

Lombardo and Gilles has had various meetings with State agencies, private environmental groups and elected officials where we have discussed the consumer safety and environmental protection issues which impact the agricultural industry. The following is a summary of the problems facing the agricultural industry in addressing food safety and other agricultural related challenges and a proposal to address such problems.

### Problems

1. The California Department of Public Health, Food and Drug Branch, has been a frequent advocate of state legislation that would allow the CDPH to take a lead role in administering new food safety standards for the agricultural community which could supersede efforts of the Leafy Green Marketing Agreement;
2. Recently, the CDPH required that a shipper issue a national recall of baby spinach despite the fact that the unaccounted for spinach was geographically located in San Francisco, Monterey, Los Angeles, and Dallas. A national press release was not warranted and the demand appeared to be motivated by something unrelated to Consumer Safety. The result of this national press release made the voluntary recall more difficult and further damaged consumer confidence in the industry;
3. CDPH sent out an "embargo" letter to a farmer involved in the Taco John case in Kern County. The CDPH letter appeared to cover the entire farmer's growing operations regardless of a crop's proximity to the outbreak. In addition, the letter was issued without consulting with the farmer and its representatives, which further increased the anxiety over compliance with the CDPH letter. The farmer and his attorneys, in this case, had to take extraordinary steps to get clarification which resulted in the elimination of the embargo in its entirety. However, the expense incurred by the farmer would, in most cases, not have been justifiable or manageable by others in the industry;
4. There are separate and independent research efforts currently being undertaken by federally and state-supported entities, private entities (such as Taylor Farms and Salinas River Channel Coalition), and educational institutions (UC Davis Cooperative Extension) which are not coordinated by a single scientific-based group;
5. Available funding for research is short-term and unreliable as it is mostly subject to public reactions and reactive political pressure;
6. Public relations and marketing efforts have been inadequate to calm public hysteria resulting from nationwide scare tactics (e.g., Sanjay Gupta's overly dramatized and skewed CNN investigative report);

7. Legislation is generally reactive and not proactive and requires a diversified collaborative group to monitor and suggest the "best" type of legislation;
8. Although the Leafy Green Marketing Agreement provides strong guidelines , even these strong guidelines will not eliminate outbreaks and will lead to unintended adverse environmental consequences;
9. Retailers such as supermarkets and other retailers, although not providing financial assistance in order to conduct necessary research to determine proper food safety guidelines, are marketing their products as "safer" than their competitors based on their implementation of stricter (and likely irrational) growing and processing requirements;
10. Many businesses adversely impacted by the financial hardships suffered by the members of the agricultural industry (i.e., insurance providers and financial institutions) have not been engaged in the effort to assist with the efforts undertaken by the industry; and,
11. Local, regional, state, and federal environmental groups and government agencies should be more actively engaged with the Leafy Green program and its farming representatives to address the safety of California's agricultural industry as well as issues related to their respective interests.

#### **I. Governor Ordered Blue Ribbon Commission**

This firm recommends that the Governor request the formation of a Blue Ribbon Commission comprised of representatives from various state, federal and private entities, and led by a single individual capable of earning support from all professional, social, and political parties involved. The director should most likely be knowledgeable in the technical and scientific aspects of agriculture, and therefore, should come from the delegation of Science Representatives identified below.

It is recommended that the Blue Ribbon Panel be comprised of the following interests:

1. State Representatives (Designees from Cal. Dept. of Fish and Game, Cal. Dept. of Health Services, Cal. Dept. of Agriculture, Cal. Dept. of Natural Resources, Senate, Assembly, Governor's Office);
2. Federal Representatives (Designees from U.S. Dept. of Agriculture, U.S. Food & Drug Admin, Senate, House, Executive Branch)
3. Private Environmental Groups (The Nature Conservancy, Sierra Club, etc.)

4. Agricultural Representatives (Western Growers, Produce Marketing Association, California Farm Bureau, California Cattlemen's Association)
5. Private Industry Representatives (Financial Institutions, Insurance Industry, Retail Industry)
6. Science Representatives (U.C. Cooperative Extension, Natural Resources Conservation Service. Etc).

## **II. Vision**

The Blue Ribbon Commission will be established to synthesize the scattered and separate efforts being put forth to address food safety, wildlife, marketing and public relations, insurance, and financing concerns impacted by recent outbreaks in order to create a coordinated strategy to maximize efficiency in dealing with the array of issues directly and indirectly related to the safety of California's agricultural industry.