My name is Jenny Scott and I am Vice President of Food Safety for the Grocery Manufacturers/Food Products Association (GMA/FPA), which represents the world's leading food, beverage and consumer products companies. We promote sound public policy and champion initiatives that serve to protect the safety and security of the food supply through scientific excellence.

Thank you for the opportunity to provide comments on the safety of produce from the perspective of processors who use produce as an ingredient and who produce fresh-cut produce products for retail and foodservice sale as well as those who are their customers and provide produce to the consumer through foodservice operations.

FDA posed questions in a number of areas; I only intend to comment briefly on a couple of them. First, we commend FDA for having these public meetings, as they bring to light how much we don't know about controlling pathogens on the farm. FDA developed its final guidance on good agricultural practices in 1998. There is a lot of discussion about what else needs to be done. One of the things we need to do is determine the extent to which Good Agricultural Practices for fruits and vegetables have been properly implemented. And procedures to verify compliance need to be established.

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Second, the produce industry needs to work together to share food safety best practices for production and processing – they need to embrace the concept that food safety cannot be a competitive issue. The produce industry, including growers and processors, needs to be proactively developing and utilizing technologies and processes that create sufficient interventions in reducing/eliminating food safety hazards to ensure safety for fresh produce.

Currently many U.S.-based organizations are working on establishing guidelines/ standards relative to GAPs, GMPs, and audit program for produce growers and processors. We need to have harmonized HACCP-based GAPs, although there will be commodity-specific aspects, based on the best science available. It will be more productive to have a set of best GAPs for the growers and industry to use. And these GAPs need performance criteria against which compliance can be measured that are widely vetted and agreed upon. This would be an ideal project to take to the National Advisory Committee on Microbiological Criteria for Foods, and put it on a fast track – they can work quickly when they are given the resources to do so.

One of the questions posed in the FR notice about this meeting was What new Federal actions, if any, are needed to enhance the safety of fresh produce? FDA should move forward with modernization of its cGMPs, and pay particular attention to produce in this regulation and include provisions that apply to produce commodities where needed. This could include that produce be produced under GAPs. Another regulatory action deals with recordkeeping procedures, which should provide accurate tracking both forward and backward along the supply chain. FDA requires that the ability to track a product one-step forward, one-step back apply all along the food chain. We suggest that FDA host a public meeting to exchange ideas on what is possible in tracing produce throughout the food chain. It must be recognized that for many products tracking to particular fields may be very difficult due to commingling, which is not possible to avoid.

FDA should also host a meeting to explore microbiological testing related to produce. It would address such questions as what is the role of indicator organisms? How do you obtain representative samples from fields? What do you sample in the field? When is the best time to sample a field? What is an indicator of a problem in water testing? When should water be tested?

One final federal action relates to training, which is an essential component to ensure proper implementation and execution of GAPs. FDA should mandate in its modernized GMPs that every farm should have at least one person with GAPs training who is responsible for oversight of operations. Records of training should be maintained.

To most effectively minimize the risk of future foodborne disease outbreaks and improve consumer confidence in fresh produce, knowledge and technology gaps must be filled. Federal monies should be dedicated toward this research as well as toward the extension programs that provide outreach and training to growers, packing houses, processors and their workers. Partnerships among industry, government and academia, in particular the land-grant university system, offer the best opportunity to develop practical solutions. It is equally important that substantive consumer outreach programs be continued and enhanced to emphasize the importance of proper food handling.

We recognize that this will take funding. That's why, as part of the Coalition for a Stronger FDA, we support significant and sustained funding increases for FDA's foods program. We intend to do all we can to work with all stakeholders to enhance the safety of produce in the US.

Thank you.

and Drug Administration that consumers should not eat any fresh, or fresh bagged spinach or mixed salad greens containing fresh spinach due to contamination by a deadly strain of *E. coli*.

Clearly, the timing couldn't have been worse. But the final irony for New Jersey came when the FDA announced a few weeks later that the nationwide ban had resulted from contamination arising from a limited area on the West Coast.

The incident, which deeply impacted our New Jersey spinach farmers' ability to sell their fall crop and the state's retailers' ability to sell it as well, underscored how a contamination issue in one part of the country could affect growers and retailers 3,000 miles away.

This interconnectedness of the produce industry is the primary reason why efforts to improve the safety of produce-growing, shipping, processing and retailing must be uniform, appropriate and attainable across the nation.

As Tom Stenzel, president of the United Fresh Produce Association, pointed out at the recent New Jersey State Agricultural Convention, safety measures

will only have meaning if they are standardized nationally, because consumers don't differentiate between growing regions or even categories of produce, once an advisory like the one that applied to spinach is issued.

In short, the nation's produce growers, shippers, processors and retailers must act in a unified, standardized way to ensure continued consumer confidence to prevent fresh produce from going from a commodity seen as part of a healthy diet to being one that is avoided.

Industry at a glance

The fruit and vegetable sector of New Jersey's agricultural industry accounts for over $262.7 million dollars in farm-gate receipts. State-wide, the average family farm consists of 81 acres, with some farming on land as little as three acres and others as much as 1,000. Nationally, New Jersey ranks 2d in the production of blueberries, 3rd in the production of peaches, and among the top ten states in the production of: bell peppers, cucumbers, head lettuce, sweet corn, and spinach.

Third-party audits

The cornerstone of any effort to improve produce safety must center on third-party audits at the grower level. These audits will ensure that safe

agricultural practices are employed throughout the growing, picking and packing process. It is our belief that the USDA's third-party audit protocols should be the ones used as a basis to achieve maximum uniformity.

