



# The Solari Report

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## Solari Food Series: Champion of the Small Farmer with Frank Nicely



Champion of the Small Farmer



with Senator Frank Niceley



**Guest:** Senator Frank Nicely

Web: [Senator from the 8th District in East Tennessee](#)

**Pete Kennedy:** Welcome to the *Solari Food Series*. This is your host, Pete Kennedy. We are currently exploring in *The Food Series* ways to improve the food system legally to create a better regulatory climate. I think that the record shows the best way to improve the food system is to strengthen the local food system.

We have two food systems in this country: industrial food and local food. The best way to strengthen the local food system is at the state level. At the federal level, big Ag has too many lobbyists. At the local level, often you run into this ‘not in my backyard’ attitude. So, the state level is the place to do it.

One sure way to make it easier to pass local food legislation in the state Houses is to have a champion legislator who will be successful working the bill through. Tennessee is blessed to have that in Frank Nicely.

Frank is a state Senator from the 8<sup>th</sup> District in East Tennessee. Without further ado, Frank, welcome to the *Solari Food Series*.

Before we get into everything that you have accomplished, which could take hours – and we are probably not going to hit them all – why don’t you give us some information about your background in farming?

**Senator Frank Nicely:** I graduated from the University of Tennessee in Soil Science in 1969. I was raised on a farm, which was a dairy farm. When I got out of school, I took over the dairy and ran it for another 15-16 years.

I began to see there was not a future in the dairy industry the way that it was structured. We got out of that, and since then we’ve done a little of everything. If you can lose money on the farm, I’ve probably tried it one time or another.

I realized that what I’d been taught in school may not be what we need to be thinking about. I remember Mark Twain said that he was educated once, and it took him 20 years to get over it. I think a lot of times when you graduate in agriculture at these land-grant universities, it takes you about 20 years to get over it and realize they structure everything for the ‘big guy’.

Most of these farm bills are made so that the big companies – the Tysons and the Perdues and the Monsantos and the Archer-Daniels-Midlands – are the ones who have the lobbyists and make money off the decisions made in Washington. The small farmers fall through the cracks.

Somewhere along the way, I realized that, and we believe that good, wholesome food is cheaper than doctors' bills. We don't make a lot of money off the farm, but we do eat well. We all seem to be fairly healthy right now, so it seems to be working so far.

I ran for legislator back in 1988. I was on the Ag Committee then. I was there for four years, and I was redistricted out of the House district. I ran for the Senate and was defeated. Twelve years later, I ran for the House again, came back, and was on the House Ag Committee. I ended up being the chairman of the Ag Committee in the House.

A Senate district opened up, and I ran for the Senate in 2012, and I'm just completing my second term in the Senate. I'm running for election now, and I don't have an opponent. So if my health holds up, I'll end up with at least 12 years in the House and 12 years in the Senate. I have been on the Ag Committee the entire time, except for two years when the Farm Bureau got mad at me and removed me.

**Kennedy:** We are looking for more than 12 years from you, Frank, but in the meantime, back up just a little. When was it you realized that industrial agriculture and the commodities system wasn't for the small farmer? Was it during your time in the dairy industry?

**Nicely:** I remember in the late 1980's when Monsanto came out with the bovine growth hormones; I told them, "This is not going to help the small farmer."

The dairy men had two problems: they had overproduction and underconsumption. The use of this hormone was going to cause both of these to get worse. It was going to cause more production, shorten the life of the cows, and homemakers didn't want milk with hormones in it. It was a terrible thing that land-grant universities pushed for Monsanto.

Eventually, they took it off the market. Now you see bottles of milk that will brag about not having any growth hormones, and they have a label on there saying that. Although all research says that there is no difference in it, the consumer doesn't want it.

My father always said, “Don’t take stuff from the government. What they want back will be worth more than what they give you.”

He was a little leery of the government’s farm programs, and I guess that I got a little of that from him.

**Kennedy:** The owner of this website worked with Franklin Sanders who you know from West Tennessee. His saying is, “If you are going to take money from the government, expect a sock in the jaw.”

**Nicely:** That’s true. Like Frederick Bastiet said, “If you are going to subsidize one group, you have to plunder another group.” I don’t think you should plunder somebody else to save the farmers. Farmers need to make it in the market. People need good food, and right now is an opportune time to try to get our local Ag community back on its feet. More people are coming to the farms to buy food or milk or meat, and there is such a difference.

For example, I buy buttermilk from a local producer. You look at the ingredient list, and the ingredients say, “Reduced fat milk and culture.”

If you buy buttermilk through one of the big chain stores, it has five or six ingredients. It has all kinds of ingredients, and I can’t even remember what they are. Why would you have five or six ingredients in buttermilk when you could have two?

What people have to start doing is read the ingredient list on their food. If there is something in that ingredient list that you don’t recognize, then it’s probably best not to eat it.

**Kennedy:** You’ve done a great job moving consumer demand toward locally-produced food with some of the laws you’ve passed. What was it that first moved you to run for public office?

**Nicely:** I’ve always been interested in history and politics. A childhood friend of mine ran for office, and we slaughtered a steer and had a fundraiser for him. We had free hamburgers for everybody.

I visited him a time or two, and I just got interested in it. I realized that somebody has to do it, but nobody wants to do it. Most people are too busy. —————

— At the time, I was in my mid 40's, and we had shut down the dairy. I had a little time, and I ran. I've really enjoyed it.

Senator Thompson asked me one time, “What do you like about politics?”

I said, “I like the fight.” It's a continuous fight between the ‘little guy and the big guy’. It's the people who don't have lobbyists against the people who do have lobbyists. The farmers don't have the lobbyists that they need. They think they have some lobbyists, but they're not really. It's the big companies who have the big lobbyists in Washington.

It's just like this PRIME Act we've been pushing. So many meat packers have powerful lobbyists that are lobbying against it, but right now may be a good time. We may be in an opportune time to do this; something good may come out of this pandemic.

**Kennedy:** I'm going to get into that and the PRIME Act in a bit, but one other question that I have for you about the legislature is: When you first started there, was there any representation for the small farmer and the local artisan producer at all? If there was, what did it consist of?

**Nicely:** Very little. Most people, especially back then, and more later than now, looked to the Farm Bureau for guidance. Over the years, we realized that the Farm Bureau – and I have many friends at the Farm Bureau, and I tell them to their face – you own too much stock in Tyson and Perdue and Monsanto. You're not really worried about the small farmer.

What we need is more farmers and good food activists to get involved in politics. You have to get to know your legislators before you need them. If you happen to be lucky enough for your legislator to be a Speaker – of the House or the Senate – then you really need to get to know those people.

The next most powerful people you need to know are the committee chairmen. If your legislator is a committee chairman on a committee that one of your interests goes through, then you have a ‘leg up’.

