California Regional Water Quality Control Board
Central Coast Region

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Linda S. Adams.
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

December 12, 2006

Cindy Tuck, Assistant Secretary for Policy
Cal/EPA
1001 I Street
Sacramento, CA

Dear Ms. Tuck:

SUBJECT: CENTRAL COAST WATER BOARD CONCERNS ABOUT FOOD SAFETY GUIDELINES THAT MAY CAUSE WATER QUALITY DEGRADATION

Thank you for convening the meeting on December 5, 2006, to discuss the food safety guidelines (marketing agreement and/or marketing order) regarding food safety in California and for making the guidelines available for review. After reviewing the guidelines, we have major concerns about the implications of these guidelines on water quality and the environment. Growers who attempt to comply with these guidelines by removing riparian habitat or vegetation on and near farm fields may be increasing their exposure to liability for enforcement actions by regulatory agencies such as ours. The guidelines, marketing orders and associated inspections/field assessments should not be finalized without input from the state and federal environmental protection agencies. At the state level, this includes the Department of Fish and Game, as well as the Water Boards.

In our recent, direct experience in the Salinas Valley area, growers have been complying with the various food safety guidelines and recommendations (Good Agricultural Practices) for the simple reason that buyers will not purchase a grower's crops unless the growers comply with the guidelines. **The problem is with how growers, buyers and auditors interpret the guidelines.** Our direct experience demonstrates that many are interpreting Good Agricultural Practices to mean that there must be no vegetation or wildlife habitat near the crop. Removing this essential habitat and vegetation presents major water quality and environmental impact issues, and is not acceptable. Involving the environmental protection agencies in the drafting of the guidelines and resulting field assessments is therefore critical. Growers who are currently trying to protect water quality with adequate vegetation on and near their fields are caught in the middle. Many beneficial water quality protection practices, such as riparian buffers, vegetated ditches, grassed roadways, and other uses of vegetation to reduce erosion and filter pollutants, are either not being implemented or in some cases, have actually been removed. Yet, there is no scientific evidence that such practices increase the risk of *E. coli* contamination of crops. **In fact, there is some evidence to suggest that areas with healthy riparian vegetation, soils with high organic content, and fields with vegetated margins may actually pose a lower risk for contamination. Certainly, more research is needed in this area.**

In the meantime, we understand that consumers, growers and buyers need to be confident in the safety of fresh produce. However, it would be a disservice to growers and consumers to implement mandatory practices that increase the risk of water quality degradation and exposure to enforcement actions by regulatory agencies such as ours. We look forward to reviewing any guidelines, marketing agreements or orders, field assessments and other implementation tools before they are finalized and working with other agencies on this issue to develop an approach that is based on science and common sense to protect human health and the environment.

We must again emphasize that input from environmental protection agencies is essential before any marketing orders, mandatory guidelines or inspection criteria are put into place and that removal of vegetation from riparian areas and on or near fields is unacceptable. The guidelines or marketing orders should clearly prohibit the removal of riparian vegetation, and encourage the use of vegetated riparian buffers, vegetated ditches, grassed roadways, and other uses of vegetation to reduce pollution. Please contact Michael Thomas at 805-542-4623, or by e-mail at Mthomas@waterboards.ca.gov, if you have questions.

Sincerely,

Michael Thomas

for Jeffrey Young, Chairman
Central Coast Water Board

cc:
Patty Zwarts, Cal/EPA
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Tam Dudoc, SWRCB
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