In designing these audit standards, we suggest that the FDA and USDA work together to devise a system that takes into account the differences in the sizes of farm operations, the unique qualities and methods pertaining to the growing and harvesting of fruits and vegetables, as well as differences in irrigation techniques.

New Jersey and many Northeastern produce operations, for instance, are typified by smaller farms on which a variety of crops are grown using well water: some small, some large, many growing numerous crops that could require different food-handling practices.

Clearly, these types of operations would, and should, be audited in different ways. Although the audits will be different, the *goals* of the audits should be the same. While a "one size fits all" approach would be misguided, a "one goal fits all" view must be central to the effectiveness of the auditing system.

As one member of New Jersey's recently formed Produce Safety Task Force said: "Food safety is not about how big you are, but what you need for an acceptable level of safety, regardless of your size."

Our Produce Safety Task Force includes representation from the Department of Agriculture, Department of Health & Senior Services, Rutgers University and every facet of the produce market chain, from growers right through to retailers.

One thing we have learned through the activities of this group is that growers and brokers are often frustrated to hear that retailers and other buyers insist that the only third-party auditing they will accept is one that is performed by a private company specified by the buyer. The cost of this private service can place a financial strain on New Jersey growers, who in this process are denied the opportunity to research, select, and negotiate for the services of an auditing company. Since the vast majority of produce grown in New Jersey is raised on small and mid-sized family farms, these costs can become very burdensome.

Additionally, farmers who sell to several different buyers could conceivably

have to pay for the services of several auditing companies – just to meet the specifications of different buying organizations. Paying for duplicate services in order to compete in the marketing chain is not in the best financial interest for our farmers.

With a national produce-safety standard, devised jointly by the FDA and USDA, and administered by the USDA, state departments of agriculture could work with land-grant institutions in their state to ensure that all growers seeking third-party auditing could afford an audit that buyers would accept.

Again, a national standard is the key to creating an effective auditing program, and we believe it should be the USDA's third-party audit program.

Another key will be to ensure that all producers have enough time to meet the requirements of a third-party audit certification. We would respectfully request that the federal government provide cost-share assistance to farmers whose financial position may stand in the way of achieving third-party certification in a timely manner.

Likewise, not all produce groups require the same types of safety measures. Our Produce Safety Task Force recommends variations in the audits be divided into three classes: tree and small fruit crops, on-ground crops and under-ground crops.

Clearly, the measures taken to ensure the safety of peaches are different from those for spinach, which in turn are different from those for onions. A three-tiered breakdown based on where the produce is grown (tree, ground, or underground) and how it is harvested and packed would address those differences.

Implementation

We believe national standards and widespread third-party auditing cannot, on their own, accomplish the goals of uniform food safety unless the first level of production – farmers – buy into the program.

New Jersey has mobilized quickly to lay the groundwork for this effort. To date, the New Jersey Department of Agriculture and Rutgers University have trained more than 700 produce farmers in food safety, preparing them to embark further into the third-party audit process.

Training

Beyond uniform standards and auditing, any effective program must include a strong education component.

This education component could and should include information on how farmers can work together to accomplish food-safety goals. This component could be comprised of:

- How traceability is key to following the source of a food-borne illness only to those crops directly responsible.
- The importance of thorough and detailed documentation to aid in that traceability.
- The value of water testing and the costs involved, including the differences between testing for varied water systems; the dynamics of buffer zones and how one operation impacts others near it.
- The role of research and development and the necessity and availability of cost-sharing.

A strong education component will help our farmers work together. They will be more knowledgeable about how they might cooperate on mutual

water-testing issues. They'll pick up techniques from fellow farmers nearby and across the country about record keeping, traceability, and the latest technology.

Cost-sharing

Our farmers understand the reality they face. Knowing that their success in the marketplace depends upon it, not one of them would decline to make improvements in their food handling systems.

However, the stark reality is that many cannot afford to make wide-ranging changes to their operations without help in shouldering the costs involved. As you move through this process, please keep in mind requirements of any auditing system should entail providing cost-share help for farmers who operate on a slim profit margin to begin with. In this way, we can enhance and quicken the move toward a safer food system.

The need for research

As the technology surrounding food safety continues to advance, research is

needed to help augment appropriate audit protocols and standards. That is why any effective program must include a research component.

Among the areas where research is needed to arrive at effective standards that are meaningful for New Jersey farmers are:

1 Water quality and testing – How many tests, and to what standard?
2 Produce sampling in the field– How much must be sampled to be confident in the results?
3 Traceback records – How long must wholesalers and processors maintain samples and records to ensure traceback can be conducted effectively?

Conclusion

You are faced with a great challenge, to move the food safety of our country to greater heights without negatively impacting the farm families and businesses who grow, ship, process and sell food. To do so, we believe you must embrace national USDA standards – with variations of protocols for different classes of produce – allow adequate time to implement these

safeguards, and provide cost-sharing and research that will help who participate in the market chain attain these goals.

As the events of the past year have shown us, much more must be done to ensure the safety of our food as it progresses through the various steps from the field to the dinner plate. The need exists to reassure our nation's consumers that the idea of consuming fresh fruits and vegetables should be embraced – not avoided.

The real challenge in that regard is improving food-safety standards without creating such a financial burden on smaller farm operations that they will be driven out of business.

The job ahead is daunting, but it can be accomplished with the help of the FDA, the USDA, state departments of agriculture, land-grant universities and all those in the fresh-produce market chain.

We enthusiastically offer the help of the New Jersey Produce Safety Task Force in your efforts.

Working together on a national level, as we have begun to do in New Jersey along with all of the appropriate agencies and sectors of the market chain, we can achieve produce safety standards that meet the high expectations of our nation's consumers.

Thank you.