

United Fresh Produce Association
Food Safety and Technology Council Meeting
Renaissance Hotel, Washington D.C.
Tuesday, September 11, 2007, 10:00 am - 5:00 pm

DRAFT MINUTES

Council Members Present:

Megan Arnold, C.H. Robinson
Glenn Austin, Monsanto Seminis
John Beaulieu, USDA ARS
Alex Coles, Freshway Foods
Jim Cranney, U.S. Apple Association
Will Daniels, Earthbound Farm
Paulette Ann Denault-Bryce, McEntire Produce
Amy Duda Kinder, A. Duda & Sons*
Barry Eisenberg (Co-chair), River Ranch
Valerie Hannig, Oppenheimer
Bill Hurst, Univ. Georgia
Mahipal Kunduru, Safeway Inc.
Yaguang Luo, USDA ARS
Drew McDonald, Taylor Farms
Bob Mills, Tanimura & Antle
Jerry Noland, Safeway Inc.
Walter Ram (Co-chair), Giumarra
C.J. Reynolds, Silliker Inc.
Amy Smith, DuPont Qualicon
Katie Swanson, Ecolab
Mary van Ryn, Apio Inc.
Bob Whitaker, NewStar
Thomas Young, Del Monte Fresh Produce
Brian Zomorodi, Ready Pac Foods
*present by phone

Guests:

Beth Bland, Georgia Fruit & Vegetable Growers
Reggie Brown, Florida Tomato Exchange
Tom Lovelace, McEntire Produce
Laura Phelps, American Mushroom Institute
Michelle Smith, FDA CFSAN

United Fresh Staff:

David Durkin, Olsson Frank Weeda
David Gombas
Robert Guenther

Council Members Absent:

Bassam Annous, USDA ARS

Larry Beasley, A. Duda & Sons
Daniel A Botts, Florida Fruit and Vegetable
Jeffrey Brandenburg, The JSB Group
Jim Brennan, Alliance of Technical Professionals
Gary Campisi, Wal-Mart
Mike Cockerill, Orchard House Foods
Larry Cohen, Kraft Foods
Art Davis, The Sholl Group
Chris Dzuik, HEB
Bob Elliott, Sunkist Growers
Paul Fleming, Martori Farms
Lisa Fuentes-Intveld, The Nunes Company
Zizi Gibbs, Mann Packing
Hank Giclas, Western Growers
Bob Gravani, Cornell University
Albert Green, Six L's Packing Company
John Gurrisi, Darden Restaurants
Toni Hofer, Raley
Michael Jantschke, Pro*Act
Bev Kempf, Club Chef
Karan Khurana, Pulse Instruments
Perry Lidster, FreshXtend Technologies
Les Lipschutz, Food Safety Inc.
Tom Mack, Dole Fresh Vegetables
Ted McKinney, Dow AgroSciences
Courtney Parker, Fresh Express
Sean Picquelle, YUM Brands
Bill Pool, Wegmans
Keith Refsnider, Driscoll's
Rob Robbins, BSK Laboratories
Victor Robelet, Carlson AirFlo
Merchandising Systems
Michael Roberson, Publix Super Markets
Joan Rosen, Fresh Express
Nivia Santiago, Gills Onions
Greggory K Storey, Bayer CropScience
Wil Sumner, Scientific Certification Systems
Peter Toivonen, Agri-Food Canada
Kari Lee Valdes, Mills Family Farms
Tony Valenzuela, Naturipe Berry Growers
Devon Zagory, NSF Davis Fresh

I. Welcome and Introductions

Co-chairs Eisenberg and Ram called the meeting to order and asked for self introductions. United Fresh Counsel David Durkin reminded the Council of the United Fresh antitrust policy. The minutes of the April 27, 2007 Council meeting were approved without change.

II. Regulatory Update

Dr. Michelle Smith provided an update on FDA activities relevant to fresh produce. She reminded the Council that FDA has dual responsibility – for food safety and nutrition – and the recent food safety issues in fresh produce conflict with their mission to increase America’s consumption of fruits and vegetables to achieve a healthier diet.

FDA is working on the hypothesis that existing food safety guidelines and best practices are effective, when properly implemented. Therefore, they are gathering data to assess whether the practices are being implemented, and implemented properly. If not, they are considering a number of further compliance verification tools, including more guidance, regulation, and/or combination, or different mechanisms such as state-based programs or removing the exclusion for raw agricultural commodities in the GMP regulation. Smith reminded the Council of the two Produce Safety Public Hearings by FDA in March and April, 2007. FDA received 48 comments, mostly from industry, that tended to advocate for 1) consistent standards across the U.S., 2) standards based on sound science, 3) standards that are overarching for all produce, but 4) can accommodate specific needs, such as by commodity, region, type of operation and size of the establishment. Comments did seem split between the standards being federally mandated with federal oversight, or voluntary.

Some comments advocated for HACCP-based food safety standards. FDA recognizes that traditional HACCP may not be an effective system for production operations, and recognizes that the name HACCP has specific expectations, so they are considering other options for produce “HACCP”, e.g., Hazard Assessment Risk Prevention (HARP) or Risk Assessment Preventive Controls (RAPC).

