

## **Enclosure**

### **Specific EPA Comments**

1. The NLGMA must ensure the best available science that supports good agricultural, handling, and management practices. It should put in place requirements to prevent or reduce the spread of those practices or metrics which go beyond those accepted in the NLGMA (i.e., “supermetrics”) which do harm to the environment and are counterproductive to food safety goals (e.g., bare earth buffers, deer fences, removal of hedgerows, etc.).
2. EPA supports a public process in the development of the National Leafy Greens Marketing Agreement as proposed through a series of public hearings across the country to ensure transparency and scientific credibility.
3. The NLGMA should define leafy greens and limit the regulatory scope to fresh cut leafy greens that are processed, bagged and eaten raw. Bunched crops such as spinach, kale and chard, or whole heads of lettuce which are not processed nor the sources of past E.coli 0157:H7 illnesses since 1999 (U.S. Food and Drug Administration data) should not be listed. Reducing the scope of leafy green crops would reduce conservation conflicts.
4. USDA’s consultation with other federal or state agencies in the development of the metrics or practices should follow a process to ensure their input is duly considered and responded to.
5. Representation of environmental, water quality and wildlife interests must be included in the Leafy Greens Administrative Committee (national/regional) and the Technical Review Board (and any other subcommittees or advisory boards that may be established, as appropriate). A more diverse committee structure is an asset to designing the constructs for co-management of food safety and environmental goals. In addition, the NLGMA and its practices and metrics must be mindful of, if not consistent with, pertinent environmental regulations and conservation programs.
6. EPA promotes agricultural conservation practices as a means to address and implement Clean Water Act (CWA) programs such as nonpoint source pollution, wetlands, and impaired waters (total maximum daily loads or TMDLs). It is important that the NLGMA recognizes the need to avoid conflict with our CWA goals and objectives for water quality and its beneficial uses.
7. As a federal action, will the NLGMA and its practices trigger NEPA review? ESA consultation (i.e., sections 7 and 9)?
8. Targeted animals should be defined as those scientifically known to be a significant risk as carriers of pathogens, especially E.coli 0157:H7. Deer should not be listed as an animal of significant risk unless compelling new research proves otherwise.
9. Practices and metrics should be defined in an explicit and precise manner to avoid ambiguity and the potential for subjective interpretation by growers, handlers or auditors.