

Thank you for taking my testimony. My name is Patryk Battle I am a farmer , professional gardener and author. I have read the proposed National Leafy Greens Marketing Agreement (NLGMA). Previously in November of 2007 I worked other farmers and the Carolina Farm Stewardship Association to write our organization's response to the original Advanced Notice Proposed Rule Making call for comments. I note that for the moment at least the Proponents are asking that NLMGA be as voluntary as the realities of handler and insurers pressure will allow it to be . Aside from proposing that NLGMA be voluntary the Proponents completely ignored our proposals. Clearly their agenda is not able to accommodate the needs of small producers here in the Carolinas.

Starting with the size and the proposed make up of the Administrative Committee their proposal hopelessly skews the power dynamics to the benefit of the large scale producers and handlers. The Proponents inability to accommodate any of our requests and refusal to even acknowledge our concerns and dialogue with us combined with their stacking the Administrative Committee in favor of the large scale growers and handlers makes this proposal in my view a non starter.

The proponents make their agenda even clearer by proposing that Committee Members not be compensated for their time. This proposal virtually assures that truly small growers will not be able to afford to serve even in their two token allotted positions. Given the slant the Proponents are building into the governing Committees and their inability to even entertain our proposals it is obvious that as they set metrics and make rules they will continue to ignore our call to insure that such rules and metrics are scale appropriate.

In our comments on the Advanced Notice Proposed Rule Making small farmers and our grass roots advocacy organizations asked that small growers, in light of their excellent food safety record and their limited resources be spared the burden of complying *with* demands for yet more record keeping and other potentially burdensome metrics. Rather we proposed that small farmers participate by taking advantage of a comprehensive cutting edge food education program that respects their reliance on natural systems. Personally I can even envision a voluntary study and get credits for *program* having documented that the farmer has diligently studied such material and thereby qualifies as participating in the NLGMA. It is appropriate that NLGMA asks more of the larger growers who are as a group experiencing pathogen contamination problems and need to reassure the public.

The nature of small producers (often very diverse both in crops and planting time frame) greens programs would make the record keeping water testing and wildlife monitoring requirements impossibly burdensome on many small producers including myself. Frankly my personal experience with GAP leads me to wonder if GAP stands for Government Agricultural Prejudices. I 'm going to spare you the gory details of my GAP training unless you ask! But I will tell you that I got none of the cutting edge food safety insights I expected and indeed was advised to post a notice at my Farmers Market Booth imploring customers to wash all the produce they purchase. Good advice as far as it goes but hopefully by now all of us here know that incorrect washing can insure that pathogens enter the cells of produce. I thought I would be trained in the role water temperature and immersion instead of rinsing plays in facilitating pathogen infiltration of produce via osmotic pressure I wasn't . Nor did I hear a word about the role ph plays

in the effectiveness of chlorine bleach. I did get told that suggesting that the naturally occurring benign and beneficial microbes on produce were part of our food safety tool kit was somehow "shooting the messenger"?

I also learned that my farm could not pass an audit because it is a half mile from my home and the nearest bathroom. However that is not why I posit that perhaps GAP should stand for Government Agricultural Prejudices. Sadly I say that because it seems that the very land grant food experts that are offered as the expertise on for the Proposed Technical Review Board along everything in this proposed NLGMA and the GAP training as I experienced it ignores the scientific reality of the great vulnerability which most of pathogenic microbes suffer when they are not in the anaerobic guts of their vectors. These pathogens are mostly facultative anaerobes and as such tend to be weak competitors when having to survive on leafy greens that have the full robust complement of the benign and beneficial aerobic microbes that populate normal healthy leafy greens. These pathogens are usually unable to compete for food get crowded out or can even become dinner for the "right microbes". Unfortunately I fear that the science NLGMA is being based on is this myopic science which only sees microbial problems not microbial solutions. This puts us small growers at a great disadvantage because for many reasons including temperament, resource availability, whole system pest and fertility programs and just possibly wisdom we rely on the critical advantage the "right microbes" have as our main pathogen defense system. Admittedly many small farmers would not identify their practices as being designed to favor the beneficial microbes as their first and most potent protection against pathogens but their practices still have that effect. And they along with those such myself who recognize and offer up microbes as key tool in our food safety tool box are served very poorly by the Government Agricultural Prejudices which ignore this huge piece of the food safety picture.

In closing I'd like you to know that if you would like to question me I will be happy to describe a myriad of other ways that this proposal will make my farm less financially and environmentally stable however from conversations and advance readings of some of my colleagues testimonies I am confident that those points will be well covered please know that I also share my colleagues concerns but feel that my time is best devoted to the wee ones and the folly of trying to eradicate rather than enlist them! 1