



**Statement of Lisa Schacht  
Ohio Produce Grower  
Member of Ohio Farm Bureau Federation**

**Leafy Green Vegetables Handled in the United States;  
Hearing on Proposed Marketing Agreement No. 970  
Columbus, Ohio  
October 6, 2009**

Thank you for holding this hearing in Columbus on this very important issue of food safety and the handling of leafy green produce. I am Lisa Schacht, together with my family we operate Schacht Family Farm and Schacht Farm Market located here in Franklin County, Ohio. We raise a variety of produce including leafy greens. I am testifying today on behalf of our farm and on behalf of the Ohio Farm Bureau Federation.

The Ohio Farm Bureau Federation (OFBF) is the largest general farm organization in the state of Ohio with more than 230,000 members representing all of Ohio's 88 counties. Our members produce virtually every kind of agricultural commodity and as a result, OFBF is very interested in the proposed national leafy greens marketing agreement.

Food safety and the responsibility of growing and selling safe, fresh, and local food is something we take very seriously. My family operates a farm market selling most of our produce directly to the public, but we also sell some to small grocers and other markets. We utilize a collection of good farm practices and food safety practices on our farm and in our market. There are many common themes among these practices but they can vary because specific practices may need to be tailored to provide the customer the safest and highest quality food possible. Which is the theme of my testimony today.

In my view, compliance is the key to the success of any new marketing agreement or food safety system and any new system should be flexible in nature so growers of all sizes can participate and comply. Ohio produce growers vary in size ranging from large operations that grow, pack, and ship their produce both in-state and across state lines, to very small farmers who sell all their produce directly to the local public. These farms are located throughout the state and are situated sometimes in the middle of suburbs or in very rural areas. Some are located near the shores of Lake Erie, while mine is literally surrounded by development on the east side of Columbus. Some irrigate from surface water, others use groundwater, some are near livestock operations, some have livestock production on the same farm and others use animals as part of their production practices.

My point, of course is that a single national, one-size-fits-all leafy green marketing structure that favors the development of one-size-fits-all on-farm production practices or metrics, as contained

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in the California Leafy Green Agreement, will not work for Ohio farmers. Let me share with you a number of specific concerns that we have with the proposed rule.

### **1) Basic Structure of the Proposed System.**

USDA defines in the Federal Register notice several distinct groups that would be involved in any future leafy green program. One of these groups is called “handlers” and another group, the actual grower, is called a “producer.” For fee purposes the term “first handler” is also introduced and is unclear. While this general description of the leafy green industry may be accurate for some parts of the country, it is not accurate for Ohio. Ohio leafy green growers tend to be the handler as well, so they are involved in growing, packing and shipping of the product. These Ohio grower/handlers range in size from small volume growers who serve a local direct market to large volume operations that move product across state lines. Such differences in industry structure for various parts of the country must be recognized in order for any new program to be successful.

The proposal subdivides the country into zones that are far too large with far too much variance in cultural practices between the northern and southern states which are all included in single zones. The zone that includes Ohio, for example, stretches as far north as Wisconsin and as far south as Alabama. These vertical slices across the U.S. need to be redefined to a smaller or perhaps state-based division.

We also note, only one producer is allowed on the administrative committee from our zone (zone 4). Plus the Administrative Committee is dominated by “handlers,” who will dictate on-farm production practices. This construction of the system is very troubling and needs to be modified. It also appears our grower/handlers could not serve on the national committees as a grower, if they also handle produce. So, can they serve on the committee as a “handler” if they also grow, or are these individuals completely left out?

**2) State-by-State Flexibility Per On-Farm Practices.** Flexibility per developing and meeting on-farm practices is key to the success of this new marketing agreement, as different growing regions on a national, even at a state level, vary significantly. For example, different regions of the country use production land very differently, such as continual use of specific land for produce production versus shifting use of land between pasture, other crops and production of vegetables. We strongly believe that any specific on-farm practices be developed at the state level and that this will achieve the best results. A state-based program could better recognize more localized management issues such as water usage, wildlife challenges, harvesting practices, soil amendments and more.

I know that the proposed leafy green rule does not contain specific on-farm practices. This is unfortunate because we don't have the specifics to consider. But the California leafy green agreement does have specifics and is very often referred to as the example of where this national agreement is headed. Given the California agreement as an example, Ohio growers have major concerns with a number of specific on-farm requirements such as water use and usage, animal intrusion, field sanitation, harvest requirements, soil amendments and more. These specifics were designed around some California cultural practices and are not conducive to Ohio and many other states accepted practices. From what we understand, many medium and small growers in California also have major concerns with the California agreement. This being the case, how can we possibly expect these practices to be workable for Ohio farmers.

