

RESOLUTION # 14

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 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 has finalized some regulatory
12 provisions of the law and is currently in the process of finalizing the remaining regulatory
13 provisions: and

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

19 **WHEREAS**, FDA has partnered with the National Association of State
20 Departments of Agriculture (NASDA) to distribute to interested states federal grant funds
21 to begin the process of establishing a state-run inspection system of farms that are
22 identified as large enough to be subject FSMA inspection; and

23 **WHEREAS**, New Jersey is among those participating states, and agrees with the
24 prevailing thought in the states that are following this path, that state agriculture officials
25 are more familiar with the farming operations in their states, as well as the unique
26 challenges each state faces in meeting the goals of FSMA; and

27 **WHEREAS**, the Department's Division of Marketing and Development, and in
28 particular the Bureau of Inspections and Quality Grading, has begun work on
29 determining which farms in New Jersey will require FSMA inspections under the
30 Produce Safety Rule and is working with Rutgers University to develop outreach
31 messages to farmers to help them prepare for FSMA's implementation; and

32 **WHEREAS**, New Jersey farms, depending upon the activities that occur upon
33 them, could be covered by multiple FSMA rules, under the heading of a "mixed-use
34 facility," if food crops grown on the farm are turned into value-added products on the
35 same farm property, or "farm management unit"; and

36 **WHEREAS**, farms, depending upon their size, have from two to four years to
37 implement the provisions of these rules, with the smallest farms (those selling less than
38 \$250,000 in farm products a year) having the longest time; and

39 **WHEREAS**, NASDA has identified the necessity of Congress fully funding the
40 mandates that will be imposed upon states by the additional inspections required under
41 FSMA if states are to properly assure compliance with this new law; and

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

46 **WHEREAS**, many of New Jersey's smaller, family-owned farms, because they
47 do not primarily sell directly to the consumer or because they sell more than \$500,000 a

48 year in farm-raised products, do not meet the “Tester Amendment” provisions for “small-
49 farm” exemption from these new food safety protocols; and

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

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

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

59 **WHEREAS**, in recognition of that fact, the New Jersey Department of Agriculture
60 created the Produce Safety Task Force, composed of government, academic and
61 produce-sector representatives to ensure that the risk of produce-related foodborne
62 illnesses is reduced as much as possible in New Jersey, and that information about
63 foodborne illnesses linked to produce from other parts of the nation is accurately
64 portrayed so as not to unnecessarily discourage the consumption of safe, healthy New
65 Jersey-grown produce; and

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

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

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

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

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

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

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

91 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 102nd
92 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9,
93 2017, hereby support the continued efforts of the New Jersey Department of Agriculture,
94 working alone or in concert with other state and federal agencies, Rutgers’ New Jersey
95 Agricultural Experiment Station, agricultural groups and others in the market chain, to
96 ensure the safety of New Jersey produced, processed or distributed food.

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

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

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

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

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

119 **BE IT FURTHER RESOLVED**, that we urge the Governor and the Legislature to
120 investigate providing additional funding for third-party auditing, specifically through cost-
121 sharing funds directed to producers, and for the *Jersey Fresh* quality grading programs

122 to continue ensuring that New Jersey offers fresh, high-quality and safe foods to
123 consumers.

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