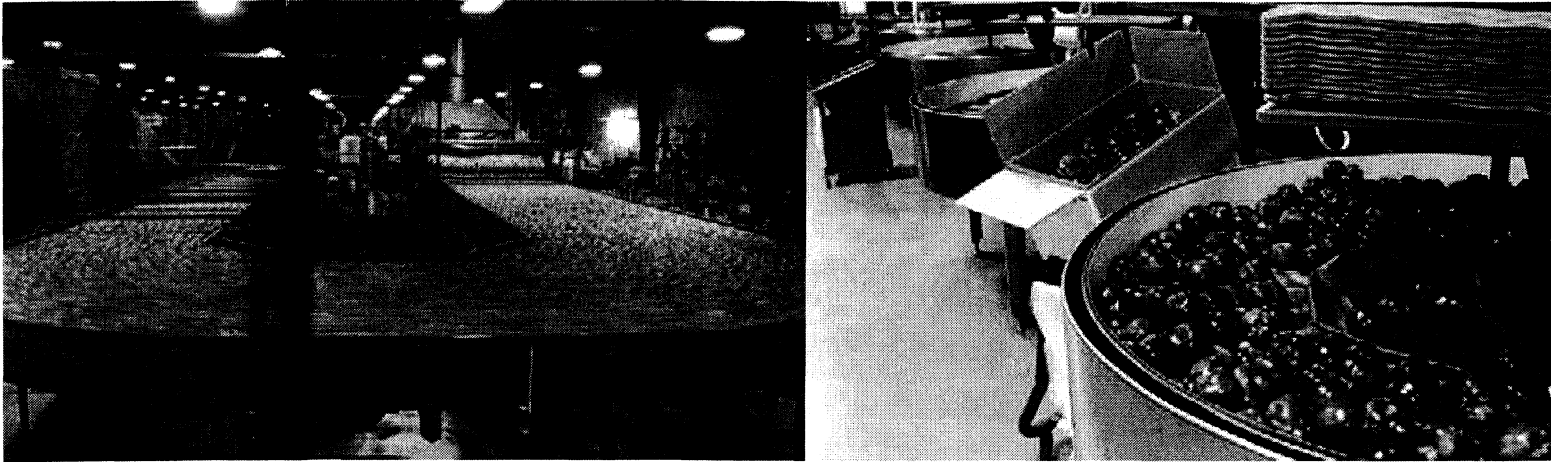


# Industry Communications

# FOOD SAFETY & YOU

## How USDA is Working



*(Editor's Note: This article was prepared exclusively for WG&S by the staff of the USDA Agricultural Marketing Service, Fruit and Vegetable Programs.)*

**Food safety – a topic of concern these days not only for our leadership in Washington, D.C., but also for the general public and the agricultural business community. Notwithstanding the ongoing efforts of the primary protector of public health, the U.S. Food and Drug Administration (FDA), the Fruit and Vegetable Programs within USDA is poised to play its part in order to secure the public's confidence in protecting the integrity of the food we consume.**

As a conduit to the American agricultural community, USDA provides state of the art resources which can be tailored to the individual needs of those who provide us with our nation's food – from retailers to growers. After all, it is the USDA's role to support our nation's agricultural community in marketing its products within the global market.

USDA has responded to this commitment by supplying real solutions through an assortment of voluntary services that cover every element of the supply chain. These *USDA Supply Chain Verification Services* place an emphasis on delivering food safety and quality assurance verification seamlessly and economically.

USDA's experienced audit and quality assurance staff provides credibility and uniformity of service, along with integrity and objectivity -- the foundation of service delivery. Every audit is independently handled by USDA trained and supervised staff, located strategically across the nation. Each USDA auditor has years of agricultural commodity experience and is highly trained to identify production and handling challenges impacting food safety and other quality elements. USDA licensed auditors are selected and trained based on their education, experience, skills, and attributes. USDA trains to ISO standards including Lead Auditor, ISO 19011, other ISO standards, HACCP, and a host of other food safety fundamentals. To maintain their USDA auditor certification, all auditors must complete at least 80 hours of professional development training every three years, keeping staff's knowledge and techniques uniform and up to current industry practices.

As the fruit and vegetable industry recognizes the increasing need for food safety verification and quality assurance measures, it is first important to pare down and understand the basics of the *USDA Supply*

*Chain Verification Services*. With USDA's staff of expert quality assurance inspectors and auditors of food safety programs, we provide services that cover the entire supply chain, from grower to retailer. Outlined here are just a few of our audit-based services that help comprise our *Supply Chain Verification Services*:

**Good Agricultural Practices (GAP)/ Good Handling Practices (GHP)** - USDA's experienced staff provide unbiased third-party audits of grower or handler practices to minimize food safety hazards. USDA auditors assess the grower's efforts to minimize the possibility of microbial contamination prior to harvest by evaluating inputs such as water, fertilizer and manure. Additionally, these audits verify practices that mitigate animal intrusion into production areas, as well as employee health and hygiene. Auditors also assess post-harvest stages such as packing, handling, storage, transportation and processing to evaluate the grower's efforts to reduce the occurrence of contamination. These practices are weighed against FDA's *Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables*.

**Qualified Through Verification (QTV)** is a comprehensive food safety program developed by USDA for the fresh cut fruit and vegetable industry. Firms that elect to participate in this program are required to

# OUR SUPPLY CHAIN

*ing for You*



develop and follow a quality management plan, which is reviewed and assessed periodically through unannounced, on-site audits. These audits evaluate the processing facility's implementation of its own plan. Moreover, QTV audits provide a dynamic approach for identifying process deficiencies before and during production, rather than after production has completed. Performance levels determine the frequency of audits.

**Food Defense System Survey (FDSS)** - utilized as a means of verifying an organization's food defense system in accordance with measures identified in the FDA's *Guidance for Industry - Food Producers, Processors, and Transporters: Food Security Preventative Measures Guidance*. These surveys evaluate the steps a company takes at its processing facility, storage or offsite warehouse to minimize the risk of tampering or other malicious criminal actions against the food product under its control.

**Commodity Specific Verification** - Sectors of the food industry are developing commodity-specific verification matrices to better monitor and assess farming and food safety practices for those products. Examples of this effort include the Arizona and California Leafy Greens Product Handler Marketing Agreements, and agreements for melons, mushrooms and tomatoes. These agreements are a collaborative effort with private industry and government, working together to provide producers with guidance on how to follow accepted food safety practices for specific products.

*EXAMPLE:* In 2006, the leafy greens industry suffered financial loss due to an outbreak of *E.coli* in bagged spinach. As a result, the California agricultural community decided to implement a good agricultural practices program called the Leafy Greens Marketing Agreement (LGMA), which launched a food safety standard and matrix for handlers. This standard was designed to provide customers with the confidence that leafy green vegetables were grown and packaged under safe conditions, and that the

processes for growing and packing were independently audited for compliance.

The audits are performed by employees from the California Department of Food and Agriculture and USDA, all of whom are trained and supervised by USDA. In addition, some handlers and packers have chosen to implement QTV. QTV, combined with the LGMA audits, fulfills the highest level of oversight for the product.

While not a stand-alone service in itself, **traceability** is a key component of a food safety plan, and an element that is provided within each of the above-mentioned supply chain verification services.

#### *About USDA Fruit and Vegetable Programs*

With its roots in the early 1900s, the Fruit and Vegetable Programs of the Agricultural Marketing Service (AMS) has a long and proud history of serving the needs of the U.S. fruit and vegetable industry, domestically and abroad. Today, AMS's Fruit and Vegetable Programs consist of more than 1,200 employees, including our state partners, located nationwide to service the U.S. fresh and processed produce industry. The Fruit and Vegetable Programs helps buyers and sellers market their produce. We grade product to enhance communication between buyers and sellers, collect and disseminate information to enhance market transparency, enforce the Perishable Agricultural Commodities Act to foster fair-trade, buy foods for schools and other feeding programs, and partner with state and industry boards and committees to help overcome marketing barriers.

For more information on *USDA Supply Chain Verification Services*, please contact AMS's Fruit and Vegetable Programs office at (202) 720-4722. ☞

# FOOD

## *LGMA Enters*

By Tim Linden

**The oft-repeated mantra in the fresh produce industry is that you can't test your way to food safety. Testing measures the effectiveness of the practices you have in place, but does nothing intrinsically to improve those practices.**

Technically that is true but every teacher and student knows that the threat of a test does tend to improve one's study habits – or in this case an operation's good agricultural practices.

Scott Horsfall, the chief executive officer of the Leafy Green Products Handler Marketing Agreement, commonly referred to as LGMA, said this food safety marketing agreement passed its second anniversary on April 1 and "things are going very well."

He said there are many ways to gauge the success of the marketing agreement but certainly the lack of a major or even a minor food safety incident involving leafy greens items produced in California for the past two years is one measurement. "We have not had to deal with any illnesses or outbreaks tied to our products and that is certainly a plus," he said.

