FLORIDA ORGANIC GROWERS

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Testimony of Marty Mesh
National Leafy Greens Marketing Agreement Hearings
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Thank you for the opportunity to present testimony today. My name is Marty Mesh. I am the Executive Director of Florida Certified Organic Growers and Consumers, Inc., which does business as Florida Organic Growers (FOG) based in Gainesville, Florida. In addition, I serve on the board of the Organic Trade Association (OTA) and am a past president and current board member of the Southern Sustainable Agriculture Working Group (SSAWG). I serve on the Board of the Accredited Certifiers Association, an association of USDA National Organic Program accredited organic certification agents. I started farming conventionally in 1972 and quickly became committed to organic food production out of concerns for environmental, farm worker and farmer health, and yes, food safety. I helped start Bellevue Gardens Organic Farm, in Archer, FL in 1976. In its 34 year history, including growing a variety of crops including arugula, kale and cantaloupes, growing and shipping watermelons throughout the country, and using hogs as part of the crop rotation, Bellevue Gardens has never had a report of a food safety incident.

The comments submitted herein represent the official position only of Florida Certified Organic Growers and Consumers, Inc. (FOG). FOG is a 501(c)(3) not-for-profit corporation established in 1989. FOG operates two major programs: Education & Outreach and a separate program Quality Certification Services (QCS).

FOG's Education & Outreach Program promotes organic and sustainable agriculture and healthy and just food systems, working diligently to educate producers, consumers, media, institutions and governments about the benefits of organic and sustainable agriculture. Staff present at tours, conferences, workshops, classes and other educational venues in Florida, the U.S., and internationally to audiences ranging from farmers and agricultural service providers to school children, college students, and citizens. Education and outreach projects include but are not limited to: organic and sustainable farming practices, Farm Bill opportunities, explanation of regulations regarding organic certification, marketplace trends, sustainable food systems, agricultural social justice, and opportunities and challenges in the organic marketplace. FOG's food systems work, includes many years ago a Buy Local program, school and community

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gardens, nutrition education, youth job training using agriculture and processing, and is currently installing raised bed gardens to increase the vegetable consumption of low income folks, as well as working on many policy efforts relating to local food systems.

To meet the demands of a growing organic industry, FOG operates Quality Certification Services (QCS), a USDA and ISO Guide 65 accredited program that offers USDA National Organic Program, Canadian, Japanese and European Union accredited certification options. QCS certifies organic farming, wildcrafting, livestock, processing, packing and handling entities large and small in more than 30 states and 13 countries. QCS also offers Agricultural Social Justice, Aquaculture and Vegan certification options. Specific to today's subject, QCS certifies 44 leafy green producers in Florida and a total of 111 nationwide.

FOG is celebrating its 20th anniversary this year and we are looking back at 20 years of remarkable advances in farming practices, food production, and agricultural technology. I should mention the difference from when I started farming organically in 1973 the growth of a global multi billion dollar organic industry which was really done up until 2001 with little to no Government, land grant, research support, but was made possible by citizens simple choices in the marketplace. Now we see a commitment to growing more farmers and soil and reinvigorating local food production and processing as we prepare for the future. The fact that food safety is one of the main issues now, after all the other developments, feels like a step backwards. The proposed National Leafy Greens Marketing Agreement, as it stands, is not the answer to growing food safety concerns. As citizens lose faith in their current food options, they are becoming more and more educated in food production, policy issues, and are looking for a program that provides real food safety results, and supports, not threatens, smaller-scale farms and the availability of locally-grown produce.

For our producers, the proposed Agreement creates fears about maintaining market viability. As stated on the NLGMA website, those who do not sign on will not "enjoy the benefits of the program" including "market preference both domestically and internationally". The producers we work with are also concerned about contradictions and duplications with other national programs including the National Organic Program, environmental conservation programs, and new food safety regulation to follow legislation currently being developed and considered.

