

## **Prepared Statement**

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Committees on Agriculture**

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Good afternoon. My name is Tom Stenzel and I am President and CEO of the United Fresh Produce Association. I truly appreciate the opportunity to appear today before the Committees on Agriculture of the California Assembly and Senate, and to provide a national perspective on the produce food safety issues at hand.

With me today is Dr. Jim Gorny, senior vice president for food safety and technology, who heads up our scientific and technical team. Dr. Gorny is based in Davis, CA, where he is also an Associate of the Agricultural Experiment Station at UC-Davis.

United Fresh is a broad national produce trade association representing members in practically every state across the country and every sector of the industry. Our headquarters is in Washington, DC and we also maintain a Western Regional Office in Salinas, CA to provide support to our member companies.

Our membership includes companies across the total produce supply chain from farm to retail, including all produce commodities, both raw agricultural products and fresh ready-to-eat fruits and vegetables, and from all regions of production.

I mention these characteristics because our organization's views on food safety are shaped by this broad and diverse membership across the entire produce industry, not any one sector, commodity or region. Within our broad industry, there are always diverse and strongly held views on each issue we face. Our association attempts to bridge the multiple interests in our industry, and develop the best overall industry policies and practices to serve the American consumer.

Let me begin by repeating something you've heard many times before, and will hear many times in the future. Food safety is our industry's top priority. The men and women who grow, pack, prepare and deliver fresh produce are committed to providing consumers with safe and wholesome foods. They were committed before the spinach outbreak last fall, they are committed today, and they will be committed in the future.

The spinach outbreak was a tragic occurrence, and our hearts go out to those who became seriously ill or lost a loved one. We can never forget the real human impact when something goes wrong in our food safety system.

That is what drives food safety to be a process of continuous improvement, not a static achievement. We are on a continuum, constantly striving toward perfection, while understanding scientifically that perfection – or zero risk – is not possible.

Let me allay any concerns that our industry has just now begun to address food safety. In fact, our association published the first *Food Safety Guidelines for the Fresh-Cut Produce Industry* 15 years ago in 1992, and we are now on our 4th edition. We developed the first industry guidelines in the mid 1990s to minimize microbiological food safety risks for fruit and vegetables, and worked closely with the U.S. Food and Administration to publish federal guidelines soon thereafter. Under Dr. Gorny's leadership as well as Dr. David Gombas in our headquarters office, we work closely with a 50-member expert Council on Food Safety and Technology, consisting of leading technical experts from throughout our industry and academia.

Put simply, food safety has been at the forefront of our mission to serve the produce industry and the American public for many years. When a tragedy such as the E coli 0157:H7 outbreak occurs, we are committed to learning all lessons possible and incorporating that knowledge into continuous process improvement.

I want to address three main points today. First, I want to provide our strong support and encouragement for the California Leafy Greens Marketing Agreement we've been discussing thus far. Second, I want to relate this California commodity specific effort to other efforts taking place around the country. And last, I want to share with you our association's views on the most appropriate food safety regulatory framework to both protect public health and enable the produce industry to deliver an abundant supply of safe, healthy and affordable fresh fruits and vegetables.

First, let me compliment Western Growers and the California Farm Bureau for their leadership in promoting the Leafy Greens Marketing Agreement. Taking a step like this toward self-regulation for a private industry sector is not an easy task for a trade association. Trust me, there is always someone willing to take a shot at those who step out front. I also appreciate the Department of Agriculture's support for this effort, devoting significant and timely resources to help this sector of our industry address these important issues.

But mostly, I want to recognize those growers, shippers and processors of leafy greens who have made the commitment to look intensely at ways we can further reduce potential risk with our products, and develop rigorous technical standards for best agricultural practices. Dr. Gorny and our scientific team have worked tirelessly with these industry leaders to define clear and measurable standards that can be incorporated into the Leafy Greens Agreement. Many industry scientists have labored over these metrics, vetted issues with both California and federal health officials, sought expert review from outside of our industry, and incorporated the very best science available to shape these standards. The public has been well served by this industry led initiative.

Stepping back to my national perspective, I can tell you that many other sectors of our industry are pursuing similar efforts to define, implement and verify best practices from field to table.

