

Thank you for providing an opportunity for comment on the proposed National Leafy Greens Marketing Agreement (NLGMA). My name is Gary Scott I own a small diversified 76 acre farm in Nelson County, Virginia, a bedroom county of Charlottesville, Virginia.

I am also the President of the Virginia Association of Biological Farming (VABF), which has been in existence for over 30 years. We have many successful small to mid size growers in our organization that grow leafy greens year around. At least 30 agencies representing small, diversified and organic agriculture interests, including the Virginia Association of Biological Farming, have submitted comments opposing the proposed agreement or made recommendations for it that were ignored by the proponents. There is no evidence that the proponents made any contact or outreach to those agencies prior to petitioning AMS on June 10, 2009 to adopt the NLGMA.

I grow lettuce year around and use unheated high tunnels, and smaller row tunnels during late fall to early spring. I grow Lettuce, Spinach, Arugula, Mustard Greens, Kale, and other Asian greens. I take food safety very seriously and use sanitation methods that I have implemented based on research, advice from other growers, food professionals, and my father who retired from the state of Virginia as a food safety inspector.

I have read the NLGMA Proposed Rules and the California LGMA Audit Checklist, which is why I took the time to drive down here last night to be here today. Authority for ensuring produce safety is the jurisdiction of the Food and Drug Administration. According to the FDA, 99.5 percent of all fresh produce contamination incidents between 1996 and 2006 came from non-farm sources, namely processing and handling facilities. FDA data shows that since 1999, all 14 confirmed incidents of *E. coli* O157:H7 outbreaks in leafy greens have been in product shipped in sealed plastic bags. I do not deliver my leafy greens in sealed plastic bags to consumers or wholesale customers.

I realize that the Audit Checklist guidelines that were implemented as part of the California LGMA have not been accepted as national audit metric standards; however, I am concerned that a NLGMA would be based on the current California LGMA Audit Checklist. The implementation and reporting requirements of similar Audit Checklist guidelines would be burdensome for me and other small growers to accomplish with the size operation and number of workers that we employ. The Audit Checklist provides compliance guidelines such as sections GR 02a – Water, and GR 02b - Soil Amendments would require a significant amount of testing and reporting, the time requirements to comply is alarming, costly and unwarranted for small growers. The proposed NLGMA agreement also does nothing to address other produce such as Broccoli.

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I sell direct through a CSA, farm markets, and wholesale. My wholesale customers are diverse; they include the Jefferson Area Board of the Aging, which is sourcing 25% of the meals for the elderly from local growers. I also sell to chefs and the Local Food Hub. They all want the same fresh, quality, locally produced produce leafy greens.

The local Food Hub is a non-profit service organization with a mission to strengthen and secure the future of a healthy regional food supply by providing small local farmers with services that support and advance their economic vitality and promote stewardship of the land.

The Food Hub is now delivering fruits and vegetables to the Charlottesville City Schools and Albermarle County Public Schools through the USDA Fresh Fruits and Vegetables Program. This past week over 1,300 students had locally produced nutritious snacks available to them as a result of this joint effort. My farm provided fresh Broccoli for the first delivery. The only requirements for participation in this USDA federally funded program was that the Food Hub provided proof of a \$3 million dollar liability policy, that the Food Hub's facilities be inspected by the Virginia Department of Agriculture and Consumers Services (VDACS) and that the produce be delivered in a refrigerated truck.

"The art of Land Doctoring is being practiced with vigor, but the science of land health is yet to be born." That is a quote from Aldo Leopold, written in 1949. Sustainable Biological Farming is scientifically and environmentally sound. If the shoe fits wear it, the NLGMA shoe does not fit small to mid-size growers, period. USDA's Fresh Fruits & Vegetables Program is a good example of a program that is helping to put locally produced nutrition back in our schools. Let's not saddle small and mid sized growers with unwarranted regulations.

Thank you for your consideration on behalf of small growers.