Following are some of our areas of concern.

- Food Safety is not a marketing issue

We would like to reiterate previous testimony given in Monterey by both Steve Etka and Patty Lovera. According to the Miriam Webster dictionary, food is defined as something that nourishes or sustains. Consumers should be able to expect that, at the very least, food in the marketplace will not harm or kill them. This is a basic and reasonable expectation. Food safety cannot properly be assessed as a "quality." There is no grading scale or degree of quality that can appropriately be associated with food safety: food is either safe or not safe. And once it is not safe, it is no longer food. Marketing advantage should not come into play; consumers should not be led to believe that one brand is safer than another. If a NLGMA is developed and improvements in food safety result from participation in the program, consumers should not be put at a higher risk as a penalty for selecting the "wrong" brand (namely, product from producers and handlers not participating in the "voluntary" LGMA).

- Is the proposed LGMA really voluntary?

Technically, the proposal presents a voluntary program. But, in practice, when a handler signs on, the producer will then have only the option of either also signing on or seeking other customers. For a small or medium sized producer, especially one looking to increase production, this leaves little option and the additional costs can prove to be too burdensome to continue production. When a producer has a long-standing relationship with a handler that has been completely incident-free, interfering with that relationship may not promote food safety. To the extent that a voluntary program might improve food safety, it could only do so by affecting precisely what proponents say it won't: effectively forcing producers to implement the "voluntary" agreement or forcing out of the market those producers who won't or cannot afford to implement the agreement. In my communication with a certified organic farmer whose farm is 10 acres, and who owns a wholesale operation and thus would be a handler, the LGMA would preclude his continuation of purchasing from many farms who would not be able to comply, thus ending their market opportunity at a time when their products are desired the most.

- The LGMA will not reduce the burden on growers and small businesses

Many producers feel that they are already being monitored for food safety and that additional programs will be a waste of time and money both for themselves and for the controlling agency, without any beneficial effect on food safety. Because AMS has no authority to prevent supermetrics, buyers will be able to require participation in both their own program and in the LGMA. For an organic producer, this would mean at least four sets of standards to maintain: FDA regulations (those existing and anticipated), organic standards, the buyer's supermetrics and the LGMA. And, as yet, it is unclear how the metrics in the proposal will handle organic standards.

These programs mean extra cost to the producer, both in time and in money. In considering the California Leafy Greens Marketing Agreement, which presumably will be a model for the national Agreement's metrics, producers saw a range of 17-28 % of their net income going to food safety costs. Also, the per acre costs are higher for small producers than for large. These results come from the UC Davis report by Shermain Hardesty and from Joanne Baumgartner, both of whom are on record in the Monterey hearing.

With the model of California's agreement, the disproportionate burden in costs on smaller producers does not coincide with their risk potential in comparison to the greater risk potential of larger producers. Once past the farm gate, product from large producers travels through many critical points of contact, in processing, bagging, transportation, storage and retailing and then reaches a vast number of consumers. While there are details that have not been determined yet for this proposal, past experience, such as the California LGMA, does not bode well for smaller producers who would choose to participate. In fact, USDA's history over my lifetime has not earned the trust that smaller scale and the vast majority of family farms benefit from many USDA marketing orders and programs. There has been improvement in direct marketing with support of farmers markets, but this proposal would affect many farms that sell beyond direct.

The same certified organic farmer and handler pointed out that a crop by crop reactive strategy is not what is needed in thinking about food safety solutions to diverse multi crop farms that are of interest to many new farmers as well as the backbone of smaller scale organic farms.

Concerning economic impact on small business, I also question the resulting expense in accreditation or auditing fees from USDA. Just our own certification program which is competently operated but only certifies about 400 mostly smaller scale operations has seen accreditation costs last year to cover predominately USDA and staff time exceed $50,000 in quality system maintenance and actual hard accreditation costs from ISO, NOP and other accreditation site visits. We really have no where else to turn except pass the costs on to folks using the program

- What role does the consumer have in NLGMA development?

