

**United Fresh Produce Association**  
**Food Safety and Technology Council Meeting**  
Westin La Paloma, Tucson AZ  
Wednesday, January 21, 2009, 8:00 am - 5:00 pm

**DRAFT MINUTES**

**Council Members Present:**

Walter Ram (Vice Chair), Giumarra  
Walt Armijo, Lighthouse  
Megan Arnold, C.H. Robinson  
DeAnn Benesh, 3M  
Beth Bland, Georgia Fruit & Vegetable Growers  
Jeffrey Brandenburg, The JSB Group  
Bob Elliott, Sunkist Growers  
Lisa Fuentes-Intveld, The Nunes Company  
Micah Fuson, Apio  
Hank Giclas, Western Growers  
Stephanie Gilbreth (for Katie Swanson), Ecolab  
John Gurrisi, Darden Restaurants  
Valerie Hannig, The Oppenheimer Group  
Beverly Kempf, Club Chef  
Jeanna Kilmer, Silliker  
Karan Khurana, Pulse Instruments  
Drew McDonald, Taylor Fresh Foods  
Bob Mills, Tanimura & Antle  
Sam Myoda (for Mansour Samadpour), IEH Labs  
Courtney Parker, Fresh Express  
Sean Picquelle, Taco Bell  
Bill Pool, Wegmans Food Markets  
Mark Powers (for Debbie Carter), Northwest Horticultural Council  
Joshua Porbeni, Club Chef  
Gale Prince  
Amy B. Smith, DuPont Qualicon  
Gregg K Storey, Bayer CropScience

**Guests:**

Elizabeth Darragh, Sensitech  
Fred Leitz Jr., Leitz Farms  
Richard Ross, TraceGains  
Steve Roosdahl, The Oppenheimer Group

**United Fresh Staff:**

Joan Donnelly  
David Gombas  
Robert Guenther  
Jeff Oberman

**Council Members Absent:**

Barry Eisenberg (Chair), River Ranch Fresh Foods  
Francis Adenuga, NewStar  
Bassam Annous, USDA ARS  
Glenn Austin, Monsanto Seminis  
Larry Beasley, A. Duda & Sons  
John Beaulieu, USDA ARS  
Roger Becker, Gold Coast Packing  
Daniel A Botts, Florida Fruit and Vegetable  
Jim Brennan, Alliance of Technical Professionals  
Gary Campisi, Wal-Mart  
Chris Christian, CA Strawberry Commission  
Mike Cockerill, Orchard House Foods  
Larry Cohen, Kraft Foods  
Jim Cranney, California Citrus Quality Council  
Will Daniels, Earthbound Farm  
Art Davis, The Sholl Group  
Suresh Decosta, McDonalds  
Paulette Ann Denault-Bryce, McEntire Produce  
Amy Duda Kinder, A. Duda & Sons  
Chris Dzuik, HEB  
Tom Gautreaux, Maxwell Chase Technologies  
Zizi Gibbs, Mann Packing  
Jim Gorny, UC Davis PTRIC  
Bob Gravani, Cornell University  
Albert Green, Six L's Packing Company  
Johnna Hepner, Markon  
Toni Hofer, Raley  
Bill Hurst, Univ. Georgia Food Science Dept  
Michael Jantschke, Pro\*Act  
Laure Kenyon, Kenyon Consulting, LLC  
John Kolenski, Kroger  
Mahipal Kunduru, Safeway Inc.  
Scott Lawson, Syngenta Crop Protection  
Frank Lichtner, T-Systems International  
Glenn Long, Salyer American Fresh Foods  
Yaguang Luo, USDA ARS  
Tom Mack, Dole Fresh Vegetables  
Don Mayfield, Cabbage Inc.  
Ted McKinney, Dow AgroSciences  
Bob Morrissey, National Watermelon

David Mueller, Fresh From Texas  
Gail Murray, Disney Consumer Products  
Jerry Noland, Safeway Inc.  
Keith Refsnider, Driscolls  
Rob Robbins, Product Safety First  
Victor Robelet, Carlson AirFlo Merchandising  
Systems  
Michael Roberson, Publix Super Markets  
Joan Rosen, Fresh Express  
Nivia Santiago, Gills Onions

Wilfred Sumner, Scientific Certification Systems  
Jeff Thomas, Target  
Steve Tripp, Pacific International Marketing  
Kari Valdes, River Ranch Fresh Foods  
Tony Valenzuela, Naturipe Farms  
Mary van Ryn, Van Ryn Associates  
Bob Whitaker, PMA  
Thomas Young, Del Monte Fresh Produce  
Devon Zagory, NSF Davis Fresh  
Brian Zomorodi, Ready Pac Foods

## **I. Welcome and Introductions**

Ram called the meeting to order and asked for self introductions. Gombas reminded the Council of the United Fresh antitrust policies, and noted copies were available if desired. The day's agenda and minutes of the September 10, 2008 Council meeting were approved.

