

July 13, 2010

OVERNIGHT MAIL

Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W., Room 200A
Washington, DC 20250

Re: Follow-up to Meeting June 15, 2010

Dear Administrator Jackson and Secretary Vilsack:

Thank you for the opportunity to meet and discuss matters of concern to specialty crop growers. The opportunity to consider how the Agency and Department can help address some of these issues is very much appreciated. The willingness you expressed to work on identifying enhanced future opportunities for input with your staffs is also particularly valued.

We thought it useful to briefly summarize certain issues of immediate concern together with offering some specific recommendations, complementing and supplementing the issues discussed at the meeting. We hope that our meeting and these recommendations are helpful to you both.

Office of Pest Management Policy (OPMP)

An essential component of a smooth working relationship between EPA the USDA and the grower community is an adequately funded and fully staffed OPMP whose Director has a major policy role within the Office of the Secretary. OPMP currently depends upon the Agriculture Research Service for its funding, rather than having its own independent budget. In addition, the OPMP has lost several positions over the past two Fiscal Years and is understaffed to deal with

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an expanding set of issues. Despite the enthusiasm, dedication and expertise of the employees in that office, they simply are being overwhelmed by the number and magnitude of the issues that need to be addressed. This impacts the ability of the Department to fully and effectively participate with EPA on issues of concern. Such a situation does not help our industry.

RECOMMENDATION-Establish a separate OPMP within the Office of the Secretary and/or fully staff OPMP and assure that the Director can fully participate in policy development on issues of concern.

Endangered Species Act (ESA)

In considering the registration of a new pesticide or the maintenance of existing pesticides, the EPA conducts extensive reviews to determine the potential environmental impacts, including potential impacts on threatened or endangered species, associated with the potential use of the pesticide. This may involve consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (the Services). There has been a problem in identifying the data needed by the Services to evaluate proposed EPA pesticide actions, as well as a lack of transparency regarding the methods or models to be used in analyzing potential impacts under the ESA. As a result, ESA discussions concerning the terms and conditions of use of a pesticide are not as robust as they should be. It is understood that Assistant Administrator Owens has been pushing for the Services to adopt in consultation with EPA an implementation program which helps assure agreement on the scientific data needed to make a robust ESA assessment, the methods (including models) by which the evolution of impacts should be evaluated and increase transparency for public participation in the process.

Recommendation

It is requested that you discuss this matter with the Secretary of the Interior and the Secretary of Commerce to obtain their support and commitment to developing a robust and transparent review process.

“Dirty Dozen”

A concerted effort is being made by several organizations to raise questions regarding the safety of our Nation’s food supply simply because of the potential for residues of pesticide chemicals well below EPA determined levels of concern in or on such foods. That effort directly challenges the scientific analysis and decisions of the EPA which has the responsibility for evaluating the safety of pesticide residues in food. That effort can also adversely impact our ability to market our crops. Consequently, we believe it very important for the Agency to strongly support its decisions in this area when challenged.

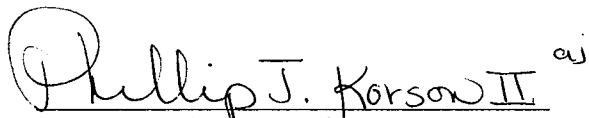
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Recommendations

The Agency should identify a point of contact concerning the need for a potential Agency response when challenges to the safety of our food supply arise because of alleged pesticide residue issues.

Again thank you for meeting with us and we look forward to working with you.

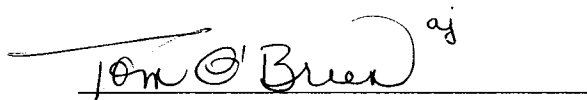
Sincerely,

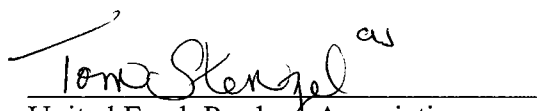

Cherry Marketing Institute

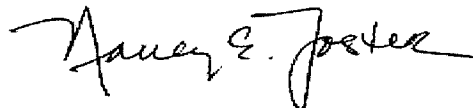

Florida Fruit & Vegetable Association



National Potato Council


Produce Marketing Association


United Fresh Produce Association



US Apple Association


Western Growers Association