



Northeast Organic Farming Association of New York, Inc.

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USDA Agriculture Marketing Service Hearing:
Proposed National Leafy Green Marketing Agreement (NLGMA)
Syracuse, New York
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Testimony of Kate Mendenhall
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My name is Kate Mendenhall, and I am the Executive Director of the Northeast Organic Farming Association of New York, a non-profit organization that provides education about organic and sustainable agriculture, as well as promotes the growth of sustainable agriculture in New York state. NOFA-NY also operates NOFA-NY Certified Organic, LLC, a USDA-accredited Organic certification agency. Thank you for the opportunity to testify before you today in opposition of the proposed National Leafy Greens Marketing Agreement.

NOFA-NY represents over 2,300 member farmers, gardeners, food businesses, and consumers. We represent over 1,100 farmers and certify over 600 certified organic farms. Of those 1,100 farms, 390 grow and market leafy greens, as defined in the proposed marketing agreement. The majority of our members' farms are small- to mid-size family farms that follow a diverse system of agriculture—often growing over 100 varieties of produce for multiple markets. Our member growers market through farmers' markets, CSAs, restaurants, institutional markets, independent grocers, and retail grocery chains. The majority of our farms would be classified as growers and handlers, because they process on, ship from, and/or distribute from the farm. With the growth of the "buy local" movement and growing consumer interest in the organic marketing label, the number of our certified organic farms has doubled in the last five years, and the markets they access have grown. While many are classified as direct-market growers, the opportunities for selling into institutional and other wholesale markets are growing. In the near future, we hope that our growers will have increased access to all kinds of local and regional markets.

NOFA-NY opposes the regulation of food safety through the structure of a federal marketing act for the following reasons.

1. Food safety should not be a marketing attribute. All food sold to the public should be safe. All growers and handlers should follow processes that minimize the risk of pathogenic contamination; however, the Agricultural Marketing Service is not the right place to establish a food safety program.
2. A single food safety metric cannot apply for the whole country. Growing conditions, length of growing season, and farm size differ greatly across the nation—even within

New York state. Food safety education, standards, and/or regulations would be best defined and managed at the state level.

A NOFA-NY member farmer from central New York who is certified in both biodynamic and organic standards could not testify today because he needed to be on the farm and take advantage of the warmer weather predicted for this week. His farming business is a good example of how national metrics would not work for small to mid size growers.

He operates a diversified farm, raising 15-20 acres of vegetable crops each year, more than half of which would be classified as "leafy greens." He markets through two primary outlets: local direct sales through a large CSA and a natural foods distributor that operates throughout the state. He is "fundamentally opposed to any program, including this proposed 'Marketing Agreement,' which seeks to establish a uniform national protocol or metric for food safety on the farm." He "feels that the issues and potential hazards are too site-specific to be lumped together in a national program, and force unnecessary and prohibitive costs on small-scale growers."

This farmer has experienced a growing demand for his greens over the last few years, largely because consumers want fresh and local products and there simply are no other options in the region. He used to sell to the local Wegmans supermarket, but 2 years ago the company began requiring GAP certification for all leafy greens growers, and his facilities would not meet the standards without a great deal of investment in changes he feels are not only unnecessary but counterproductive. Consequently, his market is now limited to independent retailers or direct-to-customer sales. He fears that if a new national program is implemented, even these independent retailers will feel pressured to only buy from the producers able to meet the metrics. The economic impact for farms like his would be quite dramatic.