Most people don't want to talk to their legislators because they're afraid they're going to ask them for money. But you need to; you need to get to know them and explain what you are doing. If you slaughter hogs, give them some sausage. Let them realize that there is good food out there that doesn't come through the big chains and that doesn't come through China.

That is another thing that will come out of this pandemic. I think that everybody will wake up to China. Why do we send our chickens to China to get them processed and then sent back? With China buying Smithfield Pork, that doesn't make much sense.

Foreign corporations own two of the biggest meat packers in America. One of these is a company owned by two Brazilian brothers who are so shady that the Brazilian government locked them up for six months.

**Kennedy:** Right!

**Nicely:** Americans need to own these American companies. We need to slaughter American hogs and feed Americans and raise healthy American children.

**Kennedy:** You were just talking about people working with their legislators. What is the best way that a constituent can get a legislator's attention on a bill? What are some steps that you can outline for them to take?

**Nicely:** You need to start ahead of time. When election time rolls around, they will usually have a fundraiser or a rally or a breakfast or something. Go to their fundraiser. You don't have to give them any money; they generally just need a crowd. Often, someone else gives money. If you have a little extra money, give them some. Get to know them. Get to know them before you need them and explain these issues to them little by little.

You can't teach it to them all in one sentence. You have to bring them up to speed and get them onto your side, and you're not going to do it in one day. It's an ongoing process; you have to get to know them.

You need to be the person who they call when something comes up on farm issues. A legislator doesn't know everything about everything. They have to have people they call. You need to be the person they call on Ag issues. It's not that hard, but you have to start ahead of time. You can't wait until you are in a crisis to get your legislator's attention.

**Kennedy:** A good way to meet the legislator is to attend a fundraiser they may hold, right? Isn't that one of the better ways?

**Nicely:** Yes, you can attend a fundraiser or a rally, or go see them before you need them. It's like the old song says, "Old friends are always the best," and your old supporters are always the best. When a crisis comes up in the legislature, the legislator is bombarded with people. People come in from everywhere – calling and writing. But if you have a head start and have some confidence built between you and your legislator, he will believe you and trust you to give good information.

I tell people, "Get your legislator a one-page sheet with bullet points." Make it simple; make it where he can read it without putting his glasses on. Don't overwhelm him, but get to the point. And when you call him, don't talk forever. If you talk forever, he won't take your call. Get to the point and let him go because many other people want to talk to him, too.

**Kennedy:** You were mentioning earlier how many of these state Houses don't have many lobbyists that work for the small farmer. There aren't that many of them to begin with, and some of them just haven't been that effective. In effect, you work as a lobbyist with the tasks you do in the Tennessee legislature.

Talk a little about the strategy that you use to try to get support for the bills that you either introduced or support on local food.

**Nicely:** You have to know your committee, and you have to know your legislator. They have to trust you, and you have to trust them. There are a few I trust and a few that I don't trust, but they have to trust you. You have to explain it simple so that they can understand it. Legislators are only people; they're not geniuses. You have to make it simple for them so they can relate it to some of their constituents.

The one thing that all legislators have in common is that they want to get reelected. If you can get some people in your community to call them, that always helps.

There are good food activists out there now – namely, many younger women who have children who are interested in the good food and understand good food. For many of them, it's unbelievable how smart they are and how they educate themselves about these food products.

Here is the interesting thing: Good food is the one thing that the far left and the far right have in common. If you have somebody who likes good food, it doesn't have to be a cancer survivor to like good food; they may be wanting to prevent cancer. —

— But there are people on the far left and there are people on the far right that like good food. That is one thing they can all talk about.

That is the interesting thing. Many of these food activists' other issues are fairly liberal, but they get along good with me on this issue. You have to realize that you aren't going to agree with everybody on everything, but if you can find some common ground like good food, safe food, food without a lot of preservatives or additives, or food that has been raised in a way where it has more minerals, then that is something that the left and the right can both agree on.

**Kennedy:** I think more than any other issue, food transcends party ideological lines.

Another part of lobbying is trying to keep the opposition at bay, too. You have been very effective in Tennessee in conveying the message that local Ag/little Ag isn't interested in feeding the world. They're not after the markets that big Ag wants, which is the export markets. They only want to feed the community.

How have you gone about conveying that message to keep the opposition at bay?

**Nicely:** For years the land-grant universities and the Farm Bureau and everybody somewhat looked down on the organic movement or the good food movement. But as time has gone on, they have begun to realize – and we tell them – that I'm for all farmers; I'm not only for little farmers; I'm for big farmers, too.

The big farmers feed the world, and the little farmers feed the community. But there is a food security element that Europe understands that we don't understand. Switzerland will plant Jerusalem artichokes on the side of the road outside of towns if there is no food, so people can go there and dig up that food. They remember being hungry.

Americans don't ever remember being hungry. Even during the Great Depression and the Dust Bowl, the problem was too much food. Roosevelt slaughtered hogs, cattle, and dumped wheat in the ocean, thinking that would get the prices up. So, this idea that you have to have genetically modified food sprayed with glyphosates to feed the world is nonsense.

All my life the problem in agriculture has been overproduction – too much food with too low prices. Right now, corn is barely over \$3 a bushel. Gristmills were paying \$3 a bushel for corn in 1918. So, corn is the cheapest right now that it has ever been in real dollars. Americans work fewer minutes to buy their groceries than at any time in history. But big Ag, has a job to do, and small Ag has a job to do.

Before the farmer can make more money, he has to convince the consumer that it's worth more money to buy local food – local food that has been produced in the way that they want it, which can be organic or beyond organic or biodynamic. There are reasons that they will pay more for good food. If the farmer is going to make a living, he has to train the consumer to pay more; \$3 commodity corn is almost too cheap.

**Kennedy:** On many of these bills, promoting local food and enabling the farmer to better sell directly to the consumer with less regulation, you might initially have some opposition from a group like Farm Bureau. How do you work to get them to at least go neutral on some of these bills, enabling you to pass them?

**Nicely:** Sometimes I can, and sometimes I can't. You have to explain to them, and most of them know somebody somewhere who is doing this. Right now, there are not many, but there are more and more people bottling milk.

Frank Kipe, with MicroDairy Designs, brought his MicroDairy bottle to the Ag committee in 2009, I believe. At that time, no one had ever seen anything like that. It was expensive to get into bottling, but he got the price down to \$12,000. So now you can get into pasteurizing and bottling your milk and making cheese. Currently, several people in the state are doing that.

The Federal government has given \$6 million to the state to encourage small dairymen to start bottling their milk. I talked to the head of the dairy association [Tennessee Dairy Producers Association] recently, and he is talking to people who have small dairies who want to start bottling milk. People will pay extra for local milk. They don't know exactly why, but they know that it tastes better, and the money stays in the community. They like it.

