

Oral Statement

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Washington, DC**

**Before the
California Joint Assembly and Senate
Committees on Agriculture**

February 27, 2007

Good afternoon. I appreciate the opportunity to be with you today to provide a national perspective on produce food safety issues.

With me today is Dr. Jim Gorny, senior vice president for food safety and technology, who heads up our scientific and technical team. Dr. Gorny is based in Davis, CA, where he is also an Associate of the Agricultural Experiment Station at UC-Davis.

United Fresh is a national produce trade association representing members in practically every state and every sector of the industry. Our headquarters is in Washington, DC and we also maintain a Western Regional Office in Salinas, CA.

Our membership includes companies from farm to retail, representing all produce commodities, and both raw agricultural products and fresh-cut, ready-to-eat fruits and vegetables.

I mention these characteristics because our organization's views on food safety are shaped by this broad and diverse membership across the entire produce industry. Our association attempts to bridge these multiple interests in developing overall policies and practices to best serve the industry and the public.

Let me begin by stating clearly that food safety is our industry's top priority. The men and women who grow, pack, prepare and deliver fresh produce are committed to providing consumers with safe and wholesome foods. They were committed before the spinach outbreak last fall, they are committed today, and they will be committed in the future.

The spinach outbreak was a tragic occurrence, and our hearts go out to those who became seriously ill or lost a loved one. We can

never forget the real human impact when something goes wrong in our food safety system.

That is what drives food safety to be a process of continuous improvement, not a static achievement. We are on a continuum, constantly striving toward perfection, while understanding scientifically that perfection – or zero risk – is not possible.

Let me allay any question that our industry has just now begun to address food safety. In fact, our association published the first *Food Safety Guidelines for the Fresh-Cut Produce Industry* 15 years ago in 1992, and we are now on our 4th edition. We developed the first industry guidelines in the mid 1990s to minimize microbiological food safety risks for fruit and vegetables, and worked closely with the U.S. Food and Administration to publish federal guidelines soon thereafter. And today, we work closely with a 50-member expert Council on Food Safety and Technology, consisting of leading technical experts from throughout our industry and academia.

I want to address three main points today. First, I want to provide our strong support and encouragement for the California Leafy Greens Marketing Agreement we've been discussing thus far. Second, I want to relate this California commodity specific effort to other efforts taking place around the country. And last, I want to share with you our association's views on the most appropriate food safety regulatory framework to both protect public health and enable the produce industry to deliver an abundant supply of safe, healthy and affordable fresh fruits and vegetables.

First, let me compliment Western Growers and the California Farm Bureau for their leadership in promoting the Leafy Greens Marketing Agreement. Taking a step like this toward self-regulation for a private industry sector is not an easy task for a trade association. Trust me, there is always someone willing to take a shot at those who step out front. I also appreciate the Department of Agriculture's support in devoting significant and timely resources.

But mostly, I want to recognize those growers and processors of leafy greens who have made the commitment to look intensely at ways we can further reduce potential risk associated with our products. Dr. Gorny and our scientific team have worked tirelessly with these companies to define clear, measurable and rigorous standards for production and handling of leafy greens. Those metrics are based the very best science available, have received expert review from outside of our industry, and have been vetted with both California and federal health officials. The public has been well served by this industry led initiative.

Stepping back to my national perspective, I can tell you that many other sectors of our industry are pursuing similar efforts to define, implement and verify best practices from field to table.

For example, the Florida tomato industry is at the forefront of developing good agricultural practices for their sector of the industry, and exploring various means to assure compliance across multiple growing regions outside of the state as well. A coalition of tomato producer associations across North America

has published its own tomato specific GAPs, and just last week, some 75 scientists in government, academia and industry met to discuss new tomato research initiatives to further reduce risk.

And, of course, many other groups are implementing similar efforts. Earlier this month, I met with hundreds of growers in New Jersey where a new food safety task force put together by their Department of Agriculture is looking at specific GAPs and training programs for their growers. Another good example is the Georgia Fruit and Vegetable Growers Association, which has its own GAPs training program to help small growers in that state better understand and apply best practices.

While these efforts don't take a Marketing Agreement approach, all represent industry led initiatives to further reduce risk and ensure the safest possible produce for the public.

It is within the context of all of these industry driven efforts that I turn now to discuss what we believe to be the most appropriate *regulatory* framework for fresh produce safety.

Today, our country faces a critically important public health challenge, and it is not simply food safety. The 2005 U.S. Dietary Guidelines call on Americans to literally double our consumption of fruits and vegetables to improve public health.

I am here today because I fear that if we do not ensure public confidence in a strong, credible and comprehensive food safety regulatory framework, we are putting that goal at risk. It is simply unacceptable for Americans to fear consuming those very fresh fruits and vegetables that are essential to their good health.

Our industry can have but one goal in food safety and it starts with the consumer. We believe consumers must be able to shop in any grocery store, or order fresh produce in any restaurant, with complete confidence that their produce selection is a safe and healthy choice. Fear has no place in the produce department.

