

**Food Safety & Technology Council Meeting
The Hyatt Regency Capitol Hill, Washington, D.C.
The Washington Public Policy Conference
October 3, 2011**

Council Members Present:

Walter Ram, The Giumarra Companies (Chairman)
Bob Elliott, Sunkist Growers, Inc. (Vice- Chairman)
Bassam Annous, USDA ARS ERRC
Roger Becker, Gold Coast Packing Company, Inc.
Ed Beckman, California Tomato Farmers
DeAnn Benesh, 3M Food Safety
Michael Bentel, Naturipe Farms, LLC
Ian Bessell, ABC Research Corporation
Sally Blackman, Canadian PMA
Daniel Botts, Florida Fruit & Vegetable Association
Jim Brennan, Alliance of Technical Professionals
Deborah Carter, Northwest Horticultural Council
Megan Chedwick, Church Brothers, LLC
Mario Estrada, Markon, Inc.
John Freed, Syngenta Crop Protection
Lisa Fuentes-Intveld, The Nunes Company
Jason Grev, Ecolab
Scott Grow, G.O. Fresh
John Gurrisi, Darden
Scott Horsfall, CLGMA
Donna Lynn Johnson, DLJ Food Consulting
Karan Khurana, Pulse Instruments
Frank Lichtner, T-Systems International, Inc.
Tom Lovelace, McEntire Produce
Yaguang Luo, USDA ARS PQSL
Tom Mack, Dole Fresh Vegetables, Inc.
Donald Mayfield, Cabbage, Inc.
Drew McDonald, Danaco Solutions
Michael Menes, True Organic Products
Bob Mills, Misionero Vegetables

Kristian Moeller, GlobalG.A.P
Robert Morrissey, National Watermelon Association
Gurmail Mudahar, Tanimura & Antle
Beth Oleson, GFVGA
Sean Picquelle, Taco Bell
Paulette Pierson, Monsanto
Bill Pool, Wegmans Food Markets, Inc.
Joshua Porbeni, Club Chef
Gale Prince, Your Food Safety Coach
Brian Stepien, Growers Express
Greggory Storey, Clarkston Consulting
Kari Valdes, Taylor Farms, Inc.
Thomas Young, Del Monte Fresh Produce, N.A., Inc.
Brian Zomorodi, Ready Pac Foods, Inc.

Guests:

Jon Woody, FDA
Leanne L. Skelton, FDA
Jennifer McEntire, Institute for Food Technologists
Tom Bewick, USDA NIFA
Ana Hooper, Darden
Tom Fanoie, Salinas Valley Truck Stop
Eileen Chase, NSF Agriculture
Eric Graves, ABC Research
John Laxson, ABC Research

United Fresh Staff Present:

Barry Eisenberg
David Gombas
Robert Guenther

Introduction

The United Fresh Produce Association (UFGA) Food Safety & Technology Council (FS&T) meeting held at the Washington Public Policy Conference was called to order by Chairman Walter Ram at 8:10 am on October 3, 2011. A group of about 60 people attended the meeting to discuss a variety of topics. Introductions were made, past minutes approved, the anti-trust guidelines reviewed and the agenda for the day was accepted.

Lot Separation White Paper

Barry Eisenberg presented a progress report on the “Lot Separation for the Produce Industry” White Paper. He reviewed the sections of the papers identifying field production, harvest, packing shed and processing plant lot separation as the focus. He identified the goal: To create a set of guidelines the industry can use to communicate a defensible position to governmental agencies when asked why lots were separated as done. Several alternatives to defining how lots can be separated were presented noting that the government has no directive how to separate lots and is relying on the industry to set standards. He mentioned that operations such as multiple harvests, re-work, and any type of double handling will create challenges when limiting lot commingling.

He noted that the key question the paper addressed was:

“How do you know that you have identified the entire presumed contaminated product?”

Barry pointed out that common elements throughout the paper were (1) have a written lot separation policy (2) have comprehensive documentation supporting the decisions you make and choose not to make (3) use risk assessments whenever possible (4) rely on industry standards for buffers when possible (5) use measurable criteria when feasible and (6) try to make lots as small as possible.

Comments from this meeting will be incorporated into the next draft and sent to the FS&T Council, The Fresh-cut Processing Board and PTI Working Group for further review before posting on the UFPA website. December 1 is the target date for posting.

Final Product Testing White Paper

The next presentation was also made by Dr. Eisenberg. He presented a working outline for a White Paper that will address the “Impact of Final Product Testing.” The topic originated from the United Fresh Fresh-cut Processing Board and the final paper will be prepared in a collaborative effort between PMA and UFPA. He pointed out that the direction is not to comment on whether final product testing is recommended or not, but will focus on the business consequences when final products are tested.

