

THE PACKER

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Act now: Government is doing more than ever

Over the past few months, a very real wave of change has been building for the business and regulatory climate of the fresh produce industry.



Actually, the impetus for this change has been building for years, and now the Obama administration and Congress appear staged to implement sweeping new policies that will, if enacted, markedly alter how we all conduct business.

We've reached a point in this process where very little time remains to affect the eventual outcome — the decisions will likely be made over the next few weeks. It's a race to protect our future, and I believe that our industry must be politically visible and engaged like never before to meet this challenge.

The coming changes in our nation's food safety systems are probably viewed by many in the industry as the most important issues in recent memory. It's no wonder, because new food safety practices could affect virtually every segment of the business.

The changes are coming already. Earlier in July, the Obama administration announced an action plan to modernize our nation's food safety system.

The recommendations from the Food Safety Working Group touched on many food industry sectors. Most notably for fresh produce, the Food and Drug Administration plans to announce commodity-specific food safety guidance for melons, tomatoes and leafy greens.

Further, the FDA is instituting a new "unified incident command system" to better coordinate and streamline food safety actions across multiple agencies in the event of outbreaks of foodborne illness — a significant step that can improve response time to food safety events.

The House of Representatives appears to be reaching consensus on a food safety bill, The Food Safety Enhancement Act of 2009, which passed out of the Energy and Commerce Committee in June.

It contains provisions on registration fees, traceability, commodity-specific guidance and tighter controls regarding FDA's authority to implement geographic quarantines, among other things.

As the difficult work on this bill has unfolded over the past few months, it has been my good fortune to be deeply involved in an industry association that is taking a proactive and progressive stance on these issues.

Involvement important

By getting more involved and targeting my volunteer time, I have been able to stay up-to-date and aware of the important topics that need all of our involvement.

Fortunately for those who are not able to be personally involved, United Fresh has presented on our behalf several recommendations to the Obama administration for improving food safety in the interest of bolstering consumer confidence.

With no time left for celebration, the industry's progress on the House food safety bill bears no guarantee for what the Senate might do.

The Senate's work on food safety is in early stages, presenting an opportunity — or should I say, an obligation — for all of us to participate, provide counsel and help ensure the best possible legislation.

There is a similar window of opportunity at FDA, where officials are steadfastly working to address food safety challenges. The impact of these initiatives will undoubtedly be far-ranging and could set the stage for food safety practices for many years to come. The potential impact is enormous.

On labor, alarm bells are sounding for employers in agriculture and other industries that are closely watching the card check legislation being debated on Capitol Hill. The Employee Free Choice Act (EFCA), commonly known as card check, is a contradiction in terms.

It's hard to understand how a bill that strips employees of their right to privately choose union representation should be called "free choice."

The EFCA would transform the National Labor Relations Act, which dates back to 1935, by eliminating federally supervised secret ballot elections for establishing a union as collective bargaining representative.

Instead, the legislation proposes to use petitions (also known as a "card check") without federal oversight. If a majority of petitions from covered workers showed support of a union, it would be certified. On top of that, the EFCA would require binding arbitration if the employer and union can't agree to a contract after only 120 days.

There's no question that if this bill actually becomes law it would seriously disrupt the long-standing balance of power between employers and unions, with serious consequences for produce industry employers.

United Fresh and dozens of other leading business groups have been urging lawmakers to scrap the bill, but it remains a viable threat.

In my view, the current political landscape in Washington gives card check a real shot at becoming law. It would dramatically alter the rules for the American workplace, affecting thousands of food industry employers, probably for generations to come.

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United Fresh holds its annual Washington Public Policy conference Sept. 9-11, to educate the produce industry on issues in government and organize lobbying visits to attendees' congressional representatives and FDA officials.



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