

**Attachment**

**2.) Proposed Letter Version 1**

David R. Shipman  
Acting Administrator  
US Department of Agriculture  
Agricultural Marketing Service  
1400 Independence Avenue, SW, Room 3170-S  
Washington, DC 20250-0247

Re: Proposed Federal Marketing Agreement for Leafy Green Vegetables

Dear Administrator Shipman:

The undersigned organizations are writing today in further response to USDA's Advance Notice of Proposed Rulemaking published October 4, 2007 by the Agricultural Marketing Service (AMS) seeking comments on a potential voluntary federal marketing agreement for leafy green vegetables (leafy greens agreement). After more than a year of discussions with leafy green vegetable growers, handlers, trade associations, and other industry stakeholders, we are pleased to ask USDA to begin the process necessary to establish a national leafy greens agreement.

Our interest in pursuing an agreement is based on our belief that such a program would provide a clear and logical framework for signatory handlers to improve the quality of U.S. and imported leafy green products. A national leafy greens marketing agreement would empower industry representatives to engage proactively with USDA, the US Food and Drug Administration (FDA), and others in the development of production and handling practices (best practices, or metrics). Formation of these best practices within the agreement framework would ensure the adoption of science-based, scalable, and regionally flexible metrics in conformance with the FDA's Good Agricultural Practices (GAPs), Good Handling Practices (GHPs) and Good Manufacturing Practices (GMPs). Coupled with a corresponding audit-based verification program, these best practices would minimize microbial contamination of fresh leafy green vegetables in the growing and handling processes, enhance the overall quality of fresh product in the marketplace, and boost public confidence in these commodities. Ultimately, an agreement would support the marketability of fresh leafy green vegetables and overall stability of the industry.

We clearly recognize the primacy of FDA as the public health agency with responsibility and regulatory authority for ensuring the safety of fresh produce. We have discussed the concept of an agreement with FDA and assured them that that any best practices implemented under such an agreement would be based on FDA's "Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables" or any regulation it issues for produce and leafy greens specifically and that we would require direct consultation with FDA in the development of metrics to assure that result.

As proponent organizations we are committed to extending information about, and developing broad support for, a national leafy greens agreement. In an effort to facilitate understanding and acceptance, we have published a website [www.nlgma.org](http://www.nlgma.org) to provide information and solicit feedback from the industry and other interested parties. We are also committed to speaking at industry meetings to share our ideas for the agreement and stimulate broad input. In this process, we anticipate that additional ideas and suggestions that strengthen the current draft will surface. We are committed to working with USDA throughout the developmental process to incorporate those ideas that will enhance this critical initiative.

With this submission, we now request **USDA** to initiate the formal processes to determine industry support and federal authority of **the** proposed program. We ask you to move expeditiously to launch an open and transparent process that engages the industry at large in the development and implementation of a national agreement through publication of a federal register notice, holding of public hearings, and solicitation and review of public comments. As attachment to this letter, **we** are submitting the requisite points of justification along with a draft copy of the proposed regulatory language for a national marketing agreement for your review.

We strongly encourage the **USDA** to begin the process of conducting public hearings to both extend information about the proposed leafy greens agreement and to solicit feedback from affected parties. These hearings should **be** held in locations accessible to the majority of leafy greens handlers across the country **at** the first possible dates following formal notice. We are hopeful that the hearings could **be** completed in September of 2009 and would recommend, at minimum, the following locations: Salinas, California; Yuma, Arizona; Denver, Colorado; Columbus, Ohio; and Jacksonville, Florida. This will ensure that at least one hearing is conducted in each regional Zone as proposed in the draft agreement. It may be necessary to hold additional hearings **to** fully sound the industry on the merits of a national agreement.

We are hopeful that a leafy greens agreement and its working committees could be in place in the 1<sup>st</sup> quarter of 2010 in order to allow for work on GAPs prior to the 2010 winter season. This would facilitate a startup in areas of the country largely familiar with and practicing GAPs in accordance with state agreements.

We understand and anticipate that this request is the first of a series of steps in developing a national program, and look forward to working with all stakeholders to ensure that this program accomplishes its objectives and is accessible to the entire industry.

Progression along the above stated timelines will ultimately allow participating handlers of leafy greens to act collectively to enhance the quality, safety and marketability of their products in a strategic and expeditious fashion.

Sincerely,

United Fresh Produce association  
Produce Marketing Association  
Georgia Fresh Vegetable Association  
Georgia Farm Bureau  
Texas Fresh Vegetable Association  
Arizona Farm Bureau  
Leafy Greens Council  
California Farm Bureau  
California Leafy Greens Marketing Agreement  
Grower-Shipper Association of Central California  
Western Growers

Cc: Robert Keeney, Acting Associate Administrator, AMS  
Current Acting Deputy Associate Administrator, AMS  
Michael Durando, Branch Chief, Marketing Order Administration Branch, AMS