One of my counties has a small bottler, and the neighboring county has a small bottler. One of my other counties has a dairyman who is applying for a grant to build a new barn and start bottling his own Guernsey milk, 'Golden Guernsey'.

We can get there; it's going to be slow. It's not for everybody. If you are an old dairyman and don't have children to tackle this, it's probably not going to work. But if you have another generation coming on that has the energy it takes to make this go, it could be a success.

**Kennedy:** You mentioned that Americans aren't used to shortages. Well, that is now changing some. Because there is a production problem and a distribution problem, some of these supermarkets are running short on meat and eggs. Kroger's has said they are limiting customers. Some of the other stores like Costco are, too.

Concerning meat, there has been a bill that [Congressman] Tom Massie of Kentucky's 4<sup>th</sup> district first introduced five years ago to allow the sale of meat from a custom house in intrastate commerce. For someone to be able to sell meat, their animal has to be slaughtered at a state-inspected or federally-inspected facility, meaning an inspector has to be present when the slaughter takes place.

With the custom houses, there is no inspector present. The only thing that the owner of the animal can do with it right now is feed it to their family or give it to non-paying guests or employees.

I think that more than anyone, it is accurate to say, you are the father of the PRIME Act, which would allow the sale of meat from a custom house where there is no inspector present in intrastate commerce. You met representative Massie a few times during the period that that bill came out. So maybe you could talk about the genesis of the idea that you had and the background in your thinking and believing that this was the way to go to get this system we need have.

I've read in the paper that 50 slaughter plants account for 98% of the production in this country right now. It's not a tenable situation. You and Congressman Massie and others seem to have come up with a solution that could at least address some of the problems we are facing right now with the monopolization of the meat industry.

Can you talk about the genesis of the idea?

**Nicely:** If I remember right, we were at Joel Salatin's farm.

**Kennedy:** It was actually a Farm-to-Consumer fundraiser.

**Nicely:** We began talking because we had so much in common. He raised grass-fed beef, and told me, "I could put my cattle on a trailer and coast down the hill off the mountain to a custom house, and I can sell you the meat from the custom house if I sell it before I slaughter the animal. ——"

— But after I slaughter the animal, it's against the law for me to sell it. If I hook my trailer to take it to a USDA inspected house, I have to drive 100 miles.”

We talked about it, and we came up with this idea. He gave me credit for it, but it was probably as much his idea as it was mine. Our idea was turning it back over to the state and letting the state decide what to do.

Most don't realize that more freezer beef is slaughtered at the USDA custom houses than are slaughtered by USDA-inspected houses. There is no inspector at the custom house; the butcher inspects the carcass, and the owner inspects the live animal. It's a pre-mortem/postmortem, and it works fine. It's been that way for 50 years. The only problem is that you can't retail that meat after it's slaughtered.

I could sell you a half or a quarter or a 1/16<sup>th</sup> or a package of hamburger legally before we slaughter that animal, but after the animal is slaughtered, it is illegal for me to sell any of it.

Lamar Alexander said, “How long did it take them to come up with something this stupid?” Lamar Alexander has signed onto the bill, as has Senator Blackburn. It would actually make it safer because the state could decide what level inspection they wanted to have. They could spot-check them or they could put an inspector there every day they butchered if they wanted to. But the reason they won't go with a federal inspector is that if they get a federal inspector who turns out to be a ‘jerk’, they are stuck with him, and they can make life miserable for the owner.

If they get a state employee who happens to be a jerk, they call me, I call the commissioner, and we have a little talk with him. Then he either quits being a jerk, or he goes somewhere else.

It makes people more comfortable with having an inspector, but most people do not realize that the vast majority of the beef and hogs and deer that are slaughtered and processed in the states don't have an inspector, and everything is fine. It's been that way for years and years; nobody is getting sick.

You can check with the USDA; we have no more complaints on the inspected houses than we do the non-inspected houses. Nobody wants anyone to get sick. The last thing the butcher wants to do is have someone get sick and not come back to have their meat cut up again.

So we came up with this idea about five years ago, and now people are beginning to realize, “We need food security. We need local meat production.”

People are signing on to Senator Massie’s bill. Of course, the ‘big guys’ are going to fight it, but the ‘big guys’ are somewhat behind the 8-ball right now; they’ve ‘dropped the ball’. So, this might be a good time for anybody listening [or reading this] to call their Congressman and ask them to sign onto Thomas Massie’s PRIME Act.

**Kennedy:** You’ve been lobbying the Tennessee delegation yourself. It seems like you’ve had a rather good response from them so far. As you have said, it’s only a matter for people to call their senators and their representatives. But for the most part, you’re getting a positive reception from the Tennessee delegation, right?

**Nicely:** I really have; it’s been amazing.

**Kennedy:** Explain what the problem is with the conventional meat industry.: If there isn’t a production problem, then why are all these farmers having to euthanize their hogs or their chickens, and maybe in the near future, their cattle? What is wrong with the system we have now?

**Nicely:** The farmers are doing their part; they are producing plenty. The problem is that the federal government has allowed the slaughter centers to get top-heavy. There are three or four companies that are slaughtering 90% of the beef and pork, and that is not good. We need to get it spread out, and more of it local.

The farmers are doing their part, and I think [euthanizing] these hogs is overblown. That happened during the Depression. Roosevelt would actually send USDA people to the farm, pay \$1 a head, and kill it, but then they wouldn’t let you eat it.

Regarding these hogs and cattle, they can feed them another month or two, and they’re going to get bigger; so, instead of a market hog, it might be a 350-pound hog.

[Threatening to euthanize hogs and cattle] I think that’s scare tactics-- scare tactics are not always bad. But I think President Trump has said that he will send the National Guard in to killing at these plants if they [the companies] don’t get them back to work.

Of course, foreign countries own these plants; a lot of foreign countries don’t like Trump. Trump is onto their tricks. A lot of them would like to see him fail. I think that is part of it.

China would rather have somebody else other than Trump right now, so they're not helping the situation.

**Kennedy:** Like you said, this is a food security issue, too. You have four packers controlling over 80% of the beef market right now, and another four controlling about two-thirds of the pork market. Smithfield is owned by the Chinese, and they are one of the four. So, how are you going to have food security relying on a foreign corporation to provide your food? You need to get self-sufficient, especially in local and regional food production – as much as you can.

**Nicely:** That is exactly right, and China has had a problem with African swine flu. You can't believe everything that comes out of China – kind of like Washington. You can't believe it all. But supposedly, half of their hogs have died from the African swine flu.

We don't have African swine flu in this country, and we don't want it in this country. They've tried every way to ship beef and pork to this country. They labeled it as 'beef' and they tried to ship it into the country. But if we get African swine flu in our home barns – these confinement barns – it could kill half our hogs or maybe more.

