

**Dale Coke
Coke Farm
P.O. Box 60
San Juan Bautista,
Ca. 95045
831 623 2100 x205**

9/22/09

**Comments to;
DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
7 CFR Part 970
[Docket No. AO-FV-09-0138; AMS-FV-09-
0029; FV09-970-1]
Regarding;
Leafy Green Vegetables Handled in the
United States; Hearing on Proposed
Marketing Agreement No. 970**

Coke Farm is a cooling, shipping, sales company established in 1980. We are located in San Juan Bautista, Ca. We represent, sell and ship approximately 50 different kinds of fruits and vegetables for about 15 organic growers in California's central coast region across the nation and into Canada. Per the proposed definitions, although we "receive, sell, ship, and distribute" almost all of the crops proposed to be "leafy greens", Coke Farm does not 'handle' any 'fresh-cut packaged leafy greens'. It seems the proposed agreement would define Coke Farm as a broker.

In the past Marketing agreements were used for a specific commodity to insure grade compliance and increase consumer confidence in that specific commodity. This proposal is different than usual marketing agreements. The proponents are trying to use the proposed Marketing agreement as a way to sell consumers on the idea that the agreement will provide food safety for a mixture of commodities. These crops are used for pre-cut salads, as whole heads, or bunched greens or herbs. This concept seems incongruous with and beyond the scope of other Marketing agreements. Food safety of pre-cut salads may be an issue, but a Marketing agreement seems an odd way to try to sell the safety of these salads to consumers.

Although the proposed agreement does not seem to include any growers or brokers of the vegetables proposed as "leafy greens" that aren't 'selling or delivering' to a signatory of the agreement, we are nonetheless concerned. Our customers and growers are confused by the proposed definition of "leafy greens". The California LGMA defined 14 crops as 'leafy greens', the proposed national agreement defines 24 crops and "any other leafy green vegetable recommended by the Committee and approved by the Secretary. Defining specific crops as 'leafy greens' is not logical, the definition of 'leafy greens' should include any crops used for processed or 'ready-to-eat' salads. Food safety risks are significantly greater with crops used for pre-cut salads than for crops grown to be harvested as whole heads or bunched. The proponent's definition of 'leafy greens' fails to differentiate the food safety risks.

EX. 20

'Ready-to-eat' salads for retail sales are a fairly recent phenomenon. They have become quite popular. Unfortunately the rise in their market share is paralleled by an increase in food related disease outbreaks associated with these salads. Our customers and growers are confused why the specific crops proposed as 'leafy greens' are singled out as having some special inherent food safety risk when food disease related outbreaks have been associated primarily with processed salads. A combination of things like high density plantings, machine harvesting of everything on the bed and a common water bath for processing provide significantly more opportunities to contaminate large batches of salad that can potentially effect more people. The multitudes of cut surfaces of these salads provide beneficial conditions for pathogen colonization. One of the most difficult challenges for pre-cut salad producers is trying to maintain the cold chain all the way to the end consumer's refrigerator. Absent continual refrigeration the packaging can create an ideal incubator for any pathogens present on salad leaves.

For hundreds if not thousands of years the crops the proponents seek to define as "leafy greens" have been planted, grown, harvested and eaten with no food safety worries. These crops are selectively harvested by trained human harvesters as whole heads or bunched greens and field packed into cartons. The cartons are precooled on pallets and shipped to distributors and stores or restaurants. People in the stores or restaurants further inspect, trim, clean and prepare the crops for sale or consumption. Crops grown for whole heads or to be bunched do not have anywhere near the same risk of pathogenic contamination as those harvested for ready-to-eat salads. It is important to recognize this difference and amend the definition proposed.

If the current indiscriminate definition is used, much greater acreage will be unnecessarily affected by metrics devised for salad crops. If California's experience holds true for the nation, there will be more environmental damage and many more growers will be subject to the time and costs to implement GAPs that should have been focused on processed salad crop growers.