

RESOLUTION # 2

FOOD SAFETY

1 **WHEREAS**, consumer confidence in the safety of food produced, processed and
2 sold in New Jersey is vital to maintaining a robust food and agriculture complex in the
3 state; and

4 **WHEREAS**, New Jersey's food and agriculture complex constitutes an
5 approximately \$105 billion-a-year sector of the state's economy, contributing significant
6 economic and quality-of-life benefits to the state's residents; and

7 **WHEREAS**, in recent years food safety issues have risen to a new level of
8 importance across the country, as Congress has addressed concerns about food-borne
9 illnesses by passing the most sweeping food-safety legislation in United States history,
10 giving the federal Food and Drug Administration (FDA) direct control for the first time
11 over food-safety activities on the farm, and the FDA is currently in the process of
12 finalizing the new regulatory provisions of that law; and

13 **WHEREAS**, the first rules proposed by the FDA to implement the Food Safety
14 Modernization Act (FSMA), known respectively as "Produce Safety" and "Preventive
15 Controls," which most directly affect farmers and food processors who constitute a
16 significant portion of the state's food-and-agriculture complex, were finalized by the FDA
17 on November 13, 2015; and

18 **WHEREAS**, New Jersey farms, depending upon the activities that occur upon
19 them, could be covered by both of these rules, under the heading of a "mixed-use
20 facility," if food crops grown on the farm are turned into value-added products on the
21 same farm property, or "farm management unit"; and

22 **WHEREAS**, farms, depending upon their size, have from two to four years to
23 implement the provisions of these rules, with the smallest farms (those selling less than
24 \$250,000 in farm products a year) having the longest time; and

25 **WHEREAS**, the National Association of State Departments of Agriculture
26 (NASDA) has identified the necessity of Congress fully funding the mandates that will be
27 imposed upon states by the additional inspections required under FSMA if states are to
28 properly assure compliance with this new law; and

29 **WHEREAS**, to date, Congress has not made a commitment for full funding of
30 FSMA in its current budget deliberations; and

31 **WHEREAS**, states such as New Jersey, facing their own fiscal challenges, will
32 not be able to fill the gaps if Congress does not fully fund FSMA; and

33 **WHEREAS**, food-safety protocols called for in FSMA and the proposed
34 regulations are more easily met by larger farms found in other parts of the nation, but are
35 a heavier burden to meet for the typically smaller farms more common in New Jersey;
36 and

37 **WHEREAS**, many of New Jersey's smaller, family-owned farms, because they
38 do not primarily sell directly to the consumer or because they sell more than \$500,000 a
39 year in farm-raised products, do not meet the "Tester Amendment" provisions for "small-
40 farm" exemption from these new food safety protocols; and

41 **WHEREAS**, farms that do meet the Tester Amendment provisions are likely to be
42 removed from the lists of suppliers to supermarkets and other buyers, who are
43 concerned that buying from exempted farms could reflect unfavorably on their stores'
44 food-safety reputations; and

45 **WHEREAS**, no New Jersey farms have been implicated in any of the food-borne
46 illnesses of the past decade; and

47 **WHEREAS**, any connection of the food-supply chain throughout the United
48 States to foodborne illnesses has the effect of reducing consumer confidence in all food,
49 including New Jersey-produced, -processed or -distributed food; and

50 **WHEREAS**, in recognition of that fact, the New Jersey Department of Agriculture
51 created the Produce Safety Task Force, composed of government, academic and
52 produce-sector representatives to ensure that the risk of produce-related foodborne
53 illnesses is reduced as much as possible in New Jersey, and that information about
54 foodborne illnesses linked to produce from other parts of the nation is accurately
55 portrayed so as not to unnecessarily discourage the consumption of safe, healthy New
56 Jersey-grown produce; and

57 **WHEREAS**, the Produce Safety Task Force has been re-formed, with the
58 emphasis on preparing New Jersey's farm and food businesses to be able to comply
59 with the final FSMA rules; and