They've been trying to come up with a vaccine for these hogs or something that would stop this African swine flu, and they haven't done it.

**Kennedy:** Right. On all levels – whether it's food security or food safety or food quality or growing the local economy – the way to go is to move toward the local agriculture getting more of the market share in this country. We kind of see that happening with the meat and other farm-produced foods right now.

Once the restaurant businesses shut down and they had to reconfigure the industrial food system, you got these temporary shortages of meat and eggs. So, consumers started going to the farm quite a bit more often these last couple of months. Most of the farmers who sell direct to consumers have had their sales at least doubled, and in some cases sales have gone up three, four, or five times as much as they were a couple of months ago.

How is your farm doing in that respect? And what do you think the farmers can do to maintain this demand if and when this COVID-19 crisis does die down?

**Nicely:** Well, it goes back to the meat processor. People are buying meat, but the problem is that the farms can't get animals slaughtered soon enough. Right now, it's about a three- to six-month wait to get an animal processed and cut up. So that is a limiting factor. That is why this PRIME Act is so important. We need more local slaughterhouses to take care of these animals so that the farmers can sell their meat to the public.

For years and years, the land-grant universities and the federal government have pushed bigger and bigger and bigger; they want everything bigger. They want us to send our cattle to Kansas and to put them on wheat grass. Then when the wheat's gone, they will send them to the feed lot. Then they will slaughter them, and then they will ship the meat all the way back. Well, that's plenty of diesel fuel hauling those cattle around like that.

Why do we have to haul our cattle all the way out West to slaughter them and then haul them all the way back? We have them here, and we can slaughter them here.

Right now, the big thing that the doctors are telling you is that the grass-fattened beef has more CLA's, more Omega 3's, and the chances of getting e-coli is practically nonexistent. The insurance companies are telling people to eat more grass-fattened beef and drink more whole milk and use more butter and limited amounts of bacon.

The insurance companies know more about nutrition than the doctors do. The insurance companies make money when you're healthy. The doctors and hospitals make money when you're sick. So the insurance companies know; they have the numbers. They can tell you more about when you are going to die than your doctor can. So, they are wanting you to eat grass-fattened beef.

We don't have to send cattle to Kansas; we have grass here, and we can fatten them here. The bottleneck is getting them processed here. That is where this PRIME Act comes in, making it easier to process our cattle and get them to the consumer. The consumer will pay more, the middle man makes less, the farmer makes more, and the farmer stays in business.

**Kennedy:** I guess for now, until the PRIME Act does pass, you are telling us the ways that the farmer can go about getting the animals slaughtered as quickly as possible, and being able to get the processing done in a way where they can still market it. I think you were saying that farmers are going to the USDA facility for slaughter and then taking care of the processing in other ways. Could you explain that?

**Nicely:** That is the best way to do it if you can do that. If the farmers had a community slaughterhouse and kitchen, where they could cut up the meat or if they had one on their own farm, it would be more economical. Most of the USDA slaughterhouses will charge you \$40 to kill and chill down a carcass of a hog or a cattle. They will charge you \$0.55 to \$0.60 a pound to cut it up. The cut-up bill on a steer could be \$300 to \$400, whereas, only to get it slaughtered and hung as a carcass is \$40.

You can get it slaughtered almost any time. But if you want to get it cut up, it may take three to six months. So, a few farmers are having animals slaughtered and USDA inspected, and then they get the carcass in a refrigerated truck or just put it in big coolers and bring it back and cut it up themselves and freeze it.

Freezing is a problem because a home freezer won't freeze a whole steer at once, and it will spoil before it freezes. But if you have five or six freezers – and they're not all that expensive – and you put some in each freezer, then you can freeze it overnight.

It's not that hard to cut up meat. When I was a farmer, whenever a farmer would slaughter hogs, he would cut them up. Even the hired help knew how to do it; everybody knew how to do it. It's not that hard, and the equipment is not that expensive. Then on every steer, they make another \$300 to \$400 since it's \$0.55 a pound to cut and wrap the meat. They can do it themselves, and that is another source of income for the local farmers.

**Kennedy:** So, you are seeing more of these farmers setting up a commercial-type kitchen. Is the Tennessee Department of Agriculture approving a number of these things, or are they trying to be difficult about it?

**Nicely:** They're not there yet. I'm trying to get them to help. They've had this 'Ag Enhancement' money, and I would like to see that money help somebody buy coolers. You can buy used cooler panels from supermarkets that are tearing them out and get them fairly cheap. Then they need to offer some courses at the universities to teach basics of meat-cutting.

The good thing about this is that you know you are getting your own beef, and you know that you are getting it all back. I'm not saying that the custom houses are crooked; they are anything but. However, some people are not sure that they are getting all their meat back. There might be a T-bone steak missing or two, or maybe a porterhouse. They may be missing a few pounds of hamburger or a little sausage. But if you're cutting it up yourself, you know that you are getting it all.

Here is the main thing: people like fat. They say they don't, but they do. One of the hardest things for my daughters to do is to get butchers to put enough fat back into the sausage or back into the hamburger. They tend to make it too lean.

The custom houses are tempted to keep some of the fat from your hog and mix it in with the deer sausage. They make a large amount of money processing deer. In Tennessee, there are many deer killed. You can hardly get a beef cut up during deer season because all these custom houses are full of deer.

Many of them make sausage out of the deer. Deer sausage is not very good unless it has some pork fat in it. So, they get accused of skimming a little fat off your hog to put in with the deer sausage. I don't know if that is true or not, but I would guess that it is.

**Kennedy:** Most of the problems that I have heard have been with the USDA facilities where someone brings in an animal, and they are not sure that they get all of it back. Sometimes they're not even sure that they get the same animal back that they brought in.

The PRIME Act is trying to get the country back to where it was before the Wholesome Meat Act passed in 1967. At that time, you had all these community abattoirs around. You probably had three times as many slaughterhouses as there are today. When you figure how much our population has grown over the last 50 years in this country, it just magnifies the shortage.

Growing up, what do you remember about the community abattoirs? Hopefully, that is what we can get back to.

**Nicely:** When I was growing up, we had a butcher shop up the road five miles, and another one down a little road three miles, and you could go to the butcher shop and get anything that you wanted. We didn't slaughter our own beef back then because it was so plentiful. You could go to the butcher shop, and if you wanted to eat a T-bone or porterhouse, you would tell the butcher what you wanted, and he would cut them up for you, and then you would have it.

For a while, we had two big processors in downtown Knoxville; they were East Tennessee Packing and Lay Packing. At Lay Packing, they were making a phenomenal number of hot dogs. ———

— It was like half a million hot dogs a day or an hour or something unbelievable. You could take a steer to Lay's or East Tennessee, and they would slaughter it, and would deliver that carcass to the grocery store; to the IGA. We would go there at night and have them cut it up.

