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# New food-safety rules threaten small, organic farms

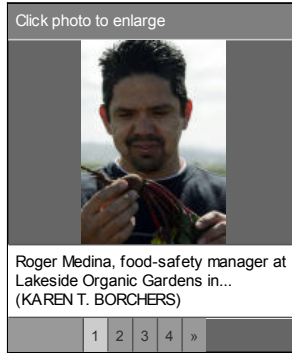
By Jane Palmer | Mercury News correspondent

0 COMMENTS

Tom Willey is so concerned about food safety he is willing to bet the farm on it.

Literally.

Willey and his wife, Densesse, own an organic farm just outside of Madera in the central San Joaquin Valley, where they grow lettuce, carrots, cabbage and nearly 50 other hand-harvested vegetables. They supply 800 local families and West Coast retailers with a year-round supply of fresh produce.



But in the last three years, a dark cloud has gathered over Willey's farm. He and other organic farmers say stricter food-safety regulations, developed after a cluster of outbreaks of bacterial contamination in spinach and lettuce in 2006, threaten the principles upon which their farms are based.

While Willey already adheres to the voluntary food-safety regulations deemed necessary by the organic farm community, he feels that many of the rules — which include cutting bare buffer zones around crops, using poison to kill rodents and washing produce with chlorinated water — run contrary to growing healthy and safe food.

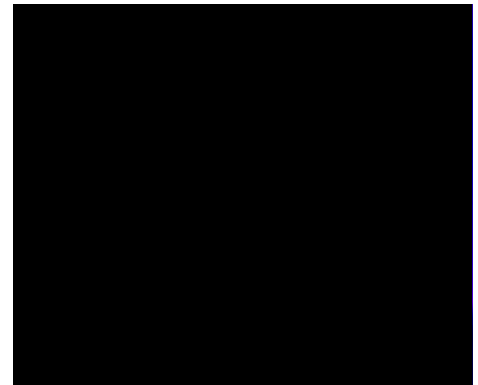
"Healthy produce cannot be grown in sterile environments," Willey said. "That's both ignorant and dangerous."

Moreover, opponents of the regulations say that the new measures are threatening the livelihood of small-scale and organic farms. Willey, who refuses to adhere to regulations he believes are ultimately harmful, runs the risk of not being able to sell his crops. Other small farms that do comply face burdensome costs.

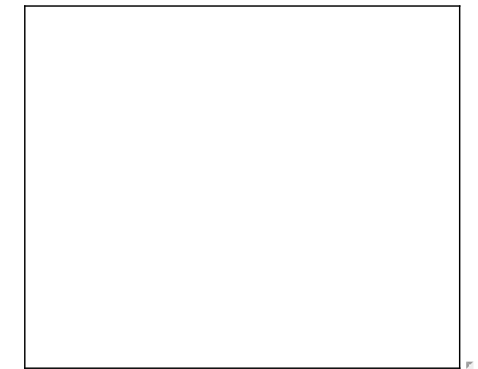
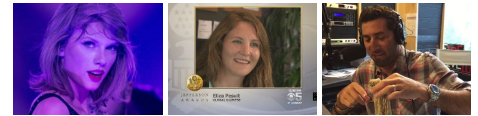
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But supporters of the regulations, part of the California Leafy Green Marketing Agreement, argue that all farms should comply in the interests of food safety.

"For the smaller growers, I don't think it is reasonable to throw up their hands and say it doesn't apply to us, or we are not the problem or we can never be the problem," said Trevor Suslow, a food-safety expert and plant pathologist at UC Davis whose research helped form



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the basis of the regulations.

The incentive for the California agreement was a virulent outbreak of E. coli O157:H7 in spinach grown in San Benito County in 2006. It resulted in the hospitalization of more than 200 people in the U.S. and Canada, and the death of three. The pathogen also claimed another victim: the leafy greens industry.

"Spinach was off the menu nationwide," said Paul Simonds, spokesman for the Western Growers Association. The outbreak cost the industry \$100 million in lost sales as customer confidence in all leafy greens plummeted.

Scrambling to regain its market, major growers instituted the California marketing agreement. Farms such as Lakeside Organic Gardens in Watsonville and Filice Farms in the Central Valley agreed to abide by specified safety regulations and inspections by the California Department of Agriculture.

"My family eats this product, my employees eat this product, so I want to make sure that it is 100 percent safe," said Kay Filice, owner of Filice Farms in Hollister.

