

Political Update: What Regulations are in the Works that Effect Food Safety and the Organic Producer/Processor

Presented to

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by

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Outline

- Congress
- Regulatory bodies
- Industry



110th Congress

- A series of widely publicized incidents made food safety an issue in the 110th Congress.
- Numerous proposals were introduced in 2007 that would change the current U.S. food safety system.
- (Some of) these bills will receive consideration in 2008.



Reorganization of Food Safety Responsibilities.

- Critics believe the current system is:
 - fragmented
 - inefficient
 - threatens food safety
- Others believe that reorganization is not best response.
- The Senate-passed version of H.R. 2419, the omnibus farm bill, would establish a commission to recommend changes.



Food Import Oversight.

- U.S. food imports have been increasing significantly, raising questions about whether U.S. safeguards sufficiently protect public health.
- Pending proposals would variously require foreign countries and establishments to:
 - seek U.S. certification before importing into the United States;
 - expand oversight of food imports; and/or
 - charge fees on such imports to cover oversight costs.



Notification and Recall Authority; Traceability.

- The FDA nor USDA FSIS does not have explicit authority to:
 - order a recall of adulterated foods,
 - require a company to notify them when it has distributed such foods, or
 - impose penalties if recall requirements are violated.
- P.L. 110-85, includes a requirement that FDA establish a registry for reporting potentially adulterated foods.
- The Senate-passed version of the farm bill contains a similar requirement for FSIS-regulated foods.
- Still pending are numerous bills containing provisions for mandatory recall authority.
- Several bills also would require agencies to set up systems for tracing foods



State-Inspected Meat and Poultry.

- Federally but not state-inspected meat and poultry may be shipped across state lines.
- Both the Senate- and House-passed versions of the pending farm bill would allow state-inspected products into interstate commerce



Other Proposals.

- Other pending food safety-related measures would
 - curtail the non-medical use of antibiotics in animal feeds;
 - address the labeling of products from cloned animals; and
 - provide incentives aimed at improving the safety of fresh fruits and vegetables



S. 2077 (Harkin)

Fresh Produce Safety Act

- Would require HHS-FDA:
 - to promulgate rules on good manufacturing practices (GMPs) for “minimally processed produce” (i.e., fresh-cut produce).
 - to issue rules on good agricultural practices for growers of fresh produce.
- It would also require both processing establishments and growers:
 - to implement written plans detailing controls for limiting contaminants, and
 - submit to periodic FDA inspections.



H.R. 912 (Farr) Spinach Research and Recovery Act of 2007

- Authorizes new appropriations for produce safety research;
- provides for payments for spinach industry losses after the FDA September 2006 health advisory on fresh produce.



H.R. 1148/S. 654 (DeLauro/Durbin)

Safe Food Act of 2007

- Establishes a new independent Food Safety Administration to administer and enforce all federal food safety laws.
- Requires:
 - a national food safety program based on an analysis of the food hazards;
 - standards for processors of food and food establishments;
 - a certification system for foreign governments or food establishments
 - a system for tracing food and food producing animals from point of origin to retail sale;
 - maintaining an active surveillance system of food, food products, and epidemiological evidence;
 - a sampling program to monitor contaminants in food;
 - an analysis of hazards in the food supply;
 - a national public education campaign on food safety; and
 - research relating to food safety.
 - sets forth provisions regarding prohibited acts, administrative detention, condemnation, recall, penalties for violations of food safety laws, whistle blower protection.



H.R. 1396/S. 536 (Woolsey/Kohl) (no title)

- Amends the Organic Foods Production Act of 1990 to prohibit the labeling of cloned livestock and products derived from cloned livestock as organic.

Regulatory Bodies

- The Administration released, on November 6, 2007, two separate but related reports with an impact on food safety.
 - *Action Plan for Import Safety.*
 - *FDA's Food Protection Plan,*
 - Both plans are oriented toward assessing and prioritizing risks and preventing problems
 - Many recommendations would require congressional action
 - such as mandatory recall authority for FDA-regulated products,
 - electronic certification of imports,
 - new user fees
 - requiring additional HACCP-like controls for high-risk foods and authority for FDA accreditation of qualified third party inspectors



Fresh produce from our families to yours

Regulatory Bodies

- FDA has encouraged the industry to develop and follow voluntary guidelines.
- A majority of California handlers signed a state Leafy Greens Marketing Agreement.
- USDA's Agricultural Marketing Service (AMS) published an advance notice of proposed rulemaking on whether to establish a "marketing program to address the handling of fresh and fresh-cut leafy green vegetables.
- The program would allow handlers to maintain the quality by reducing the risk of contamination during production and handling of leafy greens."
- Consumer advocates criticized the proposal because it might deter FDA from taking a more aggressive regulatory approach to protecting consumers
- Small farms have criticized the proposal based on
 - administrative burden,
 - raw agricultural commodities are "not the problem"
 - "one size does not fit all"



Fresh produce from our families to yours

Other (regulatory) Initiatives of Note

- AFDO – Association of Food and Drug Officials is currently developing a “model code” for the (state) regulation of fresh fruit and vegetable production
- Codex – under FDA leadership will begin to develop an annex for leafy greens and herbs within the Code of Hygienic Practice for Fresh Fruits and Vegetables



Industry

- FSLC – has developed “on farm standards” for all produce that have begun to penetrate to suppliers
- Other buyers have embraced the CA LGMA requirements
- GMA is advocating government regulation of all produce
- Producer oriented trade associations have yet to agree on a common track ...
 - Risk based, commodity specific, recognition of regional differences (production)
 - Mandatory programs w/ government oversight



Conclusions

- The regulatory environment is in flux...
- Food safety requirements are being dictated
- Organic and conventional producers will be impacted ...
- Conventional and organic producers grow, pack and ship, safe and wholesome products
- We are very interested in working with CCOF to develop common approaches to improved food safety
- We believe the impacted industry is best positioned to develop these programs



Thanks...!!

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