



# United Fresh

PRODUCE ASSOCIATION



## 2009 ISSUES BRIEF



# PROMOTE STRONG, SCIENTIFIC FOOD SAFETY POLICY

**CHALLENGE** While most experts agree that the U.S. food supply is considered the safest in the world, foodborne pathogens in the food supply still make people sick every year. Increasingly, consumers have expressed concerns about microbial contaminants in their foods and they are asking whether the federal regulatory system can adequately deal with these problems. The nation's food safety system consists of activities carried out by multiple federal, state and local government agencies that inspect, test, research and monitor the food supply. However, current safety efforts are not engendering the confidence that U.S. consumers demand and require. All this comes at a time when the U.S. Dietary Guidelines suggest Americans double their consumption of fruits and vegetables.

**BACKGROUND** Food safety continues to be one of the most complex issues facing the produce industry. At present, the *Food Safety Enhancement Act of 2009 (H.R. 2749)* has passed the U.S. House of Representatives and is awaiting Senate action. The House legislation addresses many of the important issues and policy recommendations United Fresh has long advocated, including commodity-specific, science-based standards for produce, strong coordination between FDA and USDA, and equivalent food safety standards for imported and domestic produce. The legislation also allows for industry-driven advances on traceability, as well as targeted research funding to help drive important food safety innovations.

With passage in the House, debate has shifted to the Senate where Sen. Richard Durbin (D-IL) has introduced the *FDA Food Safety Modernization Act (S.510)*. While United Fresh is pleased with the improvements to H.R. 2749, there are still important issues that must be addressed in the Senate. These include targeting resources generated by registration fees to specific FDA activities that support food safety, eliminating unwarranted mandates for finished product testing, requiring the creation of an expedited entry program for imports that demonstrates ongoing compliance with safety standards, and creating a better organizational structure for food safety outbreak management in the federal government. Sen. Durbin's legislation provides an important opportunity to address these issues.

Ultimately, it is critical that American consumers have confidence that the federal government is exercising diligent and appropriate oversight of food safety standards and compliance for all foods, including fresh produce. For fresh fruits and vegetables, any breakdown in the mutual food safety responsibilities of both government and industry will lead to a loss of confidence in the very foods we should eat more of to improve public health.

**ACTION** United Fresh urges members of Congress to consider sound, realistic food safety measures that are commodity-specific, based on the best available science, and supported by strong government oversight. In addition, we need strong support for research that looks at both long- and short-term fresh produce food safety measures.

# PROVIDE A SALAD BAR IN EVERY SCHOOL

**CHALLENGE** Increasing children's consumption of fresh fruits and vegetables is a top priority for the produce industry. Improving access to fresh fruits and vegetables in school lunch and breakfast is an effective way to increase children's consumption. Currently, school meals contain fewer fruits and vegetables than recommended by the Dietary Guidelines, however, school lunches and breakfast should be consistent with these guidelines. School lunches contain 1-2 fewer servings of fruits and vegetables per day than recommended while school breakfast contains approximately one less serving than recommended. The *2009 Child Nutrition Reauthorization Act* provides a significant opportunity to improve children's eating habits and their health by including more fruits and vegetables in school meals.

**BACKGROUND** Every five years all child nutrition programs are reauthorized by Congress. This legislation funds the National School Lunch and Breakfast programs, the Supplemental Nutrition Program for Women, Infants and Children (WIC), Summer Food program and the Child and Adult Care Food Program. Research shows that children with access to a variety of fresh fruits and vegetables to eat choose more, eating as much as one whole additional serving of fresh produce. Additionally, research has shown that adding a salad bar in cafeterias nationwide will help to grow produce consumption, combat childhood obesity, and instill a lifetime love of fruits and vegetables in our children. This year, the U.S. Senate Committee on Agriculture, Nutrition and Forestry and U.S. House Education and Labor Committee will take up the *Child Nutrition Reauthorization Act*.

Ensuring that schools serve more fresh fruits and vegetables in forms that kids want to eat, like salad bars and fresh-cut vegetables and fruits, requires additional funding. The *Child Nutrition Reauthorization Act* is our opportunity to ask Congress to improve the healthfulness of school meals by increasing access to fresh fruits and vegetables.

