

Prepared Statement

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Good morning. My name is Tom Stenzel and I am President and CEO of the United Fresh Produce Association. Our organization represents more than 1,200 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, including all produce commodities, both raw agricultural products and fresh ready-to-eat fruits and vegetables, and from all regions of production.

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, not any one sector or region. Within our industry, there are always diverse and strongly held views on each issue we face. Our association attempts to develop the best overall industry policies and practices to serve the American consumer.

Let me begin by repeating something you've heard many times before, and will hear many times in the future. 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.

The spinach outbreak last fall was a tragic occurrence, and one that struck hard here in Wisconsin. So many people were affected, and it is a testament to the Wisconsin Division of Public Health that the outbreak was identified here first and communicated to the Centers for Disease Control. On behalf of our entire industry, let me say 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. Our overall safety record is good in providing American consumers over a billion servings of fresh produce every day. But, our industry cannot rest when even rare breakdowns in food safety systems can cause such human impact as that felt here in Wisconsin last fall.

Let me allay any concerns 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 on-farm microbiological food safety risks for fruit and vegetables, and worked closely with the U.S. Food and Administration to publish federal guidelines soon thereafter. Put simply, food safety has been at the forefront of our mission to serve the American public for many years. When a tragedy such as the E

coli O157:H7 outbreak occurs, we are committed to learning all lessons possible and incorporating that knowledge into continuous process improvement.

I want to address two main points today. First, I want to talk specifically about what our industry has done to address this outbreak, and what we are doing now to improve food safety practices from field to table. Second, I want to share with you our association's views on the most appropriate produce safety regulatory framework to protect public health.

When the spinach outbreak occurred, our entire industry immediately pulled all spinach from shelves nationwide, and cooperated fully with FDA in tracking this problem back to its source. That total industrywide shutdown was an unprecedented response, but FDA felt it necessary until they were certain any contaminated product was removed from the market.

In fact, we now know that the only contaminated product came from one 50-acre farm, packaged in one processing plant, and only on one production shift. That's out of more than 300,000 acres of lettuce, spinach and leafy greens grown in the region where this product was grown, and dozens of processing plants around the country. But, when faced with an immediate public health question, we agreed with FDA to err on the side of caution.

Once we learned of the outbreak, our industry also immediately began a comprehensive reevaluation of spinach production, handling and processing to make sure we were taking all appropriate steps to assure safety. This included not only the companies directly involved in the outbreak, but companies throughout the spinach growing and processing sector. While the source of the outbreak itself proved to be narrow, the entire industry joined together to make sure we collectively are addressing all the common risk factors that can be associated with fresh leafy greens grown outside in nature and consumed without cooking.

This effort has led to an important initiative spearheaded by the leafy greens industry to adopt stringent food safety measurement criteria which can be implemented and verified across this sector of the industry. The California Department of Food and Agriculture has recently adopted a Leafy Greens Marketing Agreement which will serve as a means of setting rigorous measurements of safety for leafy greens from this major production region. We also believe similar standards must apply nationally and internationally, and I will address this issue specifically in a moment.

These science-based standards include careful attention to site selection for growing fields based on farm history and proximity to animal operations, appropriate standards for irrigation water and other water sources that can come in contact with crops, prohibition of raw manure with use of only certified safe fertilizers, good employee hygiene in fields and handling, and of course, strong food safety controls in all processing plants.

Under the Leafy Greens Agreement, growers will be audited by the California Department of Food and Agriculture to ensure that they are complying with these standards. And, they will face penalties if found not to be in compliance, with the ultimate consequence of not being allowed to sell product if they cannot do so safely.

Taking a step like this toward self-regulation for a private industry sector is not an easy task. But we believe this is a critical step in continuing to assure the public that our industry is doing everything we can to make our products safe. I want to publicly recognize those growers, shippers and processors of leafy greens who have made this commitment.

Stepping out now to a national multi-commodity 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. Just two weeks ago, the tomato industry convened a meeting of some 75 scientists in government, academia and industry to discuss new tomato research initiatives to further reduce risk.

In an effort similar to the leafy greens and tomato good agricultural practices we've discussed, our organization and others have co-published GAP guidance documents for the melon industry, and work is underway on green onions and herbs.

And, of course, many other regional groups are implementing similar efforts. Last 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. And 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.

All these efforts 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. While there is much our industry can and must do, we also have to recognize the important role of the federal government.

Today, our country faces a critical public health challenge to *increase* our consumption of fresh produce. The 2005 U.S. Dietary Guidelines call on Americans to literally double our consumption of fruits and vegetables. And now, our nation is faced with an obesity crisis that threatens the long-term health of our children unless we radically change eating habits and help them learn to make healthier choices for a lifetime.

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. Whatever low risk that might be present must be viewed as an acceptable risk, based on strong government assurance that proper food safety systems are in place, and that the benefits of consumption far outweigh the low risk.

Now, I personally am confident in my produce choices today. I know many of the people who are growing and processing fresh produce, and I trust them to be doing their very best to market safe products. I know a lot about these many industry efforts across the country to develop best agricultural practices and implement strong standards and controls. And I know how hard our own team is working to make sure every corner of our industry 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. Because of the variation in our industry's growing and harvesting practices in different climates and regions, flexibility is very appropriate and necessary. For example, some production areas use deep wells for irrigation while others use river water supplied from dams. Some farms use sprinkler irrigation, others use a drip system laid along the ground, and still others use water in the furrows between rows of produce. But the common factor must be that all uses of water for irrigation must meet safety standards that protect the product. That must be true whether the produce is grown in California, Florida, Wisconsin or Mexico.

