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### Letter of Testimony

**Subject:** National Leafy Greens Marketing Agreement (NLGMA Denver hearing)

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**Stance:** Neutral

If the NLGMA is implemented the decision of whether or not to participate will be up to individual handlers and their producers. I am not a producer or a handler but I would like to comment in three areas that may or may have not been addressed in these hearings but important to Texas.

1. In the proposed National Leafy Greens Marketing Agreement there will be metrics (values) that will be used to determine water use, soil amendments and environmental assessments ([www.nlgma.org/documents/041009NLGMASummaryDraft.pdf](http://www.nlgma.org/documents/041009NLGMASummaryDraft.pdf)). These metrics are not spelled out in the proposed agreement but will likely be patterned to some extent with the current California/Arizona Leafy Greens Agreement ([www.caleafygreens.ca.gov/about/documents/LGMAAuditChecklist8-07-08.pdf](http://www.caleafygreens.ca.gov/about/documents/LGMAAuditChecklist8-07-08.pdf)). In the National Leafy Greens Marketing Agreement proposal document it mentions Audit Metrics section 970.42 where the metrics are to be developed by the committee and its technical board and recommended to the USDA. It also mentions that metrics may vary to accommodate regional differences in production, handling, manufacturing and or leafy green product. This could be a critical area of the document to the other regional areas and zones because these metrics were developed for California/Arizona conditions and we need to be sure that there is flexibility to allow for variation in these metrics for other production regions where such changes are justified by science. An example would be that Texas on average uses more surface water compared to California where more well water is used to irrigate these leafy greens. We do not believe the metrics currently used in California are appropriate for other regions especially when it comes to the single exceedance values (individual sample is greater than 235 MPN/100ml for foliar or greater than 576 MPN/100ml for non-foliar). In addition, will any metric change that is necessary for a regional area or zone require one Or numerous scientific studies to demonstrate that a current (previous) metric value is not appropriate for a regional area or zone.

EX. 76

2. Fresh cabbage is a crop that is part of this proposed agreement because some is used in a “minimally processed” form for bagged leafy greens or salad blends. Most of the cabbage in Texas is not grown for this purpose and the nature of a cabbage head with tight wrapper leaves and nearly always dry-packed in the field or packing shed may not make it a candidate crop for this leafy greens agreement in Texas. In Leafy Greens 970.13, because individuals have suggested both additions and deletions from the list of regulated products the industry (through the Marketing Committee) has been empowered to modify this list by recommending additions or deletions for the Secretary’s approval. The California/Arizona marketing agreements have already set a precedent for the list of crops. Producers in Texas would like to know if these recommendations and the process to add or delete crops covered in this agreement will be transparent. Regional areas or zones (through the zone Marketing Committee) should be responsible for recommending to the Secretary to add or delete crops based on producer and handler input from that area.
  
3. Small producers, large producers, and handlers all have an interest in providing the safest leafy greens. The safety of the product for consumers should drive this process but this agreement also needs to be cognizant of whether some metrics really assure a safer product. While signing up for this is voluntary, the program if implemented properly will have a positive impact on the safety of all leafy greens by encouraging a common food safety standard and avoiding the tendency for using food safety as a marketing tool or the continuation of multiple food safety standards used by third party companies. In the absence of one universally accepted set of standards, producers and handlers are often faced with having to comply with a different set of standards for different customers resulting in increased costs with little evidence of a corresponding increase in the price of the product. This effort of implementing a National Leafy Greens Marketing Agreement has the potential to help develop a universally accepted set of standards at least for leafy greens. We must realize that leafy greens are grown in different agro-ecological regions/zones and it is important that all standards and metrics allow for variations in metrics in different regions so as to take into account each region/zone. These differences in standards and metrics for each of the regional areas or zones that might exist will not jeopardize this one universally accepted set of standards and metrics that the NLGMA is striving for.