

**Comments for FDA Public Meeting on Imports
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Introduction

Good morning, my name is Robert Guenther I am the Senior Vice President of Public Policy for United Fresh Produce Association. Our organization represents more than 1,700 growers, packers, shippers, fresh-cut processors, distributors and marketers of fresh fruits and vegetables accounting for the vast majority of produce sold in the United States. We bring together companies across the produce supply chain from farm to retail and from all regions of production.

United Fresh appreciates the opportunity to provide comments at today's FDA public meeting which is looking at the implementation of the import provisions of the new Food Safety Modernization Act. United Fresh will provide more detailed written comments

about these provisions of the law prior to the April 29 submission deadline.

First and foremost, when looking at the produce industry one must understand its unique diversity and vertical integration that has evolved over the last decade. There are many grower-shippers along with fresh cut processors who grow primarily domestically but may also have growing operations or partnerships in other countries. These new provisions will also impact the wholesale/distributor community, retail, and food service companies who source both domestically and internationally. Therefore, FDA must look beyond the traditional import produce sector along the borders, but also how these new requirements impact the entire distribution chain for fresh produce.

For today's discussion I would like to briefly address three issues we feel are very important in the drafting

of the rules around these new requirements. These include the Foreign Supplier Verification Program, Voluntary Qualified Importer Program, and the impact of the Tester Exemption Amendment for small farms and facilities.

Foreign Supplier Verification Program

As prescribed under the law, each importer of food will be required to have in place a program to verify that its imported food is produced in accordance with U.S. food safety standards.

We strongly, urge FDA to provide voluntary guidance regarding the requirements under this new import provision as soon as possible. It will be critical for produce companies who import products to begin a dialogue with their partners in other countries understanding what paperwork, inspection, and certification requirements will be necessary to ensure the smooth and efficient movement of produce from

foreign countries. While we are confident that the vast majority of our members who import fresh produce into the United States meet U.S. food safety standards, it will be extremely challenging to adjust current verification programs until FDA develops guidance around their intentions for implementing this new requirement. In turn, because of the perishable nature of produce commodities, FDA must ensure valuable federal resources are targeted at import portals so that border inspections and certification requirements do not impede the movement of fresh produce that meets the FDA food safety requirements.

Voluntary Qualified Importer Program

FDA is also required to establish a program for expedited review and importation of products through the Voluntary Qualified Importer Program.

Under this program, we believe FDA should primarily focus on the ability for a company, to prove its

suppliers will adhere to FDA food safety standards and hold them accountable. An importing company with a strong food safety program should not be limited in its ability to utilize this expedited service because of what products they import or what country they are importing from. In most cases, many domestic produce companies are already requiring their partners in other countries to comply with U.S. food safety standards, ensuring the most up-to-date, scientific standards are being adhered to. Finally, related to the user fee program, FDA should look at a tiered fee approach to help small and medium size produce companies that want to participate in this voluntary program.

Tester Exemption Amendment

As you are well aware, Congress approved an amendment to exempt very small farms and food facilities from food safety requirements. Commonly known as the "Tester Amendment," this provision

would exempt small farms and food facilities from mandatory food safety requirements based on size of operation, geographic location, and whom they sell too. As FDA considers the new import requirements, FDA must weigh this congressional exemption on food operations involved in importing. Specifically, how will FDA verify qualified farms and facilities meet the statutory criteria defined in the law? In addition, how will FDA define this exemption for the Foreign Supplier Verification and the Voluntary Qualified Importer Programs into their regulatory guidance to industry members.

Thank you very much for this opportunity. United Fresh looks forward to providing FDA with more detailed comments to the import requirements of this new law in the near future.