The development of any new system should consider the impact on various size operations across the country. In Ohio, we have one of the largest concentrations of Amish farmers in the country. These produce growers do not use electricity and rely on horses in their production practices. They often must pick, pack and sell their produce all in one day. We also have a growing number of successful small produce auctions that sell generally small allotments for many producers. Under the proposed new rules, these auctions would likely go out of business given that the complexity of the new rules and associated costs that would drive buyers elsewhere. These are a few of the many specific examples that highlight the need for flexibility.

Given these needs, we support a nationally initiated agreement, but with development, implementation and enforcement conducted on a state basis. Perhaps such a system could be tiered so that smaller growers can more easily participate and comply, with various tiers that are suitable for various types of producers. Such flexibility would be more conducive to various structures of the industry and could recognize various cultural practices within a state or region. The Ohio Farm Bureau office has received many calls from small and medium sized growers, organic growers, representatives of our Amish community and more, all very concerned, right or wrong, with some of the ideas being proposed in this rule. Flexibility would go a long way to addressing many of these concerns.

**3) Good Science.** We believe any new practices should be based upon proven and effective practices and sound science. Most of our produce is not grown in an indoor or enclosed environment and should not be regulated in a manner that is unrealistic to achieve. We understand that currently some of the science-based assumptions behind the California Leafy Greens approach are now being called into question. These challenges question the contamination threat related to water quality and animal intrusion. I suggest the federal government take the time to fund and complete the science and research needed to determine the most appropriate and safe practices to assure a safe food supply before moving forward with any vast new set of costly and complicated on-farm production practices. It's our understanding that most, if not all recent food recalls have not been aimed at the farm, but further down the food chain. If this is truly the case, should we not be focusing research and new systems at the risks down the food chain, versus the farm.

**4) State Coordination.** Any new program should be coordinated with existing state programs and not negate them. Such coordination will be crucial to the success of a new marketing agreement and will prevent redundancy in programming or the elimination of successful programs. We need to bolster the funding, education and training for inspectors and when inspections are needed, such inspection should be conducted by and coordinated with existing programs. We understand California is struggling with inspection services per their state agreement. Given the likely complexity of this new agreement, we should not move forward with such a federal plan before we figure out how to make it work on such a large scale.

**5) Economic Impact.** We want to make it clear that Ohio, and likely other states, are at a distinct disadvantage regarding compliance costs with this new rule because we must spread costs over a shorter growing season, as opposed to some states like California, that can spread costs over the entire year, given their longer growing season. Any new system should be economically viable within existing industry structures that vary across the country.

We also believe that if a state achieves a certain target enrollment in the program by volume of its production, it should then be allowed to receive federal aid per program operation purposes.

If we are undertaking expensive new practices in the name of food safety, which is a public good, shouldn't the public also help pay for it?

It is also difficult to estimate and address cost issues without fully knowing what new on-farm practices or metrics will be required or needed to be developed or implemented. Of course, all new on-farm practices or metrics must be practical and cost-effective and we recommend that a cost-benefit analysis accompany all required metrics. Some implementation flexibility should be granted depending on results of the cost-benefit analysis. Also, on farm practices and metrics should not have a greater economic impact on one region than another. For all these reasons and more, we recommend any future leafy green rule from USDA be accompanied by a package of funds to aid in the successful on-farm implementation of such on-farm practices.

In looking at the audit sheets for California, as a small grower, I don't see where I will find the time, let alone the dollars to pay for this type of program. As I said before, I already maintain a series of good management practices on my farm, but how much more paperwork should I be expected to complete and at what cost? I fear this proposal, as it now stands, will only serve to drive Ohio produce farmers out of business.

**6) Official Certification Mark.** We believe that the establishment of liability be clearly stated in such a new program given the introduction of an official "mark." If the new program is mark-based, then we recommend that liability for the product begin with those who fix the "mark" and end at the point of delivery to the next receiver of the product.

**7) Advisory Committee.** Prior to this rule being finalized, USDA should consider creating an advisory committee that could offer comments to the Department about the design of any new system. Such upfront input to USDA could lead to stronger industry buy-in to the program, a more efficiently developed program and could achieve quicker implementation.

**In Conclusion.** As we move forward in improving upon the safest, most abundant food system in the world, let's remember to be practical and cost-effective. We must use sound science and allow flexibility for states to work with growers in developing best practices. And most importantly, we should recognize, embrace and build-upon the diverse food production system we have in this county. The leafy green industry is an important component of Ohio agriculture and any future rulemaking regarding leafy greens should not be proposed without careful consideration of the issues we have raised. Without such changes the Ohio Farm Bureau will oppose this agreement. Thank you again for this opportunity to comment.