

**Farmers Market Promotion Program (FMPP)
Final Performance Report**

The final performance report summarizes the outcome of your FMPP award objectives. As stated in the FMPP Terms and Conditions, you will not be eligible for future FMPP or Local Food Promotion Program grant funding unless all close-out procedures are completed, including satisfactory submission of this final performance report.

This final report will be made available to the public once it is approved by FMPP staff. Write the report in a way that promotes your project's accomplishments, as this document will serve as not only a learning tool, but a promotional tool to support local and regional food programs. Particularly, recipients are expected to provide both qualitative and quantitative results to convey the activities and accomplishments of the work.

The report is limited to 10 pages and is due **within 90 days** of the project's performance period end date, or sooner if the project is complete. Provide answers to each question, or answer "not applicable" where necessary. It is recommended that you email or fax your completed performance report to FMPP staff to avoid delays:

FMPP Phone: 202-690-4152; Email: USDAFMPPQuestions@ams.usda.gov; Fax: 202-690-4152

Should you need to mail your documents via hard copy, contact FMPP staff to obtain mailing instructions.

Report Date Range: <i>(e.g. September 30, 20XX-September 29, 20XX)</i>	October 1, 2014 – September 30, 2016
Authorized Representative Name:	Rachel Armstrong
Authorized Representative Phone:	608 616 5319
Authorized Representative Email:	Rachel@farmcommons.org
Recipient Organization Name:	Farm Commons
Project Title as Stated on Grant Agreement:	Increasing market opportunities through legal education and technical assistance for direct-to-consumer farmers
Grant Agreement Number: <i>(e.g. 14-FMPPX-XX-XXXX)</i>	14-FMPPX-MN-0094
Year Grant was Awarded:	2014
Project City/State:	Madison, WI
Total Awarded Budget:	\$53,302

FMPP staff may contact you to follow up for long-term success stories. Who may we contact?

Same Authorized Representative listed above (check if applicable).

Different individual: Name: _____; Email: _____; Phone: _____

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0287. The time required to complete this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable sex, marital status, or familial status, parental status religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

State the goals/objectives of your project as outlined in the grant narrative and/or approved by FMPP staff. If the goals/objectives from the narrative have changed from the grant narrative, please highlight those changes (e.g. “new objective”, “new contact”, “new consultant”, etc.). You may add additional goals/objectives if necessary. For each item below, qualitatively discuss the progress made and indicate the impact on the community, if any.

This project had a single goal: **Provide direct market farmers with the essential legal guidance that supports increasing sales, existing sales, and new market opportunities for farmers who sell directly to consumers.** This project had three Objectives to meet the goal. Our main objectives and the sub-objectives beneath each are discussed below.

- i. Goal/Objective 1: Increase sales and business stability of CSA farmers by implementing legal best practices.

- a. Progress Made: To reach this objective, Farm Commons accomplished two main objectives. First, created the Building a Legally Resilient CSA Program Workbook. This workbook discusses the nature of risk and how to resolve the legal risks of many aspects of CSA including 1) Sales, 2) Shared risk and reward, 3) Gift certificate and free choice issues, 4) securities laws, 5) Drop site injury, 6) drop site zoning concerns, 7) buying in products, 8) volunteer and work-for-share arrangements, 9) on-farm CSA events, 10) managing food safety, and 11) business entity choice. Second, Farm Commons created CSA Member Agreement Workbook, a detailed workbook for writing a legally solid CSA Member Agreement. The document discusses in detail how to manage the risks of a CSA agreement with a good sales contract. It also presents customer-friendly ways to get a signed agreement including brochure tear-off forms and more. Farm Commons staff worked with FairShare CSA Coalition staff to thoroughly review the CSA Legal Guide and the Member Agreement Workbook. Our CSA legal resources are permanently available for free at the Farm Commons website.

Then, we set out to train the farming community in the legal best practices for CSA farms. We used both webinar and in-person workshop formats. For CSA, we wrote and delivered webinars on Advanced CSA Law and Legal Issues with Worker Shares and Volunteers (primarily utilized by CSA farmers). These webinars were recorded and made available permanently at our website. We worked with the Wisconsin Department of Agriculture, Trade, and Consumer Protection to register farmers for three in-person workshops that included CSA legal information. We also worked with the FairShare CSA Coalition to create an additional workshop exclusive to CSA matters. As workshops are limited to winter attendance, we also created a podcast program. The podcast allowed us to reach many more people with our information.

