



Testimony of Chris Blanchard
USDA Leafy Greens Marketing Agreement Hearing
Columbus, Ohio
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Thank you for the opportunity to share my perspective on the proposed National Leafy Greens Marketing Agreement.

My name is Chris Blanchard. I have been actively involved in organic vegetable production, research, and education for twenty years, in California, Washington, Maine, Wisconsin, and Iowa. I own and operate Rock Spring Farm, a small, certified organic vegetable and herb farm near Decorah, Iowa. We market our produce, as well as purchased herbs, to subscription customers in our Community Supported Agriculture program, as well as to seven natural foods stores and a natural foods distributor in the Twin Cities Metro and in Decorah. Until last year, we also sold vegetables and herbs through a large farmers market in Rochester, Minnesota.

Rock Spring Farm manages about 90 acres of land in two locations, with about 35 acres in active crop ground. We produce over fifty different crops each year, rotating through all of our fields, so the proposed LGMA would affect each of the 80 fields under our management.

With approximately \$300,000 each year in sales, we are the largest vegetable farm in northeast Iowa. We are among the smallest of the major providers of organic produce to the Twin Cities Metro area. Although I am not formally charged with representing other growers, the challenges this agreement would present to Rock Spring Farm would be shared by every other market farm selling leafy greens into the Twin Cities natural foods marketplace.

I also wear a couple of other relevant hats. In my role as an educator and consultant, I have provided trainings to conventional and organic growers in good post-harvest handling practices. This summer we hosted over sixty participants at an on-farm food safety and post-harvest handling training sponsored by Iowa State University's Leopold Center for Sustainable Agriculture. This training, and a document I prepared as part of a consulting project for ISU, provided simple but effective guidance for the implementation of basic post-harvest handling food safety procedures.

In addition, for ten years, I have coordinated the presentations at the MOSES Organic Farming Conference, which has put me in regular communication with a large community of local and organic producers in the Upper Midwest, including regional industry leaders. I have also served on the board of the Midwest Organic and Sustainable Education Service (MOSES) for the past ten years.

I believe that food safety is not just a legal responsibility, but a moral and ethical obligation producers and farmers have with their customers.

The proposed National Leafy Greens Marketing Agreement (NLGMA) is a flawed iteration of a regulation that does not belong in the control of the Agricultural Marketing Service.

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The NLGMA should not be implemented for the reasons I will outline below; if it is implemented, the future of local and regional food systems served by small and mid-sized growers in an ecologically-sound manner will depend on the modification and consideration of the issues addressed in the following.

Food Safety is Not a Marketing Issue

Food safety, as it is approached by the proposed NLGMA, is a process and a set of production metrics. It does not result in a measurable attribute of the end product, as evidenced by the September 18 and July 23 incidents of salmonella contamination.¹

The Agricultural Marketing Service (AMS) has its expertise in economics and marketing, not in the science of food safety. AMS administrator Rayne Pegg has made it clear that "AMS is not a food safety agency." Food safety regulations, where they are necessary, should be developed in an open and transparent process with a food safety agency such as the Food and Drug Administration taking the lead. Auditing compliance with food safety metrics does not provide the same level of public protection as the development and enforcement of a regulation under the auspices of the FDA.

Food safety is not, and should not be considered to be, a marketing issue. It certainly differs from traditional marketing attributes such as size, color, and firmness. Produce marketing agreements have historically been designed such that participation confers an advantage in the marketplace. Choosing the "wrong" brand should not result in an increased risk of illness.

In addition, for reasons I will elaborate on later, the proposed NLGMA will conflict with AMS's stated goals of providing market access for medium and small farms, or facilitating regional economic development.

The proposed NLGMA will have a negative environmental impact in exchange for a negligible and possibly negative effect on the food safety aspect of leafy greens production.

