The Honorable Tom Harkin
Chair, Senate Committee on Agriculture,
Nutrition, and Forestry
328A Russell Senate Office Building
Washington, DC 20510

The Honorable Saxby Chambliss
Ranking Member, Senate Committee on Agriculture,
Nutrition, and Forestry
328A Russell Senate Office Building
Washington, DC 20510

The Honorable Collin Peterson
Chair, House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

The Honorable Bob Goodlatte
Ranking Member, House Committee on Agriculture
1305 Longworth House Office Building
Washington, DC 20515

February 6, 2008

Dear Chairman Harkin, Chairman Peterson, Ranking Member Chambliss, and Ranking Member Goodlatte:

We, the undersigned groups, write to express opposition to the specialty crop marketing order provision included in the House version of the Farm Bill (HR 2419.EH § 10106). While we recognize the paramount importance of maintaining a safe and healthy food supply, we have serious concerns that attempts to address food safety through specialty crop marketing orders will fail to achieve the desired aim, while potentially having serious adverse effects on the quality of our waters, wildlife habitat and family farmers. We believe a marketing order based provision needs, at the very least, further study and a full hearing that weighs potential costs and benefits and that places the issue in its full, proper food safety and public health context. With so many unanswered questions about the intent and effect of the pending provision, now is not the time to rush to enactment. If any marketing order food safety provision is included in the final bill it should simply be to request a full scale study, including a public hearing, and a report back to the Committee to better inform potential future action. If such a study is directed, it should include the federal food safety and public health agencies, not just the Agricultural Marketing Service which is neither.

Comprehensive Public Health Strategy Needed

We believe the most effective step to control the spread of pathogens, such as *E. coli* 0157, is to reduce pathogens at their source. The September 2006 *E. coli* 0157 outbreaks demonstrate the need to focus on the origin of contaminants, particularly fecal material from livestock, and also on handling practices that allow the spread of contamination. It appears that washing and handling of large volumes of product from many farms facilitated the wide spread of an initially localized contamination. Similarly, handling of produce by infectious personnel has been implicated as a major factor in the spread of noroviruses[i]. This experience has shown the need to identify and track human pathogens in watersheds, including contaminated drinking water, and addressing the full range of "upstream" contamination issues. These issues are quite simply beyond the reach and scope of federal marketing orders, which focus on the supply and quality of particular commodities. The pressing food safety issues need to be addressed with an integrated, risk-based public health strategy.

Adverse Impact on Diversified Specialty Crop Farms

The Section 10106 provision's broad applicability suggests equivalent risk across all types of specialty crops, while the available evidence indicates otherwise, and reinforces the notion that processing plays an important role in contamination. In an analysis of foodborne illness outbreaks from 1990 to 2005, the Center for Science in the Public Interest found that 57% of produce-related outbreaks and 53% of produce-related illnesses could be traced to bagged salad greens[ii]. Similarly, Community Alliance with Family Farmers (CAFF) has compiled FDA data on *E. coli* 0157 outbreaks associated with leafy greens[iii]. From 1999 to 2006, there were 12 outbreaks of *E. coli* 0157 traced to California leafy greens. Of those, 10 (or 80%) were on bagged, processed leafy greens and those 10 outbreaks involved 531 (or 98.5%) of the illnesses. Calling for all specialty crops to be subject to food safety marketing orders ignores the differential risk between different products.

The burden would be particularly severe for smaller family farmers growing a diversity of specialty crops because each crop will likely have separate marketing orders. The vast majority of farmers do not grow high-risk specialty crops and food safety rules should apply only to proven high-risk specialty crops, such as "fresh-cut" bagged, processed leafy greens. We need alternative food safety rules that are environmentally sound and appropriate for diversified family farms.

The experience of the California Leafy Green Marketing Agreement (LGMA), which implements the Good Agricultural Practices (GAP) metrics in California, has demonstrated the problem this "one size fits all" food safety approach poses for family farmers. In California, the LGMA is controlled by the largest grower-shippers and processors. Small distributors and farmers have virtually no representation. GAP metrics created for the large farms of the fresh-cut bagged, processing leafy greens industry are deemed appropriate for all producers of leafy greens, even though they are not feasible for small farmers or most organic growers.

