

U.S. Environmental Protection Agency, Region 9, Pacific Southwest
Testimony Regarding the Proposed National Marketing Agreement Regulating Leafy
Green Vegetables

Presented by

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USEPA, Region 9, covers the states of California, Hawaii, Arizona, Nevada, the Pacific Basin, and 147 federally recognized tribes. We have an interest in commenting on the proponents' proposal and the USDA regulatory framework for the national leafy greens marketing agreement (NLGMA) given our concerns and experience with the California LGMA, and the fact that California and Arizona, and to a lesser degree, Hawaii, dominate leafy green production.

We support an NLGMA which provides for the co-management of food safety goals and environmental goals. We support an NGLMA that reduces conflict with existing conservation, or best management practices, intended to protect water quality, habitat and fish and wildlife. We wish to avoid or prevent food safety practices or metrics which contribute to the degradation of water quality and wildlife habitat and are not scientifically based. We have observed such practices that are now known as "supermetrics" which, despite a dearth of conclusive data relative to their contribution to food safety, proliferate nonetheless. For example, best management practices such as vegetated buffer strips are torn out in the belief that they attract wildlife such as rodents. Science bears out the fact that rodents are not a significant risk to e. coli O157:H7. In fact, removing these buffer strips can be counter productive to food safety as it may promote the movement of e.coli as vegetation slows and attenuates pollutants. Farmers and federal programs have financially invested in central coast watersheds for the implementation of practices that protect natural resources including water quality and wildlife. Federal programs include our Clean Water Act and the USDA Farm Bill, specifically technical and financial assistance via the conservation title programs such as the Environmental Quality Improvement Program. Clean Water Act investments go toward improving impaired waters, reducing and preventing nonpoint source pollution and protecting wetlands.

This year we received a complaint concerning a wetland fill in the Salinas River watershed. We conducted an inspection in February, 2009 and were told that farmers were required to do this in order to comply with food safety guidelines. The U.S. Army Corps of Engineers has told us they receive other complaints similar to this one and will continue to forward them to us for attention.

We support inclusion of environmental and wildlife interests on the various committees being suggested at the national and regional levels as operational rules, regulations and metrics are developed. We believe this will promote the co-management of food safety and environmental goals.

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In conclusion:

- The NLGMA must ensure the best available science that supports good agricultural, handling, and food safety management practices.
- USDA's consultation with other federal and state agencies in the development of the metrics or practices should follow a process to ensure their input is duly considered and responded to.
- Food safety auditors should receive formal training for certification in order to provide consistency.
- The NLGMA should not conflict with the Clean Water Act or other regulations or conservation programs.

We understand farmers want a single consistent set of metrics to follow rather than multiple food safety programs imposed by different companies. Farmers have a strong commitment to stewardship of the land. Let's help them keep our food safe and our environment protected.