Barry outlined the sections that will be included in the paper as: why buyers require testing, what companies have learned so far by conducting final product testing, the expected/unexpected consequences, impact on quality, are there regulations mandating testing and does final product testing create a safer product. Lastly, two appendices will be included showing a process flow diagram and a detailed spreadsheet outlining potential costs associated with a final product testing program.

He noted that, once written, a small group of the FS&T Council, the Fresh-cut Processing Board and the PMA Technical Committee will critically review it. Their comments are to be incorporated into the paper before it is sent for a review by all FS&T Council members and others.

Legislative Update and Congressional Visits

Robert Guenther next discussed our visits to Capitol Hill. He briefly reviewed E-Verify, The Farm Bill, Food Nutrition and Food Safety talking points. He suggested we focus on real world examples and remember that the Congressional Staff are the key people advising Congress. Robert also highlighted points related to the Food Safety Modernization Act (FSMA).

He noted that the E-Verify legislation is moving through Congress and that Chairman Smith and Committee member Lungren have offered changes to include a guest worker program. Hearings are going to take place, but the mark-up draft from the committee did not include their recommendations. Robert also mentioned the need for the bill to address year round employees and that members of Congress have to take the fruit and vegetable labor concerns seriously since these workers are essential for production, harvesting and handling. Robert made it clear that during our congressional visits we have to mention the production world is almost at a crisis stage...labor is not available. He mentioned that the mushroom industry is facing a 30 % reduction in workers.

The Food Safety Modernization Act was also briefly covered in Robert's presentation. He noted that Congress has moved into an oversight role and that the FDA is writing the regulations. As a reminder, he mentioned that the next 6 to 12 months are crucial for the FDA and that standards are to be based on sound science.

Lastly, Robert updated the Council on the USDA AMS Microbiological Database Program (MDP). United has worked closely with Congress and the House has zeroed out funding for MDP. He mentioned that the Senate was silent on MDP, but instructed USDA AMS to cut program costs by 15%.

Audit Benchmarking Matrix

David Gombas presented an overview of the Audits Benchmarking Matrix, a project Gail Murray, Disney Consumer Products led for the FS&T Council. David opened the website and showed how to navigate it. He noted that nearly all auditing companies supplied information and offered suggestions to improve the website. Companies have been encouraged to review and update their information as needed. David encouraged attendees to go to the UFPA Food Safety Site and explore all of the options.

It was asked if CanadaGAP was included. David mentioned it is not an audit so it will be moved to the page of standards. The industry-developed Harmonized Standard will not be included since there is no audit process associated with it. Once an auditing company starts to use it, then it will be listed under any company that will be using it.

David concluded this segment with noting the strength of the Audits Benchmarking Matrix is that it allows a company looking for an audit to see details of one audit company next to another. He mentioned that this is the only available tool in the industry that allows users to see audit company comparisons with very little effort.

Standards Harmonization Update

Next David reviewed the status of the Produce GAPs Harmonization Initiative. Significant progress has been made and over 20 audits have been conducted to evaluate where changes might be needed. He noted that several companies have made it clear they plan to use it, and that he would assist any company that has not yet committed to understand the benefits of the audit. The Field Operations and Harvesting Standard was finalized in July and is available from the UFPA website.

Produce Safety Alliance

Leanne Skelton from the USDA (on assignment with the FDA) presented an overview of the Produce Safety Alliance Project and produce food safety activities that she has been working on for the past

three years. Her update outlined the progress made by the Produce Safety Alliance (PSA) which is responsible to create food safety education materials for small and medium sized growers. She mentioned that the PSA project is managed by Cornell University with strong guidance from FDA and USDA. The National Association of State Departments of Agriculture (NASDA) and AFDO are also involved. Leanne mentioned that the industry, academics and professional staff are involved in the several working committees. She noted that all participants are following the phrase “educate before you regulate”. More information can be found at the following website:

<http://producesafetyalliance.cornell.edu>

Leanne noted the program has a three year timetable. Year one has been concluded and focused on organization and goals. There is an Executive Committee, Steering Committee and 10 working committees made up of 473 members, although some of these members are the same person on multiple working committees. She mentioned anyone can still join and is done through the PSA website. Each working committee has two co-chairmen and these people make up the steering committee. The working committees (160 people) include people from 34 states, and are represented with growers/farmers (14 %), educators (34 %) and other professionals (53%).

She noted that the target audience for the program is the farmer and that the “train the trainer” philosophy will be followed. Leanne pointed out that the focus is on GAP and postharvest programs and will capitalize on existing materials. She noted that the working committees are making progress and holding conference calls about every two weeks. Leanne finished by encouraging those that have not been involved to do so.

