

LGMA Hearing – Monterey, CA  
September 24, 2009

Good morning. My name is Josh Hinerfeld. I am the CEO of Organically Grown Company.

Organically Grown Company distributes a broad range of fresh, certified organic produce primarily to retail accounts in Oregon and Washington. We source produce from over 300 suppliers that range in size from a few acres to operators that operate in multiple states. Approximately one-third of our sales are derived from product that is grown in the Pacific Northwest.

20 growers own a majority of our company. Employees own the balance. Three of the eight members of our board of directors are growers, who live and farm in Oregon. Not surprisingly, we have considerable empathy for our growers.

We don't confuse empathy for pity. The inconvenient truth for our industry is that we have a food safety problem – both real and perceived. We expect all of our suppliers to take concrete measures to mitigate the risks of pathogen outbreaks. To do otherwise, would be morally and financially irresponsible.

Another inconvenient truth is that our nation's food supply is becoming increasingly insecure. Lengthening supply chains, climate change, peak oil, water supply issues, and the reduction of farmland are increasing the risk of future supply disruptions. Supporting the viability of a decentralized network of farms around the country will help buffer future supply disruptions.

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Here's the rub. A small or medium-sized leafy green grower situated in the Pacific Northwest can't achieve the efficiencies of a leafy green grower in the Salinas Valley due to the lack of scale as well as the Northwest's shorter production season. Yet, a number of these growers in the Pacific Northwest have overcome difficult odds, by serving a growing segment of the market that is seeking fresh, locally-grown products. The growth of farmers markets, CSAs, and promotions featuring regionally produced foods by grocery retailers is affirmation of this trend.

Just because a farmer is known and respected by his clientele provides absolutely no guarantee or assurance that farm operates in a pathogen-free zone.

Everyone engaged in the production, harvesting, processing, distribution and sale of produce has an individual and shared responsibility of coming up with an answer to the following question: "What are you doing to insure that the food you sell is safe?"

Until recently, our company didn't have a satisfactory answer to that question. So, we started researching steps that we could take to identify and mitigate risks in our supply chain. Our research indicated that our growers are all over the continuum of food safety preparedness. Some growers in the Pacific Northwest lack a basic understanding of pathogens, the critical control points in their operations and the steps they can take to control them. Many are confused about how to proceed given the proliferation of food safety auditing protocols and retail-driven mandates.

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Our management team concluded that we needed to act on two fronts simultaneously: 1) grower education and 2) risk management.

On November 5<sup>th</sup>, Organically Grown Company, Oregon Tilth and Washington State University are co-sponsoring the first of a two-part symposium on food safety to educate Pacific Northwest organic produce growers about pathogens, food safety critical control points on the farm and resources to help growers implement pre-harvest and post-harvest food safety regimens.

In addition, we are in the process of hiring a food safety technical advisory firm to do a risk assessment of our supply chain, recommend a single food safety protocol that is steeped in science, scalable, and harmonious with organic agricultural production practices, and develop an action plan that will guide our food safety efforts. We want to do the right thing and do it the right way.

So, why does Organically Grown Company object to the adoption of a national leafy green marketing agreement? Here are our three primary concerns:

First, we don't see how adoption of this agreement will stem the proliferation of food safety auditing protocols. I want to look our growers in the eye and tell them that compliance with one government-mandated protocol will not only satisfy the needs of our customers but also all regulators. This would eliminate a lot of speculation, administrative burden and expense for growers, handlers, distributors and retailers.

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Second, we are concerned that the leafy green marketing agreement leaves too much up for interpretation with respect to measures that ought to be taken to mitigate intrusion of “animals of significant risk”. As the San Francisco Chronicle reported on July 13, 2009, farmers are destroying wildlife habitat, riparian zones, and vegetative barriers in the name of food safety. How would a national leafy green marketing agreement prevent industry-mandated super metrics?

Third, we are concerned that leafy greens marketing agreement is being exploited for the purposes of achieving a dubious marketing advantage. Food safety should be a sine qua non - not a cynical marketing gambit.

In closing, I ask you to consider two questions, as you assess whether or not to adopt a national leafy green marketing agreement. First, will it help make our food supply safe over the long haul? Second, is this the right means toward this end?

In my opinion, the answer should be “no” to both questions. I would like to see the federal government adopt a single food safety protocol that is scientifically validated, risk-based, while preserving farm diversity, environmental protection and consumer choice. Thank you.

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