Smith also briefed the Council on the Tomato and Leafy Greens Safety Initiatives. The Leafy Greens Safety Initiative is continuing this year with continued objectives of communication, collaboration, assessments and data gathering, but with a greater focus on environmental factors such as domestic and wildlife populations, surface waters and topography. The Tomato Safety Initiative is already underway in Virginia, and phase 2 will commence in Florida with a public meeting November 28 in Tampa.

III. Food Safety

Leafy Greens Marketing Agreement (LGMA)

In Hank Giclas’ absence, Eisenberg led an open discussion on LGMA. Various members made the following observations:

- Standardization has become a problem. Some customers seem to be adding to the Best Practices “metrics” required by LGMA, while some growers and handlers are pushing back on changes without science.
- LGMA was developed only for leafy greens production/handling in California, but some customers are requiring compliance with the metrics in other regions and for other commodities. Extension of LGMA to Arizona may raise additional issues and learnings.
- LGMA is gaining international attention; e.g., delegations from Japan and Canada have visited the California growing region to learn more.
- LGMA has raised awareness at the farm level. In the past, GAPs weren’t implemented because purchase decisions were not made on a basis of GAP compliance. However, the paperwork increase is huge and the time needed for recordkeeping may conflict with risk prevention activities.
- Customer expectations regarding pathogen testing in the field have become an issue: some want testing performed, some specifically do not want fields tested; some growers are doing their own testing while some don’t know how and buyers are doing it for them. If a pathogen is found, how many handlers are affected?
- The industry must be careful that LGMA audits remain meaningful and don’t turn into redundant, wasteful and unnecessarily routine activities.

Leafy Greens Research Meetings

Gombas briefed the Council on a 2 day research conference scheduled for September 20-21 in the Washington D.C. area. The objective of the International Lettuce and Leafy Greens Food Safety Research Conference is to identify and prioritize food safety research needs for leafy greens. About 80 academic, industry and government representatives, involved in leafy greens food safety, have been invited to participate in the Conference. A number of Council members have been included. Councilors expressed concern about redundancy in research, a lack of coordination of research dollars, and need for a research “road map”. Luo noted that USDA ARS is holding internal meetings to share research objectives and resources in order to avoid redundancy and leverage each other’s efforts.

McDonald described a Center for Produce Safety research conference, scheduled for the end of October in Salinas, when industry speakers will describe what they are doing, at the ground level, to address “the problem”. The agenda is expected to include field tours as well as presentations.

Tomatoes

Ram described an initiative started in July by the North American Tomato Trade Working Group, the Florida Tomato Exchange and United Fresh to revise the existing Tomato Commodity Specific Guidelines to an easy-to-use, modular document. All interested parties have been invited to participate. Currently, seven working groups, each representing a portion of the fresh tomato supply chain, are meeting by teleconference to develop individual modules. Leaders of the modules will then meet to collate them into one document. The group has established a working deadline of November 29 to have a complete draft ready for review.

Brown updated the Council on legislation, which has been passed in FL, to write Tomato GAPs and BMPs into regulation. Audit documents are expected to be available shortly, and penalty enforcement will commence July 2008. Until then, efforts will be intensive education. The ultimate goal of this regulatory effort is to reduce food illnesses from fresh tomatoes, realizing that zero risk is not currently attainable.

Other Commodities

There was an open discussion on food safety issues and activities among other commodities. Cranney offered that the industry needs a better discussion on the role of risk in setting food safety standards; e.g., what is the need to raise practices to higher levels? It's threatening to a small apple grower to hear that the Leafy Greens metrics should be mandated for all fresh produce. Zomorodi offered that it is incumbent on each commodity to assess their own risks, and that hasn't been done. Even the leafy greens industry has only undertaken that task for California operations, with minimal input from growers/handlers outside of California. Phelps shared that the mushroom industry has been working on mushroom-specific GAPs for seven years, and it's been difficult. Particularly problematical is that existing audits, such as USDA and SQF, are not meaningful for mushrooms.

There was an extended open discussion on what role this Council should play in assisting the general or specific industry segments in furthering food safety best practices or compliance. Ultimately, Swanson **motioned that a Working Group be formed to identify issues related to good agricultural practices, food safety and related topics that need to be addressed to meet members' needs through education and outreach.** The motion was seconded and approved unanimously. McDonald, Whitaker, Hurst, Mills, Beaulieu, Luo, Denault-Bryce, Reynolds, Eisenberg, Coles and Zomorodi agreed to serve on the Outreach Working Group. The Group will be convened by conference call.

Food Safety Compliance

Ram initiated a discussion on food safety compliance verification activities. He offered that most in the supply chain only get training in how to pass whatever audit is required of them, and so are in compliance once a year (or once per audit). Lack of compliance is a particular risk factor to food safety and the industry. He recommended that a subgroup be created to explore this and propose a set of recommendations to the United Fresh Board of Directors. McDonald recommended that this activity be added to the charge of the Outreach Working Group, particularly how to make sure that training happens.