While participation is voluntary, growers representing 95 percent of the market product have signed the agreement. As the major processors of leafy green produce, such as Dole and Fresh Express, will buy only from signatories, many farmers felt they had little choice but to sign.

"I have complied because if I don't comply, then I won't have anybody to sell to," Filice said.

And now, major processors across the U.S. have proposed to take these rules nationwide, creating a National Leafy Greens Marketing Agreement.

"If you have one little outbreak in a product grown in another state, it affects the entire industry," Simonds said. "We don't want to take that chance."

If the marketing agreement were to go national this year under the Department of Agriculture, it would have similar provisions to a food-safety bill now being considered in the U.S. Senate. Brought forward by the U.S. Food and Drug Administration, the bill addresses food safety across the board — not solely for leafy greens.

Although the impact of the California marketing agreement on food safety is still in question, the impact on small-scale and organic farmers is indisputable.

"The financial costs are gigantic," said Roger Medina, food-safety manager at Lakeside Organic Farms. One significant added cost, he said, is the labor-intensive process of implementing the regulations.

"It is documentation, documentation, documentation," Medina said. "The documentation has gone from make sure you have a plan, to make sure you document every sneeze, every cigarette butt you find out there."

But this is not the only cost that farmers have to bear. According to the Small Farm Center, a Santa Cruz institute that researches the needs of small and moderate scale farms, farmers are losing up to 2 percent of their farmable acreage because they're required to have a buffer between crops and the surrounding environment. The center also reported that it cost about \$11 per acre for some of those farmers to remove the surrounding vegetation, and about \$17 per acre to put up fences to keep out wildlife.

One analysis of the leafy green growers in California estimates that each farm now spends an average of \$18,000 per year following the agreement, said Charlotte Vallaeys of the Cornucopia Institute, a farm policy research group based in Wisconsin.

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While big growers can absorb these expenses, she said, they will be an enormous burden for the smaller farmer.

"It is the farmer, not the consumer, who is bearing the cost of food-safety regulations," said April England-Mackay of Martin Jefferson and Sons in Marina. "You are still paying a dollar for a head of lettuce this year, as you were six years ago before we ever implemented the extra requirements."

That's because leafy green processors, rather than the growers, dictate the market cost of produce. But these same processors leave the cost of meeting the regulations at the farmer's doorstep.

Opponents to the agreement also question whether it adequately addresses food safety.

To solve food-safety problems, you need to get to the source, Vallaeys said. "There is nothing inherently dangerous about leafy greens," she said. "They don't come up with E. coli popping out of their leaves."

The real culprit is industrial cattle feedlots that are fountains of dangerous pathogens, Vallaeys said. Not addressing animal agriculture as a source of contamination is a serious flaw in the current agreement, she said.

State investigators concluded that the 2006 E. coli outbreak was probably caused by wild boars traipsing through a field of spinach. But opponents of the agreement, such as Jo Ann Baumgartner, director of the Wild Farm Alliance and the Cornucopia Institute, argue that the real source of contamination was never found. She said the infection could easily have come from nearby cattle farms, which were also found to be contaminated with E. coli.

Moreover, Baumgartner says that creating bare buffers around crops to remove animal habitation is detrimental to food-safety goals.

"Farmers are forced to choose between buyer's demands and stewardship practices that can improve food safety," Baumgartner said.

UC Davis researchers have shown the vegetation surrounding fields can remove as much as 99 percent of E. coli from surface water, she said.

Suslow, who was instrumental in designing the regulations in the state's marketing agreement, now believes refinements should be made to support sustainable farming practices.

Regulations, he said, should be tailored to both the size and the nature of the operation.

"Everybody needs to be doing something, but everybody doesn't need to be doing the same thing," Suslow said.

Concerned about the disproportionate pressure put on smaller and organic farms, he said:

"We must try to be advocates not just for sustainable agriculture but for agricultural sustainability."

Indeed, Willey of Madera has already paid dearly for his idealism. He has lost his Canadian accounts as the nation's government prohibits imports of leafy produce from farmers who have not signed on to the marketing agreement. The cost, 5 percent of his income, is not borne easily in today's economy.

His greater fear is, however, is that a national marketing pact will prevent him from selling his produce in America.

"The organic farming community is kind of in the wings at the moment," Willey said. "We are

shivering in our boots, wondering what is going to happen."

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