



Statement of

Henry Giclas
Vice President – Strategic Planning, Science and Technology
Western Growers

before

Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
U.S. House of Representatives

July 31, 2008

Good morning Chairman Stupak and Members of the Subcommittee. I am Hank Giclas, Vice President for Strategic Planning Science and Technology at Western Growers.

Western Growers is a trade association representing growers, shippers and handlers of fresh fruits, nuts and vegetables in California and Arizona. Our 3000 members produce approximately half of the United States total production of fresh fruits, nuts and vegetables and are committed to ensuring that these products are delivered safely to consumers, here in the United States and abroad.

As we enter the 10th week of the salmonella outbreak, Western Growers appreciates the opportunity to speak before you today on our activity and learning related to food safety, particularly with regard to the E.coli outbreak linked to spinach two years ago and the steps that we have taken to develop rigorous food safety programs that may serve as policy models for consideration in the national debate on how to improve the safety of fresh fruits and vegetables delivered to the consumer.

The industry has a decades-long history of implementing food safety improvements to prevent both deliberate and unintentional contamination of produce as it makes its way from the field to the retail store or restaurant. We have a commercial interest in ensuring that only safe wholesome fresh fruits, nuts and vegetables are delivered to our customers' tables. As a result, industry is driven to constantly improve and refine its own food safety programs and food safety defense capabilities.

INDUSTRY INITIATIVE

Western Growers has been at the forefront of the efforts to assist the industry in these efforts beginning with our work in the early 1990s to develop the first ever Good Agricultural Practices (GAPs) document to communicate to the industry the key areas of risk within the produce distribution chain and to recommend strategies and practices that could be utilized to reduce those risks. These generic guidelines were the result of an intensive collaboration between public health and agricultural interests aligned around the common goal of making fresh produce safer. The guidelines addressed production, harvest, cooling, processing, transportation, and retail and foodservice handling and became the basis for the FDA and USDA “Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables” which was published in 1998 and today remains the benchmark or baseline for all food safety guidance in the domestic and international fresh produce industry. After FDA committed the industry work to this formal guidance document our emphasis shifted from the developmental effort to one of education and extension. Produce trade organizations, academic institutions, and individual companies including both suppliers and buyers began efforts to educate and inform the industry as to the importance of implementing these guidelines in their individual operations. Many courses, seminars, guidebooks, and “how to’s” were developed and delivered in an effort to secure broad buy-in and adherence to these voluntary guidelines. At the same time, a cottage industry of third party food safety consulting and auditing firms began to grow and with the development of corresponding audits many buyers began requiring their suppliers to have their practices audited before they would qualify as a vendor. These private initiatives resulted in a very high level of

implementation and helped the industry demonstrate to buyers that it was indeed employing the best practices for food safety. It is also important to note that this approach bred a chaotic array of varying standards that often were tied to discrete buyers. This requires individual growers or shippers to undergo multiple audits to supply different buyers each of which adds significant cost to the system without a corresponding return on investment or additional protections of public health.

This benchmark set of guidelines and food safety paradigm, while effective for most fresh produce commodities, has evolved significantly over the last few years for select commodities that have been deemed a higher risk because of their continuing association with key pathogens.

In the last few years, beginning as a response to the Produce Safety Action Plan issued by FDA in 2004, industry has developed much more specific guidance for several commodities that continue to be identified by the Agency as higher risk including tomatoes and leafy greens. Prior to the publication of the Produce Safety Action Plan, key trade associations including Western Growers met in Washington, D.C. with FDA Center for Food Safety and Nutrition (CFSAN) officials to hear concerns regarding these commodities and receive the charge to develop Commodity Specific Guidelines for these products. The request was to evaluate what might be unique about each of these crops and to develop further guidance based on any factors or practices associated with these crops that might increase their potential for contamination. Today, Commodity Specific Guidance has been developed for lettuce, leafy greens, tomatoes and cantaloupes, and there is work underway on green onions and herbs; in other words, for each of the

produce commodities FDA has determined present a higher risk of contamination. Every set of guidelines is based on the FDA Guide, utilized an approach based on hazard identification, assessment and control and has been thoroughly vetted with both FDA and the industry.

These newer commodity specific sets of Good Agricultural Practices have again been widely disseminated and a corresponding education and extension effort to communicate them has been ongoing since their development. Western Growers believes they are closely adhered to by producers of these commodities. Adherence has typically been overseen by the marketplace in the form of buyers who will not purchase from parties that have not been rigorously audited to ensure they meet or exceed these newer benchmarks.

Despite the continual improvements in guidance there have also been continuing outbreaks. In 2005 and 2006 there were outbreaks in both tomatoes and leafy greens that drove the industry to again move beyond the existing paradigms to even more prescriptive sets of best practices. In very close collaboration with the FDA CFSAN and CDC scientists and with other public health and academic partners, newer specific guidelines were developed driving the adoption of more rigorous best practices by the industry to reduce or mitigate potential risks.

