

# Food safety proposal goes to fresh vegetable handlers

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Farm Bureau

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## More Information

### Read more about the marketing-agreement proposal

To help increase uniform adherence to food safety practices, California handlers of leafy green vegetables are being asked to review and vote on an industry-proposed marketing agreement. Last week the California Department of Food and Agriculture sent letters advising 120 handlers of the proposed Leafy Greens Handler Marketing Agreement and scheduled a public hearing on the proposal for Jan. 12 in Monterey.

The agreement is one of the options California Farm Bureau Federation, along with CDFA and Western Growers, has been working on in response to calls from government, the wholesale produce market and consumers for a more cohesive approach to food safety. These calls have intensified in light of recent outbreaks of food-borne illnesses.

Although the CFBF House of Delegates voted to modify Farm Bureau's neutral policy on marketing agreements to allow Farm Bureau to take a position when food safety is involved, the CFBF board has not taken an official position on this new proposal for handlers.

In addition to the handler marketing agreement, a grower marketing order is also being created that is planned to be presented to leafy green vegetable growers in late January. Monterey County vegetable grower Gary Tanimura said the most positive thing about the proposed marketing agreement for handlers is the move toward one document that will help guide food safety practices throughout the leafy green vegetable sector.

"We've been focusing on this for a long time at our company and have employees who work on food safety full time," said Tanimura, who is a director of the Monterey County Farm Bureau. "It will be helpful for all growers to work from the same document and know exactly what the rules are going to be in

terms of certifying safe practices in fresh produce.

"This pulls our practices together in a way that hasn't been done before and will lead to a higher level of safety compliance that will strengthen the safety net for consumers."

Growers have expressed concerns that proposals to enhance food safety practices may not be entirely practical or may go overboard in reaction to the recent outbreaks of food borne illness. They say they want uniform guidelines based on common sense and science that reflect the realities in the field.

"In the past, I've been hesitant about marketing orders and agreements, but in this case-because of the food safety issues-we have the rare opportunity to make a difference," said Benny Jefferson, who is a Monterey County vegetable grower and a CFBF director.

"By putting agreed-upon food safety practices in place, with the understanding that they will evolve as science provides better information, farmers can take the initiative to adopt growing practices that bring the best and safest produce consumers.

"We're talking about a dynamic process," Jefferson said. "It's a starting point. We have an opportunity to define practices that will make sense on the ground and offer a mechanism for ensuring they are uniformly followed to improve food safety and protect consumer health."

If a significant number of handlers sign-up, the marketing agreement would include licensing signatory handlers' use of a certification mark to attest that the handling, shipment and sale of leafy green products is in accordance with "best practices."

The agreement would also require a trace-back system.

The program would declare that handlers should only purchase product from growers that grow in accordance with best practices, and who also use a trace-back system.

Best practices and the trace-back system would be verified by a county, state or federal agricultural regulatory agency contracted by the marketing agreement's board. Right now the best practices that handlers and growers would adhere to are being developed.

Voluntarily adopting the marketing agreement requires a sufficient number of handlers to sign up before the program can be established. Once the public hearing on Jan 12 has concluded and public input has been incorporated, CDFA will determine if the marketing agreement can be implemented. If adopted, that

could happen in late January or early February.

Groups such as Farm Bureau and Western Growers now are working on the grower-only leafy green marketing order and a draft order should be sent to growers by late January, said Rayne Thompson, CFBF director for international trade and horticultural crops. A marketing order is different from an agreement in that it would call for mandatory, across-the-board implementation.

Bob Martin, whose company Rio Farms based in King City, grows and handles leafy green produce, said, "As long as the leading agricultural organizations, like Western Growers and Farm Bureau, remain partnered in the language of the agreement and are actively included in the process, I think farmers will buy into it."

"What scares me is that if produce-buyer organizations exert excessive influence on the final language, it could make it more difficult to get grower buy in," said Martin, who is past president of Monterey County Farm Bureau. "If consumer marketing interests take the document over and run with it, that could spell problems for farmers in the final implementation."

To avoid that, Martin said farmers need to be actively engaged in the current process.

"In the past we've seen documents and recommendations from the marketing and wholesale buying sectors that tried to dictate farming practices," Martin said. "Without grower input and a framework for practical on-farm practices and implementation, those proposals went down in a ball of flames."

"We can't afford to have that happen again," he said. "Farmers have got to be fully involved in this process."

