



National Organic Coalition

Testimony of
Steve Etko, Coordinator

National Organic Coalition

during the

Agricultural Marketing Service hearing
to consider the proposed

National Leafy Greens Marketing Agreement

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My name is Steve Etko. I am the Coordinator of the National Organic Coalition, a national alliance of organizations working to provide a federal policy voice for farmers, ranchers, environmentalists, consumers and progressive industry members involved in organic agriculture.

Our members share a concern about food safety and a strong belief that diversified, conservation-oriented farming systems with abundant wildlife habitat are highly compatible with safe food, and in fact, are part of the solution.

We agree that there is a food safety problem in this country. We disagree, however, with the proponents of the National Leafy Greens Marketing Agreement (NLGMA) about the appropriate solutions to the problem.

To summarize our perspective on this matter, our members believe that:

1) USDA's Agricultural Marketing Service (AMS) is a critically important agency when it comes to marketing and economics issues, but it is not the appropriate agency to be taking the lead on development of food safety regulations. The majority of AMS staff members are economists and marketing specialists, not food safety scientists. By its own admission, AMS is not a food safety agency. In her July testimony before the Domestic Policy Subcommittee of the House Oversight and Government Reform Committee, AMS Administrator Rayne Pegg stated that "[t]he mission of AMS is to facilitate the strategic marketing of agricultural products in the domestic and international marketplace. AMS is not a food safety agency. The agency, through programs such as marketing orders and agreements, assists handlers and producers in verifying various product quality control efforts."

2) Food safety regulations, where necessary, should be developed in an open, public and transparent process with the lead role going to a food safety agency such as FDA (or in some cases, the States), in close coordination with USDA.

3) With regard to food safety standards for organic farms, FDA should coordinate closely with the National Organic Program, within AMS, in developing those regulations to assure that both the regulations and their interpretation by growers, handlers, and buyers do not result in unintended conflict with the organic standards. When verification of food safety standards is needed to meet regulations, enforcement on organic farms should happen through existing structures of organic certification and inspection, with certification agencies accredited by USDA.

4) USDA should sponsor regional training and education programs to help small processors and handlers, as well as small-and-medium scale farmers, address food safety concerns in their operations. Training should also be provided to help food safety auditors understand the unique needs and attributes of these operations.

5) Regulation should target the areas of greatest risk, and those risks should be scientifically based. Part of the analysis of risk should also be recognition that scale of operation plays a role in determining risk. For example, when there is a large-scale spinach or lettuce farming operation, with a centralized washing facility co-mingling product from thousands of acres and bagging that produce for distribution to retail stores in 20 states, the potential for widespread

contamination and trace back difficulties is much higher than there would be in a small scale operation cutting fresh greens from a 100-acre field, washing it, and delivering it un-bagged to a restaurant, farmers market, or natural food cooperative later that same day. Commonsense would dictate that these two types of operations should be treated differently when it comes to addressing food safety risks.

For leafy greens, we argue that large-scale operations distributing fresh-cut or ready-to-eat greens in sealed bags to retail stores in multiple states should be the area of greatest scrutiny with regard to food safety regulations.

6) Food safety regulations should recognize the benefits of practices used on diversified and organic farms with regard to pathogen reduction, including the benefits of wildlife habitat, such as filter strips and vegetated buffer zones, to filter out pathogens and to encourage beneficial insects as a pest control mechanism.

Many of the concerns that our members share about the national LGMA are based on concerns that the metrics established under the proposed marketing agreement, and the interpretations of those metrics by auditors, will be similar to those already established under the California LGMA. Specifically, our members are concerned that the metrics developed under the national LGMA will discriminate against diversified, organic, and/or small scale farming operations, by:

- 1) creating inflexible, one-size-fits-all requirements biased toward large scale operations;
- 2) penalizing farms that promote wildlife habitat and natural pest and pathogen control through conservation practices, such as vegetated buffer zones and filter strips, based on false assumptions of pathogen risk from deer, frogs and other wildlife, which has been unsupported by scientific research;
- 3) creating barriers to the use of basic farming practices required for organic certification, such as biodiversity promotion measures and organic pest control measures.
- 4) creating a general bias toward a sterilization model of farming, which our members believe is ultimately counterproductive from both a food safety and an environmental standpoint.

It would be unfortunate and ironic if an Agreement intended to enhance food safety were to create incentives for farmers to move away from sustainable farming systems, which are designed to reduce toxic loads in the water, soil and air, and to instead promote the use of large scale, mono-cultural farming systems that we believe to be of higher risk.

In keeping with that concern is our view that the structure of the proposed national LGMA gives majority control to large produce handlers, with only token power to growers, with no explicit Administrative Committee representation for organic farmers, conservationists, or consumers.

