



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

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Sept. 24, 2009

USDA
Agricultural Marketing Service

Re: Testimony Regarding the Proposed National Marketing Agreement Regulating Leafy Green Vegetables. Presented by Jill North.

The Central Coast Regional Water Quality Control Board's jurisdiction contains what is known as the "nation's salad bowl", the Salinas Valley. Within our region, ninety percent of the nation's lettuce and leafy greens are grown and shipped. After the 2006 outbreak of E.Coli 0157:H7 in spinach, we saw the development of the California Leafy Greens Marketing Agreement and a rise in various buyer and independent auditor's food safety requirements that are in direct conflict with our laws, regulations and policies. We have seen the development of "supermetrics" that go above and beyond the California Leafy Greens Marketing Agreement metrics and we have seen growers interpreting the California Leafy Greens Marketing Agreement audit to mean that they can not have any vegetation that may harbor wildlife. In response to this, many growers have been removing vegetation that helps protect our water quality by trapping pathogens and filtering nutrients and pesticides. Growers want to be good stewards of the land, but are put in the awkward position of choosing between selling their crop or removing vegetation. Some waterways are left barren, with no vegetation at all in return to a "scorched earth" policy. Removal of vegetation may actually increase the threat to food safety since it increases pollution transport, including bacteria, from domestic animal sources to farms. Domestic animals, such as cows and pigs, pose the greatest risk to food safety, not wildlife. We have also seen a reduction in on-farm water reuse to the point that it has virtually disappeared. Farmers no longer hold and re-use their water as a result of food safety requirements and this can lead to increases in tailwater discharges.

The Water Board's mission is to protect and enhance the quality of the waters of the state for future generations. This includes the protection of streams, lakes and wetlands. We have invested grant money in improving water quality and promoting the protection of aquatic habitat, but recently, we have received reports of on-farm wetlands being filled in response to food safety requirements. Farmers should not have to choose between protecting their water resources or being able to sell their crops. According to a 2007 survey by the Monterey County Resource Conservation District, about thirty percent of farmers have eliminated non-crop vegetation at the suggestion of auditors and seven percent have bulldozed ponds or other waterways to meet auditor requirements. The Monterey County Resource Conservation District conducted a recent follow-up survey that is due out this coming fall.

California Environmental Protection Agency



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In conclusion, we acknowledge the importance of providing safe food to consumers. The National Leafy Green Marketing Agreement must promote the coordination of food safety and water quality and remove any potential interpretations that may lead to violations of water quality laws, requirements and policies, and resulting enforcement actions against growers. We recommend that the National Leafy Green Marketing Agreement require cross-training of its associated auditors with inspectors from appropriate environmental regulatory agencies. We recommend that the proposed Technical Review Board include a staff member from our Regional Board, the United States Fish and Wildlife Service or the National Marine Fisheries Service. Any metrics developed as a result of the National Leafy Green Marketing Agreement must be based on the latest and best available science. Let's help the farmers to provide safe food and promote water quality.

If you have any questions regarding the above testimony, please contact Jill North of my staff at 805-542-4762 or jnorth@waterboards.ca.gov.

Sincerely,



Michael Thomas,
Assistant Executive Officer