- b. Impact on Community: This information had a big impact on our community!

Looking at numbers alone, here are the people we reached:

- 2000 farmers listed to our podcast series of 39 podcast episodes that discussed legal issues relating to our objectives including CSA law issues, land access, and food safety law.

- Reached 95 farmers through 4 in-person workshops on CSA legal best practices.
- Reached 307 farmers through 2 online webinars on CSA legal issues.
- Reached 103 farmers through 1 online webinar on the legal issues with intern and volunteer programs in CSA and other direct to consumer farms.
- Reached 158 farmers with our comprehensive guide to writing a legally resilient CSA Membership agreement
- Reached at least 140 farmers with our comprehensive legal guide to starting a CSA program.

Numbers, however, don't illustrate what this education actually achieves for the farming community. Through surveys and case study interviews, we know that:

- Farmers improved their knowledge on the key elements of a legally-solid CSA program. This allowed these farmers to more quickly enter the CSA market and expand their CSA sales
- Farmers implemented clear, legally-solid written membership agreements with shareholders that increase sales and promote customer retention by creating accurate expectations.
- Farmers implemented clear, legally-solid written agreements with volunteer workers and drop site hosts. This results in increased business efficiency and greater retention of volunteers, in turn allowing farmers to focus on expanding sales.
- Farmers bought appropriate insurance policies to protect the farm from liability for the injuries of unpaid volunteers, customers at drop-sites and for volunteers who receive shares or stipends as pay. Protection from liability created confidence to expand sales and limits the risk of financial loss.
- Farmers created compliance plans for regulations or establish clear paper trail as to why regulations do not apply to their workers and volunteers. Protection from liability created confidence to expand sales and limits the financial and social loss of a regulatory investigation.

Across media methods, an average of 81% of farmers learned the essential legal principles from the material accessed- knowledge they did not previously have. Most importantly, an average of 69% of farmers made a change to their business that reduced risk, deepened sales relationships, or opened opportunities. An impressive 95% of farmers planned to make a change to their business, suggesting that the results of this project will continue to be felt long into the future. The materials created under this grant are permanently available to farmers online every day, which means the impact of this grant extends far beyond the grant period.

- ii. Goal/Objective 2: Prevent impending sales disruption by explaining precise obligations of direct-to-consumer farmers and farmers' markets under on the soon-to-be final Produce Rule of the Food Safety Modernization Act.
 - a. Progress Made: To achieve this objective, Farm Commons staff wrote Whether and When Farms Must Comply With FSMA: Flowchart. We worked closely with

the national leader on FSMA, the National Sustainable Agriculture Coalition, to create this comprehensive flowchart and guide. The resource was edited by Sophia Kruszewski of NSAC. This resource was intensively researched, reviewed, and formatted for maximum clarity.

b. Impact on Community:

We reached 230 farmers with this vital information through a webinar on FSMA compliance. Our comprehensive flowchart has been downloaded by and distributed to at least 380 more farmers. We also reached at least 2000 farmers through our podcast episode on FSMA as well.

Better reflecting our actual impact, we know that the farmers we reached achieved the following objectives:

- Improved their knowledge of the Produce Rule of the Food Safety Modernization Act and how to comply with it in the context of CSA and farmers' market sales.
- Created a plan to comply with the Produce Rule of the Food Safety Modernization Act and how to comply with it in the context of CSA and farmers' market sales.
- Improved their knowledge of how the Produce Rule of the Food Safety Modernization Act impacts farmers' market operations.
- Improved their knowledge of how the Produce Rule of the Food Safety Modernization Act impacts farmers vending at the farmers' market.

iii. Goal/Objective 3: Open market opportunities for beginning farmers by enabling quicker, more secure farmland access via leases and purchase.

a. Progress Made: To achieve this objective, Farm Commons created *Inspirations for Creating a Long-Term Agricultural Lease for Agroforestry: A Workbook*. This resource discusses in detail the risks to farmland tenure for direct to consumer farmers conducting agroforestry and foraging. The resource includes a detailed checklist of questions and a sample long term lease with detailed annotations explaining each clause in the lease. This resource was developed in close partnership with the Savannah Institute, an organization working with farmers in this area.

b. Impact on Community:

From a numbers perspective, 79 farmers downloaded and utilized our guide to developing a long-term agricultural lease. Beyond the numbers, we know that the farmers who used our materials were able to accomplish the following:

- Increased their knowledge of the strengths and weaknesses of using leases, easements, and licenses as farmland access vehicles.
- Improved their knowledge on the essential legal aspects of a farm lease that contemplates community involvement via sales from the farm, volunteers on the farm, and farm events.

