

RESOLUTION # 18

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 attempted to address concerns about
9 food-borne illnesses by passing the most sweeping food-safety legislation in United
10 States history, giving the federal Food and Drug Administration (FDA) direct control for
11 the first time over food-safety activities on the farm, and the FDA is currently in the
12 process of finalizing the new regulatory provisions of that law; and

13 **WHEREAS**, the first two rules proposed by the FDA to implement the Food
14 Safety Modernization Act, known respectively as "Produce Safety" and "Preventive
15 Controls," drew impassioned criticism nationwide as not reflecting an understanding of
16 farming at all sizes of farms, nor of the particular nuances and differences in farming
17 between regions of the country; and

18 **WHEREAS**, the National Association of State Departments of Agriculture
19 (NASDA), was successful in seeking to have FDA release a second draft of those rules,
20 instead of taking the usual route of accepting comments on the first drafts and then
21 moving to the "final rule adoption" phase, so as to address the numerous and
22 complicated issues raised during the first-draft comment period; and

23 **WHEREAS**, the FDA issued second drafts of those two rules to address major
24 concerns of agricultural groups, including the National Association of State Departments
25 of Agriculture (NASDA), which drew the comments it filed on the rules from its member
26 states, and FDA conducted an additional comment period on the changes contained in
27 those second drafts; and

28 **WHEREAS**, food-safety protocols called for in FSMA and the proposed
29 regulations are more easily met by larger farms found in other parts of the nation, but are
30 a harder burden to meet for the typically smaller farms more common in New Jersey;
31 and

32 **WHEREAS**, many of New Jersey’s smaller, family-owned farms, because they
33 do not primarily sell directly to the consumer or because they sell more than \$500,000 a
34 year in farm-raised products, do not meet the “Tester Amendment” provisions for “small-
35 farm” exemption from these new food safety protocols; and

36 **WHEREAS**, farms that do meet the Tester Amendment provisions are likely to be
37 removed from the lists of suppliers to supermarkets and other buyers, who are
38 concerned that buying from exempted farms could reflect unfavorably on their stores’
39 food-safety reputations; and

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

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

45 **WHEREAS**, in recognition of that fact, the New Jersey Department of Agriculture
46 created the Produce Safety Task Force, composed of government, academic and
47 produce-sector representatives to ensure that the risk of produce-related foodborne
48 illnesses is reduced as much as possible in New Jersey, and that information about

49 foodborne illnesses linked to produce from other parts of the nation is accurately
50 portrayed so as not to unnecessarily discourage the consumption of safe, healthy New
51 Jersey-grown produce; and

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

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

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

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

64 **WHEREAS**, accidental contamination of food is only part of the risk to
65 consumers, and we must all be vigilant about potential terrorist plots to intentionally
66 contaminate our food supply, as evidenced by the federal government warning in
67 December 2010 about plots to introduce poisons such as cyanide and ricin into salad
68 bars and buffets; and

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

72 **WHEREAS**, in recognition of agriculture's significant role in that arena, two
73 Department representatives and one New Jersey Farm Bureau representative are
74 among the five "core members" of that working group, who are active in setting the

75 agenda for the group and communicating with the various arms of the private food and
76 agriculture sector.

77 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 100th
78 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 4-5,
79 2015, hereby support the continued efforts of the New Jersey Department of Agriculture,
80 working alone or in concert with other state and federal agencies, the New Jersey
81 Agricultural Experiment Station, agricultural groups and others in the market chain, to
82 ensure the safety of New Jersey produced, processed or distributed food.

83 **BE IT FURTHER RESOLVED**, that we support the decision of the FDA to
84 release second drafts of the proposed “Produce Safety” and “Preventive Controls” rules,
85 to address the numerous fundamental and complicated issues raised by the agricultural
86 community as those rules have been aired in public hearings nationwide.

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

94 **BE IT FURTHER RESOLVED**, that we support the work of the Produce Safety
95 Task Force, created within the New Jersey Department of Agriculture and including
96 representation from other state agencies, agricultural organizations, Rutgers University
97 and the produce industry, to ensure that New Jersey’s fruit and vegetable producers,
98 processors and distributors can and do meet the prevailing standards for food safety in
99 New Jersey and the United States.

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

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

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

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

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