California Regional Water Quality Control Board
Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • Fax (805) 543-0397
http://www.waterboards.ca.gov/centralcoast

Linda S. Adams.
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

March 22, 2007

Joe Pezzini
Chair, California Leafy Green Handler Advisory Board
10855 Cara Mia Parkway
Castroville, CA 95012
joep@oceanmist.com

Alec Leach
Chair, Marketing Agreement Technical Committee
911 Blanco Circle, Ste B
Salinas, CA 93902
aleach@taylorfarms.com

Dear Mr. Pezzini, Mr. Leach and Advisory Board Members:

RE: Concerns with Draft *Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens*

We have been providing comments and edits to drafts of the *Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens* (metrics) via Hank Giclas. The first round of comments was submitted on February 9, 2007 and the second round was submitted on March 14, 2007. Comments submitted on March 14 also contained edits to the *Sanitary Surveys and Remediation Guidelines for Water Resources*. We are pleased that many of our earlier comments have been incorporated into the metrics. We recognize the importance of protecting public health and preserving the viability of agricultural production within the state, but improved food safety practices should not come at the expense of water quality, habitat or air quality protection. **We continue to have serious concerns with the focus of the metrics on all wildlife and the emphasis on vegetation removal in both documents instead of a consistent focus on high-risk animals.** Proactive statements of support for conservation practices, habitat, water quality and the maintenance of flood flow dynamics should be incorporated and will help prevent unintentional negative consequences. We understand that you may still be incorporating the most recent round of edits. We look forward to an open dialogue as we work toward a common solution. Below is a summary of our concerns:

- Buffers between cropland and specific land uses should not be bare ground. Studies indicate that vegetated buffers help to reduce E. Coli levels and transport, improve air quality and water quality. We strongly encourage a statement to support vegetated buffers, especially where there is the potential for surface runoff.

- We request that the guidelines include a strong statement of support for conservation practices, water quality, habitat protection and natural flood flow dynamics up front in the document.
- The guidelines should focus consistently on animals of significant risk (animals documented to have a high risk for E. Coli 0157:H7) rather than wildlife in general.
    - Literature reviews show that deer should be removed from the list of high risk animals.
    - The sanitary survey still focuses on wildlife and rodents, rather than high risk animals. This is inconsistent with the current guidelines, and may be based on outdated drafts.
- The recommendation for vegetation removal must be deleted from the sanitary survey. The removal of trees and bushes from the banks of surface waters and replacement with easily maintained vegetation is unacceptable; it is detrimental to water quality and beneficial uses.
- In order to avoid losing marketable produce from flooding, farmers may try to contain flood waters by creating or adding to berms adjacent to surface water channels. Confined flood flows increase erosion and potential flood effects to downstream neighbors. We would like to see language incorporated into the metrics that supports the maintenance of natural flood flow regimes. Flood flow alteration should be pursued only in consultation with the proper agencies and only if no other actions will address the food safety issues of concern.

In addition the following must be resolved:

- Consultation with environmental regulators should be mandatory for all inspectors, including third party auditors and buyer representatives.
- Any inspector training program must include training in water quality and wildlife habitat protection requirements and the food safety concerns associated with management of these natural resources.
- The Technical Committee must include representatives familiar with conservation practices, water quality, wildlife and habitat issues.
- Third-party auditors, retailers and salad processors must not create their own standards and requirements of lettuce and leafy-greens growers independent of scientific basis and peer review.
- The metrics received peer review from food safety experts, but must also be peer reviewed by cross-disciplinary experts such as wildlife, water quality, and environmental conservation.

We along with the natural resource protection agencies, regulatory agencies, environmental organizations and sustainable farming groups listed below urge that the metrics and associated documents not be recommended for approval until these

serious concerns are addressed. If you have questions, please contact Jill Wilson, environmental scientist, at 805-542-4762 or by email at jwilson@waterboards.ca.gov.

By copy of this letter, we are requesting Glenn Yost to distribute a copy to the Advisory Board members and counsel John Dyer by e-mail.

Sincerely,

Michael Thomas
Assistant Executive Officer

William Stevens, National Marine Fisheries
Sam Earnshaw, California Alliance with Family Farmers
Jo Ann Baumgartner, Wild Farm Alliance
Vance Russell, Audubon California
Bridget Dobrowski, Monterey Bay National Marine Sanctuary Foundation

cc:

Glenn Yost
CDFA Marketing Branch
1220 N Street
Sacramento, CA, 95814
gyost@cdfa.ca.gov

Hank Giclas
Vice President, Science and Technology
Western Growers Association
PO Box 2130
Newport Beach, California 92658
hgiclas@wga.com

The Honorable Dean Florez
California State Senate
State Capitol, Room 5061
Sacramento, CA 95814

The Honorable Abel Maldonado
Chair, Agriculture Committee
California State Senate
State Capitol, Room 4082
Sacramento, CA 95814

The Honorable Nicole Parra
Chair, Committee on Agriculture
California State Assembly
State Capitol
PO Box 942849
Sacramento, CA 94249-0089

The Honorable Anna Caballero
California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0028