

**United Fresh Produce Association
Food Safety and Technology Council Meeting
The Gaylord Hotel, Oxon Hill (National Harbor), MD
Tuesday, September 14, 2010**

DRAFT MINUTES

Council Members Present:

Walter Ram (Chair), Giumarra
Bob Elliott (Vice Chair), Sunkist Growers
Megan Arnold, C.H. Robinson
Roger Becker, Gold Coast Packing
Ed Beckman, California Tomato Farmers
DeAnn Benesh, 3M
Sally Blackman, CPMA
Dan Botts, FFVA
Jim Brennan, Alliance of Technical
Professionals
Megan Chedwick, Church Brothers
Chris Christian, CA Strawberry Commission
James Cranney Jr., California Citrus Quality
Council
Chris Dzuik, H-E-B
Phil Elliott, GMA
Micah Fuson, Apio, Inc.
Tom Gautreaux, Maxwell Chase
Technologies
Scott Grow, G.O. Fresh
John Gurrisi, Darden
Valerie Hannig, The Oppenheimer Group
Johnna Hepner, PMA
Scott Horsfall, LGMA
Michael Jantschke, Pro*Act
Andrew Kesler, Jack in the Box
Karan Khurana, Pulse Instruments
Glenn Long, SK Foods
Tom Lovelace, McEntire Produce
Tom Mack, Dole Fresh Vegetables
Donald Mayfield, Cabbage, Inc.
Drew McDonald, Taylor Farms
Bob Mills, Misionero Vegetables
Beth Bland Oleson, GFVGA
Sean Picquelle, Taco Bell
Bill Pool, Wegmans Food Markets
Gale Prince, Your Food Safety Coach
Amy Smith, DuPont Qualicon
Gregg Storey, Bayer CropScience
Tom Young, Del Monte Fresh Produce
Brian Zomorodi, Ready Pac Foods

Guests:

Tony Beltran, Plant Impact
Donna Garren, NSF Davis Fresh
Edith Garrett, Danaco Solutions

John Mazzei, New Leaf Food Safety
Solutions
Kristian Moeller, GlobalGAP

United Fresh Staff:

David Gombas
Erin Grether
Robert Guenther
Rob Neenan

Council Members Absent:

Shibu Abraham, FMC Peroxygens
Susan Ajeska, NewStar Fresh Foods
Bassam Annous, USDA
Walt Armijo, Lighthouse FS&Q
Stanley Bailey, bioMerieux, Inc.
John Beaulieu, USDA,
Jeffrey Brandenburg, The JSB Group
Scott L Burnett, Ecolab, Inc.
Hap Carr, Titan Farms, LLC
Debbie Carter, Northwest Hort. Council
Will Daniels, Earthbound Farm
Suresh Decosta, McDonald's Corporation
Amy Duda-Kinder, A. Duda & Sons
Barry Eisenberg, River Ranch
Thea Eubanks, NewStar Fresh Foods
Lisa Fuentes-Intveld, The Nunes Co.
Zizi Gibbs, Mann Packing Company
Hank Giclas, Western Growers
Bob Gravani, Cornell University
Albert Green, Six L's Packing Co.
Toni Hofer, Raley's
Bill Hurst, University of Georgia
Bev Kempf, Club Chef
Justin Kerr, Sanitation Specialists
Jeanna Kilmer, Silliker
John Kolenski, The Kroger Company
Greg Komar, Growers Express
Mahipal Kunduru, Safeway
Scott Lawson, Syngenta Crop Protection
Frank Lichtner, T-Systems International
Yaguang Luo, USDA ARS
Ted McKinney, Elanco Animal Health
Bob Morrissey, NWA
Gurmail Mudahar, Tanimura & Antle
David Mueller, Fresh From Texas

