



November 6, 2007

Mr. Garry Bergstrom
Business Development Director, Produce/Floral RBU
Publix Super Markets, Inc
P.O. Box 407
Lakeland, FL 33802-0407

Dear Mr. Bergstrom:

Several members of Western Growers received your letter dated October 29, 2007, addressed to "Dear Produce Supplier" with an attachment captioned "*Food Safety Leadership Council On-Farm Produce Standards*".

We are bewildered as to how and why your "Council" concluded that the California Leafy Green GAPs and metrics were insufficient to address the food safety concerns of the public and our members' customers, apparently without the benefit of input from the grower/handler community.

After our review of your On-Farm Produce Standards, we believe that the new standards are unreasonable, excessive and scientifically indefensible and will require produce suppliers to submit to redundant, expensive and unnecessary food safety inspections and audits. Further, they will result in significant loss of available farmland and may cause serious environmental harm.

The FSLC's standards clearly imply without any scientific basis that the GAPs, scientifically developed and peer reviewed by some of the nation's leading food safety scientists and experts, are inadequate. We know that is not the case as federal and state government food safety agencies all agree that the GAP metrics include the latest, cutting edge food safety science.

Your effort marks the beginning of a destructive food safety "arms race", where different groups of produce buyers, in an effort to claim that they have safer produce than the next, will impose on fresh produce suppliers ever more stringent, expensive and scientifically indefensible food safety requirements without even the implication that the additional costs will be reimbursed.

Your letter and standards also raise many more questions than they answer. In order for Western Growers to correctly advise our members on how to proceed with your demands, we request that you answer for us the following questions:

1. The *On-Farm Produce Standards* appear to **apply to all fresh produce grown in the United States**, not just California and Arizona grown lettuce or leafy greens. Do they?
2. Do the standards apply to imported produce? Where explicitly in the standards does that requirement appear? What inspection and audit verification process will you use to ensure that produce grown in other countries meets the same standards and requirements as US grown fresh produce?
3. The new standards require a **one mile** buffer zone between fresh produce fields and concentrated animal feeding lots. What is the scientific basis and justification for such an extensive buffer that will take substantial farm land out of production? What environmental studies have you conducted that evaluate the effect on wildlife habitat, flood control and water quality?

4. The new standards require a $\frac{1}{4}$ *mile* buffer zone between fresh produce fields and animal grazing. What is the scientific basis and justification for such an extensive buffer that will take substantial farm land out of production?
5. The new standards appear to require that *only potable water* that meets US EPA drinking water standards may be used on fresh produce crops eliminating the use of commonly used irrigation water sources. What is the scientific basis and justification for applying such a rigid standard to irrigation water? What environmental studies have you conducted throughout the country that evaluate the effect of irrigation water treatments such as the addition of chlorine or other sanitizers on land, crops, and wildlife?
6. What is the rationale for the required compost micro testing regime?
 - a. California law requires testing for fecal coliforms yet this is not required by FSLC. What is the rationale for deleting this test?
 - b. The added requirement for generic E. Coli testing is lower than that required as a composite part of the fecal coliform test. What is the rationale for lowering this standard?
 - c. The transfer vector for Shigella is human to human so why would testing be required in compost?
7. Strategies for field testing are being widely discussed by industry. How does the required field testing program assure the FSLC that contamination in the field will be identified? Have confidence levels that would dictate sampling programs been established by the FSLC?
8. How do you propose to reimburse growers/handlers for the increased costs of these food safety measures? Will you agree to a "food safety line item" on invoices that would be auditable?
9. Do you now reimburse growers/handlers for the increased costs already incurred by complying with the existing standards for lettuce and leafy greens?
10. How do you propose to impose these standards internationally without violating WTO and other international trade agreements?
11. Will you be advertising claims that you have the best/superior safety standards, giving rise to the notion that perhaps this nation's produce is presently unsafe?

Our industry in California, Arizona and elsewhere has spent millions of dollars and years of research developing methods of farming in order to ensure the safest, most nutritious food supply in the world. While some new regulations do not yet cover all produce commodities, we recognize that all fresh produce commodities are not equally susceptible to pathogenic contamination. So you can imagine our resentment that without any apparent scientific basis or consultation, your "Council" has promulgated a new set of standards for growing of all fresh produce.

Our questions are not rhetorical. We hope and expect that they will be answered. We would be interested in a constructive dialogue on these issues if you are willing to so engage.

Western Growers is ready, willing and able at any time to meet with the FSLC to review your answers and the scientific rationale for the imposition of the "enhanced" standards.

Sincerely,



Thomas A. Nassif
President and CEO