60 **WHEREAS**, consumers have a right to expect safe food in the marketplace and
61 any reduction in consumer confidence in New Jersey food can negatively impact the
62 economic viability of New Jersey farmers producing food products; and

63 **WHEREAS**, the inclusion of *Jersey Fresh* quality grading standards and third-
64 party auditing of farms are important parts of the New Jersey Department of Agriculture's
65 efforts to ensure fresh, high-quality and safe food reaches consumers; and

66 **WHEREAS**, it is important for the future of New Jersey agricultural operations
67 producing food for fresh-market sale or for processing to maintain a high level of
68 consumer confidence in the foods produced, processed and distributed here; and

69 **WHEREAS**, accidental contamination of food is only part of the risk to
70 consumers, and we must all be vigilant about potential terrorist plots to intentionally
71 contaminate our food supply, as evidenced by the federal government warning in

72 December 2010 about plots to introduce poisons such as cyanide and ricin into salad
73 bars and buffets; and

74 **WHEREAS**, the State of New Jersey, in recognition of such threats, has created
75 a Food and Agriculture Sector Working Group on Food Defense that involves both
76 government agencies and the private food and agriculture sector; and

77 **WHEREAS**, in recognition of agriculture’s significant role in that arena, two
78 Department representatives and one New Jersey Farm Bureau representative are
79 among the five “core members” of that working group, who are active in setting the
80 agenda for the group and communicating with the various arms of the private food and
81 agriculture sector.

82 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 101st
83 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 10-
84 11, 2016, hereby support the continued efforts of the New Jersey Department of
85 Agriculture, working alone or in concert with other state and federal agencies, the New
86 Jersey Agricultural Experiment Station, agricultural groups and others in the market
87 chain, to ensure the safety of New Jersey produced, processed or distributed food.

88 **BE IT FURTHER RESOLVED**, that we urge the Department, working in concert
89 with the National Association of State Departments of Agriculture (NASDA) and the
90 Communications Officers of the State Departments of Agriculture (COSDA), to continue
91 pressing the FDA’s communications staff to share information about foodborne illnesses
92 and product recalls with the state departments first, before announcing that information
93 to the media, in order to give the state departments adequate time to prepare for follow-
94 up inquiries from the media.

95 **BE IT FURTHER RESOLVED**, that we support the work of the Produce Safety
96 Task Force, created within the New Jersey Department of Agriculture and including
97 representation from other state agencies, agricultural organizations, Rutgers University

98 and the produce industry, to ensure that New Jersey's fruit and vegetable producers,
99 processors and distributors can and do meet the prevailing standards for food safety in
100 New Jersey and the United States.

101 **BE IT FUTHER RESOLVED**, that we support the continued collaboration
102 between the New Jersey Department of Agriculture and Rutgers Cooperative Extension
103 to educate the produce industry in food safety and the preparation for third-party audits.

104 **BE IT FURTHER RESOLVED**, that we support the continued efforts of the New
105 Jersey Department of Agriculture to educate the public about the high standards of food
106 safety being met by the produce industry in New Jersey.

107 **BE IT FURTHER RESOLVED**, that we support continued use of the *Jersey*
108 *Fresh* quality grading standards and third-party auditing as components of a
109 comprehensive food-safety strategy.

110 **BE IT FURTHER RESOLVED**, that we urge the Governor and the Legislature to
111 investigate providing additional funding for third-party auditing, specifically through cost-
112 sharing funds directed to producers, and for the *Jersey Fresh* quality grading programs
113 to continue ensuring that New Jersey offers fresh, high-quality and safe foods to
114 consumers.

115 **BE IT FURTHER RESOLVED**, that we urge the Governor and the Legislature to
116 investigate providing additional funding for a joint effort of the New Jersey Departments
117 of Agriculture and Health to ensure that New Jersey's farm and food businesses,
118 including all those who handle products from the farm to the table, comply with the
119 requirements of the Food Safety Modernization Act, in order that they do not lose
120 markets.