



September 24, 2009

USDA's Agricultural marketing Service Administrative Law Judge

Re: Proponent Testimony for the Proposed National Leafy Greens Marketing Agreement

My name is Bob Mills and I am the Director of Food Safety & Quality Assurance with Tanimura & Antle in Salinas CA.

Thank you for allowing me to present our views in favor of the proposed Nation Leafy Greens Marketing Agreement (NLGMA).

Tanimura & Antle is based in Salinas, California and is a Grower/Shipper of fresh produce, which includes lettuce and leafy greens. The company was established in 1982 but the relationship between with the Tanimura's and Antle's goes back three generations to the 1930's. Tanimura & Antle grows its lettuce and leafy greens products in California and Arizona.

I have had the privilege of working for Tanimura & Antle and in the produce industry for the past three years. Prior to joining the produce industry, I had worked in Food Safety/Quality Assurance and related scientific disciplines in the restaurant industry, dairy industry, canning industry, pickling industry, frozen vegetable industry, and dehydrated vegetable and spice industry. All together, I have worked in the food industry for forty years.

During the 1990's, the FDA, with input and collaboration with industry, developed and then published (in 1998) a set of Good Agricultural Practices (GAP's) for the growing and harvest of fresh fruits and vegetables. The lettuce and leafy greens industry embraced and implemented these GAP's. Unfortunately, even after following all FDA recommendations and guidelines, the Spinach Crisis of 2006 occurred.

In late 2006, the California lettuce and leafy greens industry decided to revisit the GAPs and identify where the current GAPs could be improved. In January 2007, experienced industry technical leaders and recognized academic experts met to develop a set of GAP metrics. After nearly two months of discussion and meetings (which I was a part of), a set of realistic metrics was developed. These were risk based and came from the best scientific data available and FDA recommendations. They are in full compliance to the FDA GAP guideline and yet take them to the next level. They identify specific growing and harvesting GAP metrics for lettuce and leafy greens. The GAP metrics were



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developed to be dynamic. As new and updated scientific data becomes available, they can be amended.

At the same time the metrics were being developed, the industry created a government body, the California Leafy Greens Marketing Agreement (CA LGMA), to regulate its industry. The CA LGMA first action was the adoption of the GAP metrics as its standard for the growing of lettuce and leafy greens. As a member of the CA LGMA Technical Committee, Tanimura & Antle and I strongly supported the adoption of the GAP metrics.

The CA LGMA then enlisted the services of the USDA to develop and administer an audit to measure and verify member compliance with the metrics. This was not easy task. As a member of the group working with the USDA, we spent several days clearly identifying the details of the audit to ensure no metric requirement was missed. The USDA in Washington DC reviewed this audit for approval. There were a couple of changes required by the USDA to ensure compliance to their auditing standards. These were implemented and this resulted in a 24-page audit. USDA trained CDFA state auditors perform these audits. The auditors are unbiased and very effective. These audits have resulted in a positive improvement in growing practices from those previously established under the FDA GAP's Guidance.

Shortly thereafter, the industry created its sister body, the Arizona Leafy Greens Marketing Association (AZ LGMA). The AZ LGMA adopted and implemented the same metrics as the CA LGMA. USDA trained auditors also perform the required audits. These two government bodies effectively brought the majority of the lettuce and leafy green industry under realistic regulation for food safety

However, the current LGMA regulation does not apply to everyone. It only applies to those members that market in California and Arizona. Outside these to states, only the FDA GAP Guidance applies. The only way the US consumer can have assurance their food is as safe as possible, no matter where their lettuce and leafy greens comes from, it has to be grown under acceptable food safety standards, applied to all handlers, nation wide. These standards must be science and risk based and where applicable, appropriately amended for the specific growing region to which they are applied. Lettuce and leafy greens food handlers need to have the opportunity commit to a set of standards that assures the public and their customers of their commitment to food safety. The proposed National LGMA provides this opportunity.

Respectfully Submitted,



Robert S, Mills
Director of Food Safety/Quality Assurance
Tanimura & Antle