Of course, it is impossible to know what has been avoided, but the results are very impressive. Horsfall said there have been about 1,000 audits over those two years, and the vast majority of them show that the industry has put good agricultural practices in place...and is following them. He said that during the first year the majority of audit problems revolved around companies not knowing the proper

procedures. He said this year the audits have revealed that there is a constant need for training and retraining. There tends to be high turnover in agriculture and companies need to continue to train new personnel with regard to good agricultural practices. He said in general the audits have shown that the industry is very serious about its food safety procedures and has implemented the good agricultural practices as laid out in the agreement and its ensuing protocols.

"We have learned that this is a doable proposition," Horsfall said. "We can raise the bar for the entire industry in a meaningful way. Handlers and growers can take a lot of pride in what they have accomplished."

The LGMA established guidelines and practices that could be followed by the entire industry in an effort to address the risks associated with producing leafy green products and minimize those risks. By any measurement it has been a success.

Horsfall said California's program should be able to be used as a template for other regional efforts or a national program. While growers and handlers have spent millions enhancing their food safety practices, the regulating and auditing of those practices has been accomplished with a relatively small budget. LGMA operates on a \$3 million budget and in fact, the operation recently was able to lower its assessment rate from two cents to 1.5 cents per carton. The LGMA executive did

emphasize that while the cost of auditing and running the program is only 1.5 cents per package, the industry has obviously spent much more than that to implement the rigorous food safety standards. One estimate said the California leafy green industry has spent as much as \$70 million enhancing its food safety procedures and protocols.

But they have been implemented and they are working. Horsfall believes the success of the LGMA confirms that the path the industry took is a very good model.

The LGMA is a voluntary program but once a handler signs up he is committed to following the program and its mandates for a one-year duration. Participation in the LGMA by their customers has become mandatory for virtually every buyer in the country hence companies wanting to operate in a commercial environment pretty much have to join. Horsfall said only one handler has dropped out and he was a very, very small player.

While the program has been successful and seems to be universally accepted, Horsfall said many buyers still require additional audits, which he believes are unnecessary. "This year we have to do a better job communicating what we do to the buyer community. We are going to be a lot more aggressive with our outreach program."

He said the LGMA auditors, who are hired and trained by the U.S. Department

# SAFETY

## *Third Year*

of Agriculture, do a very thorough job of auditing all facets of a company's operation. Horsfall clearly believes that if a firm passes an LGMA audit there should be no need for a separate third-party audit. He said the USDA auditors are truly independent auditors not swayed by any outside factor. He said there are way too many audits being done in the industry. "In these tough economic times we need to be driving costs out of the system and one easy way to do that is to eliminate duplicative audits."

Horsfall takes some of the blame for these many audits saying that the LGMA has been concentrating on implementing the program and has not done as good a job as it should "selling" that program to the buy side of the equation. He said once a buyer understands what goes into an LGMA audit, he should understand that it precludes the need for any other audit.

His experiences at LGMA convince Horsfall that other fresh commodities should adopt similar programs but those same experiences prove that each program has to be designed for the uniqueness of the commodity involved. "Each program is going to have to be commodity specific and science driven," he said.

He said it was difficult to envision how a national food safety program could operate for all commodities because of the vast diversity that exists within the fresh produce industry. But Horsfall does support the concept in general and does believe that a national leafy greens marketing agreement of some kind would be beneficial. He reiterated that the California Leafy Green Products Handlers Marketing Agreement has proven that such a program can work. 9



## Paul Simonds

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**From:** Paul Simonds  
**Sent:** Wednesday, September 16, 2009 5:26 PM  
**To:** Paul Simonds  
**Subject:** NLGMA NEEDS YOU!



September 16, 2009

# SPECIAL EDITION

## NLGMA NEEDS YOU!

Western Growers, as part of the national proponent group requesting that the U.S. Department of Agriculture (USDA) implement a National Leafy Greens Marketing Agreement (NLGMA), is urging all leafy greens growers and handlers, who support the NLGMA, to attend and participate in one of the public hearings slated for next Tuesday through Friday (September 22 through 25) in Monterey, Calif. or October 14 and 15 in Yuma, Ariz.

Western Growers has learned that opposition groups are primed to testify during next week's hearings, which could influence USDA's decision whether or not to proceed with the NLGMA, as the administration will consider the establishment of the NLGMA solely from evidence and testimony presented at these hearings. Western Growers' members' presence and testimony, no matter how brief, is critical to the success of a national marketing agreement for leafy greens.

Next week's hearings are scheduled from 8 a.m. to 5 p.m., at the Hyatt Regency Monterey, 1 Old Golf Course Road, Monterey, Calif. For more information, please contact WG's Paul Simonds ([psimonds@wga.com](mailto:psimonds@wga.com)) at (949) 885-2257.

### **ANNUAL CONVENTION**

*Western Growers Annual Convention registration season is underway. This year's Convention will be held in Las Vegas at the Wynn Resort. Come join us for the best of all worlds: Local and Exotic ... Educational and Entertaining ... Family and New Faces. Register today by clicking [here](#) or call WG's Heather Holland ([hholland@wga.com](mailto:hholland@wga.com)) at (949) 885-2392. For more information regarding exhibits and sponsorship opportunities, contact WG's Randy Hause ([rhouse@wga.com](mailto:rhouse@wga.com)) at (949) 885-2265.*

### **SPOTLIGHT INFORMATION**

*For more information regarding Spotlight or any other*



WESTERN GROWERS  
84th Annual Convention  
The Wynn Las Vegas  
November 8-11, 2009

Western Growers Communications product, please contact WG's Paul Simonds ([psimonds@wga.com](mailto:psimonds@wga.com)) at (949) 885-2257.

**E-MAIL UPDATE**

Please contact WG's Rob Steinmann ([rsteinmann@wga.com](mailto:rsteinmann@wga.com)) at (949) 885-2266 if you are changing internet providers or the format/layout of your company emails. Any changes for "Spotlight" recipients' e-mails will be performed ensuring uninterrupted delivery of this newsletter.

**WESTERN GROWERS ON THE WEB**

Visit Western Growers homepage at [www.wga.com](http://www.wga.com) or for information nutrition and health, visit WG's Producepedia at [www.producepedia.com](http://www.producepedia.com). For information about either of these sites, please contact WG's Adam Higgins ([ahiggins@wga.com](mailto:ahiggins@wga.com)) at (949) 885-2255.

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Spotlight is a confidential report to inform WG members of Association activities.

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**Paul Simonds**

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**From:** WesternGrowers@wga.com  
**Sent:** Tuesday, September 08, 2009 4:39 PM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] PROPONENT GROUP ANSWERS QUESTIONS, PREPS FOR HEARINGS

# WESTERN GROWERS SPOTLIGHT

WESTERN GROWERS

Tuesday, September 08, 2009

## ***IN THIS EDITION:***

**PROPONENT GROUP ANSWERS QUESTIONS, PREPS FOR HEARINGS**

**DOL SEEKS TO INCREASE H-2A WAGE RATES**

**FDA OPENS RFR**

**INCREASE IN USDA RATES FOR FEDERAL PHYTOSANITARY CERTIFICATES (FPCS)**

**WESTERN GROWERS TO HONOR STEVE MARTORI AT ANNUAL CONVENTION**

## **PROPONENT GROUP ANSWERS QUESTIONS, PREPS FOR HEARINGS**

The National Leafy Greens Marketing Agreement (NLGMA) proponent group, which hosted an interactive Webinar last month on the merits behind the establishment of the NLGMA, has addressed all of the questions raised during that session, and those responses, along with the Webinar itself, the DRAFT NLGMA, and additional background information can be found at [www.nlgma.com](http://www.nlgma.com).

The NLGMA proponent group is now gathering official testimony in preparation for U.S. Department of Agriculture (USDA) public hearings, set to consider the proposed NLGMA. The hearings are slated for:

September 22 through 24 in Monterey, Calif.;;  
September 30 through October 1 in Jacksonville, Fla.;;  
October 6, 2009 in Columbus, Ohio;  
October 8, 2009 in Denver, Colo.;;  
October 14 and 15 in Yuma, Ariz.;;  
October 20 in Syracuse, N.Y.;; and  
October 22 in Charlotte, N. C.

USDA will consider the establishment of a National Leafy Greens Marketing Agreement solely from evidence and testimony presented at these hearings. Complete details on the proposal are included in the [Federal Register notice](#).

While all stakeholders are encouraged to participate in the public hearings Western

## **Western Growers 84<sup>th</sup> Annual Convention**

"The Pack is Back"  
Las Vegas at the  
Wynn Resort  
November 8 - 11,  
2009.

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For information  
regarding exhibits and  
sponsorship  
opportunities, contact  
WG's Randy Hause  
[rhause@wga.com](mailto:rhause@wga.com)  
(949) 885-2265



Growers is actively seeking members and member companies to join us in supporting the NLGMA by testifying at the up coming hearings.