Gail Murray, Disney Consumer Products
Jerry Noland, Safeway
Courtney Parker, Fresh Express
Paulette Pierson, Monsanto
Joshua Porbeni, Club Chef
Keith Refsnider, Driscoll's
Rob Robbins, Product Safety First
Victor Robelet, Carlson AirFlo Merchandising
Systems
Michael Roberson, Publix Super Markets
Joan Rosen, Fresh Express, Inc.
Mansour Samadpour, IEH Laboratories

Nivia Santiago, Gills Onions
Nancy Shimabukuro, Walter P. Rawl & Sons
Brian Stepien, Growers Express
Wilfred A Sumner, Scientific Cert. Systems
Jeff Thomas, Target Corporation
Steve Tripp, Pacific International Marketing
Kari Lee Valdes, Taylor Farms
Tony Valenzuela, Naturipe Berry Growers
Mary Van Ryn, Bejo Seeds, Inc.
Bob Whitaker, PMA

I. Welcome and Introductions

Council Chair Walter Ram called the meeting to order and asked for self introductions. David Gombas reminded the Council of the United Fresh antitrust policies, and noted copies were available if desired.

II. Legislative Update

Robert Guenther, United Fresh Senior Vice President of Government Relations, gave an update to the Council on the House and Senate food safety bills. Guenther stated that the House passed food safety legislation H.R. 2749, which addressed a number of important food safety issues including: commodity-specific and science based approaches; coordination between FDA and USDA; domestic and import equivalency; geographic quarantine, user fees, mandatory finished product testing. Guenther acknowledged the Senate released a bi-partisan manager's amendment to S. 510 in the middle of August 2010 with provisions which are similar to H.R. 2749, except that it allows (but does not mandate) for FDA to exempt commodities and processing facilities that are both low risk and are small and very small businesses. In some produce provisions, the Senate bill doesn't provide the same specificity as the House bill; e.g., traceability is vastly different than the House version, and requires FDA to publish "high-risk" foods on the FDA website. The Senate bill does not include user fees, geographic quarantine, or finished product testing. Guenther stated that he expects the Senate bill to come up on floor this September, with the Senate considering the following two amendments, The Tester Amendment that would exempt producers who sell less than \$500,000 or sell to a farmers market, and the Feinstein amendment to ban bis-phenol A (BPA) from use in food containers. Guenther noted that food and other interest groups are anxious to see this bill move forward, yet everything relies on the Senate passing their version of the bill. In summary, Guenther stated that both bills contain positive and negative provisions that need to be worked out and it is clear that there remains a deep division between the House and Senate bills. Looking forward in terms of strategy before the end of the year, Guenther reassured the Council that United Fresh will continue to lobby opposition to the Senate bill if exemptions are not addressed, and if in fact the bill does pass the Senate, they will begin work immediately on highlighting differences between the two bills and work with the House Members to strengthen their risk-based approach without exemptions.

III. Food Defense

Gombas noted, from Guenther's presentation, that the Senate Food Safety Bill, S. 510, includes a provision that requires FDA to "promulgate regulations to protect against the intentional adulteration of food", essentially requiring all FDA regulated food facilities,

including fresh produce, to have food defense plans. Gombas reminded the Council that most of the food industry has been working on food defense guidances for the past 8 years and, while he has represented the produce industry on the Food and Agricultural Sector Coordinating Council, which works with the Department of Homeland Security on food defense activities, the produce industry has largely been absent in these discussions. As a result, there are no food defense guidance documents that are produce specific, either for field or processor operations. Several attempts to engage the Council in food defense activities in the past few years have largely gone unanswered, so Gombas asked the Council members whether, given this potential legislative language, the Council has any interest in this issue. Ram encouraged the Council members to consider carefully, given that it would be better to prepare now rather than react to an FDA proposed rule or, worse, a food defense event.