- Implemented comprehensive written leases (short term or long term) for a direct-to-consumer farm that prevents disputes about CSA pick-up sites, farm sales, and farm events on the leased land.
 - Planned a comprehensive due diligence process unique to the direct-to-consumer farm when purchasing farmland, which includes investigating the following: zoning requirements for on-farm sales and events, environmental concerns, covenants/easements that limit sales and events, inherent liability risks and/or insurability of the premises for on-farm sales, visitors, and volunteers.
2. Quantify the overall impact of the project on the intended beneficiaries, if applicable, from the baseline date (the start of the award performance period, September 30, 20__). Include further explanation if necessary.
- i. Number of direct jobs created: 1.5
 - ii. Number of jobs retained: .5
 - iii. Number of indirect jobs created: 3
 - iv. Number of markets expanded: Not the focus of this project
 - v. Number of new markets established: Not the focus of this project
 - vi. Market sales increased by \$insert dollars and increased by insert percentage%. Not applicable. Increasing market sales were not the focus of this project.
 - vii. Number of farmers/producers that have benefited from the project: We reached 3364 farmers through podcasts, workshops, webinars, and print resources.
 - a. Percent Increase: Not applicable. Because this was a new educational program and not at an existing venue, we did not have a baseline.
3. Did you expand your customer base by reaching new populations such as new ethnic groups, additional low income/low access populations, new businesses, etc.? If so, how?

Although we did not collect demographic information on our user base for the in-person workshops, we have demographic information for all users of our online webinars and print resources. 34% of our users were experienced farmers with diversified operations including animal, horticulture, and row crop production. 18% of users were currently farm employees who were planning the launch of their own farm. 10% were educators such as Extension agents and nonprofit advocates. The remainder were farmers classified as "other" or were legal professionals and agricultural support persons such as farmers' market managers.

4. Discuss your community partnerships.
- i. Who are your community partners?
 - ii. How have they contributed to the overall results of the FMPP project?
 - iii. How will they continue to contribute to your project's future activities, beyond the performance period of this FMPP grant?

We worked with a number of other organizations to achieve our objectives. The Savannah Institute was a valuable partner in reviewing and distributing our resources on long term agricultural leases. They provided input that helped us create a document that addressed the real, practical concerns of farmers. They also helped us do outreach to their community about the availability of the resources. Both the FairShare CSA Coalition and the National Sustainable Agriculture Coalition played similar roles. Both

provided important input into what our CSA and food safety materials, respectively, should address. FairShare and NSAC provided valuable input on draft documents and did a detailed review of our resources, which we used to make modifications before publication. Finally, each assisted us with distribution by letting their constituents know about the new resources. Each of our partners continue to utilize these materials in their work- the resources are permanently available and they refer their constituents to them on a regular basis.

5. Are you using contractors to conduct the work? If so, how did their work contribute to the results of the FMPP project?

We used a contractor for graphic design and proofreading. We have only basic skills when it comes to graphic design. However, we know that good design is absolutely essential to legal education. Colors, layout, pictures, and thoughtful assembly truly help farmers understand and absorb the sometimes complex information we are relaying. The expert advice of a skilled designer is important. We are also quite bad at proofreading. When creating hundreds of pages of material, a professional proofreader is a key asset.

6. Have you publicized any results yet?*
- i. If yes, how did you publicize the results?
- ii. To whom did you publicize the results?
- iii. How many stakeholders (i.e. people, entities) did you reach?

*Send any publicity information (brochures, announcements, newsletters, etc.) electronically along with this report. Non-electronic promotional items should be digitally photographed and emailed with this report (do not send the actual item).

We relied on our partners, primarily, to publicize our results. We have included the numbers of farmers we reached in our community impact section, above.

