



MASSACHUSETTS FARM BUREAU FEDERATION, INC.

"The Voice of Agriculture"

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Hearing Clerk
Office of the Administrative Law Judge
Room 1031-S
1400 Independence Avenue SW, Stop 9203
Washington, D.C. 20250-9203
(202) 720-4440 (phone)
(202) 720-9776 (fax)

RECEIVED

January 6, 2009

RE : Docket No. AO-FV-09-0138;AMS-FV-09-0029;FV09-970-1

On behalf of over 6500 farmers and farm families who are members of the Massachusetts Farm Bureau Federation, I am writing to oppose the Leafy Green Marketing Agreement (LGMA) as published in the February 3, 2009 Federal Register.

The LMGA simply does not work for small farming operations. The cost of compliance, particularly recordkeeping requirements, cannot be absorbed by small operations as readily as they can by large operations. The average farm size in Massachusetts is approximately 100 acres. Growers here estimate the cost of compliance with the LGMA between \$80 to \$100 per acre. This is a much more significant than the \$25/acre estimated for large operations. While we recognize that participation in the LGMA would be voluntary, its existence would by default result in many wholesale and institutional buyers mandating that their suppliers be compliant with the LGMA. This will push small producers out of these markets, and in some cases, out of business.

My organization and its members understand the importance of food safety. We also understand that the public and lawmakers are demanding greater accountability and attention paid to food safety, particularly leafy greens. We would also note that these same parties are demanding greater access to locally grown, fresh produce. Both you and Deputy Secretary Merrigan have purported to support local agriculture with efforts such as:

- The announcement of \$230,000 in funding to assess the capacity of the northeast to produce enough local food to meet market demand, rather than relying on food from long distances.
- Know your Farmer, Know Your Food

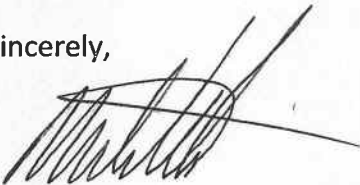
Approval of the LGMA is in direct conflict with these efforts. Its passage will result in a decrease in the capacity of the northeast to grow its own food, and it will result in fewer farmers for the public to know.

In short, the LGMA is bad for small farms. The Federal Register notice published by USDA relative to the LGMA stated that both organic and conventional producers supported the LGMA. When looking at the list of supporting organizations however, it is very clear that they represent large farming interests. Small farms have consistently spoken against the LGMA.

Like the LGMA, the rulemaking process by which it is being promulgated, excludes small operations. While few small farms participated in the rulemaking meetings, it is not realistic to expect representatives of small family businesses to travel to one of only five sessions held nationwide. They simply do not have the resources (time, money, etc) to participate in this process. It is disturbing that the rulemaking process does not allow for written comment to be considered (see attached email from Antoinette Carter of USDA).

I urge you to support local agriculture by rejecting the LGMA, and putting provisions into place that are feasible for small farming operations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Mitchell', with a long horizontal line extending to the right.

Brad Mitchell
Director, Government Affairs

CC:
Secretary Thomas Vilsack
Deputy Secretary Kathleen Merrigan

Brad Mitchell

From: Carter, Antoinette [Antoinette.Carter@ams.usda.gov]
Sent: Tuesday, November 03, 2009 3:34 PM
To: brad@mfbf.net
Subject: FW: LGMA Testimony - Massachusetts Farm Bureau Federation
Attachments: MFBF Testimony - LGMA.doc

Mr. Mitchell,

Thank you for your interest in participating in the public rulemaking process regarding the proposal to establish a national marketing agreement for leafy green vegetables. The rules of practice and procedure that govern the rulemaking process require that persons presenting testimony be subject to cross examination. In order to be considered as part of the record evidence, the testimony was required to be presented at one of the seven hearing sessions. As such, the attached testimony as submitted can only be treated as an ex parte communication, and not given any consideration. However, there an opportunity for your comments to be considered.

Interested persons may submit proposed findings and conclusions, and written arguments or briefs based upon evidence received at the hearings. Post-hearing materials should be submitted to the Hearing Clerk at the following address. The judge has set **January 13, 2010**, as the deadline for these documents.

Four copies of all filings should be submitted with **Docket No. AO-FV-09-0138;AMS-FV-09-0029;FV09-970-1** on all copies to:

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I hope this information is helpful.

Antoinette M. Carter

Technical Assistant to the Chief
Marketing Order Administration Branch
USDA-AMS-Fruit and Vegetable Programs
Tel: (202) 690-3919
Fax: (202) 720-8938

From: Brad Mitchell [mailto:brad@mfbf.net]
Sent: Thursday, October 29, 2009 1:25 PM
To: Schmaedick, Melissa; Carter, Antoinette
Subject: LGMA Testimony - Massachusetts Farm Bureau Federation

Dear Ms. Schmaedick and Ms. Carter:

Attached, please find the testimony of the Massachusetts Farm Bureau Federation relative to the Leafy Green Vegetables Handled in the