

A Review of the “Producers-Only” Policy at the Nashville
Farmer’s Market: The struggle to Refine the Mission of the
Market

Policy Analysis by Marian Rubin

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Delaware Valley University

Defining the Problem:

A fundamental issue facing the Nashville Farmers Market (NFM) is the on-going challenge of refining its identity as a producer-only market and, in doing so, meeting the true mission of a farmers' market. Although the number of farmers' markets has quadrupled over the last 20 years¹, many of these markets sell the same products as corporate grocery stores but hide behind the identity of a 'farmers' market. Over the past generation, many farmers' markets have resorted to buying from resellers of large food corporations. These commercialized farmers' markets have failed to support the sustainable agriculture movement supported by the local food movement community that they were originally intended for.

For the NFM, the only way to make this happen is to implement a producer-only policy. In general, a producer-only farmers' market requires farmers to sell only their own crops or restrict farmers who are selling both their own and other farmers' locally grown crops.² This article addresses the NFM's endeavor to institute a producers-only policy by developing a framework that supports local and regional farmers, producers, artisans, craft and flea merchants³ and the greater community of the local food movement who support sustainable agriculture. Due to the increasing interest in sustainable agriculture and the growing prevalence of consumers who support the local food movement in Nashville, the NFM has taken the initiative against commercialized farmers' markets by transitioning into a business that adheres to the true mission of a farmers' market: to give local agriculture a way to connect with customers.⁴

Nashville consumers and the NFM board have expressed a great interest in the sustainable agriculture initiative and more specifically the local food movement that is responsible for

¹ USDA: Agricultural Market Service. *Farmers Market Services Fact Sheet*.

² Burns, *Farmers' Markets Survey Report*.

³ 2015 at NFM - FAQ - Nashville Farmers' Market.

⁴ Farmer, *Should Only Farmers Be Allowed to Sell in Farmers Markets?*

connecting consumers and farmers in a way that the conventional food system does not. As a result of the conventional food systems greatly eliminating the need for farmers to directly interact with consumers, small farming operations have diminished, individual farmers have been lost their place in the market, and consumers have lost access to fresh produce that is easily grown in their own state. Conventional food corporations are generally only focused on the bottom line and are willing to overlook the issues conventional systems are causing. The conventional food system only considers the economics of food production. By way of striving only to maximize production and profits, concern for the well being of the environment is forgone. As a result, the environment and human health are left to carry the burden of conventional agriculture.

Precisely for this reason, the food production system in its current state is not sustainable.⁶ As Michael Pollan wrote in the New York Times, “To call a practice or system unsustainable is not just to lodge an objection...What it means is that the practice or process can’t go on indefinitely because it is destroying the very conditions on which it depends.”⁷ Finding the balance between the economy, the environment, and society is a cornerstone of sustainable agriculture. The conventional production of food is not an agricultural system that is capable of maintaining itself through times. It is crucial that a food system be not only economically viable, but environmentally sound and socially responsible as well. the forces of the economy. Without

⁵ Conventional agriculture consists of six basic farming practices: monocultures, irrigation, intensive tillage, inorganic fertilizers, chemical pest control, and genetic manipulation of crops and animals. Ultimately, these six conventional practices seek to maximize production and profits in the short-term. Conventional agriculture favors large agri-business farms, displaces small family farms, and focuses on the production of profitable exports. As a result, conventional food systems are dependent on external inputs that are energy intensive and non-renewable resources.

⁶ Ikerd, *Current Status and Future Trends in American Agriculture: Farming with Grass*

⁷ Pollan, *Our Deceitful Food Factories*.

⁸ Ikerd, *The Future of Food: Sustainable Agriculture is not Optional*.

this balance, a food production system is unable to maintain itself and will surely not support future generations. The importance of this balance is highlighted best by the American Society of Agronomy:

A sustainable agriculture is one that, over the long term, enhances environmental quality and the resource base on which agriculture depends, provides for basic human food and fiber needs, is economically viable, and enhances the quality of life for farmers and society as a whole.⁹

Despite farmers markets intentions to provide a safe haven for producers who adhere to sustainable agriculture, there is a growing concern that conventionally produced agricultural products are making their way into farmers' markets across the nation. These food products are distributed by corporations that only care about their bottom line, not about the effects their companies have on the environment. Although many farmers' markets advocate producer-to-consumer sales, many of these merchants partake in the reselling of agricultural goods. On a smaller scale, produce resellers represent the conventional corporations that purchase goods from large farms and turn around and sell them to grocery stores. Resell merchants defy the true mission of farmers' markets by deceiving consumers into thinking that their products are being locally produced. Ultimately, competition among resellers and local farmers reduces the ability of local farmers sell their goods. For local farmers, the result is a loss in profit to merchants who are dishonest about the origin of their products. According to Hamilton in his publication *Farmers' markets rules, regulations and opportunities*, resell vendors at farmers' markets is the most fundamental issue to be addressed:

