. Well, I guess from the beginning I haven't had my hands in the dough, and I never misrepresented that."

Nowadays, food producers joining

Greenmarket go through an extensive vetting process to make sure they comply with the producer-only rules. Mr. Milanese's case may not follow the rules to the letter, Mr. Hurwitz said, but the decision to grandfather him in is in keeping with the spirit of the market.

"I'm sure it had to do with the fact that he was there in the 80s, sweeping needles off of Union Square," Mr. Hurwitz said. "I don't think it would be appropriate to get rid of someone when the reality changed, unless his practices were so out of line with our value system, which is not the case with Martin's Pretzels."

Mr. Hurwitz acknowledged that some violations of the producer-only rules probably go unpunished, but said enforcement alone is not the answer.

"Those who are violating our rules are cheating, and it should be personal integrity that catches it, rather than an inspection," he said. "Do I wish we had 20 more inspectors? No. I wish we had no cheating in the system." ■



Keith Bedford for The New York Times

Dante Hesse, below, of Milk Thistle Farm, thinks Greenmarket rules are too hard on dairies.