

RESOLUTION # 21

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 \$115 billion-a-year sector of the state's economy, contributing significant economic and
6 quality-of-life benefits to the state's residents, as well as providing opportunities for the
7 workforce and promoting tourism; and

8 **WHEREAS**, in recent years, food safety issues have risen to a new level of
9 importance across the country, as multiple produce-related outbreaks have sickened or even
10 killed consumers, and evidence has indicated that there is a significant correlation of
11 produce-related outbreaks that may result from historically accepted food-production
12 practices; and

13 **WHEREAS**, Congress addressed concerns about food-borne illnesses by passing
14 the most sweeping food-safety legislation in United States history, the Food Safety
15 Modernization Act (FSMA), giving the federal Food and Drug Administration (FDA) direct
16 control for the first time over food-safety activities on the farm, and focusing on preventing
17 foodborne illness rather than responding to illnesses after they occur; with specific actions to
18 be taken to prevent contamination of the food supply; and

19 **WHEREAS**, the FDA has finalized many regulatory provisions of the law and is
20 currently in the process of finalizing the remaining regulatory provisions; and

21 **WHEREAS**, according to the website fda.gov, citing information from the Centers for
22 Disease Control and Prevention, "About 48 million people in the U.S. (1 in 6) get sick,
23 128,000 are hospitalized and 3,000 die each year from foodborne diseases."; and

24 **WHEREAS**, the FSMA Produce Safety Rule (21 CFR 112) uses science-based
25 minimum standards for the safe growing, harvesting, packing and holding of fruits and

26 vegetables grown for human consumption, and provides the FDA with new authority and
27 control over food-safety on previously unregulated farming practices; and

28 **WHEREAS**, FDA has partnered with interested states to distribute federal grant
29 funds to establish state-run inspection systems, and the New Jersey Department of
30 Agriculture has been involved since the inception with this cooperative approach, receiving
31 funding for the establishment and maintenance of New Jersey's produce inspection program;
32 and

33 **WHEREAS**, early in the FSMA process, the Department asserted that state
34 agriculture officials are more familiar with the farming operations in their states, as well as
35 the unique challenges each state faces in meeting the goals of FSMA, and thus were the
36 most appropriate agencies to implement on-farm inspections under the Produce Safety Rule
37 portion of FSMA; and

38 **WHEREAS**, this approach has been implemented, with state officials working either
39 through their own authority, under agreements with their state Health departments or through
40 FDA commissioning; and

41 **WHEREAS**, the National Association of State Departments of Agriculture (NASDA)
42 has identified the necessity of Congress fully funding mandates that will be imposed upon
43 states by the additional inspections required under FSMA in order to properly ensure
44 compliance with the new law; and

45 **WHEREAS**, the Department cooperated with Rutgers Cooperative Extension in
46 conducting On-Farm Readiness Reviews (OFRRs) to determine the individual farm's degree
47 of compliance with the FSMA PSR, and there were 78 OFRRs conducted in 2018 and 10
48 conducted in 2019; 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**, the inclusion of *Jersey Fresh* quality grading standards and third-party
69 auditing of farms are important parts of the New Jersey Department of Agriculture's efforts to
70 ensure fresh, high-quality and safe food reaches consumers; and

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

74 **WHEREAS**, community farmers markets throughout New Jersey present an
75 excellent opportunity for New Jersey farmers to offer their products directly to consumers,
76 and at the same time interact with the public about their farm products, growing methods and
77 other aspects of agriculture in the Garden State; and

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

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

85 **WHEREAS**, the implementation of FSMA necessitated a review of the existing
86 document and chart to ensure consistency between Chapter 24 and FSMA, and that review
87 is ongoing as the FDA continues finalizing the appropriate FSMA rules; and

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

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

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

99 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 106th State
100 Agricultural Convention, assembled through a virtual platform hosted in Trenton, New
101 Jersey, in accordance with COVID-19 pandemic recommendations, on February 17, 2021,
102 hereby support the continued efforts of the New Jersey Department of Agriculture, working
103 alone or in concert with other state and federal agencies, Rutgers New Jersey Agricultural

104 Experiment Station, agricultural groups and others in the market chain, to ensure the safety
105 of New Jersey produced, processed or distributed food.

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

110 **BE IT FURTHER RESOLVED**, that we urge the New Jersey Congressional
111 Delegation to lead efforts in Washington to continue fully funding, through the FDA in
112 cooperation with NASDA, mandates that will be imposed upon states by the additional
113 inspections required under FSMA in order to properly ensure New Jersey's status as a
114 national leader in compliance with the law.

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