There is widespread agreement among public officials, market advocates, and farmers that allowing other products to be sold can be detrimental to both the value of the market for farmers and to the quality of the market experience for shoppers. This is especially true if a market allows vendors, usually referred to

⁹ American Society of Agronomy.

as peddlers, to sell products trucked in and purchased at wholesale, while local farmers are selling the same items. The sale of produce by those who did not raise it defeats the idea of a “farmers” market, is deceptive for consumers who may not realize the distinction, and creates unfair competition for local farmers at the market. For this reason, the majority of farmers’ markets in the United States are “producer only”.¹⁰

The issue of produce resellers at farmers’ markets raises questions about why farmers exist and whom they are intended to benefit. Typically, farmers’ markets are created to serve the unique needs of local farmers and consumers. This purpose is often reflected in farmers’ markets ‘producer-only’ policies which “informs consumers the market is designed primarily as an outlet for local farmers selling only products they raise on their farms.”¹¹

Historical Context:

The NFM has been present in Nashville for generations. In the early 1800’s, the market was located in the public square downtown. In 1837, the City Market was built to house the formal operations that transpired over the years. Around the 1940’s, an urban renewal campaign took place in Nashville and many state government funded projects began to take place.¹² In phase one of urban renewal, the land accommodating the City Market building was taken by the government and the state became the property owner of this land. The federal funding went into building James Robinson Parkway to better connect the city. In making that decision, the state then funded the development of a new market. In 1955, the City Market closed and moved to its new facility located in Nashville’s historically black neighborhood on Jefferson Street. Although this new location offered a homestead for local farmers, there was no indoor facility. As a result, many of the services that the market always had always offered were eliminated, such as the

¹⁰ Hamilton, *Farmers’ Markets Rules, Regulations and Opportunities*, 26.

¹¹ Hamilton, *Farmers’ Markets Rules, Regulations and Opportunities*, 6.

¹² Meeting with Tasha Kennard, Executive Director of NFM

bakery, the butcher, and the WICK office that had been located in the prior location.. The NFM operated here until 1994 when the city set out on an initiative with the state legislature to redevelop this corridor called the Capitol View Redevelopment Project.¹³ This project consisted of redeveloping 40+ acres of the Bicentennial area including the land that the NFM sat on.

In 1995, the city constructed a new \$6.2 million facility for the NFM as a part of Tennessee's Bicentennial anniversary celebration.¹⁴ The NFM moved less than half a mile from its location on Jefferson Street with the vision of establishing a gathering place for the community, a homestead for local farmers, and an incubator for small business. The farm vendors at the NFM were of three categories¹⁵:

1. In-state Farmers: those who sold at least 90% of their own produce
2. In-state Resellers: non-farm vendors that resell produce from Tennessee
3. Out-of-State Farmers/Resellers: vendors who sold produce from outside of Tennessee

Establishing the Goal: Instituting a Producer-Only Policy at the NFM:

In the publication *A Guide for Considering and Developing a Farmers Market in Tennessee* (2007), the University of Tennessee Extension Services defines 'farmers' markets' as:

A common facility or area where several farmers/growers gather on a regular, recurring basis to sell a variety of fresh fruits, vegetables and other farm products from independent stands directly to consumers.¹⁶

Although this definition is respectable to the intention of farmers' markets, the NFM is focused on taking this definition to the next level. In public meetings and in the press, the board

¹³ Meeting with Tasha Kennard, Executive Director of NFM

¹⁴ Highland, *Farmers Market Not Just for Farmers*.

¹⁵ Sauerbrei-Brown, 'Destination For Who?': *Producer-Only Standards And the Production of Exclusionary Space at The Nashville Farmers Market*, 20.

¹⁶ Holland, Bruch, and Hall, *A Guide for Considering and Developing a Farmers Market in Tennessee* (PB1770), 5.

articulated their shift to producer-only standards as an attempt to center the NFM on a more “authentic” form of commerce where consumers have the ability to form a relationship with the person who grows their food.¹⁷

By prescribing a producer-only policy and creating a homestead for local and regional farmers at the NFM, the board believes that the elimination of resellers will help overcome the detrimental effects that the conventional food system has on small local and regional farmers.¹⁸ Conventional and industrial farming negatively impacts the environment in myriad ways by polluting the air, surface water, and groundwater, over-consuming fossil fuel and water resources, degrading soil quality, inducing erosion, and accelerating the loss of biodiversity¹⁹. By excluding producers that exacerbate these environmental issues, the NFM officials hope to eliminate the market’s reputation as an “anything goes” public market and rebrand to capitalize on the more exclusive cultural preferences of an emerging class of alternative food consumers.²⁰ The NFM outlines the goal of instituting a producer-only policy on their webpage²¹:

Our focus is to transform the market by; increasing the diversity of merchants with quality and one-of-a-kind product offerings, standardizing our processes, and enhancing the customer and merchant experience through improvements and new initiatives.