It seems fair to assume that the NLGMA would follow the same general outline as the California LGMA with regards to production metrics. With many of the same players promoting the NLGMA, and considering scale and production methodology biases inherent in the structure of the Administrative Committee, I am skeptical of the idea that we might see a dramatic departure from the California LGMA. Because the standards will be created after the USDA has given industry the power to proceed, there are no metrics here to discuss or criticize, and we can only look to the California LGMA as a model for national implementation.

Much of the criticism of the California LGMA has focused on the destruction of field edges and semi-wild areas around production areas. These grasslands and hedgerows provide valuable ecological services that offset the negative environmental effects of even the most careful agricultural practices. In the Midwest, these field borders and interplantings help to mitigate the effects of erosion and nitrogen leaching, as well as

¹ Ippolito International's recall of spinach on September 18, and Tanimura and Antle's recall of romaine lettuce heads on July 23. The latter of these was the result of random testing conducted by the Wisconsin Department of Agriculture.

absorbing and holding excess rainfall. The ecological benefits of grass and wetland areas bordering croplands include reduced flooding, increased watershed health, decreased groundwater pollution, and a reduction of the Gulf of Mexico dead zone.

Sources of bacterial contamination include fecal dust and overland water movement, not just irrigation and direct deposition of animal feces. UC Davis researchers have demonstrated that grass and wetlands can filter out up to 99% of *E. coli* during rain events. Irrigation and rainfall can cause sheeting of water across even relatively flat landscapes. In dry weather, dust can carry fecal dust for long distances. Hedgerows and tree plantings reduce wind flow and capture dust, minimizing movement of potentially pathogenic dust.

Hedgerows, grasslands, and wetlands provide additional benefits in the form of beneficial insect habitat, reducing the need for toxic pesticides.

The “animals of significant risk” addressed in the California LGMA include deer, which are attracted to edge areas, and which are endemic throughout the Upper Midwest. However, scientific studies in California and Nebraska indicate very little presence of *E. coli* O157 in deer feces.

On a small farm such as mine, every field has a significant amount of “edge.” No portion of any field on my home farm is more than 100 feet from grassed areas, and, typical of farms in my region, fields are scattered among woodlands and grasslands. The per-acre cost of total exclusion and elimination of wildlife habitat would be much higher on my farm, and those of my fellow direct-marketers in the Upper Midwest, than the numbers cited elsewhere; a recent temporary three-strand deer electric fence erected around a three-acre field cost \$650 in materials alone.

A 2007 survey of farmers conducted by the Monterey County Resource Conservation District, cited in Jo Ann Baumgartner’s testimony, noted grower concerns about the conflict between wildlife habitat and food safety audits. There is no reason to expect that the experience would be different in other environments.

The NLGMA would have a negative effect on small and local producers

The NLGMA would have a negative effect on small and local producers. Because the NLGMA provides for market differentiation on the basis of perceived safety, and by including crops such as kale and cabbage, instead of limiting the scope to the bagged product that has been the primary source of *E. coli* problems², the NLGMA would severely limit the ability of small market growers to make a living, as well as the ability of local producers to continue their work to impact institutional and school meal programs.

According to the proposed rule, proponents of the NLGMA state that the proposed program “would improve consumer confidence of fresh leafy green vegetables and their products in the marketplace.” A Market Review Board would provide advice on “retail, food service, and consumer issues that should be addressed to maximize

² According to the Community Alliance for Family Farmers and the FDA, since 2002, all *E. coli* outbreaks associated with lettuce and spinach have occurred in processed, fresh-cut, bagged greens.

consumer confidence through market acceptance on recognition of the program.” The California LGMA seal is widely evident on proponent stationary and websites. In addition, section 970.75 makes provision for the establishment of promotional activities to “promote acceptance of the agreement and of leafy green vegetables or products handled by signatory members.”

