



Our Business Is Growing[®]

Testimony of Charles Wingard
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Charlotte Marriot Executive Park
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My name is Charles Wingard **C-H-A-R-L-E-S W-I-N-G-A-R-D**

I am director of Field Operations at Walter P. Rawl & Sons in Pelion SC. We are a family owned and operated business that grows, ships, & processes leafy greens year round as well as seasonal spring, summer, and fall vegetables.

My family and I are in support of the proposed National Leafy Greens Marketing Agreement (NLGMA) because we believe that it will increase consumers' confidence in leafy greens which will ultimately increase this industry. I was on the drafting team that proposed this to the USDA and I appreciate all the time and resources that many others committed to this cause.

This is a collaborative effort by the leafy greens industry to take proactive food safety measures in order to protect consumers' confidence in the supply of US produced leafy greens. NLGMA is designed to assure that all producers & handlers follow scientific, risk based metrics across the US in order to minimize the risk of food borne illness associated with leafy greens.

As a proponent of NLGMA and part of the drafting team, I have reached out to various groups and heard several complaints. Some are legitimate concerns which I agree with and will pledge to work for a reasonable solution while others are misunderstandings about the intentions of the proposal.

Summary of concerns about NLGMA:

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1. This is California driven and will lead to CLGMA metrics which will not work for me.

As part of the drafting team and proponent group, I can assure you that many people outside of California & Arizona have been intimately involved in this process. The process was very detailed and included many discussions by many members of the leafy greens industry and allied organizations about how to construct a NLGMA that would work for the entire country. There were initially 13 groups that started this discussion and out of that 3 were from CA.

Nowhere in the proposal is any mention about metrics. In fact, an administrative committee and a technical review board would be created to undertake the process of establishing metrics for the production and handling of leafy greens. There have been numerous complaints of CLGMA metrics being adopted nationally. This simply is not true. I have never heard any discussions to that point. In fact I agree that CLGMA metrics will not work in all areas of the US. The idea of "one size fits all" metrics is certainly not the way for NLGMA to work. I believe that NLGMA should include metrics that encompasses the various production practices of producers & handlers all across the US.

2. Small and organic growers should be exempt.

Even though small and organic producers have voiced this concern loudly, it is very much an invalid point. EVERYONE who produces and handles leafy greens has responsibility to do so in a safe manner. This responsibility should be based on sound science and risks. Every producer should adhere to a uniform set of GAP's and food safety standards to ensure that our consumers' health is protected to best of our abilities. Every handler should adhere to a uniform set of GMP's, GHP's, HACCP, and food safety standards to ensure that our consumers' health is protected to best of our abilities. Frankly, food safety is no longer an option, but a responsibility that everyone must take seriously. No one should ever be exempt from basic food safety principles and practices.

The bottom line is that pathogens don't know that they're on a small or large farm, conventional or organic, going to be sold on whole produce or fresh-cut. So, size of the facility or farm doesn't change the risk of a pathogen surviving to the consumer and causing an illness. Many have also said that if contamination takes place on a small farm, it will sicken far fewer people than if it occurs along the industrial food chain" This argument is small consolation to the family that is sickened by produce from a small farm.

3. Small farmers are concerned that handlers will push the metrics down onto them.

The fact is that there is nothing to prevent that now. Indeed, it is already happening. Currently, food safety is designed by whoever comes calling next and the producer's metrics are subject to change from customer to customer and year to year depending upon the desires of each producer's customers. In my situation, we have to comply with

several different customers' audits and although they have similar standards, they may have different requirements for the standard.

With NLGMA in place, all producers should be subject to one standard as set forth by NLGMA.

4. NLGMA metrics should be varied by state & or region.

I believe that the standard should apply uniformly across the entire US for those leafy greens which ultimately are included in the agreement. Variances should be based on production practices, more so than on geographical boundaries. For example, producers that use overhead irrigation supplied by surface water should adhere to the same metrics regardless of what state the production is located. Likewise, producers who use drip irrigation under plastic mulch should adhere to slightly different metrics because of the reduced risk associated with drip irrigation vs. overhead irrigation. Theoretically, producers on one side of a state line could have significant advantages over those just a few miles away that are producing greens in essentially the same environmental conditions but are across a state line.