**ACTION** Tell Congress to ensure the *2009 Child Nutrition Reauthorization Act* includes a national "Salad Bar in Every School" policy.

Following our huge success in expanding the Fresh Fruit and Vegetable School Snack Program nationally - with over \$1 billion committed to fresh produce snacks in schools - we're working to make 2009 the year of the school salad bar! School salad bars are very popular with students and one of the simplest and most direct ways to increase children's consumption of fruits and vegetables. Salad bars also represent an evidence-based strategy to increase children's consumption of healthy, fresh fruits and vegetables. The *Child Nutrition Reauthorization Act* is our opportunity to tell Congress:

- Enact a National Salad Bar Policy that encourages every school to have a salad bar in its cafeteria
- Require USDA to increase purchases of fresh and fresh-cut fruits and vegetables for schools through its commodity purchasing and procurement
- Increase the reimbursement rate for school lunch and breakfast to enable schools to serve healthier meals consistent with the Dietary Guidelines, including more fresh fruits and vegetables
- Update nutrition standards for school meals, consistent with the Dietary Guidelines, which will include serving more fruits and vegetables

# ENSURE A LEGAL AND STABLE WORKFORCE

**CHALLENGE** The American produce industry depends upon a strong, stable workforce to ensure that our commodities are planted, harvested and packaged in a timely manner. Given the highly perishable nature of fresh fruits and vegetables and the need to move products quickly to domestic and international markets, it is vital that fruit and vegetable producers have access to legal workers. A strictly domestic workforce cannot meet the needs of today's agriculture industry and we must look to guest worker programs to provide essential labor to fill these jobs. The presence of adequately skilled labor in our industry is at an all-time low. The produce industry is in a labor crisis and our industry must have the means to secure an adequate legal workforce in order to stay in business and continue to grow.

**BACKGROUND** Since the summer of 2007, Congress has done little to pass comprehensive immigration legislation that would reform antiquated and unrealistic U.S. immigration laws. At the same time, aggressive enforcement policies are putting tremendous pressure on producers who are attempting to comply with those outdated laws. The most recent example of this is the attempt in Congress to stop the repeal of the Social Security "No-Match" regulation which was blocked through a federal court injunction. The regulation places a greater burden on employers to ensure that their employees are documented and legal. To put enforcement alone ahead of reforms that ensure access to a legal labor force is not a viable business solution for our industry. The damage to agriculture will be irreversible.

On the legislative side, Sen. Diane Feinstein (D-CA) and Rep. Howard Berman (D-CA) have reintroduced the *Agricultural Job Opportunities, Benefits, and Security Act of 2009 (S. 1038/H.R. 2414)*, or "AgJobs," which includes the following major provisions:

- A substantial streamlining of the program's administrative procedures, including elimination of the labor certification process
- Reformation of the requirements for H-2A employers, including an immediate reduction and gradual elimination of the Adverse Effect Wage Rate
- A streamlining of the process for admission of H-2A aliens
- An opportunity for aliens not currently in the program to acquire H-2A status

**ACTION** United Fresh urges members of Congress to support an immediate legislative solution consistent with the goals and objectives of AgJobs that provides a legal and sufficient labor force in America. Such a solution would include sound agriculture provisions, pragmatic temporary worker programs, realistic approaches to the current undocumented workforce in the United States and reasonable employment verification requirements on the business sector.

## MAINTAIN A BALANCE BETWEEN EMPLOYERS AND LABOR IN THE WORKPLACE

**CHALLENGE** The fresh produce industry is heavily reliant upon a strong and vibrant workforce throughout the supply chain. The *Employee Free Choice Act* would undermine the balance between employer and union leadership interests by eliminating secret ballot elections for union formation. It would also strip workers of their rights to agree to workplace rules under their initial contract after a bargaining unit is formed.

**BACKGROUND** The *Employee Free Choice Act (H.R. 1409/S. 560) (EFCA)*, would eliminate federally-overseen secret ballot elections for establishing a union as collective bargaining representative. As the alternative, petitions (sometimes referred to as a "card check") would be sought from employees without federal oversight. If a majority of petitions from covered workers were received in support of a union, it would be certified. Once a union is certified, mandatory binding arbitration would be utilized if the employer and union could not agree on an initial contract, thereby depriving employers and workers of the ability to consent to rules in the workplace.