"This is a fundamental opportunity for the leafy greens industry to have a say in the establishment and implementation of a National food safety program for leafy greens" said Hank Giclas, Western Growers Vice President for Strategic Planning, Science and Technology. "If growers and handlers do not proactively collaborate to craft a program that works for industry, that void will be filled by state and federal policy makers."

Supportive organizations are invited to join the proponent group, which is currently comprised of the Arizona Farm Bureau, California Farm Bureau, California Leafy Greens Marketing Agreement, Georgia Farm Bureau, Georgia Fruit and Vegetable Growers Association, Grower-Shipper Association of Central California, Imperial Valley Vegetable Growers Association, Leafy Greens Council, Produce Marketing Association, Texas Vegetable Association, United Fresh Produce Association and Western Growers.

For more information, contact WG's Hank Giclas ([hgiclas@wga.com](mailto:hgiclas@wga.com)) at (949) 885-2205.

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## **DOL SEEKS TO INCREASE H-2A WAGE RATES**

The Department of Labor (DOL) took another step in its repeated efforts to roll back Bush administration regulations, which made it easier for growers to hire temporary foreign farm workers using the H-2A guest-worker program. An attempt early this summer to establish emergency rules undoing the Bush H-2A rules was blocked by a North Carolina federal court.

The newly proposed rules would return to the prior method for determining wages for H-2A and domestic workers performing similar work, resulting in an average increase for workers of about \$1.44 an hour. In addition, the rules would require posting of farm jobs through an electronic job registry and would require growers to increase wages if the prevailing wage increased any time during the workers' contract.

Stakeholders have 30 days from Sept. 4 to comment on the 248-page proposal published in the [Federal Register](#). Western Growers will also be submitting comments on behalf of its members.

For more information, contact WG's Jason Resnick ([jresnick@wga.com](mailto:jresnick@wga.com)) at (949) 885-2253.

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## **FDA OPENS RFR**

Today the United States Food and Drug Administration (FDA) opened up the Reportable Food Registry (RFR or the Registry), which is an electronic portal for industry to report foods that may have a reasonable of causing serious adverse health consequences.

The Registry is intended to help the FDA better protect public health by tracking patterns

**Paul Simonds**

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**From:** WesternGrowers@wga.com  
**Sent:** Thursday, September 03, 2009 3:26 PM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] SENATE-ASSEMBLY WATER CONFERENCE COMMITTEE UPDATE

# WESTERN GROWERS SPOTLIGHT

WESTERN GROWERS

Thursday, September 03, 2009

## ***IN THIS EDITION:***

- **SENATE-ASSEMBLY WATER CONFERENCE COMMITTEE UPDATE**
- **WARNING: INVESTIGATE NEW BUSINESS IN TORONTO/MONTREAL BEFORE SHIPPING**
- **L .A. COUNTY PLACED UNDER QUARANTINE FOR ASIAN CITRUS PSYLLID**
- **NOTICE OF PUBLIC HEARINGS FOR NLGMA PUBLISHED IN FEDERAL REGISTER**
- **MEG WHITMAN TO SPEAK AT ANNUAL CONVENTION**

## **SENATE-ASSEMBLY WATER CONFERENCE COMMITTEE UPDATE**

The 14-member conference committee on water holds its second meeting today to hear testimony from the Schwarzenegger Administration on the five bills that Democrats have proposed. The bills would:

- Create a powerful new Delta Stewardship Council, made up of political appointees, with authority to approve or reject water conveyance and ecosystem projects in the Delta and beyond, including the Bay Delta Conservation Plan (BDCP, a stakeholder-guided process that is proceeding toward adoption of plans for permit approval that would allow new conveyance facilities and ecosystem restoration
- Mandate the regulatory establishment of in-stream flow requirements for the Delta and every river and tributary feeding the Delta before conveyance improvements could be considered, a process that would take many years and many millions of dollars and prohibit voluntary water transfers in the interim
- Jeopardize existing water rights
- Impose broad new water fees on all water users for ecosystem projects, Delta communities' needs, administration of the Council and other purposes
- Impose mandatory water reductions on agriculture through conservation requirements that include mandatory "best management practices" for water purveyors that would include quantification of

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(949) 885-2265

- water reduced and volumetric pricing, among others
- Require groundwater reporting to the state for unknown purposes



The bills, which were heard in “pre-print” form in joint hearings of the Assembly and Senate water policy committees last month, have not been significantly amended in their current form. There is also no proposal in the conference committee for an infrastructure bond that would fund new storage facilities, Delta restoration, groundwater cleanup and other projects. Western Growers opposes the package and is working with many allies to refocus legislators’ attention on measures that would promote improved conveyance around the Delta, increase the state’s surface storage capacity and restore the Delta ecosystem. For more information, contact WG’s Dave Puglia ([dpuglia@wga.com](mailto:dpuglia@wga.com)) or Gail Delihant ([gdelihant@wga.com](mailto:gdelihant@wga.com)) at (916) 446-1435.

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### **WARNING: INVESTIGATE NEW BUSINESS IN TORONTO/MONTREAL BEFORE SHIPPING**

The Canadian Dispute Resolution Corporation (DRC) issued a “scam alert” this week warning those doing business in eastern Canada to be cautious about any new business opportunities stating, *“As we approach autumn in eastern Canada we are again witnessing the emergence and in some cases re-incarnation of fleece and scam artists. Over the last week we have been contacted about a number of entities operating out of Montreal, Toronto and various locations in the U.S.A. with connections back to Montreal and Toronto who are not members of the DRC nor licensed with the Canadian Food Inspection Agency.”*

To read the full alert, please click [here](#).

For more information, please contact WG’s Tom Oliveri ([toliveri@wga.com](mailto:toliveri@wga.com)) at (949) 885-2269.

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### **L .A. COUNTY PLACED UNDER QUARANTINE FOR ASIAN CITRUS PSYLLID**

The California Department of Food and Agriculture (CDFA) reported in a press release yesterday that it has placed all of Los Angeles County under quarantine in order to regulate the movement of citrus and closely-related plants.

*The quarantine follows the detection of several dozen Asian citrus psyllids in the Echo Park area. CDFA is working with the USDA and county officials and growers to implement the quarantine in an effort to prevent the spread of the Asian citrus psyllid in California.*

*The Asian citrus psyllid can carry the disease huanglongbing (HLB). Tests*

*on the psyllids detected in Los Angeles County were negative for the disease. All citrus and closely related plant species are susceptible host plants for both the Asian citrus psyllid and HLB. There is no cure for HLB once a citrus tree becomes infected. The diseased tree will produce inedible fruit and decline in health until it dies.*

*The quarantine area is comprised of approximately 4,000 square miles covering all of Los Angeles County. All harvested citrus in the quarantine area must be commercially cleaned and packed before it can be moved out of the area. A public meeting to discuss details of the treatment has yet to be scheduled. For more information contact CDFA Office of Public Affairs (916) 654-0462.*

To read this release in its entirety, click [here](#).

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## **NOTICE OF PUBLIC HEARINGS FOR NLGMA PUBLISHED IN FEDERAL REGISTER**

As reported in yesterday's *Spotlight*, the U.S. Department of Agriculture (USDA) today announced a series of public hearings in the Federal Register to consider a proposed national leafy greens marketing agreement. The proposed agreement would authorize the development and implementation of production and handling regulations, also known as metrics. Such metrics would reflect Good Agricultural Practices, Good Handling Practices, and Good Manufacturing Practices. The proposal was submitted on June 8, by a broad representation of producer and handler representatives from the fresh produce industry, known as the "proponent group."

USDA is holding the hearings to gather public opinion, witness testimony and evidence about the leafy greens industry and how the proposed agreement would affect the industry and consumers. Hearing dates are scheduled for: September 22 through 24 in Monterey, Calif.

- September 30 through October 1 in Jacksonville, Fla.
- October 6, 2009 in Columbus, Ohio
- October 8, 2009 in Denver, Colo.
- October 14 and 15 in Yuma, Ariz.
- October 20 in Syracuse, N.Y.
- October 22 in Charlotte, N. C.

USDA will consider the establishment of a National Leafy Greens Marketing Agreement solely from evidence and testimony presented at these hearings. Complete details on the proposal are included in the [Federal Register notice](#). Additional information is also available at: <http://www.nlgma.com>. If you're interested, please contact WG's Hank Giclas ([hgiclas@wga.com](mailto:hgiclas@wga.com)) at (949) 885-2205.

