



Comments regarding a Proposed National Leafy Greens Marketing Agreement

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I am Dr. Chris Gunter, assistant professor in the Department of Horticultural Science at NC State University and the co-chair of the North Carolina Fresh Produce Safety Task Force. Thank you for coming to North Carolina to conduct this hearing on the proposed National Leafy Greens Marketing Agreement. I am testifying today on behalf of the North Carolina Fresh Produce Task Force (Task Force).

The Task Force is a unique partnership that brings together stakeholders who have interest in North Carolina produce to address food safety risks. The group is comprised of fresh produce growers, support industry members, academia and regulators and reports as a part of the N.C. Governor's Food Safety and Defense Task Force. Partners include NC State University, NC A&T State University, the NC Department of Agriculture & Consumer Services, NC Farm Bureau, FDA, individual producers, packers produce brokers, associations and others.

We have 5 working groups that focus on the following areas education, research, industry outreach, policy and strategy. The task force partners have successfully secured more than \$220,000 in grants, developed an on-farm risk reduction train-the-trainer curriculum and trained more than 90 NC Cooperative Extension agents, from North Carolina's 100 counties, on how to present it to their constituents. Task force members have made over 100 produce safety presentations both in state, out of state and internationally. Currently we are conducting simulated outbreak exercises for state produce meetings at which producers participate in a mock crisis. We have developed and are finalizing an on-farm Produced Safety Plan template and have put together a comprehensive website of resources for growers. A statewide traceability study in partnership with the Task Force and private industry will identify areas of weakness that we will assist our producers in addressing. Our "Policy Team," consists of growers, industry representatives, commodity associations and researchers. This group has

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interacts regularly, via email and conference call and face-to-face meetings. It is committed to providing insights and expertise into how proposed federal regulations and legislation will affect North Carolina.

In North Carolina we take pride in our proactive approach to produce safety. Rather than waiting for an incident, or legislation, we are working diligently and collectively to focus resources. Our mission is to ensure that North Carolina has a competitive, vibrant and safe produce industry.

The Task Force's policy group has developed several parameters that shape our views on produce safety. At the core of the policy group are North Carolina producers, large, small, conventional, organic and geographically spread throughout our diverse state.

The task force believes that produce safety regulations need to incorporate the following points:

Scale appropriate. All farms should comply with baseline protocols that are consistent with existing rules and regulations. Produce safety regulations should not cause a producer to be out of compliance with another federal or state program.

Risk based and allow for variance. Measures and solutions employed for produce safety should be risk based and allow for variance due to geographic and climatic diversity.

Science based. Produce safety regulation and metrics should be based on sound science and that research must be conducted regionally.

Tiered compliance. Programs should be tiered to reflect farm size, markets served and risk. All fruit and vegetable producers should comply with baseline produce safety measures: Additional tiers of compliance would be mandated by risk, market demands and developed based on science. We believe USDA has tremendous technical and marketing expertise that can shape implementation of produce safety regulations.

Farmer driven. Produce safety initiatives should be proactively driven by the farmer and that the process is inclusive of all farm sizes, crops and includes conventional and organic production.

Proactively mitigate risk. Mitigate risk based on scientifically derived practices through education and incentives rather than punitive measures for non-compliance.

Market recovery. Produce safety legislation and regulations should include measures for market recovery and assistance to producers who through no fault of their own were materially harmed due to recalls.

With this backdrop of policy points, I would like to share some concerns the Task Force is hearing in North Carolina regarding a potential National Leafy Greens Marketing Agreement.

Local Markets: The local food movement in North Carolina is burgeoning. In communities across the state, citizens are banding together to work to increase use of locally produced fruit and vegetables in schools and other institutions. While NLGMA is to be a voluntary agreement, it will become the de facto standard for leafy greens. Producers marketing through CSAs, farmers markets and direct to consumers via on farm stands are also pursuing alternative wholesale markets including restaurants and grocery chains. Small producers, who are not marketing nationally, and choose not to sign onto the agreement fear they will lose these new potential market opportunities.

Allow for Variance. While it is understood that audit metrics will be developed by the Technical Review Board for approval, fear among North Carolina growers regarding the possibility that metrics for AZ and CA leafy greens production will be extended to the production systems here has been high. Our growing conditions are vastly different. For example unlike the arid climates of the West coast, North Carolina is blessed with 40-60" of rainfall per year. The majority of our producers are using irrigation from surface water sources. If a National Leafy Greens Marketing Agreement moves forward, there must be a process for audit metric variance at the state and local level to accommodate differing production parameters.

Transparent/broad based process. The process employed by the Technical Review Board to develop metrics should be transparent and broad-based. Publicly proponents of the NLGMA have stated "one size does not fit all." However, many of our producers fear that a NLGMA could be used by large producers to close market windows for smaller competitors.

Market recovery. A portion of the assessment needs to be set aside in a pool of funds earmarked for producers following the guidelines, to receive compensation in the event they are materially or economically harmed due to a food safety incident which, through no fault of their own, devastates the market.

Animals of significant risk. While audit metrics are not developed, North Carolina producers are concerned about "animals of significant risk" and how a National Leafy Greens Marketing Agreement will be implemented. Our state's agricultural production is as diverse as agriculture in California. However, our largest production segments are livestock, specifically pork and poultry, which make up approximately 60% of our farm-gate production value. Most of our largest livestock producing counties also include fruit and vegetable production. The question of livestock production and produce safety is one that requires more research to understand real risks and implement science based mitigation strategies.

On behalf of the NC Fresh Produce Safety Task Force, I commend you for keeping the goal of fresh produce safety and specifically improved safety in leafy greens, as a high concern. I encourage you to discuss with growers, both here in NC and in other states, and to keep their production practices in mind when implementing any marketing agreement.