

RESOLUTION # 29

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 state;
3 and

4 **WHEREAS**, New Jersey's food and agriculture complex constitutes an approximately
5 \$105 billion-a-year sector of the state's economy, contributing significant economic and
6 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 illnesses
9 by passing the most sweeping food-safety legislation in United States history, giving the
10 federal Food and Drug Administration (FDA) direct control for the first time over food-safety
11 activities on the farm, and the FDA has finalized many regulatory provisions of the law and is
12 currently in the process of finalizing the remaining regulatory provisions: 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 significant
16 portion of the state's food-and-agriculture complex, are moving toward implementation,
17 although FDA still is working to finalize certain portions of the regulations in the Produce
18 Safety Rule; and

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

23 **WHEREAS**, early in the FSMA process, the New Jersey Department of Agriculture
24 asserted that state agriculture officials are more familiar with the farming operations in their
25 states, as well as the unique challenges each state faces in meeting the goals of FSMA, and

26 thus were the most appropriate agencies to implement on-farm inspections under the
27 Produce Safety Rule portion of FSMA, working either through their own authority, under
28 agreements with their state Health departments or through FDA commissioning; and

29 **WHEREAS**, New Jersey has followed that path, with Agriculture taking the lead in
30 the implementation of several key portions of FSMA, including the Produce Safety rule; and

31 **WHEREAS**, the Department's Division of Marketing and Development, and in
32 particular the Bureau of Inspections and Quality Grading, has been working to determine
33 which farms in New Jersey will require FSMA inspections under the Produce Safety Rule
34 and is working with Rutgers University to educate farmers to prepare for FSMA's full
35 implementation; and

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

40 **WHEREAS**, farms, depending upon their size, have from two to four years to
41 implement the provisions of these rules, with the smallest farms (those selling less than
42 \$250,000 in farm products a year) having the longest time; and

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

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

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

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

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

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

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

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

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

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

77 **WHEREAS**, community farmers markets throughout New Jersey present an
78 excellent opportunity for New Jersey farmers to offer their products directly to consumers,

79 and at the same time interact with the public about their farm products, growing methods and
80 other aspects of agriculture in the Garden State; and

81 **WHEREAS**, community farmers markets, though typically not permanent structures,
82 are governed as “retail food establishments” under Chapter 24 of the State Code, which is
83 overseen by the New Jersey Department of Health; and

84 **WHEREAS**, Chapter 24 specifically establishes the practices that must be followed
85 in order for a food product to be considered safe for sale at a retail food establishment,
86 including the manner in which it was prepared and displayed for sale at a community farmers
87 market; and

88 **WHEREAS**, the implementation of the Food Safety Modernization Act (FSMA)
89 necessitated a review of the existing document and chart to ensure consistency between
90 Chapter 24 and FSMA, and that review is ongoing as the FDA continues finalizing the
91 appropriate FSMA rules.

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

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

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

103 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 104th State
104 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 6-7, 2019,
105 hereby support the continued efforts of the New Jersey Department of Agriculture, working

106 alone or in concert with other state and federal agencies, Rutgers' New Jersey Agricultural
107 Experiment Station, agricultural groups and others in the market chain, to ensure the safety
108 of New Jersey produced, processed or distributed food.

109 **BE IT FURTHER RESOLVED**, that we urge the Department, working in concert with
110 the National Association of State Departments of Agriculture (NASDA) and the
111 Communications Officers of the State Departments of Agriculture (COSDA), to continue
112 pressing the FDA's communications staff to share information about foodborne illnesses and
113 product recalls with the state departments first, before announcing that information to the
114 media, in order to give the state departments adequate time to prepare for follow-up inquiries
115 from the media.

116 **BE IT FURTHER RESOLVED**, that we support the work of the Produce Safety Task
117 Force, created within the New Jersey Department of Agriculture and including representation
118 from other state agencies, agricultural organizations, Rutgers University and the produce
119 industry, to ensure that New Jersey's fruit and vegetable producers, processors and
120 distributors can and do meet the prevailing standards for food safety in New Jersey and the
121 United States.

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

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

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

131 **BE IT FURTHER RESOLVED**, that we urge the Governor and the Legislature to
132 investigate providing additional funding for third-party auditing, specifically through cost-

133 sharing funds directed to producers, and for the *Jersey Fresh* quality grading programs to
134 continue ensuring that New Jersey offers fresh, high-quality and safe foods to consumers.

135 **BE IT FURTHER RESOLVED**, that we urge the Governor and the Legislature to
136 investigate providing additional funding for a joint effort of the New Jersey Departments of
137 Agriculture and Health to ensure that New Jersey's non-exempt farm and food businesses,
138 including those who handle products from the farm to the table, comply with the
139 requirements of the Food Safety Modernization Act, in order that they do not lose markets.

140 **BE IT FURTHER RESOLVED**, that we urge the New Jersey Departments of
141 Agriculture and Health to continue collaborating on an updated document and chart, which
142 would provide community farmers market managers with specific references to Chapter 24
143 and FSMA to use in discussions with local and county health officers regarding questions of
144 whether, and under what conditions, a given food product is allowed for sale at a community
145 farmers market.