Some members reported that their companies have developed food defense plans, some in response to customer audit expectations. Chris Christian reported that the California Strawberry Commission has developed programs and training for their members. However, it was generally agreed that the produce industry does not have produce-specific guidelines to serve as a model for operations to use. It was also generally agreed that there is probably sufficient information and guidelines available from the government and other food industry efforts to build on to develop produce-specific guidance. Several members expressed interest in discussing this further: Bob Elliott, Bob Mills, Don Mayfield, Ed Beckman, Gale Prince, Megan Arnold, Roger Becker, Scott Grow, Tom Mack and Walter Ram.

IV. Sustainability Update

Rob Neenan, United Fresh Vice President of Sustainability and Environmental Affairs, briefed the Council on sustainability initiatives. Neenan first defined what sustainability is to United Fresh - *striking a balance between people, plant and profit. United Fresh believes that there must be tangible economic benefits to support enhanced environmental and social initiatives if one is going to be sustainable.* Neenan explained that expanding environmental regulations, unpredictable energy and fuel costs, limits for disposal of wastes/wastewater, and the availability/cost of irrigation water all have been driving factors to encourage sustainability programs in the produce industry. Neenan explained that sustainability programs will be able to provide a central organizing platform that growers can use to cut costs, innovate, and communicate a positive story to regulators, consumers, and other stakeholders. He spoke to the ongoing efforts to develop third-party sustainability metrics and certification programs for agriculture. Two projects under development, and of particular interest to United Fresh, include the Stewardship Index for Specialty Crops (SISC) and the Leonardo Academy/ANSI Sustainable Agricultural Standard. SISC is a collaborative effort that includes produce growers, associations, buyers, and non-government organizations (NGOs). It is comprised of thirteen metrics that are being developed (e.g., water, energy, solid waste, pesticides, air quality, bio-diversity, human resources) that focus on encouraging continuous improvement. Neenan explained that today, some of the metrics are being tested by growers and a number of metrics are said to be controversial and ultimately may need to be revised. He stressed that more grower input and participation is needed to make sure changes are possible and everyone can gain from this standard. On the other hand, the ANSI Sustainable Agricultural Standard program includes all types of field crops and originally began as a strictly organic program. Because it was only an organic program, it failed. In 2009, it was revived with expanded participation by conventional agriculture, but NGO's and organic groups collectively held a large number of seats on the steering committee. Although fundamental disagreements continue regarding the principles and goals of the standards, including the intended audience for the metrics, it

is not clear whether workable metrics will ever be developed and accepted by ANSI. Neenan addressed that though third party programs have some inherent issues, there are some important advantages we must consider; i.e., they provide a standard set of tools that growers can use to benchmark performance against peers and without these programs growers may develop their own programs with differing metrics and reports. In closing, Neenan addressed United Fresh's sustainability efforts. In 2009, United Fresh formed the *Center for Global Produce Sustainability* to provide leadership regarding this issue with the mission to provide effective issue advocacy; to actively participate in SISC and other efforts; to develop third-party metrics; to provide resources for members that are interested in the issue or are developing their own sustainability programs; and to develop and maintain a dialogue with other stakeholders about conventional agriculture and sustainability. Lastly, Neenan asked the group to contact him anytime with questions regarding United Fresh's sustainability efforts and told the Council the sustainability website would be up shortly.

V. Standards Harmonization Update

Drew McDonald updated the Council on the Produce GAPs Harmonization Initiative. He reported that the Technical Working Group (TWG) had completed the first draft of the harmonized standard (pre farm gate section) at their last meeting in Philadelphia, noting they would complete the last section, (post farm gate) at their final meeting, October 21-22 at Costco Headquarters in Issaquah, WA. McDonald reported that the group has had broad participation from all sectors of the market including, buyers, foodservice companies, growers, shippers, retailers, and regulators, and the meetings had taken place all over the country in order to gain the most participation possible. McDonald conveyed the entire process has been quite transparent; all the work of the TWG has been posted on the United Fresh website including meeting summaries, presentations, and the draft harmonized standard itself. Furthermore, in order to gain comments and participation from those that were unable to attend face-to-face meetings, a blog was formed in order to receive comments on the standard; it is still open for comment and is accessible on the United Fresh website at www.unitedfresh.org/blog. McDonald also thanked the group for their hard work, dedication and participation over the last year. Lastly, he reported that, in the April 19, 2010 joint meeting between the TWG and the Steering Committee in Las Vegas NV, an Operations Committee was commissioned to develop a process and business plan for the harmonized standard. McDonald stated that this committee had been formed and had their first meeting last month in Philadelphia and then reported their initial efforts at the joint meeting with the Steering Committee and TWG September 13th.