For example, the Florida tomato industry is at the forefront of developing good agricultural practices for their sector of the industry, and exploring various means to assure compliance across multiple growing regions outside of the state as well. A coalition of tomato producer associations across North America has published its own tomato specific GAPs, and just last week, some 75 scientists in government, academia and industry met to discuss new tomato research initiatives to further reduce risk.

In an effort similar to the leafy greens and tomato GAPs we've discussed, our organization and others have co-published GAP guidance documents for the melon industry, and work is underway on green onions and herbs.

And, of course, many other regional groups are implementing similar efforts. Earlier this month, I met with hundreds of growers in New Jersey where a new food safety task force put together by their Department of Agriculture is looking at specific GAPs and training programs for their growers. Another good example is the Georgia Fruit and Vegetable Growers Association, which has its own GAPs training program to help small growers in that state better understand and apply best practices.

While these efforts don't take a Marketing Agreement approach, all represent industry led initiatives to further reduce risk and ensure the safest possible produce for the public.

It is within the context of all of these industry driven efforts that I turn now to discuss what we believe to be the most appropriate regulatory framework for fresh produce safety.

Today, our country faces a critically important public health challenge to increase our consumption of fresh produce. The 2005 U.S. Dietary Guidelines call on Americans to literally double our consumption of fruits and vegetables. And now, our nation is faced with an obesity crisis that threatens the long-term health of our children unless we radically change eating habits and help them learn to make healthier choices for a lifetime.

I am here today because I fear that if we do not ensure public confidence in a strong, credible and comprehensive food safety regulatory framework, we are putting that goal at risk. It is simply unacceptable for Americans to fear consuming those very fresh fruits and vegetables that are essential to their good health.

Our industry can have but one goal in food safety and it starts with the consumer. We believe consumers must be able to shop in any grocery store, or order fresh produce in any restaurant, with complete confidence that their produce selection is a safe and healthy choice. Fear has no place in the produce department. Whatever low risk that might be present must be viewed as an acceptable risk, based on strong government assurance that proper food safety systems are in place, and that the benefits of consumption far outweigh the low risk.

Now, I personally am confident in my produce choices today. I know many of the people who are growing and processing fresh produce, and I trust them to be doing their very best to market safe products. I know a lot about these many industry efforts across the country to develop best agricultural practices and implement strong standards and controls. And I know how hard our own team is working to make sure every corner of our industry is focused on food safety.

But, no matter how hard our industry works, public confidence also ultimately depends upon government as the final health and regulatory authority to determine proper food safety standards and ensure that they are being met.

Let me review three key principles we believe to be critical for our nation's food safety regulatory framework.

## **1. Consistent Produce Food Safety Standards**

First, we believe produce safety standards must be consistent for an individual produce commodity grown anywhere in the United States, or imported into this country. Consumers must have the confidence that safety standards are met no matter where the commodity is grown or processed. Despite our best intentions, the public would not be well-served by different safety standards for produce grown in California than that grown in Arizona, Colorado, New Jersey or Mexico.

This is not a criticism of efforts at the state level, but a recognition that we must take food safety one step further. The strong scientific standards we're developing for leafy greens can only be successful if applied consistently across the industry, not only in one production region. Consumers deserve a marketplace in which all leafy greens in the store meet the same safety standards. Growers and processors deserve a level playing field with all of their competitors, no matter where product is grown or packaged.

Consumer protection at the state level is a well accepted principle. But state regulation of food safety practices in agricultural production would do little to protect a state's consumers who get their foods from across the country and around the world. Rather, it runs the risk of balkanizing food safety into a competitive regulatory system between states, reducing consumer confidence in all products, and creating a financial disadvantage to in-state producers.

Our industry has a long-time belief that states and local marketing groups should be proud to promote their home-grown quality and support for local farmers, but that food safety should not be a competitive marketing tool. Time and again history shows us that when produce safety fears arise, consumer anxiety cannot be isolated to specific producers or regions, but instead has a spill-over effect on an entire commodity.

## **2. Federal Oversight and Responsibility**

Second, we believe achieving consistent produce safety standards across the industry requires federal government oversight and responsibility in order to be most credible to consumers and equitable to producers.