All that has changed now. The IGA doesn't cut up the beef, and both the big facilities in Knoxville are shut down. It's different, not better, just different.

**Kennedy:** It just seems as though this is the biggest flaw in our local food system right now – the lack of community abattoirs. The way the law is with meat, it's something that the Feds control, whereas with milk, the FDA doesn't like raw milk, but in intrastate commerce, it's up to the state to decide.

With the Feds, you have the federal government controlling what goes on in interstate commerce. And the sad thing about it is that the USDA is one of the biggest opponents of the PRIME Act; from what Tom Massie has said, it's the Cattleman's Association and the USDA.

I think they have a shortage of inspectors right now. I think that this would make their job easier, and they would be able to concentrate on the bigger plants if something like the PRIME Act passed. It seems like it's one of those things where, once the bureaucracy gets power, they don't want to give it back.

**Nicely:** You don't want ever to underestimate the selfishness and the greed of some of these big companies. Take for example, the feedlots in western Kansas. They want all the 500-, 600-, and 700-pound calves going to Kansas. They don't want any of those calves staying east of the Mississippi and being fattened here because that makes the calves they buy cost more.

They don't want us to keep our calves. They don't want us to fatten them, and they don't want us to retail them. They want everything to go across the Mississippi, out West, be fattened up, and then hauled back.

What we are doing takes them out of the loop. By slaughtering more beef east of the Mississippi, it makes west of the Mississippi pay more for the cattle.

The big feed lots have more power than a small farmer in east Tennessee, and we don't have the lobbying power in Washington that they do.

**Kennedy:** You said that it's more difficult for agribusiness to monopolize beef cattle than it is hogs or poultry. Could you explain a little more about that?

**Nicely:** These CAFOs--confinement operations-- Where Big Ag has taken over the chickens – Perdue, Tyson, Pilgrim's Pride; they have taken over the chicken business. There are very few people slaughtering chickens in the country anymore. They were able to do that because you can put chickens in confinement houses and feed them that way.

It's the same with hogs. There are very few hog producers left. The big hog barns with thousands and hundreds of thousands of hogs have taken over.

Now, they've almost taken over the dairies. Walmart says they will build big dairies in South Dakota – 30,000 cow dairies – and they will produce all their own milk. They won't need these small dairies anymore.

But with beef cattle, they're raised out on grass. You can't put a cow/ calf herd in a barn. They have to be out on grass. So, the big Ag has never been able to really corner the beef market like they have the chickens and the hogs and the dairy and these CAFOs.

They've tried everything. They tried the animal ID program a few years ago where you put a chip in every animal, and they would know the supply line. They would know how many 600-pounders are out there and they would know how many calves have been born, and how many cows. They have tried to control it that way. They wouldn't actually have them in their barns, but they would try to control them.

The farmers who were very interested in saving their industry fought it and said, "We're not going to do that. You don't need to know that."

We were able to fight that successfully. It will probably come again because they keep coming, and they are liable to win at some point. But for now, they have been unsuccessful.

**Kennedy:** Even with that level of independence, it seems like the packers are able to control the price – whether it's through the mercantile exchanges, the commodity markets, or something similar. Even without the level of control over the poultry and the hogs, they have still been able to drive prices down.

**Nicely:** There's something called a 'Country Of Origin Labeling' Act (COOL). Walmart didn't want country of origin labeling; they wanted to be able to buy cheap beef from around the world and retail it to the American consumers. They can repackage it and put on the package 'a product of USA'.

They can buy water buffalo from India. India now exports more beef than Argentina. I think they are the largest exporter in the world, and their cows are sacred, so they export water buffalo.

To the USDA scientistshamburger from water buffalo is 'beef'. You may actually like water buffaloand you may get some accidentally from India, and then you'll go back later and want more, but you'll get something from Uruguay or Paraguay.

There are two or three things they [USDA and Big Ag] did that really hurt us. When the beef prices got high enough for the farmers to buy some new equipment and pay off some of their debt, they started importing cattle from countries that had hoof-and-mouth disease. We had eradicated that in America in 1928, and we never brought any cattle in from those countries until a year or so ago when the beef prices got high. Then they opened it up and started letting these hoof-and-mouth disease countries export beef to the U.S..

With this Country of Origin Labeling, they said, "It's unfair to these little countries for the American homemaker. She doesn't need to know where her beef comes from. She will pay more for American beef and less for this other beef." But that is what we want, and that is what we need.

But now the consumers look at that package of beef, and it says, 'a product of USA' so they think that it's United States beef, but it's not. It may be, but not necessarily. It could be from any country in the world and just repackaged here. It's false advertising. The lobbyists got that through Congress somehow allowing that to happen.

**Kennedy:** That brings up a piece of legislation that you introduced in Tennessee this year, which hopefully will pass when the legislators reconvene next month. Basically, it's a state-origin labelling law; it's an intrastate COOL Act.

**Nicely:** I'm not sure that we even need legislation to do that. We could put on the label, 'a product of Tennessee'; we need to go ahead to get that done. But if Tennesseans knew that the meat was produced in Tennessee, and we let them know that this was not a lie--like 'a product of the United States'—

--but that this beef was born and raised and processed in Tennessee, people would pay extra.

**Kennedy:** Right. To facilitate that, you have another bill which would have Tennessee start up a state meat inspection program. About half of the states don't have a state inspection program, so if someone wants to sell the meat from their animal, they have to go to a USDA facility.

**Nicely:** The Governor was all for that, and then the 'chicken boys' called. Tyson or Perdue told him that they didn't think it was a good idea, so he backed off. But our Commissioner of Agriculture is in favor of that. The problem is that the USDA doesn't want the states to take it over. Even though half the states are doing it now, they want to keep their 'hat' in it. They don't want to give up that power over us, but we need to do that.

The PRIME Act would make it much faster for us to be able to do that. It might take two or three years, even if the USDA would go along with it.

**Kennedy:** You won't necessarily need a state inspection program if the PRIME Act passes because with the state inspection program, for the most part, you can only sell the meat within your state boundaries. That is what the PRIME Act would do.

It's as you said: It's very tough for USDA to give up their power. I know you've dealt with a number of officials at USDA who are helpful when you work with them, but it seems like it's a problem at the top where they don't want to give anything back, even though they would be better off if they did.

**Nicely:** It's hard to take power back from Washington once they have it. We gave that up in the 1970's, and I don't know why we did it. No one has ever given me a good reason for why we did it, but we did it. Now it's hard to get it back.

**Kennedy:** I'm not sure that there has been a state where the USDA has approved a state meat inspection since the 1970's. They have to give final approval before it can happen. [State legislatures] can, they pass a law and start up [a state meat inspection program], but if USDA wants to shut it down, they may.