Now, I personally am confident in my produce choices today. I know how hard our industry is working to make sure every player from field to table is focused on food safety.

But, no matter how hard our industry works, public confidence also ultimately depends upon government as the final health and regulatory authority to determine proper food safety standards and ensure that they are being met.

Let me review three key principles we believe to be critical for our nation's food safety regulatory framework.

1. Consistent Produce Food Safety Standards

First, we believe produce safety standards must be consistent for an individual produce commodity grown anywhere in the United States, or imported into this country. Consumers must have the confidence that safety standards are met no matter where the commodity is grown or processed. Despite our best intentions, the public would not be well-served by different safety standards

for produce grown in California than that grown in Arizona, Colorado, New Jersey or Mexico.

This is not a criticism of efforts at the state level, but a recognition that we must take food safety one step further. The strong scientific standards we're developing for leafy greens can only be successful if applied consistently across the industry, not only in one production region.

Consumers deserve a marketplace in which all leafy greens in the store meet the same safety standards, and growers deserve a level playing field with all of their competitors.

Consumer protection at the state level is a well accepted principle. But state regulation of food safety practices in agricultural production would do little to protect a state's consumers who get their foods from across the country and around the world. Rather, it runs the risk of balkanizing food safety into a competitive regulatory system between states,

reducing consumer confidence in all products, and creating a financial disadvantage to in-state producers.

Our industry has a long-time belief that states and local marketing groups should be proud to promote their home-grown quality and support for local farmers, but that food safety should not be a competitive marketing tool. History shows us that when produce safety fears arise, consumer anxiety cannot be isolated to specific producers or regions, but instead has a spill-over effect on an entire commodity.

2. Federal Oversight and Responsibility

Second, we believe achieving consistent produce safety standards across the industry requires federal government oversight and responsibility in order to be most credible to consumers and equitable to producers.

Strong and clear federal oversight is essential to building and maintaining public confidence in all of our products. We believe that the U.S. FDA, which is charged by law with ensuring the

safety of the nation's produce supply, must determine appropriate nationwide safety standards in an open and transparent process, with full input from the states, industry, academia, consumers and all stakeholders. We are strong advocates for food safety standards based on sound science and a clear consensus of expert stakeholders.

But since science tells us there can be no such thing as zero risk, the public must be able to trust in an independent, objective government body as the ultimate arbiter of what is safe enough. Industry can't make that call alone.

Federal oversight also carries the responsibility to ensure that all players are abiding by the same rules, which protects both consumer health and protects producers from unfair competition. Complying with food safety standards must not be an option for some and not for others.

This does not mean that FDA has to hire 5,000 new inspectors to visit every farm in America and travel around the world. But it

does mean that FDA must have strong cooperative relationships with USDA, state governments, and foreign governments to ensure that compliance is taking place.

3. Commodity-Specific Scientific Approach:

Finally, we believe produce safety standards must allow for commodity-specific food safety practices based on the best available science. In a highly diverse industry that is more aptly described as hundreds of different commodity industries, one size clearly does not fit all.

For example, the food safety requirements of products grown close to the ground in contact with soil are far different from those grown on trees. And, the large majority of produce commodities have never been linked to a foodborne disease. Every produce commodity is different, and our food safety regulatory approach must contain needed scientific flexibility to address specific commodities differently based on their unique production and handling practices.

We support the approach currently taken by FDA to establish broad Good Agricultural Practices (GAPs) applicable to all producers at farm level. FDA's 1998 GAPs guidance continues to provide an effective roadmap for producers, and cooperative agreements with USDA and states can assure compliance with these guidelines based on today's science and as they are modified by FDA in the future to reflect increasing knowledge.

We also support FDA's scientific approach to then drive deeper with commodity-specific GAPs where it believes there is the greatest need. This must be a scientific process, looking at outbreak history and potential risk factors to ensure that resources are not diluted trying to address hundreds of commodities that have never been linked to illnesses.

Finally, we support FDA's approach to address specific standards for fresh-cut processing, as contained in the agency's proposed *Guide to Minimize Microbial Food Safety Hazards of Fresh-cut Fruits and Vegetables*. We strongly support adoption of HACCP food safety programs in all fresh-cut processing plants.

Together, these three principles help define a food safety regulatory policy that we believe will most help our industry enhance produce safety, concurrent with establishing the highest level of public trust.

In conclusion, let me return to the important role fresh fruits and vegetables play in promoting health. With the public health imperative to double consumption of fruits and vegetables, we simply cannot allow fears of food safety to become linked with fresh produce.

We as an industry must do all we can to prevent illnesses from ever occurring, and we will. It is **our** responsibility to grow, pack, process and market safe foods.

At the same time, we believe it is government's responsibility to provide a strong food safety regulatory framework that assures the public that we are doing so.

When both industry and government play our proper roles, together, we can help consumers enjoy an ever increasing array of safe, healthy and nutritious fresh fruits and vegetables.