VI. Tomato Food Safety Audit Protocol

Sean Picquelle updated the Council on the Tomato Food Safety Audit Protocol. The objective of the initiative was to develop harmonized food safety audit standards for the North America tomato supply chain that would be acceptable to buyers and suppliers alike. This process was completed by a broad industry working group and then auditors were trained in a training course at Florida Tomato Exchange in Maitland, Florida (March 30-April 1, 2010). Picquelle noted that the standards and metrics were put into use thereafter in California, Florida, and Virginia. Ed Beckman spoke to the successful launch of their mandatory audit program in California, and that it is successfully working. Looking forward, Beckman, Picquelle, and Gombas want to get the tomato working group back together with FDA to discuss ownership and focus on implementation practices before the end of the year, and has scheduled a meeting October 27-28 in the Baltimore/Washington area.

VII. FDA Regulatory Update

Gombas briefed the Council on recent FDA activities and identified key points for the next day's meeting at FDA CFSAN. Gombas gave updates on what the industry should expect to hear from FDA officials on the produce rule, traceability & outbreaks, compliance, cGMP modernization, foodborne pathogen surveillance research, Council to Improve Foodborne Outbreak Response (CIFOR) and the reportable food registry.

Gombas described the foodborne pathogen surveillance research being conducted by FDA CFSAN and explained that CFSAN is testing retail ready tomatoes and leafy greens – whole and bagged fresh-cut romaine, spinach and iceberg only, no mixed salads – for Salmonella, E. coli O157:H7 and Shigella. CFSAN has contracted with a private laboratory to collect and test 8,000 leafy green product samples and 3,000 tomato samples this year. Because FDA is notified of which samples test positive for pathogens, and the products are available to consumers, FDA is obligated to notify companies that their products are adulterated and should be recalled. Thus far, the program has found 6 positive leafy green samples, 4 of which have resulted in Class 1 recalls. Gombas reported that United Fresh and interested members intend to meet with CFSAN officials to discuss other alternatives to the current program.

VIII. Traceability: Update on PTI

Noting that an overview on the Produce Traceability Initiative would be presented by Dan Vache at a general session of the WPPC, Gombas briefed the Council on a draft Industry Traceability Best Practice on Recordkeeping to Comply with FDA Trace Investigations. The objective of this document is to provide guidance to the industry on the types of documents companies should maintain, and have readily available, to facilitate FDA or public health agency traceback investigations. Gombas reported that the document had been reviewed once with FDA and piloted once at a fresh-cut operation that receives produce directly from farms, and will be piloted again at a distribution center that delivers produce to point-of-sale outlets. Gombas shared copies of the document with Council attendees, agreed to email the draft to all Council members, and asked for comments regarding the recommendations.

IX. Lot Definitions

Gombas initiated a discussion on lot definitions regarding how to define a "lot" in the produce industry. There have been several recalls just this year that were probably more extensive than warranted because of weak lot definitions. He noted that this issue has been raised in the Council twice already, with no resolution towards guidance. Though guidance in defining a lot was still not resolved in this meeting, the Council ultimately decided that an ad hoc working group should be created to help the industry answer this question. The following members volunteered to assist: Bob Mills, Brian Zomorodi, Debbie Carter, Don Mayfield, Ed Beckman, Gale Prince, Megan Arnold, Tom Lovelace, Tom Mack and Walter Ram.