**Nicely:** At some point, we need to learn a lesson from Colorado and Washington state. They basically nullified federal law when they started selling marijuana; it's still against the law at the federal level. \_\_\_\_\_

At some point, the state will have to say, “Hey, we appreciate what you are trying to do, but we are not going to go along with you anymore. We will do it ourselves.”

It’s amazing – and kind of funny in a way – that marijuana was the first thing to be nullified. But that is essentially the best way to describe it. They just nullified federal law and ignored them, and the Feds had to back down.

I am always in favor of pushing the envelope a little. The states created the Feds; we are the parent, and they are the child. When they misbehave, we need to ‘spank them’. Nullifying some of their laws will be a fine way to spank them.

**Kennedy:** There was a representative who you know, the late Sue Wallis of Wyoming. Years ago, she wanted to allow a farmer to slaughter the meat on the farm and be able to sell it. The bill never got through, but I think that she was prepared to litigate with the USDA if it had.

I guess that is another thing. Before this Wholesome Meat Act went into effect, some states allowed farmers to slaughter meat right on their farms, sell directly to consumers, and with some of them, I don’t think there was any regulation to it.

Farmers can still slaughter on the farm, but it can only be for their own family and guests and employees. I’ve never heard of any foodborne illness outbreak attributed to an on-farm slaughtered animal.

**Nicely:** I haven’t either, and the USDA will tell you that. They would say that there is no difference in the custom houses and the USDA inspected houses. It’s a hard issue to explain to people. There are many highly-educated people who can’t understand the difference between a custom house and a USDA inspected house.

The USDA will tell you they don’t have any more problems from one or the other.

**Kennedy:** It’s like Joel Salatin says, “How come the food is safe if you are slaughtering it for your own family, but all of a sudden when you sell it, it all becomes dangerous?”

It doesn’t make a whole lot of sense.

**Nicely:** No, it doesn’t. Joel does a good job, and I always enjoy listening to him. He does a good job making the Feds look bad. I like his book; he has a book called *Everything I Want to Do Is Illegal*.

**Kennedy:** More than any other book, that tracks the experiences of the Farm-to-Consumer Legal Defense Fund. That book came out the year Legal Defense Fund started up, and it gave us a blueprint of what to expect.

**Nicely:** Farm-to-Consumer does a great job. I would encourage anybody who is on the farm who is dealing directly with the public, to know about you and become a member. That's the best \$11 a month they can spend.

**Kennedy:** As you know, there is a relationship between the Weston A. Price Foundation and Farm-to-Consumer. Sally Fallon was more responsible than anyone for founding Farm-to-Consumer Legal Defense Fund. [The Weston A. Price Foundation] has a chapter leader system, and they have a couple of good ones I know you have dealt with Shawn Dady and Michelle Reneau. Their job is to find sources of nutritious food for people who call. The main job of the Legal Defense Fund is there to protect access to those sources. So, the two work hand in hand.

You actually had a resolution in the hopper that hopefully will get voted on once you start up next month. It's commending Weston Price for their 50% pledge campaign, which is encouraging people to buy at least half of their food directly from the farmer and local artisans.

**Nicely:** Yes, it passed in the Senate; I think it needs to come through the House. That would make a huge impact.

They did a study in Chattanooga, which said that if the consumers spent 5% of their grocery budget on local food, it would have a \$100 million impact on the local economy. Only 5%; that's huge!

**Kennedy:** Much more of the food dollar would stay in the community if that happened.

I was talking at the beginning of the interview about all the legislation you've passed. We don't have anywhere near the time to go through all of it, but I want to hit some of the highlights.

I think the first major food bill I was aware of that you passed was in 2009. You were a co-sponsor of a bill that legalized the distribution of raw milk through herdshares. I know people spent several years trying to pass that bill. So one thing that can come out of it is: Don't give up if it doesn't pass the first time.

Could you talk about the 2009 Herdshare Law?

**Nicely:** We had a bit of luck going right then. We had a Speaker of the House, Beth Harwell, who was raised on raw milk. Her father was a big supporter of raw milk and raw butter. Then we had the Speaker of the Senate, Ron Ramsey, who was raised on his grandfather's dairy farm. On Saturday mornings they sold raw milk to anybody who came along and had a gallon jar. So, we were lucky for those two. I get more credit for that than I need, I think, but I was lucky having those people helping me.

Like anything – like a salad bar – nothing that you put in your mouth is 100% safe, but raw milk is so nutritious and so good for you, and it cures many things.

I tell people about the Mayo Clinic. My uncle was on a straight raw milk diet. I don't know what was wrong with him, but they put him on a raw milk diet. He would plow corn behind a mule when he was 13, and he would drink raw milk. He couldn't plow for long, and he would have to stop and drink some more raw milk.

He lived to be 92. He was a fairly well-known doctor in Knoxville, Tennessee, and it certainly didn't hurt him.

There are so many things that raw milk can help with, such as your immune system, your intestines, and your microbiome. With all these sugary soft drinks, young people are fatter than they have ever been. You go to the schools, and they look like a different species than when I was in school; we were all skinny back then.

We drank milk, and we didn't get fat on the milk. These sugary soft drinks are causing these children to be unhealthy, and some will never get over it. Some will never live to get to the full age that they would have if they had been on good food. Some of their mothers put soft drinks in their bottles as babies. It's unbelievable.

**Kennedy:** You not only helped pass that bill, but I remember what happened the next couple of years; the department of agriculture was giving farmers a hard time who wanted to distribute raw dairy products to their shareholders. This should have been the shareholder's right to have their milk processed for them into another dairy product by someone else. With these herdshare agreements, you are purchasing an ownership interest in the cow or herd of dairy cows. So, why shouldn't they be able to do it?

**Nicely:** We asked for the Attorney General's opinion on that. The department of agriculture said they couldn't do it. So, we asked him for two opinions: "If you have a herdshare and you drink the raw milk, can you buy butter and buttermilk?"

They said, "Sure you can." The Attorney General responded and sided with us and against the department of agriculture.

We also asked them at the same time about a law saying that you did not have to have a permit to sell eggs from your own flock. The department of agriculture was charging \$50 for a permit before you could sell eggs from your own flock. If you had six hens and wanted to sell a few eggs to your neighbor, you would have to have a \$50 permit.

So we asked the Attorney General, "What takes precedent, the law or the rule?"

He sided with us again. He said, "The law says that you don't have to have a permit. The department of agriculture is wrong. They can't charge you \$50."

So, we won two against the department of agriculture, and that was with a Democrat Attorney General. I had very good luck with him and I hated to lose him. I asked him for five or six opinions, and they came back looking like my mother had written them for me. I hated to see him go.