Strong and clear federal oversight is essential to building and maintaining public confidence in all of our products. We believe that the U.S. Food and Drug Administration, which is charged by law with ensuring the safety of the nation's produce supply, must determine appropriate nationwide safety standards in an open and transparent process, with full input from the states, industry, academia, consumers and all stakeholders. We are strong advocates for food safety standards based on sound science and a clear consensus of expert stakeholders.

But since science tells us there can be no such thing as zero risk, we acknowledge that the public must be able to trust in an independent, objective government body as the ultimate arbiter of what is safe enough. Industry can't make that call alone.

Federal oversight also carries the responsibility to ensure that all players are abiding by the same rules, which protects both consumer health and protects producers from unfair competition. Complying with food safety standards must not be an option for some and not for others, depending solely upon certification programs. In an industry as competitive as ours, consistent and universally applied food safety standards serve both consumers and producers.

This does not mean that FDA has to hire 5,000 new inspectors to visit every farm in America and travel around the world. But it does mean that FDA must have strong cooperative relationships with USDA, state governments, and foreign governments to

ensure that compliance is taking place. Cooperative agreements between FDA and the states can be very effective in providing oversight of food safety. Our legal analysis is that FDA has the regulatory authority to promulgate any needed rules and regulations, issue guidance that compels industry action, enter into agreements with states to support field investigations, and generally set all necessary standards to protect the public health.

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### **3. Commodity-Specific Scientific Approach:**

Finally, we believe produce safety standards must allow for commodity-specific food safety practices based on the best available science. In a highly diverse industry that is more aptly described as hundreds of different commodity industries, one size clearly does not fit all.

For example, the food safety requirements of products grown close to the ground in contact with soil are far different from those grown on trees. And, the large majority of produce commodities have never been linked to a foodborne disease. Every produce commodity is different, and our food safety regulatory approach must contain needed scientific flexibility to address specific commodities differently based on their unique production and handling practices.

This will be an extremely important point in looking at produce safety. Government and industry alike must be careful that broad strokes do not result in requirements that should not apply to specific commodities, and do nothing to enhance safety. Taking a general approach would be far too easy to add regulatory costs and burdens to sectors where those requirements are unneeded, without doing anything to enhance safety where most critical.

We support the approach currently taken by FDA to establish broad Good Agricultural Practices (GAPs) applicable to all producers at farm level. FDA's 1998 GAPs guidance continues to provide an effective roadmap for producers, and cooperative agreements with USDA and states can assure compliance with these guidelines based on today's science and as they are modified by FDA in the future to reflect increasing knowledge.

We also support FDA's scientific approach to then drive deeper with commodity-specific GAPs where it believes there is the greatest need. This must be a scientific process, looking at outbreak history and potential risk factors to ensure that resources are not diluted trying to address hundreds of commodities that have never been linked to illnesses.

Finally, we support FDA's approach to address specific standards for fresh-cut processing, as contained in the agency's proposed *Guide to Minimize Microbial Food Safety Hazards of Fresh-cut Fruits and Vegetables*. We strongly support HACCP food safety programs in all fresh-cut processing plants. Although research has not yet identified a kill step such as pasteurization for fresh-cut ready-to-eat produce, we must apply strict processing controls to minimize any risk that might be introduced from incoming raw agricultural product or at the processing level.

Together, these three principles I've discussed help define a food safety regulatory policy that we believe will most help our industry enhance produce safety, concurrent with establishing the highest level of public trust in our industry and in our fresh produce offerings. We strongly support a U.S. regulatory framework for the fresh produce industry that incorporates these principles.

In conclusion, let me return to the important role fresh fruits and vegetables play in public health. Of course any reasonable person in the food industry would want to produce only the safest possible product. But for us, somehow it seems even more important because of the healthfulness of fresh produce.

With that public health imperative, we simply cannot allow fears of food safety to become linked with fresh produce.

We as an industry must do all we can to prevent illnesses from ever occurring, and we will. It is **our** responsibility to grow, pack, process and market safe foods.

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At the same time, we believe it is government's responsibility to provide a strong food safety regulatory framework that assures the public that we are doing so.

When both industry and government play our proper roles, together, we can help consumers enjoy an ever increasing array of safe, healthy and nutritious fresh fruits and vegetables.