Summary of Major Points
A.G. Kawamura
Secretary, California Department of Food and Agriculture

House Committee on Energy and Commerce

Subcommittee on Oversight and Investigations

The Recent Salmonella Outbreak: Lessons Learned and Consequences to Industry and Public Health

Washington, D.C.

July 31, 2008

We must balance warning the public while minimizing the impact to growers.

- We encourage a better dialogue between FDA, states, growers, handlers and retailers to identify Good Agricultural Practices at all levels of the food chain.

- Prior to making a food borne illness announcement FDA should solicit states to provide commodity harvest data. This can minimize the guesswork and can limit the number of growers implicated in an outbreak.

- Growers, shippers, distributors and retailers must agree on a standardized, uniform set of criteria that will follow a product from farm to the point of service, enabling quick and accurate identification of the routes and sources of all produce.

- We encourage more research dollars be spent on identifying the life-cycle of food borne illnesses, potential points of entry and kill-step technology to ensure safe products. We work closely with the Western Institute for Food Safety and Security as well as the newly established Center for Produce Safety at University of California at Davis to improve methods of growing and safe handling of food products.

- Better surveillance of imported products. Consumers are relying more and more on a year-round supply of products that come from outside the United States. Programs must be established to do a better job of monitoring and testing food product imports. By monitoring our points of entry for repeat violators of false import declarations, making changes in import volumes at points of entry, and random sampling of products for contaminants, we can more effectively identify sources of potential risk.

- We urge Congress to support states in the development of programs that result in the implementation and auditing of Good Agricultural Practices.

- There must be funding to implement a uniformed system for epidemiology reporting and investigating outbreaks in all states.

Statement of A.G. Kawamura

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Good morning Chairman Stupak, and esteemed members of the committee. I appreciate the opportunity to address this committee and also I would like to thank Congress for its support of 21st Century agriculture in the 2008 farm bill. As the leading producer of fruits, vegetables and nuts, and the top producer of milk, with a farm gate of $31.4 billion, California is a diverse supplier of food for the nation and a leader on food safety programs.

Human health is paramount in any foodborne illness outbreak. Outbreak investigations are complex and resource intensive, particularly those involving perishable foods such as fresh produce. By the time the surveillance system recognizes clusters of illnesses, 2-3 weeks have passed from the initial exposure. In this timeframe, entire fields or growing areas have been replanted and no samples remain. Epidemiological investigations rely on consumers to remember the foods they ate days or weeks ago and thus include some degree of uncertainty. Trace back investigations depend upon firms providing accurate and complete records in a uniform format to investigators and may involve detailed assessments of dozens of firms and fields. Agencies must have adequate resources and laboratory surge capacity to conduct these

investigations in order to quickly, accurately, and narrowly pinpoint the source of an outbreak.

We recognize and understand that the Centers for Disease Control and Prevention and the Food and Drug Administration have been working very hard with the resources they have to identify the source of the most recent outbreak and will undoubtedly initiate a full review of existing epidemiologic and regulatory approaches to implement needed changes. As we have directed growers and processors to develop and implement written, scientifically based guidelines, we must also ensure that public health and regulatory agencies develop and implement written, scientifically based procedures for conducting these complex investigations.

Unfortunately, a false implication has an impact on the state's commodities and the ability for farmers to sell and market their products. In 1996, an epidemiologic investigation of cyclospora illnesses incorrectly identified California strawberries as the likely source of contamination. Subsequent investigations revealed that the actual source was Guatemalan raspberries. Initial epidemiologic information in the most recent salmonella investigation implicated tomatoes, possibly from California. However, subsequent investigations appear to point to imported peppers.

To be a farmer means to take risks due to weather, pests, market fluctuations, and other influences. Yet there is nothing more devastating to a farmer than to dump a perfectly good crop due to suspicion of contamination. However, public health agencies and regulators may occasionally have to take actions to protect the public without incontrovertible evidence.

Without clear communication, the message to consumers is often

misunderstood and the reaction is swift in the marketplace. Retailers, in order to reduce their risk of liability, act to pull products off the shelves despite general advisories that a product is declared "safe" to eat. The economic domino effect is felt all the way down the food chain from the farmers, to the workers, to their families and to the communities.

For all tomato and jalapeno growers in the country, the promise of a successful marketing season is lost for the summer. The consumer who is rightly concerned about the safety of food products has lost confidence in tomatoes in this incident, even if the outbreak was not associated with our state, or any other.

Economic Impact of Association of Salmonella with Tomatoes

The impact to California tomato growers directly and indirectly is significant. According to one commodity group, our tomato growers suffered a 40 to 50 percent drop in retail sales, or $300,000 in a direct loss due to the dumping of good product, a loss of $1 million in product sales right after the announcement, and an estimated nearly $20-24 million in indirect losses due to low demand and poor prices.

