



May 6, 2003

Facsimile Transmission
(202) 225-0235

The Honorable Duncan Hunter
Chairman, Committee on Armed Services
2265 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Hunter:

Subject: Western Growers OPPOSITION to exemption language proposed for the United States Department of Defense in the National Defense Authorization Act for FY 2004.

I am writing to you, on behalf of Western Growers, to urge your strongest opposition to releasing the United States Department of Defense and their associated contractors and subcontractors from any liability associated with environmental contamination caused by the manufacture and/or utilization of propellants used in military applications.

Western Growers is an agricultural trade association whose 3,500 members grow, pack and ship 90 percent of the fresh vegetables and nearly 70 percent of the fresh fruits and nuts grown in Arizona and California. Cumulatively our members grow, pack and ship approximately one-half of the nation's fresh produce.

The Arizona and California fresh fruit and vegetable industries have recently been dragged into the media spotlight by reports indicating that vegetables produced in the Yuma, Imperial and Coachella regions as well as other areas irrigated with water from the Colorado River could contain unhealthy levels of perchlorate, a compound used to manufacture both munitions and rocket fuel. The reports hypothesize that vegetable crops irrigated with waters from the Colorado River may accumulate perchlorate and pose a risk to pregnant women, children and women of childbearing age.

These reports are of great concern to Western Growers and we are working academia, government and industry to further investigate as yet unproven findings. In the interim however we are fundamentally concerned with the occurrence of perchlorate in the Colorado River and the need to stem the flow of perchlorate entering the system and clean up the reservoirs and river downstream from the source. This is a critical step in ensuring that the produce industry which relies on water from the Colorado to produce a wide variety of winter vegetables for domestic and international customers remains a vital industry in the region and the country.

The desert areas of California and Arizona account for almost 100 percent of the United States winter vegetable production and are internationally renowned for their agricultural bounty and the quality of products. This perception, that product from that region is contaminated and poses a health risk, if left unchecked, will have a major impact on the economic future of the region, as well as on our domestic source of foods and international trade. The local, state and national economies have billions of dollars in land, buildings, infrastructure, jobs, trade and food security on the line in this issue.

This is why it does not make sense to us, to consider any proposal that might exempt polluters from their responsibilities to assist in the mitigation of this environmental problem. The Kerr McGee site in Henderson Nevada, which was operated by both the Department of Defense and Kerr McGee, is the source of perchlorate leaching into Lake Mead and subsequently the Colorado River.

Western Growers would like you to help ensure that the Department of Defense and their contractors remain partners in stopping the continued leaching of perchlorate into the Colorado system, cleaning up the reservoirs and river and mitigating harm in the region from the pollution. We are concerned that provisions associated with the "National Defense Authorization Act for Fiscal Year 2004", currently being considered by Congress may release the DOD and contractors from responsibility for mitigating the contamination and damage caused by perchlorate leaching from the Henderson Nevada site (and elsewhere in the U.S.).

Exempting the DOD from this situation would be an irresponsible act that would force the Arizona and California produce industry (and others) to shoulder the burden for an environmental issue that we have no link to other than as a victim. It will jeopardize the economic vitality of a, primarily, rural region that relies on agriculture as it's main industry, it could force U.S. retailers to source winter vegetables from foreign suppliers and it could scare consumers from the diet rich in fresh fruits and vegetables advocated by all leading health experts.

Please act to ensure that, at a minimum, the United States Department of Defense and their contractors and subcontractors remain fully engaged in the mitigation and cleanup of the Henderson site and the Colorado River.

Sincerely,



THOMAS A. NASSIF
President