



United Fresh Fruit &
Vegetable Association

July 16, 2004

Division of Dockets Management
HFA-305
U.S. Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

RE: Docket No. 2004N-0258, Produce Safety From Production to Consumption,
69 Fed. Reg. 33,393 (June 15, 2004)

Dear Sir or Madam:

These comments are submitted by the United Fresh Fruit and Vegetable Association (United) regarding the Food and Drug Administration's (FDA) solicitation of information concerning key elements of FDA's new produce safety action plan announced in the June 15, 2004, Federal Register. United is a national trade association representing member growers, shippers, packers, processors, marketers and distributors of fresh produce. United members provide the leadership to shape business, trade and public policies that drive our industry, and have a longstanding commitment to working together with the FDA and the Department of Health and Human Services to promote the public health by delivering to consumers a safe, abundant and affordable supply of fresh produce.

United presented preliminary perspectives on FDA's proposed Action Plan in testimony at the June 29, 2004 public meeting. As noted in that testimony, our industry is proud to serve Americans over 1 billion servings a day of healthy and nutritious fruits and vegetables. When outbreaks of illness do occur, they are rare compared to that level of consumption. But we are committed to reducing rare occurrences to extremely rare occurrences. And as science and experience allow us, we hope to drive extremely rare to obsolete.

The Importance of Produce Safety and the Complexity of the Issues Presented Necessitates Careful Review

At the same time, United must express its concerns regarding the manner in which the Action Plan was announced, the short scheduling of the June 29 stakeholders' meeting, and the brief comment period for a matter of such importance. This process gives the unfortunate appearance of a rush to judgment that does not reflect the complex public health issues at hand nor conform to the spirit of the guidance provisions of the FDA Modernization Act (FDAMA). United seeks to maintain its productive dialogue with the agency, and to continue to assist in the process that led to the development of the Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables in October 1998. FDA should provide public assurance that the current Action Plan is a continuation of this process, rather than a short-term action with limited public input and agency deliberation.

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United looks forward to working with the agency and the industry towards the development of the Action Plan, especially with respect to the nine numbered paragraphs contained in the June 15 Notice of Public Meeting. Those questions are important; but, they are also complex. With all due respect, the comment period provided is simply too short to develop the most reasoned and well-researched responses to these questions. In fact, the transcript of the June 29 public meeting will not even be available until after the comment period closes. The comment period on the Action Plan should be revised to be open-ended.

It is United's intent to provide the agency with our preliminary thoughts on these questions before the July 24 stated closing date for public comments. However, we also intend to continue to provide comments to the agency on these issues on an ongoing basis, and respectfully urge that United's subsequent comments and comments by others also receive careful consideration as FDA continues its deliberations about the Action Plan.

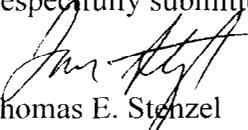
FDA Must Use Improved Communications To Educate the Public Regarding the Healthful Impact of Fresh Fruits and Vegetables on the Diet

United appreciates that FDA has noted that fresh fruits and vegetables are "an important component" of a healthy diet. Comments by agency officials at the June 29 public meeting indicate that FDA is aware of the importance of continuing to urge the public to consume 5 to 9 servings a day of fruits and vegetables, and that current incidence of foodborne disease in no way modifies that public health advice from the Department of Health and Human Services. FDA must make sure that while publicly examining how to minimize what is a low incidence of foodborne illness compared with consumption, that the American public is not unduly alarmed to the point where confidence in the healthfulness of fresh fruits and vegetable is compromised. Such a result would be tremendously counterproductive to the public health.

We also note that the third objective of the Action Plan, "Improve Communications with Producers, Preparers, and Consumers about Fresh Produce," is currently cast solely as improving communications about food safety. This objective should be revised to also ensure that FDA focuses on improving communications with consumers on the importance of fresh fruits and vegetables in a healthy diet, and that all public communications about fresh produce, even in rare outbreak situations, provide the appropriate scientific context and overall public health message.

The United Fresh Fruit and Vegetable Association thanks the agency for the opportunity to provide these initial comments, and we look forward to working together on these matters of great importance to all Americans.

Respectfully submitted,



Thomas E. Stenzel
President and CEO