## **II. Working Groups**

The Council broke into individual working groups and then reconvened to report to the full Council.

**Standards Harmonization.** Picquelle reported that the group had discussed who would need to be at the table to achieve universal buy-in on harmonized standards. Key considerations for success would include communication to the affected industry, access and transparency, careful conduct of meetings, and it would need to be an iterative process. The group is considering benchmarking other standard setting processes. Their next step is to describe the harmonization process with more granularity.

**Audits Benchmarking.** Prince reported that the group had worked primarily on questions to be addressed by the speakers and by the break-out sessions at the Global Conference on Produce Food Safety Standards. He noted the group plans to meet by webinar to complete the audits benchmarking matrix (an audits comparison tool).

**Microbiology.** Parker reported that the group is still aiming for a Spring 2009 completion of the Microbiology White Paper. The paper includes considerations on risk assessment, microbiology, developing a testing program and testing methods. Sections will be included on test organisms and on sampling plans. It was noted that EPA is reconsidering recreation water standards, and Parker indicated that the group would monitor how that might impact produce standards. The group will complete editing the paper via webinars. Parker also reported that the group intends to act on the AOAC International proposal to validate microbiological test methods for produce applications, but will complete the white paper first. They intend to meet with AOAC representatives to compare goals, needs and identify key stakeholders.

**Education and Outreach.** Brandenburg reported the working group deliberated on short term realistic goals and decided that the main short term goal is to compile the existing

educational programs, through public, government, educational and private sectors. Once this list is compiled, the group will determine how to organize the educational programs, ensure that the selection of educational programs create value for all size members, and potentially "market" these programs by hyperlinking the programs from a United Fresh webpage to the program's own websites, thereby making them more accessible. Next steps may include defining critical gaps in educational needs by creating a survey tool to query the industry. The survey would consider regional accessibility to educational programs. The results of the survey would be used to define the education needs for the produce industry, and prioritize those needs by urgency and by industry segment (e.g., processors vs. suppliers vs. government, etc.). A future, potential objective would be to create an educational program that offers sufficient incentive to drive involvement; e.g., a "produce professional" certificate based on an established curriculum.

**Research.** None of the Research working group members were present at the meeting, so there was no report.

### **III. Update on Other FS&T / United Fresh Activities**

Gombas provided an update on the Microbiological Testing Database. With the help of Western Growers, PMA, Grower Shipper Association of Central California, LGMA and California Leafy Greens Research Board, enough data owners have signed releases for their 2007 irrigation water test results to justify collecting the data from the testing laboratories. The laboratories have been contacted, data is coming in, and Gombas expects to call a meeting of the Database Oversight Committee in March to review the data.

Gombas noted that, thanks to Larry Cohen, United Fresh was made aware of the Alliance for Listeriosis Prevention's plan to submit industry comments to FDA on recommended changes to FDA's Draft Guidance for Control of *Listeria monocytogenes* in Refrigerated or Frozen Ready-To-Eat Foods. As written, the Alliance's recommendations would not have addressed the fresh-cut industry's concerns with the Guidance, as United Fresh had submitted in comments to FDA. Upon being made aware of those concerns, the Alliance agreed to amend the cover letter to their recommendations, re-emphasizing to FDA that fresh-cut operations and products are unique among processed, ready-to-eat foods, and that "many of the recommendations in the guidance are not appropriate for these products." The Alliance recommended, instead, that "FDA's guidance...refer fresh-cut operations to the February 2008 Guide to Minimize Microbial Food Safety Hazards of Fresh-cut Fruits and Vegetables as the most appropriate approach for control of pathogens in these products."

Gombas thanked the eighteen FS&T Council members that developed the United Fresh comments to FDA's questions regarding revisions to the 1998 GAPs Guide. He noted that the working group appeared to represent the broadest spectrum of the fresh produce industry among the comments submitted to FDA. The group did not agree on all points, but the final consensus document represented the industry well. However, including United Fresh, only 12 produce organizations had submitted comments to FDA, and all of the comments focused on the policy questions asked by FDA.

It was also apparent from the comments submitted that small and very small growers, and regions and commodities not normally heard from, were underrepresented in the comments to FDA. Consequently, United Fresh had decided to hold a public meeting, the United Fresh Produce GAPs Meeting, February 24-25 at the Hilton Washington Dulles Airport, to offer another opportunity for stakeholders to discuss and offer recommendations to FDA on the GAPs Guide and its use. While FDA had not responded to the United Fresh request for an extension to their December 31, 2008, they had expressed a willingness to accept additional comments collected at the meeting.