Microbiological Testing White Paper

Gombas updated the Council on a white paper being drafted on Considerations in Developing and Using Microbiological Sampling and Testing Procedures for Fresh Produce Applications, based on a United Fresh meeting held last April in Salinas. The objective of the white paper is to offer considerations in the use of microbiological testing to customers, who may request/require microbiological testing, and to companies intending

to develop testing programs for themselves. A partial draft has been circulated to interested Council members and invited participants. A second draft will be circulated with recommended changes. Several Councilors asked to receive copies of the current draft.

Microbiological Testing Database

Gombas updated the Council on a database being developed by United Fresh to anonymously collect and collate industry microbiological testing data. The database is open to any company with the legal right to share pertinent data. Participants have the opportunity to serve on an Oversight Committee to review and recommend changes to the database and determine how best to manage, use and distribute the database. The database builds on a similar, much touted effort by the beef industry, which used testing data to understand the existing microbiological condition of the industry, assess the impact of factors such as geography and seasonality, and to measure the impact of industry interventions over time. The initial focus of the database will be routine testing data relative to leafy greens, and will expand as the Oversight Committee directs. An initial meeting of the Oversight Committee is scheduled for October 3 in Salinas.

IV. Legislative Update

Guenther provided an update to the Council on recent relevant Congressional activities. The current legislative atmosphere is taking food safety very seriously. Two of those most active are Sen. Harkin and Rep. DeLauro, who are friends of the produce industry. At the same time that Congress is questioning industry food safety practices, they are also evaluating FDA and imports, and are again considering consolidating all food safety regulatory activities into a “single food safety agency”. Don’t expect any significant activities in this administration, but there certainly could be in the next. Rep. Dingall has put out a discussion draft on regulating imports. The draft includes a provision that imports can only come through designated ports, which would have to have an FDA laboratory. This would have significant unintended consequences, such as there are no ports on the Mexican border, and only one on the Canadian border, near an FDA laboratory.

Guenther also provided an update on Farm Bill activities. The specialty crop industry, which includes virtually all fresh produce, considers the House version a success. Food safety is a major emphasis in the Farm Bill. This version includes \$25M over 5 years specifically for fresh produce food safety research grants, and \$250M for specialty crop research, including food safety. While all agree that this will only begin to address specialty crop research needs, it is a start.

The Fresh Produce Food Safety Act is expected to be introduced in the Senate the next week by Sen. Harkin, and Rep. DeLauro may introduce a companion bill in the House. United Fresh has seen a draft and, according to the draft, the Act will cover both bulk and minimally processed fruits and vegetables. On the processor side, the Act will mandate GMPs, risk classifications, sampling, unannounced inspections, and mandatory recordkeeping. On the production/farm side, the Act will require risk classifications, mandatory GAPs, and individual plans by growers/handlers for implementation of GAPs.

The risk classification is particularly bothersome, in that it identifies facilities/farms as “high, medium or low risk” based on perceived potential for contamination, not the facility’s level of control. The Act is also overly dependent on microbiological testing, and provides no new funding, which means funding for the Act would have to be diverted from other, unidentified activities. On the positive side, the Act leaves flexibility for requirements to be commodity-specific, flexibility to adapt to new scientific findings, and leaves the regulation writing to FDA. The United Fresh position is that current law already provides FDA with authority to write regulations for a mandatory standard.

Phelps offered that the House version of the Farm Bill has a provision allowing for federal marketing orders for food safety. Guenther agreed that there could be movement this year in Congress to expand the California LGMA to a federal marketing order. In response to an offer by the Council, a subgroup was formed specifically to provide feedback to United Fresh on Sen. Harkin’s Act and on any federal marketing order proposals. Councilors agreeing to participate included Smith, Ram, McDonald, Coles, Mills and Daniels. Guenther will coordinate with the subgroup.

V. Food Defense

Ram briefed the Council on a Weapons of Mass Destruction Workshop held by the FBI in San Francisco on August 29 and 30. This “table top” food defense workshop for the agriculture sector used a scenario involving cattle and foot and mouth disease. This built on a CARVER+Shock workshop in April 2006, sponsored by FDA, FBI and Department of Homeland Security (DHS) specifically for the fresh produce industry.

Gombas serves on the Food and Agriculture Sector Coordinating Council (FASCC), representing United Fresh and the general fresh produce industry. Noting a lack of responses from Council members to an invitation to attend the August FBI workshop, Gombas asked the Council how involved they want to be in food defense activities. The general agreement among the members present was that Gombas should continue to monitor food defense activities and notify members only about high interest items. Swanson suggested that United Fresh invite Don Kautter, FDA, to present a CARVER+Shock briefing for the Council.

VI. Next Meeting

There was insufficient time to address the Educational Outreach or New Business agenda items, so those were tabled until a future Council meeting.

Gombas reminded the Council about the special meeting to be held with the Food Marketing Institute’s Food Protection Committee in Monterey CA, October 2 and 3.

The next regularly scheduled meeting of the Council will be held during the United Fresh annual meeting, May 5-8 in Las Vegas.