**Paul Simonds**

**From:** WesternGrowers@wga.com  
**Sent:** Wednesday, September 02, 2009 8:28 AM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] USDA SETS NLGMA HEARINGS THROUGHOUT THE COUNTRY

# WESTERN GROWERS SPOTLIGHT

WESTERN GROWERS

Wednesday, September 02, 2009

## IN THIS EDITION:

- USDA SETS NLGMA HEARINGS THROUGHOUT THE COUNTRY
- WHITMAN JOINS ANNUAL CONVENTION LINE-UP
- JAPAN TO UPDATE MRL
- NEW FORM I-9 RELEASED
- SEXUAL HARASSMENT PREVENTION TRAINING (CALIFORNIA AB 1825)

## USDA SETS NLGMA HEARINGS THROUGHOUT THE COUNTRY

Western Growers would like to call your attention to the public display of tomorrow's Federal Register notice (<http://www.nlgma.org/documents/leafygreennotice.pdf>), which will formally announce the consideration of a national marketing agreement for handlers of leafy green vegetables.

The purpose of "public display" is to provide a preview of those items that will be published in the Federal Register on the following day. The proposed language announces the Agency's intent to hold hearings in seven locations across the country in accordance with the following schedule: September 22-24 in Monterey, Calif.; September 30 and October 1 in Jacksonville, Fla.; October 6 in Columbus, Ohio; October 8 in Denver; October 14 and 15 in Yuma, Ariz; October 20 in Syracuse, N.Y.; and October 22 in Charlotte, N.C.

The purpose of the hearings is to receive testimony and evidence on the proposed National Leafy Greens Marketing Agreement (NLGMA) including support for, potential impacts of, and benefits of such a program. Western Growers, along with other organizations including the Georgia Fresh Fruit and Vegetable Association, Texas Vegetable Association, Leafy Greens Council, Grower Shipper Association of Central California, Imperial Valley Vegetable Growers Association, California Leafy Green Products Handler Marketing Agreement, Produce Marketing Association, United Fresh Produce Association and California, Georgia and Arizona Farm Bureau Federations are part of a

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[rhause@wga.com](mailto:rhause@wga.com)  
(949) 885-2265

growing coalition of organizations supporting the creation and implementation of a national program for leafy greens. These proponents have worked diligently to introduce the topic for national discussion and are proponents of the NLGMA.



Western Growers urges individual member companies engaged in the production, harvesting and handling of leafy greens to strongly support this national initiative. To express your support please contact WG's Hank Giclas ([hgiclas@wga.com](mailto:hgiclas@wga.com)) at (949) 885 2205. We encourage you to learn more about the process and things you can do to help move this initiative forward by logging on to the NLGMA Web site at <http://www.nlgma.com/>.

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## **WHITMAN JOINS ANNUAL CONVENTION LINE-UP**

Republican gubernatorial candidate, Meg Whitman will join Western Growers' 84<sup>th</sup> Annual Convention as the featured speaker at the Political Action Committee (PAC) Breakfast on Tuesday, November 10, at the Wynn Hotel in Las Vegas.

The other front-running Republican gubernatorial candidate, Steve Poizner, spoke at the PAC Breakfast during Western Growers 83<sup>rd</sup> Annual Convention in La Quinta, Calif.

During a recent tour of California's San Joaquin Valley, Whitman met with dozens of farmers, gaining a first-hand look at how their livelihoods, employees and communities have been affected by the state's ongoing natural and man-made drought. Whitman has promised to make agriculture a top priority if elected governor and is focused on delivering a comprehensive plan to help solve the state's burgeoning water crisis.

All proceeds from the event will benefit Western Growers PAC.

Register today by clicking [here](#) or call WG's Heather Holland ([hholland@wga.com](mailto:hholland@wga.com)) at (949) 885-2392. For sponsorship opportunities, contact WG's Randy Hause ([rhause@wga.com](mailto:rhause@wga.com)) at (949) 885-2265.

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## **JAPAN TO UPDATE MRL**

On Tuesday, August 25, Japan's Ministry of Health, Labour and Welfare (MHLW) proposed the establishment of a maximum residue limit for agricultural chemicals, including some that are of importance to Arizona and California celery, lettuce, peas, nectarine and apricot growers.

Under the proposal, Japan's Ministry of Agriculture, Forestry and Fisheries (MAFF) will expand the scope of target crops for which the use of boscalid is permitted. Also the manufacturer of boscalid has filed an application with the MHLW for the establishment and revision of the maximum residue level (MRL)

## Paul Simonds

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**From:** WesternGrowers@wga.com  
**Sent:** Thursday, August 20, 2009 4:04 PM  
**To:** Paul Simonds  
**Subject:** test4



**August 20, 2009**

### ***IN THIS EDITION:***

- **DHS SET TO RESCIND NO-MATCH**
- **WEBINAR PRESENTATION AVAILABLE ON-LINE**
- **ANNUAL CONVENTION OFFERS A VARIETY OF ACTIVITIES IN VEGAS**

### **DHS PROPOSES RULE TO RESCIND "NO-Match REGULATION**

Yesterday, in the Federal Register, the U.S. Department of Homeland Security (DHS) published a proposed rule that would rescind the "Safe Harbor" regulation that the Bush administration initially promulgated on August 15, 2007, and that has been enjoined by the courts since that time.

This rule was issued by the Bush Administration and established a "Safe Harbor" procedure for employers to follow whenever they received a No-Match letter from the Social Security Administration. Under the rule, employers who did not satisfy the "Safe Harbor" requirements would be subject to civil and/or criminal enforcement actions on that basis. Upon further review, DHS has decided to focus its enforcement efforts relating to the employment of unauthorized foreign workers and improved compliance through participation in the E-Verify or other similar programs.

Comments on the proposed rule must be submitted not later than September 18, 2009.

For more information, contact WG's Jason Resnick ([jresnick@wga.com](mailto:jresnick@wga.com)) at (949) 885-2253.  
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### **NLGMA PRESENTATION AVAILABLE ON-LINE**

The National Leafy Greens Marketing Agreement (NLGMA) Proponent Group's Web cast presentation, which was presented to nearly 200 attendees yesterday is available on-line at [www.nlgma.com](http://www.nlgma.com).

Visitors to this site may listen and view the presentation in its entirety, submit comments to the NLGMA Draft, offer questions to the proponent group and review background information and points of justification for the agreement.

According to the U.S. Department of Agriculture, public hearings for the proposed NLGMA may commence as early as next month. More information about the hearings will also be made available at [www.nlgma.com](http://www.nlgma.com) as well as in subsequent editions of Spotlight.

The NLGMA Proponent Group is comprised of the Arizona Farm Bureau, California Farm Bureau, California Leafy Greens Marketing Agreement, Georgia Farm Bureau, Georgia Fruit & Vegetable Growers Association, Grower-Shipper Association of Central California, Leafy Greens Council, Produce Marketing Association, Texas Vegetable Association, United Fresh Produce Association and Western Growers.

For more information, contact WG's Paul Simonds ([psimonds@wga.com](mailto:psimonds@wga.com)) at (949) 885-2257.

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## **NOT A GOLFER? NOT A PROBLEM AT 84TH ANNUAL CONVENTION**

One of the many benefits of attending Western Growers 84<sup>th</sup> Annual Convention is the opportunity to participate in one of two dynamic tours, which present an alternative for those attendees who prefer not to golf.

### **EcoFusion Home Tour**

Just a short ride away from the Wynn, the 6,000 square foot EcoFusion home offers both stunning contemporary design and leading-edge energy efficiency. Recently completed for the International Builders Show in 2010, Western Growers will have an exclusive sneak peak. Adam Knecht, developer, will highlight some of the key areas of green building, including energy-efficient exterior walls made from recycled polystyrene and cement, a grey water recycling system, tankless hot water heaters, hydronic air handlers, and "intelligent" fire places. Enjoy lunch and drinks, view the vegetated green roof-top and all the latest must-have, eco-friendly appliances, appointments and gardenscapes. Western Growers will underwrite and host this event at no cost to attendees!

### **Lunch & Learn with Chef Saul Garcia**

Hone your tasting skills and learn to cook that perfect paella during a five-course luncheon at Vegas' infamous Café Ba-Ba-Reeba! Enjoy authentic homemade churros con chocolate as Café Ba-Ba-Reeba's chef Saul Garcia conducts a paella cooking demonstration where guests will have a chance to cook alongside the chef. This is your chance to experience the flavors of Spain and to truly indulge — tapas, freshly prepared paella, wine tastings, and an irresistible dessert finale.

Café Ba-Ba-Reeba's chef will answer your questions and autograph your complimentary paella cookbook. Paella kits will be available for purchase and can be shipped for your convenience. Western Growers will also underwrite and host this special event at no cost for convention attendees!

Tours are scheduled to take place Wednesday, November 11, from 11a.m. – 2p.m.

Register for Western Growers' 84<sup>th</sup> Annual Convention today by clicking [here](#) or call WG's Heather Holland ([hholland@wga.com](mailto:hholland@wga.com)) at (949) 885-2392. For exhibitor or sponsorship information, contact WG's Randy Hause ([rhause@wga.com](mailto:rhause@wga.com)) at (949) 885-2265.

