

## RESOLUTION # 9

### 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 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**, accidental contamination of food is only part of the risk to consumers,  
78 and we must all be vigilant about potential terrorist plots to intentionally contaminate our food

79 supply, as evidenced by the federal government warning in December 2010 about plots to  
80 introduce poisons such as cyanide and ricin into salad bars and buffets; and

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

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

88 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 103<sup>rd</sup> State  
89 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2018,  
90 hereby support the continued efforts of the New Jersey Department of Agriculture, working  
91 alone or in concert with other state and federal agencies, Rutgers' New Jersey Agricultural  
92 Experiment Station, agricultural groups and others in the market chain, to ensure the safety  
93 of New Jersey produced, processed or distributed food.

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

101 **BE IT FURTHER RESOLVED**, that we support the work of the Produce Safety Task  
102 Force, created within the New Jersey Department of Agriculture and including representation  
103 from other state agencies, agricultural organizations, Rutgers University and the produce  
104 industry, to ensure that New Jersey's fruit and vegetable producers, processors and

105 distributors can and do meet the prevailing standards for food safety in New Jersey and the  
106 United States.

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

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

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

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

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