Farm Bureau will be conducting grower meetings on the proposal in impacted counties prior to the Jan. 12 hearing in Monterey.

*(Kate Campbell is a reporter for Ag Alert. She may be contacted at [kcampbell@cfbf.com](mailto:kcampbell@cfbf.com).)*

## **What's being proposed**

The purpose of marketing programs is to provide agricultural producers and handlers an organizational structure, operating under government sanction, to solve production and marketing problems collectively that cannot be addressed individually.

These programs are authorized under the California Marketing Act of 1937 and individual sections of statute in the Food and Agricultural Code. State law requires that the California

Department of Food and Agriculture oversee all state marketing programs.

Marketing programs are industry initiated and entirely self-supporting. They usually don't go into effect without approval by an industry vote.

Each marketing program is governed by a board made up of industry members. Some boards also have public members.

Since all industry members stand to gain from a marketing program's activities, all affected producers and/or handlers of each commodity are required to abide by the marketing program's statutory provisions and share the cost of funding the program's activities.

Today, there are 50 active state marketing programs representing 40 agricultural commodities. Of those 50 programs, 25 are marketing orders and two are marketing agreements operating under the Marketing Act of 1937, while 20 are commissions and three are councils operating under individual enabling legislation.

The industry pays operating costs, including the costs of government oversight. There are no subsidy payments to producers or handlers from general state tax sources and no general tax funds are used to support marketing program operations.

Although only industry money is used to operate these programs, the taxing power of the state is used to collect assessments.

State oversight is provided to assure that each marketing program operates in the public interest.

Terms and definitions related to the proposed California Leafy Green Products Handler Marketing Agreement include:

- Leafy green products: Lettuce, including iceberg, romaine, green leaf, red leaf, butter and baby leaf, as well as escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard.
- The Mark: U.S. registered certification mark licensed to signatory handlers under the marketing agreement.
- Best Practices: Commodity-specific practices and requirements for preparing leafy green products for the consumer market, developed by scientists, approved by government agencies, nationally peer reviewed and adopted by the board.
- Handlers: A person who handles, processes, ships or distributes leafy green product for the consumer market, whether owner, agent, employee, broker or otherwise, but

does not include retailers.

- Assessment: A per-carton amount set annually by the board, but not to exceed 5 cents per carton.
- California Leafy Green Advisory Board: Appointed by CDFA and consisting of no fewer than seven and no more than 13 members, representing the Blythe-Imperial Valley area, the Oxnard-Santa Maria area and the Salinas-Watsonville-San Joaquin area. Board terms will be two years.

## **Inside the agreement**

The proposed marketing agreement for handlers of leafy green vegetables would include:

- Licensing handlers to use a certification mark to assure consumers "Best Practices" have been followed. Using the mark and failing to follow those procedures would be considered an unfair trade practice.
- Only those handlers who sign up could use the mark and they would be bound by its requirements. Handlers would have an opportunity each year to withdraw from the program.
- Allow for a advertising and promoting consumer recognition of the official mark and its meaning.
- Educating the public and producers about safe practices.
- Establish procedures to assure compliance by participants.
- Direction by a board of directors which represents participating handlers, appointed by the California Department of Food and Agriculture and nominated by participants.
- Funding would come from a mandatory assessment on participating handlers, not to exceed 5 cents per carton.
- Before the program would go into effect, CDFA would conduct a handler sign-up and there would need to be sufficient participation to establish the agreement.

## **Hearing information**

### **When will the hearing be held?**

Friday, Jan. 12, at 10 a.m.

### **Where will it be held?**

Monterey County Fairgrounds, 2004 Fairgrounds Road, Monterey.

### **Who should attend?**

All handlers of leafy green products and other interested persons.

### **Are written comments accepted?**

Yes, but they must be postmarked no later than Jan. 10. Send to Lynn Morgan, CDFA Marketing Branch, 1220 N St., Sacramento, CA 95814

**What will happen at the hearing?**

Those in favor of establishing a marketing agreement for leafy green product handlers and those opposed will have an opportunity to provide testimony.

**Why is the hearing being held?**

To determine whether or not to move forward with the next phase of establishing the proposed marketing agreement.

**Who will be conducting the hearing?**

The California Department of Food and Agriculture Marketing Branch.

**Is additional information available online?**

Yes. Go to [www.cfbf.com](http://www.cfbf.com) and click on "food safety."

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