Finally, Gombas reviewed the technical schedule for the United Fresh 2009 show in Las Vegas. He noted that there would be only eight workshops during the days of the show, all on Wednesday, April 22. He particularly noted the two topics of the S294 Science Symposium: marker assisted breeding and nanotechnology for fresh produce. Gombas confirmed that no Council meeting was scheduled in Las Vegas, but that the Global Conference for Produce Food Safety Standards, a work product of the Audits Benchmarking working group, would include a reception hosted by the FS&T Council. The reception would be an opportunity for the produce industry to interact with Council members, and Council members were asked to participate.

#### **IV. Publicizing FS&T Activities outside of United Fresh**

Ram suggested that the work of the FS&T Council, while the strongest technical resource to the produce industry, was largely unknown outside of United Fresh. He recounted some of the accomplishments of the Council over the years, as well as the work products pending. He therefore suggested that the Council seek opportunities and develop mechanisms to publicize the efforts of the Council. For example, he suggested a regularly updated piece on the United Fresh website or to be published in a trade journal. Several suggestions were offered for a name for the publication effort: FSTAB, FSFACTS, FSTFLASH, FSUPDATE, FST-PRO, FST Speaks, FST Here and Now, FSTECH, FST First, FST Voice, Produce Tech Talk, Produce Safe Tech, Safe Fruit and Veggie, Fresh Tech, Fresh Tech Talk, Food Safety Eagle Eye, Food Safety Juice, Produce Safety News, and Produce Safety Tips. "Produce Tech Talk" seemed to have the most support. It was also suggested that the Council develop a slide show, depicting the Council's activities and accomplishments, to run during the FS&T Council reception in Las Vegas. The following Council members volunteered to help Ram develop this effort: Arnold, Benesh, Brandenburg, Fuentes-Intveld, Fuson, Gurrisi, Hannig, Kempf, Khurana, Kilmer, Myoda, Picquelle, Pool and Smith.

#### **V. AFDO Model Code for Fresh Produce Food Safety**

Elliott updated the Council on progress being made by the AFDO working group on a Model Code for Fresh Produce. The scope of the Model Code are those operations currently covered by the GAPs Guide, noting that those operations after growing and harvesting are either covered by FDA regulation 21 CFR 110 (GMPs) for processors or by the Food Code for foodservice and retail operations. The Code is intended to cover those "universal" risks and conditions common to all fresh produce operations, and relegate commodity- or regional-specific considerations to commodity-specific hazards and controls

guides, yet to be developed. The current draft, which had been distributed to the Council, had been “translated” into regulatory language, and the AFDO working group was working aggressively to complete the draft before the next AFDO meeting in June. Elliott said that, so far, the discussions during the drafting meetings were very considerate of real world risks, controls and consequences. However, he did advise the Council to review the draft carefully and let him or Gombas know of any concerns. He noted that the next drafting meeting would be February 25 and 26, immediately after and at the same location as the United Fresh Produce GAPs Meeting, described above.

## **VI. FDA / IFT Traceability Project**

Prince reported on an FDA contract with the Institute of Food Technologists (IFT) to investigate and provide recommendations on traceability. While the scope of the project was intended to be for all food and feed, it has quickly zeroed in on produce. The project participants, assembled by IFT, include Prince, FS&T Council member Art Davis, a representative of GS1, an economist from Iowa State University, and an epidemiologist from Minnesota, among others. They have visited with technology companies, visited wholesale markets in Chicago and Baltimore, heard presentations from the Produce Traceability Initiative and other perishable foods, considered technologies being used by FedEx and UPS, and are now talking with growers and examining movement of produce cross-country. IFT is expected to present their report to FDA by September 30, and ultimately is expected to be published.

Prince is also chairing a working group on traceability for the Council to Improve Foodborne Outbreak Response (CIFOR). In the course of discussions, it is clear that some issues in outbreak response will not be improved by better traceability. For example, there may be a two week window between ingestion of a contaminated food and when the ill person goes to a doctor. Perishable foods like produce are typically eaten and any packaging or labeling discarded in that period, and traceability is lost.

## **VII. Tomato Metrics**

Picquelle described an initiative by Yum Brands and other foodservice companies, started about 1½ years ago, to build on the Leafy Greens Marketing Agreement model, by developing “metrics” that would reduce contamination risks in tomato production and packing operations. Since then, the initiative has switched focus to building on the Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain, 2<sup>nd</sup> edition, published in July 2008. The initiative has invited all of the 2<sup>nd</sup> edition contributors to collaborate on these Tomato Metrics, and has since opened participation to all stakeholders, including FDA and USDA. The overall goal now is to develop a single, industry-wide, harmonized set of detailed standards for the tomato supply chain, auditor expectations and appropriate corrective actions. Picquelle noted that several FS&T Council members are participating in the Tomato Metrics, and that the next meeting would be February 4 and 5 at Burger King Headquarters in Miami FL.

