

My name is Garth Kahl. I am the Farm Program Coordinator for Oregon Tilth Certified Organic. Oregon Tilth is a NOP-accredited certifier representing over 1,200 certified crop ^{handling} operations throughout the United States, Canada, Mexico and Chile. I am also a veteran organic inspector with over 13 years experience inspecting both crop and processing operations throughout the Americas. In the course of my career I have undertaken thousands of organic crop inspections and received formal training in HACCP implementation and evaluation, ISO 9001/2001 lead auditor training, in addition to experience with a wide variety of industry-specific traceability and audit controls systems.

Oregon Tilth and our members share a concern about food safety and also have a strong belief that diversified farming systems with well managed soils, vegetated buffers and high levels of biodiversity are highly compatible with safe food, and, in fact, serve to enhance and promote this goal. However, Oregon Tilth and many of our growers are particularly concerned about several aspects of this proposed agreement:

1) Oregon Tilth and our membership have a great deal of concern that many of the measures promoted by the LGMA will penalize farms that promote wildlife habitat and natural pest and pathogen control through conservation practices, such as vegetated buffer and filter strips. Several growers, based here in California, have already voiced concerns about the effects of the California Leafy Greens Agreement, which has led to the clearing of hedgerows, riparian buffer areas and the construction of fences that are an impediment to wildlife. We assert that these measures are based on assumptions about the pathogen risk from deer and other wildlife that preliminary data suggest are completely misplaced. According to a recent California Dept of Fish and Game report (1), recent research results from a joint CDF&G/USDA study suggest that suggest less than one half of one percent of mammalian wildlife tested positive for *E. coli* O157:H7. This would suggest that the removal of wild riparian and insectary habitat might at best be unnecessary and at worst counter productive. There is nothing in the LGMA that suggests that the proliferation of the so-called "super metrics," responsible for some of the worst abuses observed under the California LGMA, would cease or decrease.

2) We are also concerned about the about the high costs to small and medium sized growers in complying with metrics mandated by the LGMA, and the seeming "one size fits all" approach to food safety inherent in this agreement, particularly the costs of updated handling facilities, maintenance of HACCP programs, etc. According to a recent UC Small Farm Program Research Brief (2), additional costs to growers for compliance with the California LGMA are estimated at \$100/acre with the highest costs being borne by small and mid-sized growers. This is consistent with what I have personally witnessed through my inspection work in Mexico, where many small growers report having to assume considerable debt or even switch crop types to comply with other recently-enacted marketing agreements or buyer-mandated food safety programs, particularly the California LGMA. In addition, many growers report what some have termed "audit fatigue," for the proliferation of audits mandated handlers, private food safety entities and organic inspection.

3) Oregon Tilth and our members are concerned that, far from being a voluntary agreement, the LGMA will in fact become mandatory for at least the majority of medium to large-sized leafy green growers in the country. 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 and producers selling to them.

Oregon Tilth believes that marketing agreements are a bad way to implement food safety and that 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 in close coordination with USDA. We further

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believe that any food safety regulation must be developed in close coordination with the National Organic Program, to ensure that regulations do not result in unintended conflict with the organic standards. In addition standards should not ignore the benefits inherent under the existing NOP program, such as such the strict the requirements for the documented composting of manure.

We further believe that Regulation should take the scale of operations in to account and target the areas of greatest risk, and that the assessment of 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.

1. California Dept of Fish and Game News Release, *Preliminary Research Results Find Less Than One Half of One Percent Occurrences of E. coli 0157:H7 in Wildlife in California Central Coast Counties*, Apr. 7, 2009.
2. Hardesty, Shermain D. and Kusunose, Yoko. *Growers' Compliance Costs for the Leafy Greens Marketing Agreement and Other Food Safety Programs*. University of California Small Farm Program Research Brief, Sept. 2009