While it is easy to look for quick fixes and someone to blame for the current *Salmonella Saint Paul* outbreak we must recognize the complexities of our modern food systems. It is a remarkable system that continues to improve with new technologies and advances through research. However, the lack of adequate personnel and resources of regulatory agencies charged with protecting public health and our food supply are challenges and weaknesses we must address. There must be funding to implement a uniformed system for epidemiology reporting and investigating outbreaks in all states**.** Right now, we are relying on what state and

local resources are available for gathering data and investigating outbreaks.

Agricultural Food Safety Programs

California has implemented various food safety programs that have been innovative and successful.

The California Leafy Green Marketing Agreement is an example of how federal and state agencies, can work together with industry to create a program that uniformly applies best management practices that are designed to improve safety and quality to handlers throughout the state. Jointly developed by industry, CDFA, USDA and with input from California Department of Public Health and the FDA, the Leafy Green Marketing Agreement was created in 2007 as a response to multiple outbreaks of E. coli O157:H7 illnesses over several years. The leafy greens industry led the effort to craft Good Agricultural Practices and a mechanism for verifying practices through mandatory government audits under the authority of the Agreement.

While membership in the marketing agreement is voluntary, nearly 100 percent of California's leafy green handlers are participants. Once a signatory to the program, compliance with the commodity specific program is mandatory, and violators are subject to discipline. The strength of the Leafy Green Marketing Agreement program is the mandatory government inspection program that certifies member companies are complying with the food safety Good Agricultural Practices. These standards were developed by industry, academia and regulators, and reviewed by state and federal government health agencies. Random inspections are conducted by the California Department of Food and Agriculture inspectors who are trained and certified by the USDA. Operators

are required to take corrective action on all findings within an audit and follow up audits are required to verify compliance. Handlers that fail to meet the conditions of the program can lose their certification, therefore losing their ability to sell in the marketplace. A service mark assures buyers of California leafy greens that the product bearing the mark has been grown according to the food safety practices accepted by the LGMA.

These Good Agricultural Practices are being mirrored in other commodities.

The almond industry adopted federal regulations requiring raw almonds to undergo an approved pasteurization process, or be labeled as "Un-Pasteurized".

The California tomato industry has developed tomato specific best practices. These programs also require USDA trained inspectors to conduct random and continuous audits to ensure compliance with these programs.

The California Set Labeling Requirements for Tomato Industry

California has also implemented tomato-labeling requirements that are unique to handlers in the state. Existing California Food and Agriculture Code provides the authority to require certain labeling and quality standards. All shipping containers of fruits, nuts and vegetables are required to have basic labeling including: Identity (the commodity); Responsibility (name and address of handler or packer or shipper); and Quantity (weight or volume).

In addition to the existing labeling standards, California tomato handlers are required to have the lot and grower ID on the container. This was established in 2006. In the event of violation of

this article, a handler shall provide, upon request of the Secretary or his representative, records related to field location, grower, harvest date, pack date, transporter, and purchaser of packed tomatoes. These records shall be maintained for the current marketing year.

This identification provides a better mechanism for traceability of a product in the marketplace. The produce industry is focusing significant attention on the improved traceability of produce. Industry associations have voiced concerns about the inability to track produce in a standardized, electronic format from farm to point of service. Industry groups have been meeting for several months to develop new standards for traceability from farm to table. Growers, shippers, distributors and retailers must agree on a standardized, uniform set of criteria that will follow a product from farm to the point of service, enabling quick and accurate identification of the routes and sources of all produce.

Next Steps

We must balance warning the public while minimizing the impact to growers.

- **We encourage a better dialogue between FDA, states, growers, handlers and retailers to identify Good Agricultural Practices at all levels of the food chain.**

- **Prior to making a food borne illness announcement FDA should solicit states to provide commodity harvest data. This can minimize the guesswork and can limit the number of growers implicated in an outbreak.**

- **Growers, shippers, distributors and retailers must agree**

on a standardized, uniform set of criteria that will follow a product from farm to the point of service, enabling quick and accurate identification of the routes and sources of all produce.

- **We encourage more research dollars be spent on identifying the life-cycle of food borne illnesses, potential points of entry and kill-step technology to ensure safe products.** We work closely with the Western Institute for Food Safety and Security as well as the newly established Center for Produce Safety at University of California at Davis to improve methods of growing and safe handling of food products.

- **Better surveillance of imported products.** Consumers are relying more and more on a year-round supply of products that come from outside the United States. Programs must be established to do a better job of monitoring and testing food product imports. By monitoring our points of entry for repeat violators of false import declarations, making changes in import volumes at points of entry, and random sampling of products for contaminants, we can more effectively identify sources of potential risk.

- **We urge Congress to support states in the development of programs that result in the implementation and auditing of Good Agricultural Practices.**

- **There must be funding to implement a uniformed system for epidemiology reporting and investigating outbreaks in all states.**

What we learn from this hearing can set the stage for improved collaboration between the state and federal agencies and farming community. Thank you for inviting me to speak with you today and thank you for your support.