**Kennedy:** You have this formula which is kind of a continuum. First you get the bill passed, then you get the Attorney General's opinion, and then the Attorney General's opinion becomes policy; you did it with these meat shares, too. I think it was around 2016 when you tried to pass a bill that would have legalized meat shares so that people could buy an interest in a herd and get meat from the animals in the herd. It didn't pass, but then you went to the Attorney General and said, "Could a group own a custom slaughtered animal? Could you sell shares in a custom slaughtered animal like you would in a dairy herdshare?"

You got another great opinion on that. Shortly after that, the Department adopted the policy of, "Yes, you can do a meat share type of arrangement."

**Nicely:** There again, the Attorney General came through for us. As I said earlier, good food has supporters on the far left and the far right.

**Kennedy:** One other bill that you passed, just to give us an idea of how you were able to leverage this legislation into more than what was originally intended. ,there were federal regulations on slaughtering--what they call, ‘non-amenable species’ where you don’t have to have an inspector present. When you slaughter the animal, you can still sell the meat from that animal. You can’t do that with cattle, hogs, sheep, or goats, but you can do that with domestically-raised deer, elk, bison, and you can also do it with rabbits.

You introduced a bill that would adopt federal regulations not requiring an inspector to be present if you wanted to slaughter a rabbit. At that time, for rabbits--under the Tennessee law--you needed to have an inspector there. It seems ridiculous because they are the safest animal to slaughter.

Not only did you pass that bill, but there is another exemption where you don’t need an inspector, which is poultry. You can slaughter up to 20,000 birds a year without an inspector. You were able to convince the commissioner – I think – to put rabbits under the poultry exemption so you not only didn’t need an inspector, but you no longer needed a permit under the Tennessee law because the Feds regulate producers under the 20,000-birdexemption.

**Nicely:** That’s kind of interesting. Actually, we just codified the federal law on chickens. The USDA said, “We have a few people doing that, and we don’t have any trouble with it. The problem that we have is these giant slaughterhouses where they kill millions a day, and sometimes they have illegal aliens in there helping; that’s where we have the problem.”

They spot-check these people [processing poultry on the farm]. I said, “Do you actually spot-check them?”

He said, “We don’t spot-check them much because we don’t have any problems there.”

Pertaining to the 20,000-chicken law [20,000-bird exemption], there are a few people [prospering from that law]. It’s not unusual to get \$20 for a free-range chicken that is slaughtered on the farm. Joel Salatin does that. He processes many chickens.

**Kennedy:** That’s interesting. I believe that is one of the things that you made the biggest impact on at the Farm-to-Consumer Legal Defense Fund. You passed that bill around 2014, basically adopting the federal exemption on it. ———

— Before then, the Legal Defense Fund received several calls from people [in Tennessee] who wanted to process poultry on the farm, and they were getting a hard time from the department of agriculture.

I specifically remember this one farmer who lived in Bristol, Tennessee. He was getting a hard time from the department of agriculture. He said, “If this keeps up, I’m going to move across the state line to Bristol, Virginia.”

After you took over, that went away. Now you hear plenty of Tennessee farmers getting under the 20,000-bird exemption, and it’s one of the best federal laws there is because you can sell to grocery stores, restaurants, retail stores, and the like. It started when you got that bill passed, adopting federal exemptions.

**Nicely:** You came up with many of these ideas. Some of this stuff I didn’t know. Through the years you have been a great resource, and I appreciate everything you’ve done. I just happened to be there at a good time to try to get some of it done.

When you are in the legislature, as time goes on, you somewhat develop a field of expertise. Mine is agriculture. As I said, I’ve been involved in it enough that I get to look at it a little different than many people.

We’ve been lucky in Tennessee. We have a rather good environment for the small farmer, and the ‘big guys’ are doing well. They’re doing as well as they can do with these cheap corn prices. They are producing; it’s just the market.

The federal government and the USDA have to keep these prices down. They have to keep the price of corn and soybeans down because they have to sell them to foreign countries and earn foreign exchange. If we are going to buy \$1 billion worth of trinkets from China, then we have to sell \$1 billion worth of something. Well, what do we sell? We sell corn, soybeans, and agriculture products. So, the federal government wants to keep it cheap so that we can sell more.

I tell people that the USDA does a balancing act. They have to keep the farmers in business; they can’t let all of them go broke at once, but they have to keep [prices] cheap enough so that the foreign countries will buy it. So, they keep it cheap to let the foreign countries continue buying. Right before the farmers go broke, they might go for higher prices for a year or two to let them get out of debt a little, and let them buy some new equipment, and then they’ll knock them back down and sell cheap food again.

The USDA is not completely on our side. They are somewhat on our side, and to some extent on the government side of selling foreign goods to make foreign exchange.

**Kennedy:** Right. They have this ‘Who’s Your Farmer’ or ‘Know Your Farmer’ program, but they are mainly about exports and creating export markets for big Ag.

I want to bring up one other war story that involved them [USDA] eventually, and that is your work with the Weston A. Price Foundation chapter leader who I mentioned earlier, Michelle Reneau. I think it was in 2017 when she had a surprise inspection from the Tennessee Department of Agriculture. She had a small food buyer’s club. They stumbled upon it, and I don’t think they would have followed through, but they did threaten her with criminal prosecution if she didn’t get a permit and get inspected by them.

Michelle is really principled. She believes that there is a legal distinction between public and private distribution of food. So, she went to you to get some help with that. Tell us how that all developed and worked out.

**Nicely:** You’re taxing my memory, but the best that I remember, the department of agriculture wanted to inspect her. They said, “You are retail.”

She said, “No, I’m not retail. These consumers are buying this food from these farmers on their smartphones. They’ve already paid for the food, so I’m not retail.”

They said, “Then we’ll charge you as a warehouse.”

She said, “I’m not a warehouse. We have a person who goes around and picks up from all these different farms all these things that they’ve sold throughout the week, and we bring it here. This is just the pick-up point. The homemaker comes by and picks it up here. We’re not a warehouse.”

The [Ag department] lawyer said to me, “We will do it one way or another.”

I said, “Let’s look at it this way. Why don’t we create a new thing? If they’re not a warehouse and they’re not retail, they are a farm-to-consumer pick-up point. As a farm-to-consumer pick-up point, they don’t have to be inspected.” And we passed it that way. The department of agriculture and the committee lobbied against it but we passed it anyway.

They got mad, and I can't prove this, but I'm satisfied that somebody at the department of agriculture called the USDA and said, "Get down here and teach them who's boss."

Then the USDA came here, and wanted to see a list of everybody she ever sold to. She wouldn't do that because her customers didn't want to be on the government list. They didn't have any right to know who she sold to. She was actually paying taxes; she didn't have to pay taxes. But in the deal we passed, she agreed to collect taxes and send it to the state.