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**Paul Simonds**

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**From:** WesternGrowers@wga.com  
**Sent:** Tuesday, August 18, 2009 3:57 PM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] NLGMA Webinar □ TOMORROW □ 4 p.m. EDT, 1 p.m. PDT

# WESTERN GROWERS SPOTLIGHT

WESTERN GROWERS

**August 18, 2009**

## ***IN THIS EDITION:***

- **GOVERNOR, STAKEHOLDERS WEIGH-IN ON WATER**
- **CITRUS GREENING DISCOVERED IN MEXICO**
- **USDA OPENS NEW LOAN PROGRAM**
- **ASSOCIATION OFFERS GOLFING ALTERNATIVE AT 84TH ANNUAL CONVENTION**

**NLGMA Webinar • TOMORROW • 4 p.m. EDT, 1 p.m. PDT**



The National Leafy Greens Marketing Agreement (NLGMA) Proponent Group is hosting a free, one-hour, informational Webinar Wednesday, August 19, at 1 p.m. PDT. Members of the proponent group will discuss the purpose and components of the NLGMA, how a NLGMA would be established and how the NLGMA applies to food safety legislation. Time will be set aside to address questions from the attendees.

The NLGMA Proponent Group is comprised of the **Arizona Farm Bureau, California Farm Bureau, California Leafy Greens Marketing Agreement, Georgia Farm Bureau, Georgia Fruit & Vegetable Growers Association, Grower-Shipper Association of Central California, Leafy Greens Council, Produce Marketing Association, Texas Vegetable Association, United Fresh Produce Association and Western Growers.**

**[Register for the webinar at](#)**

**Paul Simonds**

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**From:** WesternGrowers@wga.com  
**Sent:** Thursday, August 13, 2009 3:56 PM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] NLGMA WEBINAR, HOW TO IDENTIFY HEAT ILLNESS AND MORE ...

WESTERN GROWERS

**SPOTLIGHT**

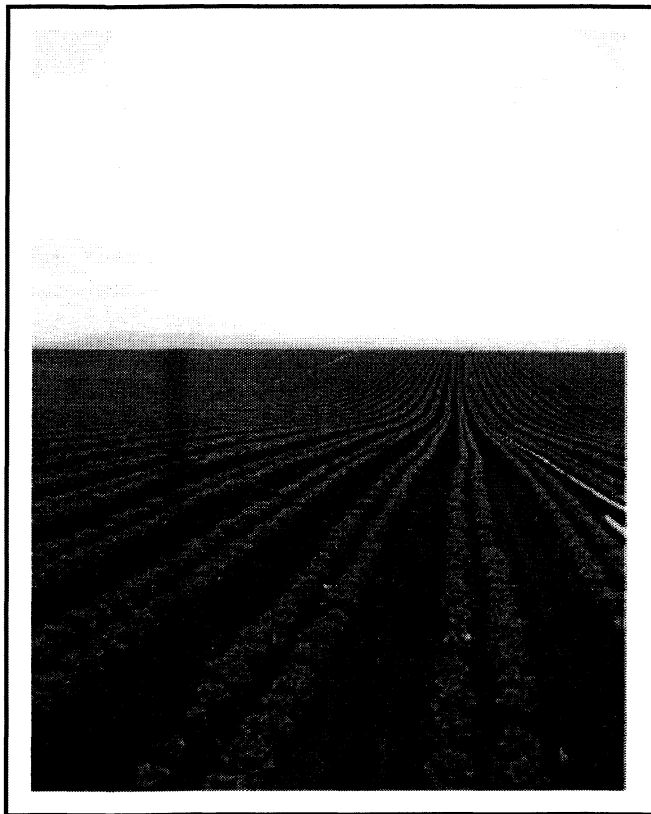
WESTERN GROWERS

**August 13, 2009**

***IN THIS EDITION:***

- **GOT TO RECOGNIZE IT TO TREAT IT**
- **D.C. STAFF WELCOMES NEW EMPLOYEE**
- **AG EMPLOYER SEMINAR SET FOR YUMA**
- **ANNUAL CONVENTION PRESENTS EDUCATIONAL WORKSHOPS**

**NLGMA Webinar • Wednesday, August 19, 2009 • 4 p.m. EDT, 1 p.m. PDT**



The National Leafy Greens Marketing Agreement (NLGMA) Proponent Group is hosting a free, one-hour, informational Webinar Wednesday, August 19, at 1 p.m. PDT. Members of the proponent group will discuss the purpose and components of the NLGMA, how a NLGMA would be established and how the NLGMA applies to food safety legislation. Time will be set aside to address questions from the attendees.

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**[Register for the webinar at](#)**

**Paul Simonds**

**From:** WesternGrowers@wga.com  
**Sent:** Tuesday, August 11, 2009 4:11 PM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] NLGMA Webinar □ Wednesday, August 19, 2009 □ 4 p.m. EDT, 1 p.m. PDT

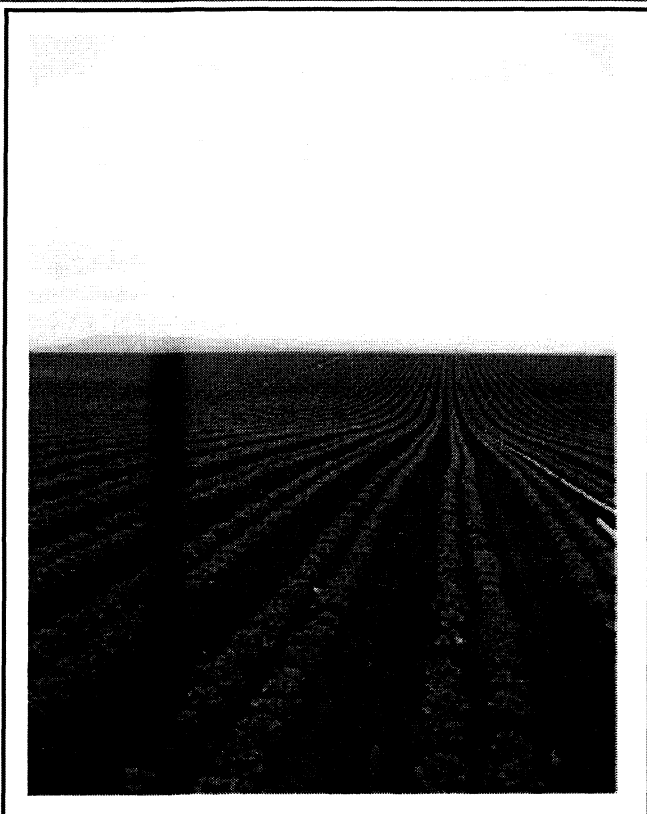
# WESTERN GROWERS SPOTLIGHT

WESTERN GROWERS

**August 11, 2009**

## Register Now!

NLGMA Webinar • Wednesday, August 19, 2009 • 4 p.m. EDT, 1 p.m. PDT



The National Leafy Greens Marketing Agreement (NLGMA) Proponent Group is hosting a free, one-hour, informational Webinar Wednesday, August 19, at 1 p.m. PDT. Members of the proponent group will discuss the purpose and components of the NLGMA, how a NLGMA would be established and how the NLGMA applies to food safety legislation. Time will be set aside to address questions from the attendees.

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**Register for the webinar at <https://nlgma.webex.com>**

### ***IN THIS EDITION:***

- **WATER IS ON THE TABLE IN SACRAMENTO**
- **MEXICAN TRUCKING BAN STILL UNRESOLVED**
- **OFFICIALS HUNT FOR PSYLLID IN FRESNO**

**Paul Simonds**

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**From:** WesternGrowers@wga.com  
**Sent:** Thursday, August 06, 2009 4:48 PM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] CEO SHARES THOUGHTS ON CURRENT DIRECTION IN D.C.



**August 6, 2009**

***IN THIS EDITION:***

- **CEO SHARES THOUGHTS ON CURRENT DIRECTION IN D.C.**
- **NLGMA WEBINAR SET FOR AUGUST 19**
- **HEAT ILLNESS PROGRAM'S FINAL STEP**
- **USDA LOOKING FOR SIGN-UPS**
- **TIME TO COMMENT ON LBAM**
- **WHY INDUSTRY SHOULD ATTEND 84TH ANNUAL CONVENTION**

**NASSIF SPEAKS OUT ON NATIONAL POLITICS**

In the August edition of Western Grower and Shipper (WG&S) magazine, Western Growers President and CEO Tom Nassif speaks out against the road President Barack Obama and the Democratic majority is heading down.