FDA-IFT Traceability Pilot

Jennifer McEntire from the Institute for Food Technologists (IFT) gave an overview of the FDA-IFT traceability pilot studies. Jennifer outlined the approach IFT is taking for the pilot studies and reiterated the need for a comprehensive traceability system for many products of which fresh produce was included. She mentioned that IFT is made up of 1800 members from around the world and has a history of doing contract work and bringing in the necessary resources when needed, such as representatives from the fresh produce industry for this project. She noted that one should not confuse trace back with a recall. They are two unique activities. She also identified Ed Beckman from the California Tomato Farmers as a person who has continued to help IFT understand our industry.

Jennifer noted that currently IFT is capitalizing on the work done by the Produce Traceability Initiative (PTI). Many of the tools to record information have been addressed by PTI, but the focus has shifted to the communication tools and methods to analyze the data.

Jennifer outlined two pilot studies; one with a processed food item and the other fresh produce. She mentioned that no crop has been selected yet and IFT will be working with our industry and an eight member panel (will include one from our industry) to make a final decision. She also made the point that guidelines set by FSMA will be incorporated and that a cost/benefit analysis will be conducted before determining what system/process will be used.

For more information contact Jennifer at IFT. She ended by mentioning that by June 2012 a report is to be presented to the FDA that will not identify the system, but relate the findings from the pilot studies.

FDA Food Defense Tools

Jon Woody, Senior Policy Analyst for the Food Defense Center for CFSAN presented a detailed overview of how the government will proceed with food defense. He noted that within 18 months, the FDA, USDA and DHS will address the program outlined in FSMA concerning a National Agriculture Food Defense Strategy and that the program will cover foreign and domestic terror organizations, economic adulterations, counterfeit/tampering and the area of disgruntled employees.

Jon identified many programs that should be reviewed for anyone getting ready to create a company policy. These include ALERT, FIRST, Carver Shock as well as the Mitigation Strategic Database. He pointed out that the first goal for a company is to develop a Food Safety Defense Plan and that the plan should include basic elements of food defense, a vulnerability assessment, and mitigation strategies. He did mention that GFSI-approved standards do include a section on food defense.

Jon highly recommended that people review the materials in the FDA website:
www.fda.gov/fooddefense

Food Defense for the Produce Industry

Walter Ram, Vice President of Food Safety for the Giumarra Companies gave a brief presentation covering Food Defense. Walter outlined the approach the FS&T Council has been taking and expects information on the topic to be on the United website within the next few months. Walter noted that many companies can capitalize on procedures already in place as well as incorporating resources from government websites when preparing a Food Defense Policy Statement for their company.

Walter mentioned that many companies think of foreign terrorists as a major source of potential food defense issues, but that companies should also focus on employees and unscrupulous competitors. His parting comments addressed defining the principles and fundamentals of food defense and that a company budget must include this area when allocating funds. He pointed out that if there is a food defense incident, recovering from the event will be several times more costly than adequately funding the area.

Food Safety Modernization Act (FSMA) Update

David Gombas presented a review of a presentation by Don Kraemer, FDA CFSAN Acting Deputy Director, that covered FSMA implementation. Gombas noted that the act covers six areas of preventive controls including: food preventive controls, feed preventive controls, prevention of intentional contamination, sanitary transport, foreign supplier verification and produce safety.

David outlined that the produce and preventive control regulations will cover production, harvesting, packing, postharvest, fresh-cut processing, shipping and warehousing. Fresh fruit and vegetables, mushrooms, sprouts, peanuts and tree nuts are expected to be included in the fresh produce rule. Exempted are the operations identified in the Tester Amendments and the FDA is considering exempting commodities not normally eaten raw such as potatoes, sweet potatoes and artichokes. Also expected to be exempted are agronomic crops and products that have a kill step such as produce intended to be used in cooked products like jams and juices. He emphasized that this approach is still draft and everything is subject to change until the proposed rules are published.

Next David summarized the approach the FDA is considering to identify high, medium and low risk products. He noted that, as presently envisioned by FDA, this is going to be based on past history of outbreaks and agronomic practices used during production. He cited irrigation methods as an example. Crops with overhead irrigation are presumed to be at a higher risk of contamination compared to those irrigated with drip or furrows. Under this approach, growers and handlers would be able to potentially lower their risk category by moving away from riskier production practices.

David noted that the FDA is well aware of the difficulty in identifying risk categories and that there will be a major emphasis on agronomic factors that increase the potential for contamination. He also mentioned that outbreak data will be reviewed in detail when assigning risk categories as well as vehicle of transfer, severity and the number of illnesses as the FDA determines risk categories.

The time frame of implementation was also presented. Very small farms (FDA is considering 25 or less acreage with \$25,000 or less in sales as very small) will be fully implemented in 3 years; small farms (e.g., 150 acres or less with \$250,000 or less in sales) in 2 years and all other operations in 1 year after the regulations are finalized. David mentioned that the FDA is looking to release the proposed regulations for comment in early 2012.