We strongly applaud industry groups in different states and regions that are working to enhance local practices. Their work demonstrates the industry's commitment to do all we can to enhance safe growing and handling practices. But to build consumer trust, strong scientific standards we're developing for one region can only be successful if applied consistently across the industry.

2. Federal Oversight and Responsibility

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

We believe that the U.S. Food and Drug Administration, which is the public health agency 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 in a situation where science tells us there can be no zero risk, and there is no cooking step for our product, the public must be able to trust in an independent, objective government body as the ultimate arbiter of what is safe enough. In the future, we must be able to stand side-by-side with government to reassure the public that together, we have done everything necessary to implement and comply with strong mandatory government standards to protect public health.

Let me say a word here specifically about USDA's role in helping our industry enhance safety. USDA is a strong ally and offers a number of means to assist the produce industry in safely growing, handling and processing fresh produce. First, as a diverse agricultural industry, marketing orders have been an extremely useful means of setting quality standards, conducting research and promoting specific commodity groups. These orders fall under the Agricultural Marketing Service of USDA, and are increasingly being looked at as a potential means to stimulate good food safety practices as well. Growers of a commodity can come together and vote to require specific practices that then become mandatory for all growers of that commodity.

In addition, USDA through AMS offers several auditing programs that assist the industry in measuring good agricultural practices, good handling practices, and HACCP programs in processing plants. These are good education and training programs, as well as a means to measure individual operators' understanding and implementation of food safety practices.

We believe these programs can be very helpful, and are an important element in enhancing food safety systems. Yet, while these programs are an important means for specific sectors of the industry to enhance performance, long-term public trust requires that FDA set the most appropriate regulatory safety standards. That is simply a call that industry cannot make alone.

And, FDA must have the ultimate responsibility to ensure that industry is complying with these standards. That 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 relationships with other governments, USDA, and state agriculture and regulatory officials to ensure that compliance is taking place. Cooperative agreements between FDA and the states have been extremely effective in providing oversight of food safety standards.

Our analysis is that FDA has the regulatory authority today to promulgate any needed rules and regulations, issue guidance that compels industry action, enter into agreements with states to support field investigations, and generally set all necessary standards to protect the public health.

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.

This will be an extremely important point in looking at produce safety. Government and industry alike must be careful that broad strokes do not result in requirements that should not apply to specific commodities, and do nothing to enhance safety. Taking a general approach would be far too easy to add regulatory costs and burdens to sectors where those requirements are unneeded, without doing anything to enhance safety where most critical.

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 develop commodity-specific GAPs where there is a demonstrated 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. These principles are embodied in commodity specific guidance documents that are being developed for tomatoes, melons, leafy greens and green onions, as well as FDA's already published guidance document for fresh sprouts.

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 HACCP food safety programs in all fresh-cut processing plants. Although research has not yet identified a kill step such as pasteurization for fresh-cut ready-to-eat produce, we must apply strict processing controls

to minimize any risk that might be introduced from incoming raw agricultural product or at the processing level.

Together, these three principles I've discussed 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 fresh produce. We strongly support a U.S. regulatory framework for the fresh produce industry that incorporates these principles.

Let me conclude with a few comments about appropriations priorities. We believe one of the most important issues at this hearing is whether FDA is adequately funded, has sufficient staff with scientific training and experience in our sector of the food industry, has research dollars available to address key questions, has strong working agreements with the states to provide support as needed, and has the commitment of the President and full support of Congress.

Now that's a big commitment, but we believe it is essential to have a strong and effective federal regulatory framework for the produce industry. As a nation committed to reducing foodborne disease, we all share the important task to adequately fund, staff and support the FDA in carrying out its mission.

Finally, let me address the subject of research. Our industry is doing everything we know today to reduce the risk of foodborne disease, but there are many scientific questions literally begging for research. We need better understanding of ways to reduce E coli O157:H7 in cattle; we need better ways to prevent potential contamination from pathogens that might be present at field level; and we need to develop more effective microbial reduction and elimination techniques after harvest and in processing. While there's no obvious silver bullet around the corner, developing a "kill step" akin to pasteurization while still protecting the natural texture and flavor of our product would be a critical advancement in preventing even rare future illness outbreaks.

We ask for the Committee's support in boosting produce safety research as a vital part of reducing risk in the future. Specifically, we support an additional appropriation for FY08 of \$10 million for USDA's Agricultural Research Service, \$10 million for the USDA Cooperative State Research, Education and Extension Service, and \$6.5 million for the FDA Center for Food Safety and Applied Nutrition, for produce safety research. We also ask the Committee for its support as we discuss significantly greater research needs in the 2007 Farm Bill.

In conclusion, let me return to the important role fresh fruits and vegetables play in public health. Of course any reasonable person in the food industry would want to produce only the safest possible product. But for us, somehow it seems even more important because of the healthfulness of fresh produce.

With that public health imperative, 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. To those who became ill from last year's outbreak or have loved ones who did, we pledge to do our very best to prevent this from happening in the future.

At the same time, we pledge to support government efforts to provide a strong food safety regulatory framework that assures the public that appropriate safety standards are in place and are being met by the industry.

Together, we can help consumers enjoy an ever increasing array of safe, healthy and nutritious fresh fruits and vegetables.