5. NLGMA zones are not fair for states within each zone.

I have heard and read numerous complaints about the zones in the proposal being unfair to certain states. The zones are designated for administration of the committee and technical review board only and in no way have any bearing whatsoever with production regions. In fact there is only one production region and it is the entire US.

6. Bagged salad processing plants are the problem, not producers.

There is no doubt that processing plants inherently increases the risk of pathogen contamination due to the nature of how leafy greens are processed. Producers, however, also have some risk that can be easily mitigated and steps should be taken at that level to do so.

My vision for NLGMA is that metrics for producers would apply to producers and metrics for handlers would likewise apply to handlers. I don't ever see a situation where producers would have to comply to handlers' metrics except for those situations where the same entity is both a producer and handler. Even then, different metrics would apply at different steps along the way.

According to FDA's numbers, about 2/3 of the illness outbreaks linked to produce since 1996 were linked to whole produce, not fresh-cut. Further, where fresh-cut product was implicated, none of the outbreak investigations determined that contamination occurred at the processor. In fact, FDA concluded that the contamination that resulted in the three big 2006 E. coli outbreaks linked to fresh-cut spinach and iceberg lettuce, most likely occurred on the farm. So, it's important that growers not be misled into thinking that food safety is a processor problem.

7. NLGMA would lead to environmental damages for vegetative buffers, etc.

I have read some testimony by environmental groups that NLGMA would lead to the destruction of environmentally important feature such as vegetative buffers, wind breaks, etc. I agree that given the potential benefits of such conservation devices, this is disturbing. I believe that all farmers should work to be good stewards of all natural resources including those around leafy greens production areas. I hope that NLGMA would somehow address these concerns to maintain the delicate balance between environmental concerns and food safety. Both of these issues are important and each should be willing to compromise in order to benefit all.

8. USDA marketing agreements are not the right vehicle for food safety and food safety regulations are being considered anyway.

There have been concerns voiced that a marketing agreement is not the proper way to achieve food safety. Marketing agreements were setup by law whenever an agricultural industry desires to collectively increase the quality of its products. Food safety is definitely a characteristic of quality.

Certainly food safety legislation is in the works in Washington. Very soon, some type of legislation will be finalized, and then rules will be promulgated. The rulemaking procedure is lengthy and cumbersome and difficult to navigate initially and even more so whenever adjustments to metrics are needed. However, a marketing agreement which is governed as proposed, would be much easier to work with initially and whenever adjustments are needed. The NLGMA gives the leafy greens industry an opportunity to get ahead of food safety regulations and build a workable system ourselves instead of waiting on Washington to mandate something for us. The FDA is currently considering mandatory GAPS for leafy greens. SO at the end of the day, leafy greens producers and handlers are have some type of food safety system which is more prescriptive than the current structure. I hope our industry can get ahead by establishing science based audit metrics that are practical, specific, measurable, verifiable, and meaningful to all leafy greens producers and consumers as well.

I think the time is right for the adoption of NLGMA.

I think this is driven by progressive leadership in the leafy greens industry as opposed to being something California and Arizona is shoving onto us.

I think everyone along the food supply chain regardless of their size has a responsibility for food safety, and that the metrics of NLGMA should, within reason, allow for this.

I think it can and should be fair to producers and handlers alike. I think that metrics should be based on production practices as opposed to regional or geographical locations. All producers, regardless of their locations, who share common practices, would also adhere to common metrics.

I think that a reasonable practical balance between food safety and environmental concerns has to be reached. In fact, hanging in the balance must be the health of our consumers at every turn of the way.

I think that with significant food safety legislation looming, now is the time to accomplish food safety for the entire leafy greens industry. I believe that without NLGMA, the federal government will mandate new leafy greens food safety regulations that may be over burdensome and difficult to adjust when needed. I am also concerned that food safety will get politicized during the legislative and promulgating processes and will be very difficult on our industry. This is especially true as we adopt new and better technology that mitigates known risks and would allow for the modification of some metrics.

I would conclude with one of the main aspects of the NLGMA and that is the fact that this is totally voluntary. Every leafy greens producer and handler will have an automatic exemption in that they don't have to sign up to participate.

I ask that those who oppose this to not deny those who want to be a part of a national system to improve the safety of leafy greens, increase consumer confidence and ultimately grow the industry.

Thanks you for your time and I look forward to answering any questions you may have.