*"No one can accuse President Obama of not hitting the ground running since taking over the Oval Office in January. He has worked hard to swiftly and decisively advance his agenda with the help of his party's majority and strength in Congress during an era of great economic upheaval and distress. While some may say his presidency has accomplished more in the first few hundred days than others have in four years, I say the rapid pace with which he and his team are running major legislation through Congress is too much, too soon. I am concerned that the profound changes dictated by climate change legislation, healthcare reform, and the economic stimulus package, to name the most expensive packages passed or proposed so far, will have direct financial and competitiveness consequences that will cause much more harm than good."*

Regarding the House Climate Change Bill:

*"...the American people seemed little aware of the passage of one of the most onerous taxes in recent history and why was that? Perhaps it was the total lack of transparency and any robust debate with stakeholders who will be paying the cost of the new regulation. Transparency was supposed to be the cornerstone of the new Administration, but this legislation was railroaded through committee and onto the floor where some serious arm-twisting by Speaker Pelosi got it passed with few votes to spare. Is President Obama so popular that the people give him and Congress carte blanche to add almost \$100 billion in*

*taxes over the next ten years when household net worth has fallen almost 20 percent since 2007?"*

Regarding Health Care:

*"...I could fill the pages of this magazine with the contradictions raised in several of the reform packages currently on the table, so let's get to the real point. According to the Congressional Budget Office, proposed healthcare legislation would mandate more than \$1 trillion of new federal spending over ten years. While the president says he wants a revenue-neutral bill, he really means he is looking for a way to pay for it with new revenue, e.g. increased taxes. I certainly hope there is plenty of time to crunch the numbers and ask some pointed questions before that bill is passed and the healthcare system in this country is immutably altered."*

Regarding Stimulus Spending:

*"...If the economic recovery remains sluggish and federal revenues are weak, which would not be surprising when taxes rise, Goldman Sachs estimates average annual deficits of \$940 billion through 2019. That would make deficits 4 percent above the GDP over the next decade resulting in a national debt reaching 83 percent of GDP, an amount not seen since World War II. By 2038 the CBO predicts our debt will be 200 percent of the GDP."*

In Conclusion:

*"It does not take an accounting or math degree to conclude that our financial crises, higher unemployment, increased healthcare costs, climate change energy taxes, loss of secret ballot elections for union representation, higher taxes on income and capital gains, fewer deductions, increased fees, and lack of water to name a few, will result in a socialist form of government that history has proven is not sustainable. If the meaning of equality is to remove aspiration, hope, and initiative, I choose not to be equal."*

To read this article in its entirety, check out WG&S on-line by clicking [here](#).

For more information, contact WG's Wendy Fink-Weber ([wfweber@wga.com](mailto:wfweber@wga.com)) at (949) 885-2256.

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## **SAVE THE DATE!**

The National Leafy Greens Marketing Agreement (NLGMA) Proponent Group is hosting a free, one-hour, informational Webinar Wednesday, August 19, at 1 p.m. PDT. Members of the proponent group will discuss the purpose and components of the NLGMA, how a NLGMA would be established and how the NLGMA applies to food safety legislation. Time will be set aside to address questions from the attendees.

The NLGMA Proponent Group is comprised of the Arizona Farm Bureau, California Farm Bureau, California Leafy Greens Marketing Agreement, Georgia Farm Bureau, Georgia Fruit & Vegetable Growers Association, Grower-Shipper Association of Central California, Leafy Greens Council, Produce Marketing Association, Texas Vegetable Association, United Fresh Produce Association and Western Growers.

To register or for more information, contact WG's Paul Simonds ([psimonds@wga.com](mailto:psimonds@wga.com)) at (949) 885-2257.

**Paul Simonds**

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**From:** WesternGrowers@wga.com  
**Sent:** Tuesday, August 04, 2009 5:19 PM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] ASSOCIATION ANNOUNCES RETIREMENT OF KEY EXECUTIVE



**August 4, 2009**

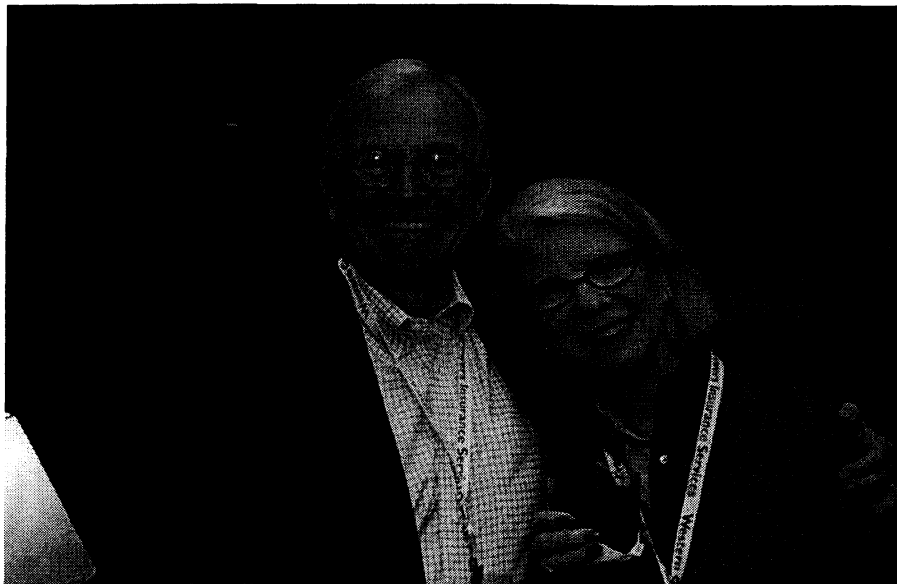
## ***IN THIS EDITION:***

- **ASSOCIATION ANNOUNCES RETIREMENT OF KEY EXECUTIVE**
- **FORMER CHAIRMAN ASSUMES NEW POST**
- **PROPER TRAINING, CHECK; WATER, CHECK; PROPER SHADE?**
- **NATIONAL AGREEMENT LOOKS FOR SUPPORT**
- **WATER CONSERVATION PROJECTS FUNDED**
- **WHY INDUSTRY SHOULD ATTEND 84TH ANNUAL CONVENTION**
- **CHECK OUT THE MAGAZINE ON-LINE**

### **JASPER HEMPEL PREPARES FOR NEXT CHAPTER**

Western Growers President and CEO Tom Nassif announced during the Board of Directors meeting, in Newport Beach, Calif., last Thursday that Executive Vice President, General Counsel Jasper Hempel will be retiring at the conclusion of this calendar year.

“It’s hard to believe it has been 30 years. It proves the old adage, though, that time really flies when you’re having fun”, said Hempel. “It has not only been fun; it has been



enormously satisfying and rewarding. I am extremely grateful to have had the opportunity to work in this incredible fresh fruit, vegetable and tree nut industry. I have developed many wonderful and long lasting friendships and relationships with WG members and with at least two generations of WG Board members. I have been extraordinarily blessed to have worked for our CEO Tom Nassif and with my fellow EVP Matt

McInerney for the past seven years. WG has seen many significant accomplishments since Tom has come on board but none of them could have been achieved without the incredibly talented WG staff colleagues with whom I have had the pleasure to know, befriend and work with over three decades. I can’t believe I have been so fortunate.”

Hempel celebrated his 30-year affiliation with Western Growers on January 2 of this year. A lobbyist at heart, Hempel, who will be 64 when he retires, started his career as a Western Growers labor attorney representing many WG members throughout California. He opened the first full-time Western Growers government affairs office in Sacramento in February, 1980 and for many years lobbied on behalf of and represented WG before the California legislature. Hempel has served in many capacities during his tenure with Western Growers where he was integral in the development and implementation of short and long term strategic objectives and policy positions; directed Western Growers’ state legislative, regulatory, political activities and programs; and assisted with federal government affairs

non-family member to serve in that capacity. As CEO of Duda Farm Fresh Foods, Gray guided the division through internal consolidation as a business unit and unprecedented growth.

Loren Booth of Booth Ranches, and Chair of the California Agricultural Leadership Foundation Board of Directors said yesterday in a press release, “ We are excited to have someone of Bob's proven track record, experience, and long-term vision lead our team, I was fortunate to work with Bob at WG and have first-hand knowledge of his talents. By combining the assets of the Foundation with Bob's business acumen and leadership abilities, we are ushering in a new era for everyone associated with the California Agricultural Leadership Program.” Booth also serves as a member of the Western Growers Board of Directors.

For more information, please contact WG's Wendy Fink-Weber ([wfweber@wga.com](mailto:wfweber@wga.com)) at (949) 885-2256.

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## **SHADE ... THE THIRD STEP OF HEAT ILLNESS PROGRAM**

Proper Training and ample water are the first two elements of a heat illness program. The third requirement of the heat illness program is that employers are required to provide shade for employees to get out of the sun and the related heat.

Current regulations require the ability of employees to get out of the sun and into shade for at least five minutes if they feel the effects of heat illness. The shade must also be easily accessible and near the work area.

It is important for employers to understand what is considered to be “shade.” Shade is defined as the blockage of direct sunlight so that no object in the shaded area will create a shadow. Shade is not considered acceptable if the area of shade does not allow cooling. For example, metal sheds, parked cars, and tractors that get hot in the sun may block direct sunlight, but they do not qualify as “shade” under the regulations. In fact, they may even make matters worse by increasing the heat to the employee. It is recommended that employers provide umbrellas, canopies and other temporary structures to provide shade to employees. Buildings and trees are also acceptable if they block direct sunlight and are ventilated or open to air movement.