7. Have you collected any feedback from your community and additional stakeholders about your work?
- i. If so, how did you collect the information?
- ii. What feedback was relayed (specific comments)?

Yes, we collected feedback from our community and stakeholders through a survey. Those who attended our webinar, attended a workshop, or downloaded our resources all received a survey asking for feedback. We distributed these surveys through our website, which was custom built on a Drupal platform and specifically addresses sending surveys to attendees and downloaders.

When asked what individuals liked best about our resource, here is a representative a sample of the responses:

- Stories from real farms illustrating what can go wrong. It really sinks in when it's made personal.
- I like that it incorporated real life examples.
- Farm law is dynamic. It will be important to keep on top of this our operation matures and it's good to know these resources will be available online in the future.
- I especially enjoyed the personal stories/case studies that pertain to different aspects of the law.
- I liked the way a topic was introduced with an anecdotal story illustrating the possible problem scenarios.

When asked what we could improve, here is a representative sample of the responses:

- Don't know if is your end or ours but your audio feed is choppy. Perhaps speak a little more slowly so when it does get choppy, you don't lose the context of the lecture.
- For me personally, I could handle a little quicker pace with a little more detail. But I know that I am a fast learner. When things are presented slowly, I find myself double tasking and I'd prefer to focus entirely and get more out of it.

8. Budget Summary:

- As part of the FMPP closeout procedures, you are required to submit the SF-425 (Final Federal Financial Report). Check here if you have completed the SF-425 and are submitting it with this report:
- Did the project generate any income? No.
 - If yes, how much was generated and how was it used to further the objectives of the award?

9. Lessons Learned:

- Summarize any lessons learned. They should draw on positive experiences (e.g. good ideas that improved project efficiency or saved money) and negative experiences (e.g. what did not go well and what needs to be changed).
- If goals or outcome measures were not achieved, identify and share the lessons learned to help others expedite problem-solving:
- Describe any lessons learned in the administration of the project that might be helpful for others who would want to implement a similar project:

In our work on land access, we discovered that farmers had much more specific needs than we had intended to address at the outset. Farmers needed help with specific legal issues with their leases, so we felt broad resources would not help us reach our goal of opening market opportunities quickly. We decided to narrow in on an emerging direct to consumer market for agroforestry and foraged products. These relationships often depend on long term relationships and involve complex legal issues, so it was one area where we could really dive in and help farmers. We adapted the focus of the resources on land access. Instead of covering the issue broadly, we produced a focused resource. We still discussed the same legal issues as intended (the importance of written leases, etc) but for a specific type of operation.

Timing is constantly an issue with farmer projects. Farmer education and technical assistance is heavily weighted to the winter months when farmers are paying attention to paperwork. If we missed our targets for reach in the winter, we couldn't make it up over the summer. So, we had to find a way to boost our reach overall. So, we expanded our podcast program to produce more episodes over a longer period of time and on a broad range of legal issues that would all still meet our 3 objectives.

10. Future Work:

- How will you continue the work of this project beyond the performance period? In other words, how will you parlay the results of your project's work to benefit future community goals and initiatives? Include information about community impact and outreach, anticipated increases in markets and/or sales, estimated number of jobs retained/created, and any other information you'd like to share about the future of your project.
- Do you have any recommendations for future activities and, if applicable, an outline of next steps or additional research that might advance the project goals?

We are already continuing the work of this project. Over the next 3 years, we will be hosting at least 14 different all-day workshops entitled “Direct to Consumer Farm Law 101.” In each of these sections, we will be highlighting the resources developed through this grant. Our outreach on these resources will continue for at least 3 more years, but likely much longer. Farm Commons has these documents on our website and does continuing legal education around the country day in and day out. So, more farmers continue to find and utilize them constantly. We know that as a result of the information we provide, farmers develop stronger CSA programs, reduce the legal risk of food safety incidences, and develop stronger land tenure arrangements. Each of these lead to greater profitability and increased sales over time.

I would love to see more organizations and farmers markets around the country integrate legal education into the services they provide to farmers. This information is vital and has a huge short term and long term impact. There is tremendous opportunity for other organizations to integrate the legal education resources we provide into their own programming. For example, farmers’ markets can distribute our flowchart on FSMA obligations to their vendors. Farmer education organizations can integrate our CSA law materials into their programming on the production aspects of starting a CSA farm.