This proposed agreement has allowed for insufficient public comment too late in the process. This raises suspicions that consumer involvement has more to do with selling the seal than with achieving real advances in food safety. Consumer's Union west coast office Director Elisa Odabashian states: "all the safety standards will be developed by the big food processors and other members of the industry. There will be only one consumer member on their Administrative Committee, and that consumer member will be chosen by the food processors." Consumers Union opposes the proposed NLGMA.

This voluntary program provides consumers (as well as farmers) with no reasonable confidence that its food safety metrics will be duly and independently researched, transparently deliberated, and decided on by a body that adequately involves all stakeholders. The LGMA does not answer the question of who, ultimately, is accountable, nor how the agreement would be regulated and enforced. Further, a NLGMA could confuse consumers into wrongly believing that the federal government has taken on accountability.

- If the NLGMA is approved, who is then in control of the standards?

The metrics, audit fees and traceability requirements will be determined after the NLGMA is approved. At that point, the LGMA Administrative Committee of 23 members, chosen from the industry in the five delineated zones, will establish these requirements. The zones are separated in a way that does not make sense in terms of "regional applicability". There is a lack of justification in regards to the zone definitions and the Committee configuration. When the two groups that will be affected the most, consumers and smaller growers, are represented the least, it feels unfair. A government program, even a voluntary one, that imposes standards that affect everyone, directly or indirectly, should not be written or controlled by just one segment of the industry.

- How to reconcile the NLGMA with other programs?

USDA recently launched the "Know Your Farmer, Know Your Food" initiative. This is a new and exciting chance for beginning, socially disadvantaged, limited resource, and existing farmers to enter the institutional food service market by selling to local schools, institutions, and universities, thus providing new market opportunities. The obstacles that the NLGMA would present to small and local producers directly contradict the goals of the "Know Your Farmer, Know Your Food" initiative. As stated by USDA Deputy Secretary Merrigan, "Americans are more interested in food and agriculture than at any other time since most families left the farm. 'Know Your Farmer, Know Your Food' seeks to focus that conversation on supporting local and regional food systems to strengthen American agriculture by promoting sustainable agricultural practices and spurring economic opportunity in rural communities." This is probably the most visible USDA program at the moment; it is what the public sees the USDA doing. The proposed agreement will make the success of this initiative much more difficult. The marketing of food safety does not encourage the connection between Americans and their food that the "Know Your Farmer" initiative seeks. And there is a difference between food safety and the marketing of food safety. Again, the relationship between a community and its local producers should not be superseded by a marketing agreement. According to Mitch a certified organic farmer and Global Organics wholesaler " Without the ability to source from small, local farms, our business is at risk".

If a grower, handler or group wants to frame food safety as a marketing tool, that is their right. But it should be on their time and on their dime. Involving the US Government in a marketing program dealing with food safety can have a serious effect on public perception. As stated before, food safety is not a marketing issue. Food safety is an important issue that does not belong in a marketing agreement.

To conclude, we do agree there is a need for a food safety program for the leafy green industry. However, we do not feel that a voluntary marketing agreement is the right approach for this issue. Consumers will be further confused by added chaos in the marketplace. Small and mid-sized producers will lose market options and viability. Organic and sustainable farmers will face multiple and duplicative certifications in order to remain viable. Most producers have an existing food safety program either from their own initiative or through other certifications. Basically, all the elements of the proposed Agreement already exist in other programs, both voluntary and mandatory. Adding another voluntary set of similar reporting requirements to the mix may do little to actually promote food safety especially one with potential devastating effects on the viability of family scale and mid size farms. For these reasons, and those detailed above, we find a National Leafy Green Marketing Agreement to be inherently flawed and unnecessary and therefore do not support it. Thank you again for the opportunity to share our perspective.