Ultimately, consumers drive the business. Marketers look for any edge they can find in the marketplace. The proposed regulations do not specifically exclude the potential for the seal to be used in the marketplace, and it seems naïve to expect retailers not to use the LGMA as a marketing factor. The California LGMA website goes so far as to say that, “Produce buyers help enforce the Service Mark when they only buy from LGMA member companies.” At a retail level where labels and uncertainty proliferate along with poor consumer understanding of food safety issues, no serious retailer would ignore the potential to market “safer food.”

An NLGMA, controlled by large industry handlers, is unlikely to recognize, or to make allowance for, the functional difference between large producers and aggregators, and small producer-handlers such as my operation. Large-scale operations using mechanical harvesters and automatic baggers in the process of distributing fresh-cut or ready-to-eat greens in sealed bags present the greatest food safety risk and should be subject to the greatest food safety and regulatory scrutiny. The model used by the processed and bagged industry takes small quantities of contamination and amplifies them to a much bigger audience. Through commingling, bagging, and widespread distribution, the model is good at spreading risk through a lot of product and over a wide geographical distribution.

In addition, food safety is clearly a litigious issue. Once a higher standard is established and recognized at a national regulatory level, buyers will experience legal pressure to purchase greens only from NLGMA signatories. Since the definition of “handle” in 970.11, as elaborated on in 970.83.a.1, clearly includes farms like mine, small-scale, direct marketing growers are likely have the economically-important direct-to-retail outlet closed to us.

The process of adopting the NLGMA and developing its standards may be public, but it is not open.

We only have to look at the timing and location of these hearings for an understanding that the NLGMA proposal is only moderately open to participation by small- and mid-sized farms. I probably ought to be home cutting cabbage, escarole, and radicchio with my crew, but I am both fortunate and unusual in the degree of autonomy with which my crew is able to operate. October is the time for the fall harvest, and an extremely busy time on a small farm; it’s kind of like trying to regulate CPA firms with hearings held in early April. We don’t have the luxury of lawyers and experts to testify at hearings during the height of the harvest season. In addition, these hearing are located far from the most vigorous center of organic vegetable production in the Midwest, which is centered on the La Crosse, Wisconsin and Twin Cities, Minnesota, area.

The zones established for the appointment of Administrative Committee members appear designed more to facilitate the domination of the committee by large growers in industrial production areas, rather than being organized by geographical production

similarities. Are the production and marketing conditions in Minnesota and Iowa so different from those in Wisconsin, while being so similar to those in Louisiana?

Providing the opportunity for public comment is not the same as a transparent, open, public process. This process will start with an industry-controlled committee that writes standards, with advice from a Technical Review Board appointed by the same industry-controlled committee, with only one opportunity for public comment. After that, the administrative-committee self-perpetuates, almost guaranteeing a bias towards the large-scale monoculture production perspective.

In Conclusion

If a grower, handler, or other group wants to use food safety metrics as a marketing tool, that is clearly within their rights; however, the government's involvement in a pseudo-regulatory marketing program dealing with food safety will create a public perception bias against non-participants, no matter their food safety history. This will present a serious market barrier to small and mid-size diversified farms, both conventional and organic.

Food safety, as outlined in the proposed NLGMA, is not a measurable attribute of the end product, and should not be considered as a marketing issue; a marketing agreement is an inappropriate, ineffective, and biased way to implement food safety regulations. The proposed NLGMA is likely to have a negative environmental impact in exchange for a negligible and possibly negative effect on the safety of our vegetables, undoing much of the environmental progress made in recent years on farms across the country. By holding some farms and brands up as "safer" based on dubious science and likely retail-level marketing, the NLGMA will continue the promotion of a production and marketing model that amplifies the effects of small quantities of contamination at the expense of local production throughout the country. Finally, the process of adopting the NLGMA and developing its standards is not truly a transparent, open, and public process. For all of these reasons, I find that the concept of a National Leafy Greens Marketing Agreement to be inherently flawed in its inception and counterproductive in its means and goals. I do not support it.