With regard to leafy greens in particular, California and Arizona have established uniform GAPs and a corresponding verification program that requires implementation of food safety measures developed with the FDA, CDC, state health authorities and private sector experts. These newer generation guidelines include specific requirements for risk

assessment, sampling and analysis of inputs, safety response measures and requirements for documentation. Compliance with the requirements is verified by government inspectors in the field. These guidelines and formalized verification programs are now the most rigorous prevention programs anywhere in the world and this model is one we believe should provide direction for broader national and international standardized efforts to improve food safety.

The leafy greens model in California issued a report in December of 2007 which highlighted the program's almost 400 audits covering 184 audit points each. They reported in addition to a very high compliance rate that the number of staff dedicated to food safety had more than doubled and that investments in food safety programs had risen by more than 200 percent.

MODEL PROGRAM

This model program, adopted at a national level, would bring together the strengths of the state and federal government, the national and international research community and the industry itself in a coordinated fashion to ensure science-based best practices for preventing or reducing the potential for contamination of fresh fruits and vegetables were developed and then universally implemented throughout the distribution chain.

This type of structure would facilitate and support relevant research and improve communication with producers, preparers, and consumers, help prevent contamination and facilitate rapid and appropriate responses in the face of outbreaks or identification of suspect product in the marketplace.

In advancing this type of model, we believe the HHS Agencies are in a key position to identify the principal areas of concern and risk based on the data and information gathered and analyzed in historical epidemiological investigations and traceback. Those key issues would in turn be the focal points for the development of enhanced food safety best practices to reduce or minimize those risks as well as address any other concerns or risks identified by the Agency or industry. The Agency and industry effort would be done in collaboration with and reviewed by academic experts to ensure that the final set of best practices is science-based, specific and measurable in nature and implementable in the field. If appropriately subjected to a solid scientific peer review these industry standards also could be the basis by which imports are allowed to enter the U.S. food system.

The verification program should rely on inspectors who are already in place throughout the country subject to accreditation by FDA. FDA is currently evaluating the use of third parties to provide their “boots on the ground” for verification and inspection of fresh produce operations. These inspectors could notify the FDA of any violations and appropriate corrective action could be taken by industry and/or agency to protect public health and improve food safety. This step again helps address the goal of *preventing contamination* which is the most fundamental step we can take together to reduce outbreaks of food borne illness.

Western Growers firmly believes that prevention is our strongest tool in continuing efforts to reduce food borne illness associated with produce. But fresh produce is grown in an open environment, handled by many people and there are many points in the system where contamination can be introduced. We can get better but we can never get to zero risk, as some would hope. This means that a model program must also address the response to any discovery of contaminated product in the marketplace or outbreak of food borne illness.

Collaboration is equally important in our efforts to respond. The FDA and CDC have an army of industry personnel at the ready to help conclude an outbreak as quickly as possible. A genuine recognition of this industry expertise and a commitment to strengthened communication with the industry during an outbreak will help protect the public and minimize the economic damage to the industry. Currently, industry is largely shut out of such investigations. Granted we are given periodic updates, and FDA has sought input on occasion but there is no formal role for industry to assist officials. The integration of industry expertise would assist from the very beginning when CDC and FDA are attempting to identify a possible food vehicle through understanding the scope and distribution of that product and tracing it back to a source(s).

Clear and definitive messaging with the public is also key such that public health is protected and industry collateral damage is minimized. This would be a significant advantage to both agency and industry in the face of a crisis situation and would not only

help protect the public but could be charged to help restore the marketplace upon conclusion of any event.

CONCLUSION

Western Growers believes the time has come to cease operating in silos and instead work hand in hand using the strengths, talents, and expertise of all parties to improve food safety in this country. The program for leafy greens adopted in California and Arizona is moving the industry closer to achieving a goal that we share with FDA; “to minimize the incidence of food borne illness associated with the consumption of fresh produce.” It is a program that brought all of the FDA’s food safety partners in both the public and private sector together.

We look forward to working with this Committee and with our partners in federal government, industry and the public sector to continue to improve on what is still the safest food supply in the world.

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- The produce industry has a commercial interest in ensuring that only safe wholesome fresh fruits, nuts and vegetables are delivered to our customers' tables, and Western Growers has been at the forefront of the efforts to assist the industry in food safety efforts. These efforts have included developing Good Agricultural Practices (GAPs), Commodity Specific Guidance for higher-risk fresh produce commodities, and now uniform GAPs and a corresponding verification program for leafy greens in California and Arizona.
- The way forward involves collaboration, bringing together the strengths of the state and federal government, the national and international research community, and the industry itself in a coordinated fashion to ensure science-based best practices for preventing or reducing the potential for contamination of fresh fruits and vegetables.
- The program for leafy greens adopted in California and Arizona is moving the industry closer to achieving a goal that we share with FDA; "to minimize the incidence of food borne illness associated with the consumption of fresh produce."