X. Breakout Group Discussions

The Council divided into two working groups to discuss recommendations for improving Council activities on the United Fresh website, and recommendations for educational efforts at United Fresh. The groups' reports were as follows:

1. FS&T Web Pages and Other Communication

Megan Arnold led the first breakout group that included Roger Becker, Bob Mills, John Gurrisi, Don Mayfield, Ed Beckman, Valerie Hannig, Micah Fuson, Bill Pool, Gale Prince, Tom Mack and Walter Ram. They discussed how to better communicate the findings and work of the Council to the Board of Directors, United Fresh membership, and beyond. They decided that the best way to communicate the work of the Council was through quarterly emails to members along with other significant email updates as needed. Also, they discussed redesigning United Fresh's food safety section of the website to better highlight activities, industry updates, pertinent links, and to potentially create a Council-only accessible area for working documents. All of these items should be in one area for easy accessibility and online navigation. Some other communication ideas the group touched upon were creating a blog, or using Google Docs, Twitter or LinkedIn to create a FS&T discussion group. Furthermore, they discussed PMA and United Fresh doing an annual joint technical meeting. Looking forward, the group decided that Walter Ram should meet with Ray Gilmer, United Fresh Vice President Communications, to discuss new website ideas and other resources that would be available to the Council.

2. Education

Bob Elliott led the second breakout group that included Michael Jantschke, Jim Brennan, Tom Young, Chris Christiansen, Tom Lovelace, Beth Bland Oleson and Donna Garren. They addressed what role United Fresh might play in the food safety education effort. Elliott reported that their group had a great discussion before coming up with many objectives United Fresh could implement to create constructive education programs. First, they discussed other industry programs that had positive and negative influences and how to use other programs as a baseline to launch new, innovative ones. The main discussion points centered on who the target audience of this education effort should be - growers, harvesters, packers, retailers, consumers, others or should programs be based on job function. Nevertheless, they decided that pre-farm gate is where the greatest need currently lies for education programs, as well as the need to encourage grower participation at these sessions. They decided that the overall goal for United Fresh's education programming is that it should strive to be the first, go-to resource for food safety education programs available within the industry. By identifying target audiences, initially at the pre-farm gate level, United Fresh can effectively develop programs that would benefit the entire produce industry. The group came up with the following ways United Fresh can implement new education programs: identify a communication plan that can address why growers should implement GAPs programs and participate in education sessions; identify what topics need to be included in an education curriculum and group them in a manner by which they can be located through existing programs; publish a resource guide to be updated annually where growers, harvesters, packers can access current information and provide assessments of the information sources; provide education on the new harmonized standard, especially if it will be the steward. Lastly, webinars will be an important education tool for teaching growers about new food safety legislation and regulations once they are in place. Also, teaching growers and industry leaders alike about GAP programs and other new industry practices will be a positive way to educate the industry. Likewise, the group would like to see United Fresh continue lobbying for education funding, as a means to fund education programs to communicate government activities.

XI. What Have You Heard?

The Council discussed some notable points that had happened within industry recently. In separate trips, USDA Secretary Vilsack and FDA Commissioner Dr. Margaret Hamburg visited the Salinas Valley to observe food safety activities and watch an audit be conducted

on a farm. Both tours were arranged by Rep. Sam Farr (CA-17) to inform Secretary Vilsack and Commissioner Hamburg of the produce industry's food safety efforts.

The Council briefly discussed the recent egg recall and how recalls within the food industry can effect consumers' perception of food safety regardless of commodity.

XII. Next Meeting

Gombas noted that the next regularly scheduled meeting of the Council would be at the United Fresh Winter Leadership Meeting, January 18th 2011, at the Fairmont Sonoma Mission Inn and Spa in Sonoma, California. There being no further business, the meeting was adjourned.