In Tennessee, our constitution prevents the state from taxing something that a farmer raises. If you raise corn or hogs or cattle and you sell it on the farm, the state can't tax that. So, it's sales tax-free.

If the consumer comes to the farm and buys milk or meat, then there is no sales tax. But Michelle agreed to pay it. She said, "In order to make you all happy, we will collect sales tax and send it in."

I would not have done that, but she agreed to do it, but somehow it got in there.

So, somebody at the department of Ag called the USDA, I'm sure, and said, "We have this woman who is selling this stuff straight to consumers, and we can't have that."

So the USDA went down and harassed her, and they harassed the person who was renting her the store. He was afraid that if she was doing something wrong, it would get him into trouble. So he quit leasing to her. She was pregnant with her fifth child, and she said, "I give up."

But now she is thinking about running for office. I would love to have her in the legislature. She is the type of person that people need.

She reminds me of that beauty salon owner in Texas that refused to shut down recently, and the judge was going to put her in jail. Michelle reminds me of that lady. We need more people like her.

**Kennedy:** You really helped her with USDA because they investigated her for about two years after that.

**Nicely:** Two years!?! That's unbelievable!

**Kennedy:** They were giving her a hard time, and I think you had a contact high up in the Department of Agriculture [USDA].

**Nicely:** I had gotten to know the General Counsel through the USDA. He was a 'Tennessee boy'. In fact, I called him and explained what they were doing, and suddenly it went away. But by that time, it was too late. The property owner had decided that he was afraid to rent to them anymore.

Somebody should study that model. That is an excellent model because a homemaker could buy meat from one farm in one county, milk from another farm, cheese from another farm, sausage from another farm, and then go to one point and pick it all up. These farms could be in a 100-mile radius, but she could go to one place downtown Chattanooga and pick up the stuff she had bought from these farmers, and she would pay on the smartphone.

I tried to explain to them that smartphones are changing the way people farm and buy food and the way they affect taxes. Uber comes along and makes it hard on taxi drivers. Well, Michelle came along, and she was making it hard on the stores because she was letting people buy from all these various farms across the whole area, but allowing them to pick it all up at a designated time in one place.

It's a great model, and it needs to be duplicated all across America, but the USDA didn't want that.

**Kennedy:** You're right, getting a one-stop shop for locally produced food is a great model.

One of the things with the federal agencies you have to deal with as a legislator is you are supposed to have oversight of the bureaucracy. You get all of these cooperative agreements, memorandums of understanding between the federal departments and the state agencies. They are trying to bypass the legislature in many ways.

One of the big issues in that area is the Food Safety Modernization Act, where most of the states have an agreement with USDA to carry out its inspections of the produce growers, which is a requirement that came about as a result of the passage of the Food Safety Modernization Act. In Tennessee, your legislation might have been better than most of the other states that did pass laws allowing these cooperative agreements on the [federal safety rules for] produce. You put a sunset clause on the cooperative agreements between the FDA and the Tennessee Department of Agriculture, right?

**Nicely:** We did. Our commissioner is not a big fan of the agriculture GAP. The problem is that food chains, like Kroger's and Food City are buying tomatoes or strawberries, but they won't buy from small producers unless they meet this GAP (Good Agricultural Practices). That sounded good, but we've been doing good agricultural practices for a long time before the federal government ever got into the agriculture business.

In Tennessee, we compete with California on tomatoes and strawberries and things like that. So, the 'big guys' have a person that keeps the government happy. But these 'small guys', like Grainger County Tomatoes [have issues with GAP]. I talked to one owner and he said it cost him \$20,000 a year just to meet all this nonsense that was put on him by the Good Agricultural Practices and the Food Modernization Act.

I was chairman of the Ag committee, and our senators never called me and never asked about it. But all these things are designed by the 'big guys' to put the little guys out of business, and it works. Many of my 'small guys' have quit; they have given up.

I tried to tell them, "Listen, we put it in there that you can sell 175 miles from home. You don't have to do all this nonsense." But the problem is that the buyers won't buy now unless they get that Good Agricultural Practices certificate or proof that they are doing it.

So, they have us either way.

**Kennedy:** The Grocers Manufacturing Association is working with the federal agencies to create these barriers to entry. With everything that has happened in the last couple of months, the antidote to that is for more consumers to buy direct from the farm.

**Nicely:** Exactly. That's the way to get around it because the grocery stores can't buy it. They won't buy it unless you have this Good Agricultural Practices, but consumers can. That's what you have to do.

You go through Pennsylvania, and every farm has a little stand at the roadside selling something. It might be vegetables or sweet corn, but they all sell something. These farmers have to do that.

We did a program for the vineyards called the ‘farm wineries’. If you grow all your grapes and don’t buy your grapes from somebody else, you can call it a ‘farm winery’. You make the wine only out of the grapes you raise. With that, you can have a satellite stand at the main road. So if your farm is back in the ‘boondocks’ somewhere, you can have a satellite on a major highway and sell your farm goods at that satellite. That is what we need to do with these other farmers who are selling pork and beef and different vegetables. We need to allow them to have a satellite like the wineries do.

**Kennedy:** I think the more unregulated local food we can get, the safer our food supply will be. If these people make one person sick, they are out of business. They’re not like big corporations where people getting sick is the cost of business. They enter a settlement with the sick person’s family, and continue on.

With these local producers, they are feeding their families the same food. One sick person can put them out of business. So, there are all the incentives in the world to produce safe food.

The one locally-produced food blamed for illness you’ve heard about has been raw milk. But if you look at the food safety record for the past few years as the education has gotten better, fewer and fewer of these foodborne illness outbreaks have been attributed to raw milk consumption.

On all fronts, the local food system would take a lot of our healthcare expenses away if they got the market share that they deserve. People like you create a regulatory climate to help make that happen. How do we get a Frank Nicely in every state? That is the goal.

**Nicely:** Every state doesn’t want one like me.

**Kennedy:** You might be a little too blunt for some of them, but the bottom line is: What you accomplished: You opened up more opportunities for local artisans and small farmers than just about anyone else out there.

I appreciate having you on the show, and I wish you continued success. I’m happy that you don’t have an opponent for reelection so that you can concentrate on food and not the campaign.

**Nicely:** That's good. I'll tell you that not having an opponent is the greatest thing to happen. I don't know if I'm doing a good job, or just that nobody wants to fool with it. Either way, I'm proud that I don't have an opponent.

**Kennedy:** We are all thankful for it. And you have a couple of bills in the hopper next month when the legislature reconvenes in Tennessee – especially that state meat inspection program. So best of success with that. Thank you for being on the program, Frank.

**Nicely:** Thank you, Pete. Any time.

**Kennedy:** Take care..

## **MODIFICATION**

Transcripts are not always verbatim. Modifications are sometimes made to improve clarity, usefulness and readability, while staying true to the original intent.

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