David noted that registration of farms is being explored. He mentioned that the FDA is exploring using the Egg Safety Registration Model or capitalizing on existing systems. If registration is used, FDA is considering having all companies register including those exempted in the Tester Amendment.

SCRI Research Funded 2011

Tom Bewick from the USDA/NIFA/IFPS presented an overview of the granting process used for competitive grants. Details can be found at <http://www.nifa.usda.gov/funding/scri/scri.html>.

Tom reviewed the granting process noting that there are normally four primary reviewers that come from industry, academics, associations and the extension service for each grant. He pointed out the need for more industry participation. Tom noted that a key criterion for grant reviews is "best science" and not necessarily the topic. The next request for applications will be posted November 1.

Tom presented some general observations: 13 % of the grant requests are funded (1 of 5), first time submitters are not normally funded due to issues in preparation. If resubmitted the following year the deficiencies in their original grant are normally addressed and their chance of funding much better. It was suggested that people submitting large research grants first submit for a planning grant. These are generally a one year grant that brings stakeholders together to assist in developing the scope of the research grant to be submitted. It was again mentioned that NIFA would like to see 20 -30 % of the reviewers come from industry. Please contact Tom at tbewick@nifa.usda.gov or call 202-401-3356 to learn how to get involved.

Tom mentioned that each proposal is reviewed and rated by the four individuals selected, they discuss their rating with the entire panel, and the entire panel can have input. Reviewers after hearing input from others can change their rating. Tom noted that grants rated as Outstanding and High Priority are highly considered for funding. In 2011 \$ 42 million dollars were allocated for funding. After grants were reviewed \$142 million in proposals fell into the outstanding and high priority categories. He concluded by identifying in 2010 that 4 research projects were granted as Continuation of Research Awards, 7

Coordinated Agricultural Projects, 13 Standard Research and Extension Projects and 5 Planning Project Grants. A full list of projects can be found on the website www.nifa.usda.gov

EPA/FDA Regulations of Antimicrobials in Food Processing Facilities

Jason Grev, Manager of Governmental Relations for Ecolab highlighted the confusion with the approval and regulatory process of antimicrobial agents in our industry. He noted that the EPA has jurisdiction for antimicrobial agents to treat raw vegetable and fruits while the FDA addresses processed products. A processing facility will more than likely have both the EPA and FDA involved. He mentioned that this can lead to an extended approval process that may take years. Jason made it clear that this situation must be addressed to speed the process and reduce confusion in our industry.

One of the concerns that Jason addressed was our need to speed the introduction of safe/proven antimicrobials into the market when a new pathogen is found. We noted that the government must react quickly and within a system with better coordination than in place today. Jason mentioned that it normally takes 60 -90 days for the EPA to react in an emergency situation when we need 5 days. He finished by making the point that all of us need to stay alert and work with the EPA so they better understand our needs in order to develop an expedited process.

Cantaloupe Update (These notes are prior to the FDA Report on the incident)

David Gombas gave a brief update on the listeriosis outbreak in Colorado. He mentioned that the situation has created industry anxiety, and many customers are asking for documentation and trying to review grower/packer programs. He noted that several members have been asked by buyers about final product testing and what measures are being used to guard against *Listeria monocytogenes*. It was pointed out that once the FDA report is released we will have a much better idea where to focus resources.

David has been in direct contact with several companies and expects this to stay in the news since more deaths are to be expected. He mentioned that once the FDA report is issued the group that prepared the Cantaloupe Guidance Document should probably reconvene and that we should guard against speculation.

FS&T Priorities

Walter asked should the FS&T Council priorities be revisited. There was clear support to focus on addressing the outbreaks and processes to reduce their occurrence. Training and education has been highlighted as a means to address the recall concerns. More meetings to discuss and outline a proactive approach to address current issues were also mentioned. Everyone should also be prepared when FDA asks for comments on proposed regulations early in 2012.

The need to update the United Fresh Fresh-Cut Handling Guidelines was presented. Brian Zomorodi volunteered to head the effort. Brian will solicit help and for those who wish to get involved, please contact Brian.

What Have You Heard

Walter headed the discussion of “What have you heard”. Members noted that they have heard positive comments about audits using the Harmonized Standards. Others noted that FDA inspections have increased in intensity as well as taking swab samples. The FDA has been showing more interest in environmental swabbing, sanitizers, and education. Norovirus concerns were also mentioned and that the CDC has an initiative to better understand the source of the pathogen. USDA has recently awarded funds to a multi-institutional research project regarding Norovirus; David Gombas is on the advisory council for the project.

David discussed the research project Dr. Buchanan received funding for from SCRI. The goal is to validate food safety metrics for fresh tomatoes and leafy greens. He mentioned that the project has just started and that several companies are cooperators on the project.

Next Meeting

The next regularly scheduled meeting will be during the Winter Leadership Meetings, scheduled to be in San Diego the week of January 23, 2012.