

December 1, 2010

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
Washington, DC 20515

The Honorable John A. Boehner
Minority Leader
United States House of Representatives
Washington, DC 20515

Dear Speaker Pelosi and Minority Leader Boehner:

As you know, the Senate has completed its work on S. 510, the Food Safety Modernization Act and the legislation now goes to the House of Representatives. This bill contrasts significantly with H.R. 2749, the Food Safety Enhancement Act approved by the House of Representatives over 15 months ago. This elapsed time and the substantial differences that arise between the two versions demand a conference of the two houses to reconcile these differences.

In particular, exempting "small" farms from following federal food safety standards, as the Senate bill currently does, undermines the intent of credible food safety systems which are based on risk and science, not arbitrary criteria. Microbial contamination does not discriminate between small or large farms, customer base or proximity to market. The fresh produce industry has made immense strides enhancing food safety practices over the years knowing that any foodborne illness outbreak affecting one or hundreds of people, also affects every single farmer who grows the implicated food. We worked constructively for years with lawmakers on food safety legislation, but the Senate-passed bill is bad public policy. With respect to produce, the choice between buying fruit and vegetables grown, packed and shipped under a strict set of food safety standards or commodities that are exempted, leaves the consumer vulnerable. In addition, in a world where customers demand and consumers expect compliance with food safety standards, the small businesses and farmers we represent may find themselves shut out of market opportunities.

Because this legislation will affect all Americans it is crucial that every step be taken to ensure the final legislation reflects the highest possible food safety standards based first and foremost on science and risk assessment. This is critical to maintaining the safety of our country's food supply for everyone. Passage of this measure without reconciliation of key differences between the two versions falls short of the objectives ultimately undermining the original intent to strengthen and enhance our nation's food safety system leaving consumers to digest a food safety bill that is short of comprehensive.

Again, we urge that a conference with the Senate be held on this important reform measure. We look forward to working with you to ensure that food safety legislation makes our nation's food supply as safe as possible.

Sincerely,

United Fresh Produce Association

American Mushroom Institute

Fresh Produce Association of the Americas

National Onion Association

National Potato Council

National Watermelon Association

Produce Marketing Association

U.S. Apple Association

Northwest Horticultural Council

Western Growers

California Citrus Mutual

California Grape and Tree Fruit League

California Strawberry Commission

Grower-Shipper Association of Central California

Florida Fruit and Vegetable Association

Florida Tomato Exchange

Georgia Fruit and Vegetable Growers Association

Idaho Potato Commission

Idaho Grower Shippers Association

New York Apple Association

Oregon Potato Commission

Texas Produce Association

Washington State Potato Commission

CC: United States House of Representatives