Threat to Water Quality and Wildlife Habitat

The California LGMA experience further concerns us for having contributed to an alarming loss of conservation practices. Unfortunately, the processors have exacerbated this situation by adding new requirements on top of the LGMA provisions, which have accelerated the loss of habitat and practices aimed at protecting water quality and wildlife. Growers of leafy greens are facing pressures to abandon environmental practices in the name of food safety. Grower surveys in Monterey County, California found that auditors or purchasers had rejected crops for reasons like "potential frog habitat." Growers of leafy greens reported a high rate of removal of previously installed environmental practices as a result of suggestions from auditors or buyers: 40.7% actively removed wildlife, 32.1% removed non-crop vegetation, and 7.4% removed ponds or water bodies. Furthermore, 88.9% of survey respondents indicated that they had adopted the use of at least one practice to deter or eliminate wildlife, including bare ground buffers, fencing, trapping or poisoned bait[iv].

Removal of environmental practices, such as hedgerows, riparian buffers and grassed waterways poses numerous concerns. Riparian buffers and grassed waterways improve water quality by reducing soil erosion and by filtering pathogens, pesticides and nutrients before they can enter waterways. Elimination of these practices on a wide scale will impede localities' ability to meet their goals under both the federal Clean Water Act and California clean water law. Hedgerows, buffers and other types of non-crop vegetation help maintain populations of pollinators and beneficial insects. The vast majority of species that benefit from these practices – birds, reptiles, amphibians, and small mammals – have never been implicated in the transmission of pathogenic organisms and, though they are being researched, they have never been proven to pose a food safety risk.

We urge Congress to take a comprehensive look at produce-related food safety by addressing the issues of fecal contamination and handling practices that allow for the spread of pathogens. Attempting to use producer-directed marketing orders – which by their nature are not science-based or risk-based but aimed at promoting the quality of a product – while ignoring these other problems will be detrimental to family farmers and the environment and ultimately ineffective in ensuring a safe food supply.

Sincerely,

A&A Organic Marketing, Inc.
ALBA (Agriculture & Land-Based Training Association)
Audubon
Bon Appetit Management Co.
California Farmers Union
California Food & Justice Coalition
Center for Food Safety
Chefs Collaborative
Coevolution Institute
Community Alliance with Family Farmers
Defenders of Wildlife
Food & Water Watch
Izaak Walton League of America
Maine Organic Farmers and Gardeners Association

Mangrove Action Project
Marin Organic Association
Marion County Beekeepers Association
Mission Pie
National Family Farming Coalition
National Organic Coalition
National Wildlife Federation
Natural Resources Defense Council
New Mexico Wilderness Alliance
Organic Consumers Association
Organic Farming Research Foundation
Organically Grown Company
Pacific Coast Federation of Fishermen's Associations
Partners for Sustainable Pollination
Pioneer Organics
Roots of Change
Sayer Ranch of Santa Paula, CA
Sustainable Agriculture Coalition
The Cornucopia Institute
The Xerces Society for Invertebrate Conservation
Union of Concerned Scientists
Urban Tilth
Valley of Heart's Delight, a project of Conexions
Veritable Vegetable
Wild Farm Alliance
Work Family Ranch of San Miguel, CA

CC: Senate Farm Bill Conferees
Members of House Committee on Agriculture

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[i] Parashar, U.D. & S.S. Monroe. 2001. *Reviews in Medical Virology* 11(4):243-252.
[ii] *Outbreak Alert!* Table 7 http://www.cspinet.org/foodsafety/outbreak_alert.pdf
[iii] http://www.caff.org/foodsafety/documents/E.coliChartNC.pdf
[iv] http://www.rcdmonterey.org/pdf/RCDMC_%20Grower_Survey_August%202007.pdf