



November 8, 2007

Senator Dianne Feinstein  
United States Senate  
ATTN: Ginger Murphy

Dear Senator Feinstein:

I am writing regarding your proposed amendment to the Farm Bill that would allow the use of marketing orders and marketing agreements for food safety regulation. I write on behalf of the members of the Community Alliance with Family Farmers (CAFF), a California organization that includes thousands of organic and sustainable farms in our state as well as consumers supporting local and sustainable agriculture.

CAFF is opposed to the use of the Marketing Act of 1937 for food safety purposes, particularly in the manner proposed, where a board of handlers would dictate farming practices. The experience of the Leafy Green Marketing Agreement (LGMA) that implements the Good Agricultural Practices (GAP) metrics in California this year has demonstrated to us the problems with this approach.

- The leafy greens definition includes such things as chard and kale, which are usually cooked and have never been implicated in a health outbreak.
- There is no distinction made between fresh-cut product and traditional whole greens. Data provided by the U.S. Food and Drug Administration and compiled by CAFF show that since 1999, 98.5 percent of E. coli 0157:H7 illnesses from leafy greens in California have been traced to “fresh-cut” (processed, bagged) salad.
- The LGMA is controlled by the largest grower-shippers and processors. Small distributors and farmers have no representation.
- GAP metrics created for the large farms of the fresh-cut processing industry are deemed appropriate for all producers of leafy greens, even though they would not be feasible for small farmers or most organic growers.
- One result of the LGMA rules is that now various buyers (such as chain grocery stores and fast food chains) are competing with one another to see who can have the most extreme rules. Their auditors are demanding that farmers remove hedgerows, trees, riparian vegetation, grasses, and other habitat, and that they erect fences against deer and pigs, kill rodents and frogs with poison, and other extreme measures, most of which have no scientific basis. For more information on this, please see the Resource Conservation District of Monterey County’s *A Growers Survey* at <http://www.rcdmonterey.org>.

A vibrant local food system has arisen in many areas of the country, including the Bay Area of California. The producers and handlers of fresh leafy green vegetables involved in this system have not been shown to have the same problems with E. coli 0157:H7 as the industrial processing industry. The buyers in the local system, such as high-end restaurants, are not demanding draconian measures. To put the pre-cut salad processing industry in charge of the rules that would apply to these local systems across the country would impose requirements costing tens of thousands of dollars on small farmers and would effectively eliminate access to this fresh local produce for stores, restaurants, and food service. It is an anti-competitive measure.

Furthermore, approaching the E. coli 0157:H7 problem on a crop by crop basis makes no sense. Are we to have a food safety marketing order for each crop that makes someone ill? Many farms produce dozens of crops. How is a family farm to cope with the rules and paperwork for each of them? The government would be creating a tremendous burden for farmers.

CAFF and the farmers we represent acknowledge that all farms face potential food safety problems. We are working with local produce distributors, the University of California, and other government agencies to create a more rational, less costly approach to food safety that small farmers could implement.

The pre-cut salad processing industry clearly has a serious food safety problem that needs to be addressed. However, the proposed marketing order approach, where this industry would be allowed to dictate the scope and rules to every farmer in the country, including all those producers of traditional whole leafy green vegetables who have not been shown to have a food safety problem, is just wrong. If a compulsory approach is necessary, it should be confined to the pre-cut salad processing industry and its suppliers.

Thank you for this opportunity to comment. We would be very happy to talk this over in person or by phone. We look forward to working with you on this difficult issue.

Sincerely,



David Runsten  
Executive Director



Judith Redmond  
President

