

**COMMENTS OF
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At

**United States Department of Agriculture
Public Hearing of the Proposed Leafy Green Marketing Agreement No. 970
Monterey, California
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Good morning. My name is Elisa Odabashian. I am the West Coast Director of Consumers Union, the nonprofit publisher of *Consumer Reports* magazine, with 4 million subscribers, and *Consumer Reports Online*, with more than 2.5 million subscribers. We appreciate today's opportunity to comment on the proposal to create a national Leafy Green Vegetables Marketing Agreement (LGVMA).

We applaud the industry's concern with improving its safety practices. The broad consumption of leafy greens is essential to the health of consumers, both to insure proper nutrition and to help fight the current epidemic of obesity in the United States. However, we oppose this proposal, as we opposed the establishment of the California Leafy Green Marketing Agreement two years ago, and as we generally oppose marketing agreements as the wrong way to go about ensuring food safety.

One stated purpose of this public hearing is to determine "whether the proposed agreement...would effectuate the declared policy of the Agricultural Agreement Marketing Act of 1937." We believe the answer to this question is No, for the following four reasons:

First, allowing the leafy green industry to set and oversee its own safety standards, without public input, is undemocratic and contrary to key legal precedents in the regulatory field. Historically, food safety problems in this country have been addressed by passing laws that direct a federal or state agency—USDA, FDA, CDFA—to, establish rules and regulations through a process that allows the public an opportunity to give meaningful input. This process has the beneficial effect of garnering input from a wide array of experts, some of whom may have been previously unknown to the drafters of the standard. The proposed marketing agreement presently under consideration would allow the leafy green industry to develop its own safety standards virtually all by itself, with only a minor tip of the hat to public input. In terms of product safety, consumers are rarely benefited when industry polices itself.

While the Secretary of Agriculture would be required to put the safety standards developed by the primarily industry-led Administrative Committee out for public notice