California Regional Water Quality Control Board
Central Coast Region

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Linda S. Adams.
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

October 25, 2006

Dr. Robert Brackett
U.S. Food and Drug Administration
CFSAN HFS-001
Harvey W. Wiley Federal Building
5100 Paint Branch Parkway
College Park, MD 20740-3835

Dear Dr. Brackett:

This letter is to address USFDA's food safety guidelines[1] that are causing the minimization or removal of on-farm vegetation and riparian vegetation in response to perceived threats from wildlife. The minimization or removal of such vegetation will result in water quality impacts and will likely increase violations of water quality standards. We understand the concern over food safety issues; however, the solution should address both food safety and water quality, rather than create additional large-scale problems.

The Central Coast Water Board is committed to restoring healthy watersheds and riparian areas as a primary means of improving water quality throughout the Central Coast. The increased attention to food safety due to the recent 0157:H7 E. coli outbreak within Salinas Valley has raised our concern that food safety guidelines and Good Agricultural Practices (GAPs) may conflict with the Central Coast Water Board's mission to protect water quality, and may increase water quality violations in farming areas. We are very concerned about the conflict between our efforts to improve on-farm vegetation including riparian corridors and recommendations to reduce potential threats from wildlife by removing vegetation. Although the guidelines are stated cautiously, they have been interpreted to require removal of all wildlife habitat and vegetation anywhere in the vicinity of the crop. Removing vegetation near fields is likely to negatively affect in-stream temperatures, dissolved oxygen content, turbidity, nutrient and pesticide concentrations and negatively impact the Water Board's agricultural regulation and TMDL programs.

[1] Guidelines recommended by, funded by or at the request of the USFDA that this letter refers to include: *Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables,* FDA, October 26, 1998; *Food Safety Begins on the Farm, A Grower's Guide, Good Agricultural Practices for Fresh Fruits and Vegetables,* Anusuya Rangarajan, Elizabeth A Bihn, Robert B. Gravani, Donna L. Scott, and Marvin P. Pitts; *Commodity Specific Food Safety Guidelines for the Lettuce and Leafy Greens Supply Chain*, International Fresh-cut Produce Association, Produce Marketing Association, United Fresh Fruit and Vegetable Association, Western Growers, April, 2006,.

Any removal of vegetation has the potential to violate several water quality standards in the Water Quality Control Plan for the Central Coast Region (Basin Plan). The Water Board established these water quality standards in compliance with the federal Clean Water Act. The Water Board implements these standards in various ways, including requirements for operators of commercial irrigated agricultural facilities to implement management practices designed to reduce pollutant loading to adjacent waterways[2] and total maximum daily loads (TMDLs) under Section 303 of the Clean Water Act. The Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Order No. R3-2004-0117) regulates irrigated agriculture for the protection of water quality. We strongly encourage the use of vegetation such as cover crops, filter strips and hedgerows to prevent erosion and act as filters to trap sediments and pollutants before they can enter waterways.

Another area of possible conflict relates to recycling tailwater. The poorest water quality is in areas where large amounts of tailwater are discharged into streams. Practices to improve irrigation efficiency, reduce groundwater pumping and recycle tailwater have a beneficial impact on water quality. Recommendations that discourage recycling could potentially have a negative impact on region-wide water quality.

There is an abundance of literature supporting the many benefits of riparian vegetation and water quality. We are aware of concerns that riparian or on-farm vegetation may attract wildlife that may spread the 0157:H7 E. coli, but are not aware of any research to support those concerns. We are currently working with growers, researchers and other agencies to address the need to both ensure food safety and protect water quality. We are supporting additional research and information sharing to fill data gaps and find effective management practices to fulfill both needs. We would like an opportunity to meet with FDA representatives to discuss the issue of food safety and water quality. Additionally, we request an opportunity to review any future proposed food safety guidelines or suggested farm practices that may affect water quality.

We look forward to working together to improve food safety while protecting water quality. Please contact Michael Thomas, Assistant Executive Officer, at (805) 542-4623 at your earliest convenience.

Sincerely,

Harvey Packard

for Roger W. Briggs
Executive Officer

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[2] See Order No. R3-2004-0017 at http://www.waterboards.ca.gov/centralcoast/AGWaivers/documents/OrderR3-2004-0117AgWaiver.pdf

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cc:

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