The cornerstone of the NFM transition to a producer-only market is to support these farmers with the intention of rectifying a stronger sustainable food system for the state of Tennessee and the greater south-eastern region as a whole.

¹⁷ Sauerbrei-Brown, ‘*Destination For Who?*’: *Producer-Only Standards And the Production of Exclusionary Space at The Nashville Farmers Market*, 22.

¹⁸ Meeting with Tasha Kennard, Executive Director of NFM

¹⁹ Horrigan, Lawrence, & Walker, *How sustainable agriculture can address the environmental and human health harms of industrial agriculture*.

²⁰ Buie, *Nashville Farmers’ Market Rules Empty Stalls, but Not for Long*.

²¹ Become a Merchant - Nashville Farmers’ Market.

The Producer-Only Policy:

The board developed five merchant standards to address the five types of vendors represented at the NFM²²:

1. Farmer/producer: A farmer/producer is a person who makes or intends to make a substantial portion of his or her income from producing permitted farm products and must demonstrate ownership or leasehold rights to the land being farmed during the entire growing season, or must have rights pursuant to the government sponsored or non profit training program whose purpose is to aid farmers and their endeavors. Farmers, producers and farmer/producer collectives may be permitted to offer no more than 10% of supplemental agricultural products from neighboring farms or processors (i.e. produce, processed proteins, eggs, honey). All supplemental products must be submitted for review and approval in the application. Supplemental products will not be permitted if they are not grown, raised or produced by a NFM approved farmer or producer.
2. Farmer/Producer Collective: A farmer/producer collective is a group of farmers (up to four) that meet all farmer/producer requirements but wish to cooperatively market farm products with other farmers.
3. Food Artisans: A food artisan is a person who prepares and produces a high-quality or distinctive food and/or beverage product in small quantities, usually by hand or using traditional methods in accordance with the definition of and standard for permitted products as designated by NFM.
4. Craftsperson: A craftsperson is a person who designs and produces individually handcrafted items in accordance with the definition of and standard for permitted product as designated by NFM.
5. Flea Merchant: A flea merchant retails vintage, international or flea market items in accordance with the definition of and standard for permitted product as designated by NFM.

The producer-only standards functions to encourage farmers' markets to provide a homestead that supports small-scale and local farmers. Farmers' markets that value the producer-only approach understand the threat that vendors who resell produce pose to market integrity by unfairly affecting prices and competition.

Resistance Encountered by NFM Towards Producer-Only Policy:

The NFM transition to a producer-only policy has not been easy and has brought about resistance from the surrounding community affected by this policy. Due to the elimination of

²² 2016 NFM Merchant Application.

resellers, the NFM has experienced far fewer vendors during the non-peak season and as a result, a reduction in vendor fees and the variety of products that can be found at the market during the winter and other off-season months.²³ The issue posed here is how to keep the market financially sound during these months. If it weren't for the multiple local businesses operating in the indoor markethouse, the lack of local merchants in the outdoor sheds would be a much larger issue.

The producer-only policy has raised the question of local, urban, and millennial farmers who don't necessarily have the land capacity or the funds to rent a stall on their own while also tending to their crops. These farmers typically sell their products through small scale transactions such as sales made directly on the farm and roadside stops. In many cases, these farmers spend a majority of their time in their fields and do not employ a staff large enough to leave their farm work on the days they could be selling at the market. The NFM has developed a solution for this problem known as a 'collective'. A collective is a co-op style operation designed for local farmers who run small operations in the same community. A farmer/producer collective is a group of up to 8 farmers that meet all farm/producer requirements, but wish to cooperatively market farm products with other farmers. Because these farmers lack the spatial and financial resources maintained by larger farms, a collective allows these small farmers to retail and profit together without penalizing their smaller operations.

Another issue that raises concern has been expressed by the consumer community. It is commonly believed among consumers that the policy changes require it to be either in Davidson county or a Tennessee farmer. However, facts show that products from farms from Michigan to Vermont to South Carolina can be found at the NFM. The NFM has made this possible by allowing farmers to supplement up to 10% of their products as long as these products are coming

²³ Farmers Market Coalition. *Nashville Farmers' Market Goes Producer-Only*.

from a farm approved by the NFM (details discussed in next section). By allowing farmers to bring in supplemental products, the NFM is able to diversify the products that are available to consumers. Although these products might not be considered local to the NFM, they are products that are made by other small farmers that serve the consumers of the local food movement elsewhere. In addition, supplemental products might be products not found or grown within the local region of the NFM. In order for consumers to have access to these products, the NFM has allowed farm merchants to utilize supplemental products as long as the farm supplying these products to the merchant can be verified according to the NFM regulations.