## **VIII. Highlights from Recent Meetings and Conferences**

Ram and Pool related their takeaways from the FDA Traceability public meetings, held in CA and MD in late 2008. Pool noted that FDA appeared surprised at the progress the industry had made in the Produce Traceability Initiative. Referring to the FDA regulation (21 CFR part 1, subpart J) requiring “one step up, one step down” traceability from virtually all FDA-regulated establishments, Ross noted that there were calls from the audience at the meetings to “enforce the law”, rather than create new requirements.

## **IX. Legislative Update**

Guenther began by stating that food safety remains a priority in the new Congress but, because of more pressing issues such as the economy, it is likely there will be no food safety legislation acted in the next 6 months and perhaps not until 2010. However, it is likely that some changes in food safety law are coming. He noted that United Fresh is pressing Congressional leaders to balance legal and regulatory changes with research, and that both must be provided adequate funding to succeed.

Legislative bills that were introduced last year and not acted on must be re-introduced and be re-numbered. The Durbin bill is a broad, comprehensive food safety bill, and is endorsed by Senator Kennedy and the Senate HELP Committee, and has bipartisan support. In the House, the Costa-Putnam food safety bill will also be re-introduced; Guenther noted that this bill, as introduced last year, was most closely aligned with the position that United Fresh supports. Rep. DeLauro’s bill, to establish a separate food safety department with the Department of Health and Human Services, is a step back from last year’s “single food agency” and may be a useful approach to strengthen the “food” part of the FDA.

Guenther described the United Fresh Food Safety Policy White Paper, which was developed by the Government Relations Council with FS&T Council input. The White Paper identifies and prioritizes several key areas of importance for United Fresh members, and provides a framework for discussions in 2009 with Congressional leaders. The white paper includes industry position recommendations to Congress on produce specific provisions of food safety bills, third-party certification by FDA, traceability and outbreak investigations, import requirements, mandatory recall authority for FDA, food facility requirements and funding, particularly for research.

Guenther noted that Rep. Brown (OH) and DeGette (CO) will re-introduce their traceability bills, which may be acted on because they are a “quick fix”. Again referring to FDA’s current traceability regulation, Guenther explained that FDA can only access traceability records “in time of need”, and may require additional authority to access those records.

Finally, Guenther provided an update on USDA’s Country of Origin Labeling (COOL) regulation. He noted that there continue to be issues in interpretations and the new administration is likely to revisit the requirements before the March implementation date. He advised that the industry should expect more interpretation during the “enforcement training” period. Mills noted that there appear to be differences in label requirements between US COOL and Canadian requirements, which may create confusion or burden for US industry.

## **X. What Have You Heard?**

A question was raised on the “doggy detective” study mentioned at the last meeting; i.e., a study to see if dogs can be trained to sniff fecal contamination in fields or harvested leafy greens. It appears that the study is still in a research phase and is not being used officially.

The Council had a brief discussion on the food safety implications of “locally grown”. It was noted that “locally grown” has pre-empted “organic” in popularity and is experiencing double-digit growth. Members of the Council expressed concern whether producers of “locally grown” produce will be able to pass industry food safety audits and, if not, how that will be handled by retailers.

A concern was raised regarding irrigation reservoirs used by LGMA facilities. It was reported that some operations are using antimicrobial treatments on reservoir (surface) water in order to pass the LGMA *E. coli* metrics, then dropping the treatment once the reservoir achieves five successful samples. Giclas and Mills confirmed that such action is a misinterpretation of the LGMA metrics, and such facilities are still subject to monthly testing.

Giclas reported that the impacts of food safety practices in the field are being interpreted by some as having negative impacts on conservation and the environment. He requested FS&T Council help in publishing opinions, perhaps a white paper, on the issue. Mills noted that this also appears to be a misunderstanding and misinterpretation of the LGMA metrics and standards. Storey recommended an educational effort to correct the misunderstandings. He suggested that the industry reach out to more progressive environmental groups, to gain credibility with those who are concerned. Mills, Parker, Armijo, Picquelle, Khurana, Storey and McDonald volunteered to assist Giclas in developing an opinion paper.

## **XI. Next Meeting**

Reminding the Council that there will not be a formal meeting at the United Fresh show in April, Gombas again noted the role of the Council in hosting the evening reception during the Global Conference on Produce Food Safety Standards, and asked all Council members to attend. He reported that the next regularly scheduled meeting of the Council will be June 17 and 18 in Minneapolis, to be hosted by Benesh and 3M.