**ACTION** Congress should not enact EFCA as it would have a profoundly negative impact on the produce industry. In particular, we are concerned about this new mandate and strongly believe:

- Federally-overseen secret ballot elections are essential to maintain the balance between employer and union leadership interests.
- Secret ballot elections are utilized to select public officials such as the president and members of Congress. Therefore, why wouldn't they be appropriate in the workplace?
- The 74 year-old *National Labor Relations Act* established the current process and has lasted through many economic downturns. Any current economic instability should not be used as an excuse to throw out a stable, time-tested and fair process.

## REINSTATE THE MEXICAN CROSS-BORDER TRUCK SAFETY PILOT PROGRAM

**CHALLENGE** Currently, retaliatory tariffs have been placed upon American goods entering Mexico, including many fresh produce items, in response to Congress' elimination of the Mexican Cross-Border Truck Safety Program operated by the U.S. Department of Transportation. Given the economic impact upon the fresh produce industry and the damage caused to U.S. trade leadership, this crisis must be urgently resolved.

**BACKGROUND** Under the *Omnibus Appropriations Act of 2009*, Congress blocked any funding for the Mexican Cross-Border Truck Safety Pilot Program. The program allowed Mexican trucks to enter the U.S. while operating in international commerce. Though this program did not provide the full access that the Mexicans were entitled under our NAFTA obligations, the program had been in operation without retaliation since 2007. By removing this program, the United States is now considered to be in violation of its NAFTA commitments and excessive tariffs have been placed on U.S. products, totaling \$2 billion.

**ACTION** Reinstating a suitable program to allow Mexican trucks to cross the border into the U.S., consistent with NAFTA obligations, thereby providing justification for Mexico to remove the retaliatory tariffs on U.S. products including many fresh produce commodities.

## UNITED FRESH PRODUCE ASSOCIATION

Founded in 1904, the United Fresh Produce Association is the leading produce industry trade association committed to driving the growth and success of produce companies and their partners. United Fresh represents the interests of more than 1,200 companies in the global fresh produce supply chain, including growers, shippers, value-added processors, brokers, wholesalers and distributors, working together with their suppliers and retail and foodservice customers at every step in the distribution chain. The association's members account for more than \$30 billion in annual produce sales and include family-owned, private and publicly traded businesses as well as regional, national and international companies.

For more information about United Fresh and the association's advocacy and grassroots work, please visit [www.unitedfresh.org](http://www.unitedfresh.org) or call us at 202-303-3400.

### UNITED FRESH ENDORSED THE FOLLOWING LEGISLATION FOR THE 111<sup>TH</sup> CONGRESS:

- S. 934/H.R. 1324 – Child Nutrition Promotion and School Lunch Protection Act of 2009
- S. 1038/H.R. 2414 – Agricultural Job Opportunities, Benefits, and Security Act of 2009
- S. 1101 – Food Protection Training Institute Act of 2009

### UNITED FRESH OPPOSED THE FOLLOWING LEGISLATION FOR THE 111<sup>TH</sup> CONGRESS:

- S. 560/H.R. 1409 – The Employee Free Choice Act of 2009

### GOVERNMENT AFFAIRS CONTACTS

Thomas E. Stenzel  
President and CEO

Robert L. Guenther  
Sr. Vice President,  
Public Policy

Dr. David Gombas  
Sr. Vice President,  
Food Safety and  
Technology

Dr. Lorelei DiSogra  
Vice President,  
Nutrition and Health

Ray Gilmer  
Vice President,  
Communications

Kam Quarles  
Vice President,  
Government Relations/  
Legislative Affairs

Angela Bezon  
Political Affairs  
Manager

Andrew Marshall  
Policy and Grassroots  
Coordinator



United Fresh Produce Association  
1901 Pennsylvania Avenue, NW Suite 1100  
Washington, DC 20006  
Phone 202 303 3400 fax 202 303 3433  
[www.unitedfresh.org](http://www.unitedfresh.org)