In addition, the zones established to determine Administrative Committee membership are illogical from an agricultural or climatic perspective, and seem to be based more on assuring strategic voting power for certain states, instead of being drawn to reflect common growing season or agronomic zone characteristics. Is leafy green production in Wisconsin so similar to

that of Alabama that these two states should be in zone 4 together? Does it make sense for Vermont and Florida to be in the same zone? Both in Administrative Board membership and in zone line delineations, the goal would seem to be to assure that the power for the proposed national LGMA rests with the large-scale handlers of a few dominant states.

The proponents have made a number of assertions about the proposal that need to be challenged.

For example, the proponents argue that the proposed national LGMA is voluntary. From a practical standpoint, it is not. If 50 percent or more (by volume) of the leafy greens handlers sign up for the Agreement, it will be very difficult for other handlers to decline to sign the agreement. The national LGMA standard will essentially become the governing baseline standard for handlers.

In addition, the metrics required by the Agreement will be mandatory for the growers selling product to those handlers. This will be particularly true in parts of the country where a few handlers dominate the market, and growers have little choice of buyers for their product. As a result, the Agreement becomes a de facto marketing order that growers are required to follow. Yet despite the fact that the burden of the Agreement and its metrics would fall heaviest on growers, who would be required to follow the metrics, most of the power for developing and approving the metrics of the Agreement rests with the handlers.

Another assertion that the proponents of the national LGMA have made is that it would help growers, because the NLGMA metrics would tend to supplant the use of additional “super metric” food safety standards by private buyers.

While it is true that growers are suffering under a hodgepodge of overlapping GAP standards and super metrics mandated by buyers, there is nothing in the proposed NLGMA that would prevent companies from requiring growers to follow metrics that exceed or differ in some way from LGMA metrics. In fact, some retailers or buyers could use their requirement of “super metrics” as a marketing strategy, by arguing that their product is “better” because it exceeds USDA standards. A national LGMA would merely add to the proliferation of food safety auditing protocols, super metrics and certifications that result in more time, costs and paperwork for growers, which will disproportionately affect smaller growers.

While I represent the National Organic Coalition (NOC), we are working in concert with a number of other organizations who share our general concerns about this proposed marketing agreement. Some of these organizations are members of NOC, many are not.

In that regard, we have witnesses from a broad spectrum of perspectives who will provide testimony about their concerns about the proposed NLGMA, both with regard to its structure and to the metrics that would be developed under the Agreement.

From the consumer perspective, Patty Lovera, of Food and Water Watch and Elisa Odabashian of Consumers Union will be talking about the need for a strong federal standard for food safety, developed by FDA, and their concerns about an industry-led standard under AMS jurisdiction.

From the family farm and grower perspective, Dave Runsten of the Community Alliance for Family Farms and Dale Coke, a California leafy greens grower, will talk about their experiences with the CA LGMA, and how its metrics have negatively affected family farms, discriminated against diversified farming operations, and reversed years of good conservation efforts on farms.

From the conservation/environmental group perspective, Jo Ann Baumgartner of Wild Farm Alliance, and Lisa Bunin of the Center for Food Safety will talk about the compatibility of sustainable and organic farming systems with food safety objectives, how the CA LGMA has resulted in the destruction of important wildlife habitat, and their opposition to the expansion of the LGMA to the national level.

From the organic certifier perspective, Garth Kahl will talk about problems faced by organic farmers who have struggled to address the requirements of the CA LGMA while also trying to continue to meet the requirements of the USDA organic standards.

From the faith community perspective, Peggy da Silva of the Episcopal Diocese of California will talk about nutritional needs of low income citizens and how food safety regulations and related costs have inappropriately targeted toward fresh leafy greens, driving up the cost of those vegetables to citizens who are nutritionally at risk, instead of targeting the regulatory emphasis on higher risk fresh-cut and ready-to-eat leafy greens.

And from the organic handler and wholesaler perspective, Josh Hinerfeld, of Oregon-based Organically Grown, and Bu Nygrens of San Francisco-based Veritable Vegetable will talk the need to have food safety standards that embrace the benefits of small-to-medium scale diversified and organic farms in the overall food safety effort, and how the proposed national LGMA would be counterproductive and harmful.

Conclusion

At a time when Congress is debating federal food safety legislation and FDA is issuing guidance and regulations governing produce food safety standards, it is hard for our members to understand why AMS would be moving forward with an overlapping, and potentially conflicting, food safety protocol for leafy greens under the control of large-scale conventional produce handlers.

The proliferation of food safety protocols and audits is crippling to small-and-medium scale farmers, confusing to consumers, and a highly inefficient and ineffective way to address food safety concerns. One single food safety standard should be developed, with provisions to target regulation toward the highest risk operations and activities, and to recognize the unique role of small-to-medium scale, diversified and organic farming systems in the larger food safety arena.

Thank you.