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# **Produce Safety: Legislative and Regulatory Expectations**

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# Consumer Expectations

- Restaurants will deliver safe foods
- Government will determine whether those foods are safe enough
  - Are produce growers and processors doing all they should?
  - Are wholesalers and distributors doing their part in assuring safety?
  - Are restaurants keeping their own house in order and minimizing risk?

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# Our Mission Together

- Drive risk to an ever lower level
  - Food safety is a continuum, not a destination
- Ensure public trust in a system of food protection that:
  - Maintains confidence in eating healthy fresh fruits and vegetables
  - Maintains confidence in restaurants as purveyors of safe and healthy foods

# The Regulatory Environment



# The Legislative Environment

## Congressional action

*Legislation, oversight hearings, investigations, power of the checkbook*

## Food safety is center stage

*Push for complete overhaul of food regulation, or a single food safety agency*

*Push for more FDA resources, responsible action*

## Action is likely

*Some are growing impatient with regulators*

*We risk balkanization of food safety policy*

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# The Industry Environment

## California leafy greens marketing agreement

*Industry taking charge to do all we can  
Sets scientific/technical standards,  
provides for compliance measurement*

## Wider efforts across multiple commodities

*Commodity specific GAPs where FDA mandated  
Widespread commitment to best practices*

## Buyers are allied partners

*Individual buyers, trade associations such as  
NRA and FMI*

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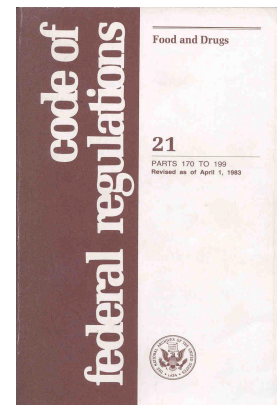
# Where Do We Go From Here?

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# Legal Authority for Produce Safety

## The Food & Drug Administration – “THE” Produce Food Safety Regulatory Agency

- ❖ Good Agricultural Practices (GAPs)
- ❖ Good Manufacturing Practices (cGMPs)
- ❖ Additives & Preservatives
- ❖ Antimicrobials (processed foods)
- ❖ Packaging Components
- ❖ Labeling
- ❖ Research



# Good Agricultural Practices



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## FDA Guidance:

- Guide To Minimize Microbial Food Safety Hazards For Fresh Fruits And Vegetables (October 1998)
  - Applicable to all producers of fruits and vegetables
  - Likely to be updated soon, although the basic risk factors are still applicable
  - Compliance likely to be stepped up in future

# Good Manufacturing Practices



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## FDA Fresh-Cut Guidance:

- Processors legally required to comply with GMPs
- Guide to Minimize Microbial Food Safety Hazards of Fresh-cut Fruits and Vegetables
  - Draft issued March 2006
  - Final document published March 12, 2007
  - Provides FDA's interpretation/direction on how processors should comply with legal requirements of GMPs

# Commodity Specific Good Agricultural Practices



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## FDA Commodity Specific Guidance:

- Reducing Microbial Food Safety Hazards For Sprouted Seeds (October 1999)

“The following recommendations identify the preventive controls that the FDA believes should be taken immediately to reduce the risk of raw sprouts serving as a vehicle for foodborne illness and ensure sprouts are not adulterated under the food safety provisions of the Food, Drug, and Cosmetic Act (the act). ***Failure to adopt effective preventive controls can be considered insanitary conditions which may render food injurious to health. Food produced under such conditions is adulterated under the act (21 U.S.C. 342(a)(4)).*** FDA will consider enforcement actions against any party who does not have effective preventive controls in place, in particular, microbial testing.”

# Cooperative Agreements



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## Cooperative Agreements

- Federal, state and industry cooperative program to address food safety practices
- Model food code, Grade A dairy, shellfish
- Primary inspectional authority/responsibility resides with state/local agencies, with FDA oversight
- Continuously updated by biennial Conferences, issued as FDA recommendation (e.g., Food Code), adopted or amended by states as regulation

# Rulemaking and Regulation



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## **FDA Rulemaking** : Procedures for the Safe and Sanitary Processing and Importing of Fish and Fishery Products (Seafood HACCP, December '95)

- Developed with industry input
- “All seafood processors, packers and warehouses”
- “Apply equally to domestic and imported products”
- Details/flexibility provided in Guidance (Fish and Fisheries Products Hazards and Control Guidance, Version 3)

# Our Conclusion --

- Industry must take responsibility to do all we can on our own
- Industry must endorse reality of federal food safety oversight
  - Options exist for Guidance, Cooperative Agreements, Rulemaking
- Industry needs to shape political, regulatory action rather than respond
- Industry needs objective, public health leadership by government

# Principles for Produce Safety

- When deemed necessary for safety
  - Standards must be consistent for any individual produce commodity no matter where grown in the U.S., or imported
  - Must be federally mandated with appropriate oversight of compliance in order to be most credible to consumers
  - Cannot rely *solely* upon voluntary certification programs, though helpful
  - Must be based on the best science, and allow for commodity-specific food safety practices

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# The Bottom Line

In a situation where science tells us there is no such thing as zero risk, the public must be able to trust in an independent, objective government body as the final arbiter and enforcer of ***what is safe enough***.