Cal/OSHA has submitted updated regulations which will require that shade be present at all times and that the temporary shade structures be assembled when the temperature is expected to exceed 85 degrees. The new regulations will allow employees to access shade anytime they feel the need to avoid overheating. Employers should keep abreast of heat illness issues as regulations are constantly evolving and new requirements are quite possible over the next few months.

For more information, contact WG's Greg Nelson ([gnelson@wga.com](mailto:gnelson@wga.com)) at (949) 885-2287.

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## **STAKEHOLDERS CALLED ON TO SUPPORT, COMMENT ON NLGMA**

The National Leafy Greens Marketing Agreement (NLGMA) proponent group is calling on all industry stakeholders to comment on the NLGMA Draft and to sign-up as a supporter of the NLGMA at [www.nlgma.org](http://www.nlgma.org).



The proponent group will also hold an informational web-cast workshop later this month, where proponent group members will present the NLGMA and respond to questions. This date is still being finalized. Look for additional information in subsequent editions of Spotlight.

The proponent group submitted its proposal to USDA on June 8, to launch an open and transparent process that engages the leafy greens industry in the development and implementation of the NLGMA through the publication of a Federal Register notice, and the solicitation of comments and public hearings. It is expected that USDA will publish a notice of public hearings in the Federal Register sometime later this month with those hearings taking place across the country beginning in late September and continuing through October.

The proponent group is encouraging anyone who is interested to submit suggestions and comments regarding the Draft NLGMA through the NLGMA's Web site, [here](#). This is DRAFT only, and any actual agreement would be developed by all stakeholders working together under the auspices of USDA. The proponent group has published the draft proposal to build industry awareness and solicit feedback, comment and concerns.

For more information, contact WG's Hank Giclas ([hgiclas@wga.com](mailto:hgiclas@wga.com)) at (949) 885-2205.

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## **CALIFORNIA RECEIVES \$18 MILLION FOR WATER CONSERVATION PROJECTS**

Last week USDA announced that nationwide, nearly \$58 million will be used to fund 63 Agricultural Water Enhancement Program (AWEP) projects aimed at improving water quality and quantity by helping farmers and ranchers implement agricultural water enhancement activities. These projects will span 21 states, including California where 15 organizations will receive \$18,079,101, which accounts for nearly 31 percent of these national funds.

AWEP was established by the 2008 Farm Bill and funding comes from the Environmental Quality Incentives Program (EQIP), a program administered by the Natural Resources Conservation Service (NRCS). This program will help at improving water quality and quantity by helping farmers and ranchers implement agricultural water enhancement activities.

For more information about specific AWEP projects, click [here](#). Agricultural producers in selected project areas may apply for available AWEP funds at their local [USDA Service Center](#). NRCS implements AWEP by entering into EQIP contracts directly with agricultural producers to implement approved conservation practices. All AWEP recipients must meet EQIP requirements. Through these EQIP program contracts, NRCS provides payments to agricultural producers for implementing conservation practices.

For more information, contact WG's Sonia Salas ([ssalas@wga.com](mailto:ssalas@wga.com)) at (949) 885-2251.

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## **TEN REASONS TO ATTEND WESTERN GROWERS' 84<sup>TH</sup> ANNUAL CONVENTION**

1. Network and strengthen business relationships
2. Learn and debate during our educational and timely workshops
3. Check out the latest innovative products and services showcased by exhibitors
4. Be entertained by David Feherty, comedian and golf commentator at the Award Dinner, a night when we honor one of our own

**Paul Simonds**

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**From:** WesternGrowers@wga.com  
**Sent:** Thursday, July 30, 2009 5:30 PM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] FOOD SAFETY PASSED OUT OF THE HOUSE



**July 30, 2009**

***IN THIS EDITION:***

- **HOUSE PASSES FOOD SAFETY LEGISLATION**
- **BOD WRAPS UP MEETINGS IN SOUTHERN CALIFORNIA**
- **CAL-OSHA SUED**
- **MINIMUM WAGE GOES UP - NO PROBLEM FOR AZ, CA**
- **GOLF, NETWORKING OPPORTUNITIES ABOUND DURING AC**

**FOOD SAFETY PASSED OUT OF THE HOUSE**

Today the House of Representatives passed HR 2749, Rep. John Dingell's (D-MI) *Food Safety Enhancement Act of 2009*, with a recorded vote of: 283-142.

As noted Monday, in a Special Edition Spotlight, Western Growers worked tirelessly with House members and staff to ensure the nation's fresh produce industry was adequately addressed in this bill. Western Growers played a key role in ensuring provisions which give FDA the authority to set food safety standards for produce mandate that any standards developed are risk-based, commodity-specific and necessary to minimize serious adverse health effects in the growing, harvesting and packaging of raw agricultural commodities. This bill features key provisions, due to the efforts of Western Growers and other key allies, that enable FDA to recognize as equivalent other publically available procedures and processes including those that would be established under the National Leafy Green Marketing Agreement.

This bill hit a snag yesterday, when it was debated under special rules that limited debate to 40 minutes with no amendments allowed and a two-thirds majority needed for passage. It fell eight votes short, 280-150. Today, House Leadership brought it back to the floor and saw it passed with a simple majority.

While Western Growers maintains that legislation is not the panacea for food safety enhancement, the association is pleased Representatives Henry Waxman (D-CA), Dennis Cardoza (D-CA), and Joe Barton (R-TX) and House Energy and Commerce Committee staff considered the unique needs of the specialty crop industry in this legislation. Furthermore, the fruit, vegetable and tree-nut industries may have been shut out of this process had it not been for the leadership of House Agriculture Committee Chairman Collin Peterson (D-MN) and Rep. Jim Costa (D-CA).

**Paul Simonds**

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**From:** WesternGrowers@wga.com  
**Sent:** Monday, July 27, 2009 5:14 PM  
**To:** dl\_Altempleeys  
**Subject:** [WGA Spotlight] FOOD SAFETY UPDATE



July 27, 2009

# SPECIAL EDITION

## FOOD SAFETY UPDATE

The House of Representatives is scheduled to pass Rep. John Dingell's (D-MI) Food Safety Enhancement Act of 2009 as early as tomorrow. Western Growers is now set to focus its food safety efforts in the Senate.

Henry Waxman (D-CA), new Chairman of the House Energy and Commerce (E&C) Committee, fast-tracked food safety legislation this spring, circulating a discussion draft in May that drew from and expanded upon a litany of bills introduced earlier in the year. By June 17, the bill had passed out of Waxman's committee, with its members noting repeatedly that it reflected bipartisan efforts.

Western Growers worked tirelessly with House members and staff to ensure the nation's fresh produce industry was adequately addressed in the *Food Safety Enhancement Act of 2009*, ensuring that provisions which give FDA the authority to set food safety standards for produce mandate that any standards developed are risk-based, commodity-specific and necessary to minimize serious adverse health effects in the growing, harvesting and packaging of raw agricultural commodities. Those provisions allow FDA to recognize as equivalent other publically available procedures and processes including those that would be established under the National Leafy Green Marketing Agreement. Two weeks ago, House Leadership agreed to bring the E&C Committee-passed bill to the House floor for a vote before the August 8 Congressional recess. In order to secure the votes for passage, a number of last-minute changes may be added to the bill, which could further address issues that are of concern across the agriculture industry.

Although Western Growers does not believe legislation is the panacea for food safety, it has worked to ensure any legislative language coming from Capitol Hill considers the specialty crop industry. No timetable has been set for the Senate to take up food safety, where the likely vehicle will be *The FDA Modernization Act* (Durbin-D).

Meanwhile, the Obama administration is set to issue guidance documents for the harvest and production of tomatoes, melons and leafy greens this week. The guidance is expected

largely to reflect the years-long work between the FDA and the industry which led to the development of this guidance. Coordinating with FDA and the California Department of Health and Human Services, the industry issued the Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain in May of 2006. A year earlier, the Commodity Specific Food Safety Guidelines for the Melon Supply Chain was issued. Various government agencies, including FDA reviewed that document as well.

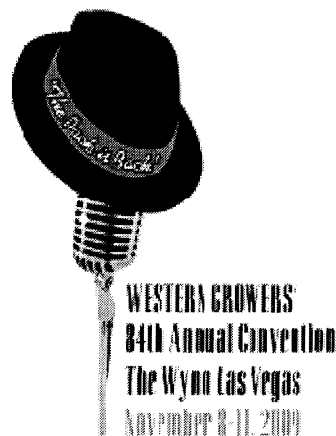
Western Growers strongly advocates for the development of risk-based, commodity-specific approaches to food safety, and as such developed the leafy greens' marketing agreements in California and Arizona. Western Growers is also part of a national proponent group working with the U.S. Department of Agriculture on the development of a National Leafy Greens Marketing Agreement.