Implementing and Enforcing Producer-Only Standards:

The producer-only policy at the NFM went into effect on January 1st, 2015. For the first time, the NFM required merchants to fill out an extensive application in order to be considered an official vendor. According to merchant type, each applicant must provide the following²⁴:

- **Required for all merchant types:**
 - Completed Application
 - Signed Merchant Agreement
 - \$20 Application Fee Per Application
 - Applicant must prove to the Executive Director of the NFM that the products they are selling are from their farm or, for craftspersons and food artisans, that the products are being made by hand
- **Additional Requirements for Farm/Producer and Collectives:**
 - Certificate of Liability Insurance of at least \$1,000,000
 - Directions to your Farm or production facility (a Google Map print-out)
 - Farmer/Producer Product Origin Declaration
 - Growing Practices Certifications (if applicable) i.e. GAP, Organic, Biodynamic
 - Schedule F Form
 - Local Farmer Certificate
 - Additional Farmer/Producer Applications for Supplemental Products and or Collectives (if applicable)

²⁴ 2016 NFM Merchant Application.

- **Additional Requirements for Artisans and Street Food Applicants:**
 - Certificate of Liability Insurance of at least \$1,000,000
 - Current Business License from a Tennessee Government Entity
 - Sales/use tax certificate of registration -OR- federal/state tax exempt status document
 - TN Department of Health Permit to Prepare Food (if applicable)
 - Food Processing Certifications - Serve Safe (if applicable)
 - TN Department of AD Manufacturer Plan Review OR Health permit to prepare food
 - Certified Kitchen Information (Certificate, address, owner's telephone number, email, and confirmation letter of certified kitchen rental)
- **Additional Requirements for Craft and Flea Applicants:**
 - Current Business License from a Tennessee Governmental Entity
 - Sales/use tax certificate of registration -OR- federal/state tax exempt status document

Before January 2015, the NFM has never required an application as thorough and complex as the one delineated above. Of all the rules and regulations, the requirement that farmers, artisans, and crafts merchants must allow market officials to visit and inspect their farms (or work areas) is the most important feature for a market that is serious about enforcing producer-only standards.²⁵ These farm inspections allow the NFM officials to verify the information provided by the farmers about the products and production practices being used. In addition, market officials have the opportunity to learn more about the farmer's operation.

This collaboration between farmers and NFM managers helps foster a unique business interaction between farmers and consumer. For example, in the past decade, Nashville has experienced an explosion of consumers who have expressed their interest in sustainable agriculture by supporting the local food movement. In response to consumer demands, and the NFM's struggle to adhere to the true mission of a farmers' market, the implementation of the

²⁵ Hamilton, *Farmers' Markets Rules, Regulations and Opportunities*, 34.

producer-only policy now requires farmers to be transparent in their farming practices. As a result, the increasing number of consumers who support the local food movement get what they want: locally sourced fresh food.

Evaluation of the Producer-Only Policy at the NFM:

Restrictions on farm and market vendors are vital because the true mission of farmers markets' needs to be protected. When farmers' markets allow producers to resell produce from wholesalers or out of state/region producers, consumers who support the local food movement, and the greater movement of sustainable agriculture, are deceived by commercialized farmers' markets selling resold produce. Consumers are deceived by the fact that they believe they are buying local foods. The reality is that these food products are produced outside of the region and are being sold as if they are produced locally. Even though 'producer-only' legislation may cut out a number of the producers selling at farmers markets, it is important to enforce this policy as a means to protect the true identity of the farmers market. Farmers' markets needs to be protected for the farmers and producers that are producing local products. This is one of the only outlets local and regional farmers have to consumers as the conventional food system and it's products dominate most of the market.

I fully support the NFM's struggle to transition away from commercialized farmers' markets into a business that strives to adhere to the true mission of a farmers' market: to give local agriculture a way to connect with customers.²⁶ As we go forth with our endeavors to institute a more sustainable food system, it is important to balance the principles of sustainability (social, environmental, & economic) in our daily lives. Nashville is a city that is growing by the day. As more people move into the city, it is vital that we lay a foundation from the start in order

²⁶ Farmer, *Should Only Farmers Be Allowed to Sell in Farmers Markets?*

to excel in the future. By increasing awareness among Nashville natives and newcomers, the city can build growing support for the local food movement from the get go. Not only will consumers be happy with the quality of the food they are buying from the NFM and other surrounding farmers markets, local farmers will thrive in an economy of consumers that value how and what these local farmers are growing.

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