



# CALIFORNIA FARM BUREAU FEDERATION

EXECUTIVE OFFICES

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8 1 1 8 December 18, 1997 97 DEC 31 AMO :06

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
12420 Parklawn Drive, Room 1-23  
Rockville, Maryland 20857

Re: Docket No. 97N-0451; Microbial Safety of Produce; Grassroots and International Meetings

Dear Sir/Madam:

The California Farm Bureau Federation (CFBF) is the largest general farm organization in California with other 75,000 member families. Our members produce more than 300 different commodities - the most diverse selection in the world. California farmers take pride in knowing that they produce safe and wholesome food. For this reason, we appreciate the opportunity to comment on the President's recently announced initiative to ensure the safety of imported and domestic fruits and vegetables and the Food and Drug Administration's (FDA) general draft guide entitled, *Guide to Minimizing Microbial Food Safety Hazards for Fresh Fruits and Vegetables*.

Our first concern is with the inability of the FDA to disseminate information to those who will be affected most by these guidelines. Many farmers do not have the luxury of reviewing the *Federal Register* on a daily basis. Limiting information to this vehicle is not only ineffective, it undermines the initiative's focus on collaboration with the agricultural industry. Farmers are more than willing to attend meetings and provide input if notice is given in a timely matter. However, that was not the case with the announcement of these "grassroots" meetings. The FDA formally announced the meetings on Friday, November 28, 1997, and did not release the document until December 1, the day of the first meeting.

Second, we are concerned with FDA's haste in creating broad-based guidelines within a short period of time. California producers have worked in partnership with government, processors, packers, shippers, and academia to create agricultural practices from the "bottom-up" that are workable and practical for our region and the fruits and vegetables produced. This process took a considerable amount of time and effort on behalf of the industry. Now, FDA is proposing guidelines from the "top-down" that will eventually supersede those created by industry without knowledge of true in-field production and harvesting practices.

Ironically, the guidelines admit that; "[T]he agencies note that there are a number of significant

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gaps in their knowledge of the scientific basis for reducing or eliminating pathogens in the agriculture industry.” Other statements within the document strengthen the fact that FDA must take more time to scientifically conclude that farming practices play a major role in food-borne illness outbreaks. Those statements include: *it is not known* where the lettuce became contaminated; tomatoes were again *implicated as the likely vehicle*; iceberg lettuce *was thought* to have resulted from the use of fecally-contaminated water; and, research on pathogen survival in untreated manure, treatments to pathogen levels in manure, and assessing the risk of cross-contamination of food crops under varying conditions *is largely just beginning*. Guidelines implemented with haste and without adequate science and knowledge of the industry is counterproductive because it provides no benefit to the consumer or the producer. (Emphasis added)

Third, the guidelines do not take into account the dynamic nature of the United States’ agriculture industry. California does not produce commodities like they are produced in Michigan. In fact, the Imperial Valley of southern California produces fruits and vegetables with cultural practices different from those used within the Salinas Valley of the central Coast of California. Blanket guidelines designed to work for the entire country and all commodities will not work. FDA should work in consultation with each states’ department of agriculture to understand the complexity of different regions throughout the country. Within California, the system of county agriculture commissioners was designed for this purpose. Each county board of supervisors appoints a commissioner who, in conjunction with the State Secretary of Agriculture, implements rules, communicates with growers, consumers, and state agencies, and compiles reports and information for the benefit of the county. These are resources FDA has failed to utilize.

The implications of these guidelines will be compounded when presented to the international community. California is the largest agricultural exporter in the US. Implementing guidelines that may result in blocked shipments from trading partners will have a detrimental effect on the California’s economy. Any such action will be seen as a non-tariff trade barrier and could result in unnecessary phytosanitary restrictions placed on American producers by importing countries. There is no evidence within the document to prove FDA has thoroughly researched trade agreements and the consequences American producers will face from unilateral food regulations placed on foreign countries.

Fourth, CFBF urges FDA to focus on consumer and retailer education. Approximately 97% of food-borne illness is the result of improper handling, processing, or preparation. Each of these areas is beyond the farmer’s control and must be a priority of the FDA. Implementing guidelines which lead the consumer to believe that farmers are not doing their part in providing safe food is counter-productive. Consumer groups, health organizations, and government agencies are working hard to convince the American consumer to consume more fruits and vegetables for better health. Consumers must better understand the importance of cleaning produce, sanitizing utensils, and keeping food at proper temperatures. FDA has an important educational role in this

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regard.

CFBF has the following concerns regarding the FDA guidance document:

1. Water as a vehicle for spreading contamination

FDA proposes that growers should be able to identify the source of the water used for crop protection applications and should be able to verify that the water is of sufficient quality. Many farmers in the San Joaquin Valley of California receive their water from an open water delivery system which transfers water over hundreds of miles. This is the most efficient and economical source of water for these farmers. These farmers cannot be held accountable for the quality of water delivered from distant water projects. Farmers utilizing such systems do not have the luxury of deciding when and what quality of water they will use. A time and quantity is allotted for each farm; if that allotment is not used by one farmer, it is passed along to another.

Farm Bureau believes in the importance of property rights and the ability of property owners to utilize their property in a manner which is legal and economical. FDA proposes that lands adjacent to produce-growing fields should not be used for purposes that are incompatible with the growing of food crops. This is a situation which could be handled if a farmer owns the adjacent property. However, when the adjacent property is owned by another, it is impractical to expect farmers to curtail their production practices because of the land use of a neighbor.

2. Untreated Manure

FDA proposes minimum recommended intervals between application of untreated manure and harvest (60 to 150 days) of produce without taking into account the differences in length of growing seasons in various regions of the country or differences in production practices of fresh produce.

3. Worker - Personal Health

FDA recommends that operators train employees to report to the person in charge any information about their health or activities as they relate to diseases that are transmissible through food. Under privacy laws, farmers are not allowed to question the authenticity of immigration documentation or identification. We can not expect farmers to be accountable for requiring detailed worker health information which law protects against. It is impractical to believe workers would voluntarily give this information when they know they would not be allowed to continue work during the time of sickness. It is also not practical to believe that a farmer has the flexibility to allow a sick individual the opportunity to perform another harvest-related function. All employees are not always properly trained in the safe operation of the harvesting equipment to allow sudden changes in worker duties.

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4. Animal Control

FDA suggests that farmers reduce the potential for contamination of crops by fecal material resulting from uncontrolled wildlife access to fields. It is ironic that FDA proposes such language when the EPA forces many farmers to create areas for the purpose of harboring animals near the area of production. The Endangered Species Act also makes it illegal to remove or prevent the movement of many animals. The use of visual, auditory, or physical deterrents when allowed by law simply do not work effectively under all conditions.

The American farmer produces the safest and most abundant food supply in the world. In California, agriculture is also one of the most regulated industries. Guidelines from the federal government which repeat state law or are not practical are unnecessary. Emphasis must be placed on consumer education to strengthen confidence. Current scientific knowledge does not justify the need for guidelines made in haste.

We encourage FDA to work diligently with agricultural organizations and state agriculture agencies to rework this document into a vehicle that will be fair, practical, and economical.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Bill Pauli". The signature is written in a cursive, slightly slanted style.

BILL PAULI  
President



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