Western Growers staff will examine the Administration's guidance documents upon their release and report their findings in subsequent editions of Spotlight.

For more information, contact WG's Cathy Enright ([cenright@wga.com](mailto:cenright@wga.com)) at (202) 296-0191.

### **ANNUAL CONVENTION**

*Western Growers Annual Convention registration season is underway. This year's Convention will be held in Las Vegas at the Wynn Resort. Come join us for the best of all worlds: Local and Exotic ... Educational and Entertaining ... Family and New Faces. Register today by clicking [here](#) or call WG's Heather Holland ([hholland@wga.com](mailto:hholland@wga.com)) at (949) 885-2392. For more information regarding exhibits and sponsorship opportunities, contact WG's Randy Hause ([rhause@wga.com](mailto:rhause@wga.com)) at (949) 885-2265.*



### **SPOTLIGHT INFORMATION**

*For more information regarding Spotlight or any other Western Growers Communications product, please contact WG's Paul Simonds ([psimonds@wga.com](mailto:psimonds@wga.com)) at (949) 885-2257.*

### **E-MAIL UPDATE**

*Please contact WG's Rob Steinmann ([rsteinmann@wga.com](mailto:rsteinmann@wga.com)) at (949) 885-2266 if you are changing internet providers or the format/layout of your company emails. Any changes for "Spotlight" recipients' e-mails will be performed ensuring uninterrupted delivery of this newsletter.*

### **WESTERN GROWERS ON THE WEB**

*Visit Western Growers homepage at [www.wga.com](http://www.wga.com) or for information nutrition and health, visit WG's Producepedia at [www.producepedia.com](http://www.producepedia.com). For information about either of these sites, please contact WG's Adam Higgins ([ahiggins@wga.com](mailto:ahiggins@wga.com)) at (949) 885-2255.*

Western Growers Communications Dept. • Main 949.863.1000 • Fax 949.863.9028  
Spotlight is a confidential report to inform WG members of Association activities.

**Paul Simonds**

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**From:** WesternGrowers@wga.com  
**Sent:** Tuesday, July 21, 2009 5:05 PM  
**To:** dl\_Altemployees  
**Subject:** [WGA Spotlight] □CARD CHECK□ MAY BE OUT, EFCA REMAINS DANGEROUS



**July 21, 2009**

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**“CARD CHECK” MAY BE OUT, EFCA REMAINS DANGEROUS**

The Senate is planning to drop the “card check” provision from the Employee Free Choice Act (“EFCA”). Although the anticipated rewrite represents a major victory for advocates of employee and management rights, the decision to jettison the “card check” provision may turn out to be a political calculation to force passage of equally troubling proposals that change the way workers organize. EFCA could pose more of a threat than ever before.

Early indications are that an expedited union election schedule will replace EFCA’s “card check” provision. Presently an election typically is conducted six to eight weeks after the union files a petition with the National Labor Relations Board. During the pre-election period both the employer and the union utilize the time to fully inform the employees about the pros and cons of unionization. The reported expedited schedule of up to ten days would cut this time significantly, and significantly diminish the ability of employers to notify workers of issues associated with union membership such as paying dues and strikes.

EFCA’s two key remaining provisions – requiring mandatory binding interest arbitration for first contracts and increased penalties for companies that violate labor law – for now remain unaltered by the expected compromise. EFCA changes the fundamental principles underlying private sector collective bargaining. Currently, the employer and the union are free to negotiate an agreement without government interference or intrusion into the process. Under EFCA, as proposed, if the parties cannot reach agreement on first-contract with a union within 120 days after bargaining begins, a government-appointed arbitrator will be empowered to impose employment terms upon the business and its employees for a two year period. Employees may never get a chance to vote on an agreement. Additionally, the bill imposes a civil penalty of up to \$20,000 for each violation by the company that is willful

or repetitive.

There is also the troubling prospect that even if the Senate passes EFCA *sans* “card check,” the House can still pass EFCA *with* “card check” thereby enabling the Senate simply to include the provision during conference. With or without the “card check” provision, EFCA raises the stakes of a successful union campaign. Any iteration of the Employee Free Choice Act would be disastrous for our economy and our record unemployment rates. The fight against the so-called Employee Free Choice Act must continue.

For more information log-on to the Agriculture for a Democratic Workplace Web site or contact WG’s Jason Resnick ([jresnick@wga.com](mailto:jresnick@wga.com)) at (949) 885-2253.  
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## **HEAT WAVE PRODUCES NEED FOR HEAT ILLNESS PREVENTION**

The national weather forecast predicts that temperatures will exceed 100 degrees in many regions of California this week. It is important that employers take action to protect their employees from heat illness as required by the California Heat Illness Prevention Standard. There are four basic requirements under the new standards:

- 1) Provide heat illness training to all employees and supervisors;
- 2) Provide enough fresh water for each employee to drink at least 1 quart per hour and encourage them to do so;
- 3) Provide access to shade for at least 5 minutes of rest when an employee believes he or she need a preventative recovery period (There are additional shade requirements-not just when an employee requests it);
- 4) Develop and implement written procedures for complying with the heat illness prevention standard.

Cal OSHA indicates that employers are meeting the first three requirements, but most of the citations this year have been for failure to develop and implement written procedures for complying with the standards. These procedures must be available to employees and representatives of Cal/OSHA upon request. The procedures specify how the employer will comply with the heat illness standards, how to respond to heat illness symptoms, how emergency services will be provided and how clear and precise directions to the worksite will be provided to emergency responders in case of an emergency. More details on the written procedures can be found at the following website: [www.dir.ca.gov](http://www.dir.ca.gov). Compliance with the heat illness standards will reduce the potential for heat illness and facilitate prompt treatment of employees should a heat emergency situation arise.

For more information, contact WG’s Greg Nelson ([gnelson@wga.com](mailto:gnelson@wga.com)) at (949) 885-2287.  
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## **PROPONENT GROUP URGES STAKEHOLDERS TO SUPPORT, COMMENT ON NLGMA**

The current proponent group for the National Leafy Greens Marketing Agreement (NLGMA) in anticipation of public hearings later this year, is planning a series of informational Webinars beginning next month. Instructions on how to sign-up and dates for the Webinars will be made available in subsequent editions of Spotlight. In the mean time, Western Growers is encouraging all interested parties to read and review important information about the agreement at [www.nlgma.org](http://www.nlgma.org).

The proponents (Western Growers, United Fresh Produce Association, Produce Marketing

Association, Georgia Fruit and Vegetable Association, Georgia Farm Bureau, Texas Vegetable Association, Arizona Farm Bureau, Leafy Greens Council, California Farm Bureau, Growers Shipper Association of Central California, Imperial Valley Vegetable Growers Association and the California Leafy Green Products Handler Marketing Agreement) submitted the proposal to USDA on June 8, to launch an open and transparent process that engages the leafy greens industry in the development and implementation of a NLGMA through the publication of a federal register notice, solicitation of comments and public hearings. Western Growers expects the USDA will publish a notice of public hearings in the federal register sometime in August with public hearings taking place across the country 30 days thereafter.

To build awareness and solicit feedback proponents have established a publicly available Web site that has copies of the DRAFT agreement along with other information including a copy of the request letter to USDA, justification and some frequently asked questions.

Western Growers is encouraging all interested parties to visit this Web site [here](#) and submit comments, suggestions or questions to the proponents.

In addition, the Web site also offers interested parties an opportunity to sign on as supporters of the NLGMA by filling out an on-line form, [here](#). Western Growers strongly encourages its member companies to formally indicate their support for the national leafy greens marketing agreement. We are working with other proponents across the country to develop a list of companies that favor a national agreement.

For more information, contact WG's Hank Giclas ([hgiclas@wga.com](mailto:hgiclas@wga.com)) at (949) 885-2205.  
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## **A DEAL — AT LAST (From the Sacramento Bee)**

*Gov. Arnold Schwarzenegger and legislative leaders agreed Monday to erase California's \$26 billion deficit by cutting broadly across state government, shifting costs into the future and taking funds from cities and counties.*

*State leaders believe their budget plan is good enough to end the state's issuance of IOUs, a practice California is using for only the second time since the Great Depression.*

*Standing with legislative leaders in front of his Capitol office Monday evening, Schwarzenegger called the deal "a really great, great accomplishment," and heralded the fact that the \$88 billion general fund budget includes no tax increases.*

To read this article in its entirety, click [here](#).

Western Growers is reviewing the budget at this time and will offer a more detailed analysis in a subsequent edition of Spotlight. For more information, contact WG's Gail Delihant ([gdelihant@wga.com](mailto:gdelihant@wga.com)) at (916) 446-1435.

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## **ORIENTAL FRUIT FLY INFESTATION DETECTED IN LOS ANGELES COUNTY**

The California Department of Food and Agriculture (CDFA) announced today it has begun an eradication program for the Oriental fruit fly in La Verne, Calif.