

November 14, 2007

Mr. Larry Kohl
Walt Disney World Co.
Food Safety & Health
PO Box 10000
Lake Buena Vista FL 32830-1000

Dear Mr. Kohl,

We understand that you help coordinate a group of company representatives that has prepared the attached *Food Safety Leadership Council On-Farm Produce Standards*. On behalf of the organizations shown below representing a wide cross section of the produce industry, we write to express our strongest concern about this document and its potential implementation, and ask that you share these concerns with all relevant parties.

In recent days, many produce suppliers have received letters from Publix, Avendra LLC, and possibly others which state that their companies are members of the Food Safety Leadership Council (FSLC) and go on to require suppliers to comply with the set of practices outlined in this document. It is unclear from this document exactly which companies are part of this effort, what legal and/or organizational structure exists for the FSLC, and what specific expectations may exist for your produce supply networks.

The demands outlined in these individual companies' letters and the content of the FSLC document present neither a scientific approach to enhance food safety nor a respect for the produce, retail and foodservice industries' mutual commitment to deliver the safest possible fresh fruits and vegetables to our consumers everyday. As you know, we all share a commitment to providing consumers the safest possible foods, and we ask that you step back from this unilateral and unfounded direction to engage in a real scientific and professional dialogue with your produce suppliers, technical representatives from our industry's trade associations, academia and government. Together, we should be engaged in mutual efforts to ensure an approach to food safety that can truly make a difference for our consumers, rather than focusing more concern on liability placement than actual sound, scientific and achievable food safety practices.

Let us list several specific concerns with the FSLC document and approach.

1. Produce food safety demands a commodity-specific approach. While broad principles of risk prevention apply and are embodied in FDA's Good Agricultural Practices (GAPs) for on-farm production, the specific standards and practices that should be employed for different commodities vary greatly. The FDA has directed industry to pursue commodity-specific GAPs as the best way to enhance produce safety overall, and huge strides have been made in addressing best practices for those commodities which have had recent links to foodborne disease outbreaks. The FSLC document's "one-size-fits-all" approach contains specifications that clearly should not apply to many commodities, and in fact, could be counter-productive in requiring growers to focus on the wrong things.

2. It appears that the FSLC document is based largely upon the approach industry has taken in preparation of *Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens*, which were subsequently adopted as the metrics for compliance measurement under the California Leafy Greens Marketing Agreement. These standards have been developed and revised over several years with intense analysis of scientific issues, current research understanding, and production practices; and vetted extensively with industry, academic and government scientists. We believe this represents the current best practice standard for production of leafy greens. Both the National

Restaurant Association and the Food Marketing Institute recognize the validity of these leafy greens food safety guidelines and support producers complying with these standards. Also, the Food and Drug Administration has reviewed these metrics, and never advised of any areas where they believe these are inadequate.

Given that wide state of support for these best practices, FSLC members must be careful not to imply in any way that your approach would provide any higher level of safety than compliance with these industry standards. Our industry is committed to continuous improvement in food safety, and certainly expects to frequently revise best practices to incorporate the latest science and understanding of risk prevention strategies. We would be extremely interested in discussing with you both the current best practice standards for leafy greens and the suggestions for production and testing that you have outlined in the FSLC document. But this must be a scientific discussion committed to mutual industry efforts to develop and agree on best practices to serve our consumers, not to create a bifurcated food safety system with different groups setting separate and unilateral requirements.

3. On a practical level, you must know that some standards such as the water requirements outlined in the FSLC document cannot physically be achieved in many cases, even by world class producers. Perhaps you were thinking of a target for producers to strive for, but without further discussion, our best scientists just don't understand what you have in mind. Similarly, some of the recommendations in your document are inherently based on opinion and judgment where science is insufficient, such as distance of production from animal grazing. Science today cannot tell us an exact distance, and we would therefore argue that expert consensus among industry, academia and government is the best way to address such unknown scientific questions until research can provide better evidence for risk-based decision-making. Otherwise, we are faced with an escalating, unscientific approach – if a 100-foot buffer is good; a 1,000-foot buffer must be better. Or why not 1,000 yards; or perhaps a mile, or two, or three. This is indeed a slippery slope without real science to guide these judgments.

In conclusion, we respectfully urge FSLC members to reconsider your approach seeking to enforce the practices outlined in your document. We believe enforcing these practices would be inappropriate for many commodities, add unscientific and needless requirements to already existing best practice standards widely endorsed in the scientific community; could be counterproductive to produce safety in diverting attention from real issues; and would create an "us-against-them" food safety split in the produce supply chain.

Perhaps that last point is our greatest risk, but one we should be able to avoid by working together. We know your companies well as industry leaders, and respect the fact that you want to do the very best for your customers in providing safe foods. Your produce suppliers share that unequivocal goal, and believe that we must work together as a total supply chain in order to fulfill our mutual objective of the safest possible produce. This issue cannot descend into an "us-against-them" fight or we all lose – we simply must work together to bring wise, consistent, scientific and industrywide best practices to on-farm production, post-harvest handling and processing, distribution, retail and foodservice operations. No sector is exempt, and no one sector has all the answers.

Mr. Kohl, please convey to your group our strong desire to engage in the earliest possible meeting to discuss these issues and ways we can work together for food safety. We will bring together scientific, technical and business representatives of our organizations and your produce suppliers to engage in dialogue to hopefully find a better course ahead that meets our shared goals for food safety.

Please respond to Dr. David Gombas, senior vice president for food safety and technology, United Fresh Produce Association, as your primary contact in setting up a meeting and moving forward. Please also let David know if you have any questions or comments in the meantime. Thank you.

Sincerely,

American Mushroom Institute
California Avocado Commission
California Citrus Mutual
California Grape & Tree Fruit League
California Strawberry Commission
California Table Grape Commission
California Tomato Farmers
California Tree Fruit Agreement
Florida Fruit & Vegetable Association
Florida Tomato Exchange
Georgia Fruit and Vegetable Growers Association
Grower Shipper Association of Central California
National Potato Council
National Watermelon Association
New York Apple Association, Inc
Northwest Horticultural Council
Produce Marketing Association
Texas Citrus Mutual
Texas Produce Association
Texas Vegetable Association
United Fresh Produce Association
U.S. Apple Association
Western Growers