3. Marketing Act programs give control to a small group, usually made up of the largest processors or growers. This particular proposal does just that, as the committee structure has more handlers than growers represented, and zones one and two—regions where the largest processors and growers exist—have more seats than zones three, four, and five. The inequity in representation of small to medium sized-growers would negatively affect NYS sustainable farmers.
4. The level of food safety risk differs between fresh-cut packaged leafy greens, fresh-cut, and whole produce. Additionally, the risk level is inherently different based on the size of a handler, the number of farms from which it sources product, and the number of places where that product is sold. The proposed marketing agreement, however, does not distinguish between riskier products or practices, lumping them all under the same regulations.
5. NOFA-NY supports a whole-farm, holistic approach to food safety. Focusing on one set of metrics for leafy greens, another for root crops, another for fruit, etc. is onerous and expensive for diverse growers. Diversity is a key agricultural value—both ecologically and economically. A set of food safety marketing agreements for individual products

would be cost-prohibitive for the diverse small- to mid-size family farms in New York and other northeast states.

In the Hudson Valley of New York, a NOFA-NY member farm's experience with GAP certification is a perfect example about how crop-by-crop individual food safety standards will not work for diverse farms. This farm grows over 65 different crops and attended a GAP training last year hosted by USDA officials. The USDA auditors could not find a good solution for certifying the farm. They usually certify individual crops with separate GAPs and they did not know how to handle such a diverse enterprise. They did offer to certify each vegetable individually, but charge \$92/hour. The National LGMA could be the first of many commodity-specific food safety programs to follow. This process does not work for small to mid-size diverse sustainable growers, but instead encourages monoculture and large operations that can absorb the costs of compliance.

6. The California Leafy Green Marketing Agreement has already pitted good environmental practices against food safety regulations, and we fear that a national leafy green marketing agreement would follow suit. Creating a sterile agricultural environment is not something the USDA should be promoting in its policies. Diverse agricultural systems are important to local wildlife, organic management systems, and in maintaining integrity in local ecosystems. Multiple studies have demonstrated that the inclusion of diverse on-farm ecosystems such as buffer strips actually retard, retain, and metabolize pollutants; thus reducing on-farm food safety risks.¹

The Northeast Organic Farming Association of New York is dedicated to building a sustainable regional food system. The proposed federal marketing order is a Band-Aid to a broken industrial agricultural system. Instead of creating "one size fits all" regulations that actually help just the largest industrial farms reduce the potential for food contamination, the USDA should be supporting the viability of small to mid-size family farms and helping to rebuild local and regional food systems that are safe and equitable to growers of all sizes. While we agree that food safety measures are needed, this marketing agreement is not the way to go.

In January 2009, our membership voted in the following resolution regarding food safety.

Whereas organic farmers are committed to supplying consumers with safe food and to taking appropriate measures to ensure sanitary conditions in crop handling;

Whereas repeated incidents of illness and even death from food contaminated with pathogens have resulted in proposals for regulations that will drive small-scale farms out of business while failing to address the root causes of these food borne illnesses;

Therefore, NOFA-NY resolves that:

We support the mandatory use of potable water for washing produce.

¹ Dabney, S.M., Moore, M.T., Locke, M.A., "Integrated management of in-field, edge-of-field, and after-field buffers," *J. of the Am Water Resources Assoc*, 42(1): 15-24, 2006.

Tate, Kenneth W., Atwill, Edward R., Bartolome, James W., and Nader, Glenn, "Significant *Escherichia coli* Attenuation by Vegetative Buffers on Annual Grasslands," *J. Environ Qual*, 35: 795-805, 2006.

We further oppose mandatory chemical treatment of wash water, particularly with chlorine, for fruits and vegetables for the purpose of disinfecting crops, and

We oppose livestock setbacks and requirements for farmers to destroy natural areas on their farms in order to protect the public from food pathogens; such regulations do not serve public health, but, instead, eliminate integrated farms and reduce biodiversity.

Food safety is of utmost importance to NOFA-NY farmers and consumers. In fact, the most of our farms sell to their local communities and interact directly with their customers, whether it be at a farmers' market, CSA, or during a drop-off to a grocery store. We are supportive of improved national food safety, but disagree with a federal marketing agreement that will under-represent the small- to mid-size family farmer, use food safety as a marketing tool, and create a cost-prohibitive system of metrics for small to mid-size growers and handlers.

Thank you again for the opportunity to speak on this important issue.