

RESOLUTION # 12

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 NJDA's Division of Marketing and Development, specifically the
46 Bureau of Inspections and Grading, is responsible for identification and verification of farms
47 in the state and maintenance of a state farm inventory, as well as creating a multi-year
48 rotating schedule for inspections based on the farm income and assessed risk levels, which
49 are determined, in part, by the farm size and quantity of food distributed, the particular
50 commodities grown, participation in Produce Safety Alliance Grower Training, and whether
51 or not they have undergone third-party audits; and

52 **WHEREAS**, verification procedures include direct communication by phone and/or
53 on-farm visits, and the total farm inventory is still being verified, but is estimated at
54 approximately 700 farms; and

55 **WHEREAS**, the Department also promotes farmer education and works with Rutgers
56 Cooperative Extension in delivering PSA Grower Training (required by FSMA) as well as
57 GAP Audit Training; and

58 **WHEREAS**, the Department also cooperated with Rutgers Cooperative Extension in
59 conducting On-Farm Readiness Reviews (OFRRs) to determine the individual farm's degree
60 of compliance with the FSMA PSR, and there were 78 OFRRs conducted in 2018 and 10
61 conducted in 2019; and

62 **WHEREAS**, outreach activities have included informational booths at the State
63 Agricultural Convention, grower training sessions, county and industry meetings, and
64 presentations at colleges and county fairs, along with educational brochures that address
65 compliance and inspection dates as well as the differences between a Produce Safety Rule
66 Inspection and a Third-Party Audit; and

67 **WHEREAS**, farms, depending upon their size, have from two to four years to
68 implement the provisions of these rules, with the smallest farms (those selling less than
69 \$250,000 in farm products a year) having the longest time; and

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

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

77 **WHEREAS**, farms that do meet the Tester Amendment provisions are likely to be
78 removed from the lists of suppliers to supermarkets and other buyers, who are concerned

79 that buying from exempted farms could reflect unfavorably on their stores' food-safety
80 reputations; and

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

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

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

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

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

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

102 **WHEREAS**, community farmers markets, though typically not permanent structures,
103 are governed as "retail food establishments" under Chapter 24 of the State Code, which is
104 overseen by the New Jersey Department of Health; and

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

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

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

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

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

123 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 105th State
124 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 5-6, 2020,
125 hereby support the continued efforts of the New Jersey Department of Agriculture, working
126 alone or in concert with other state and federal agencies, Rutgers’ New Jersey Agricultural
127 Experiment Station, agricultural groups and others in the market chain, to ensure the safety
128 of New Jersey produced, processed or distributed food.

129 **BE IT FURTHER RESOLVED**, that we urge the Department, working in concert with
130 the National Association of State Departments of Agriculture (NASDA) and the
131 Communications Officers of the State Departments of Agriculture (COSDA), to continue

132 pressing the FDA's communications staff to share information about foodborne illnesses and
133 product recalls with the state departments first, before announcing that information to the
134 media, in order to give the state departments adequate time to prepare for follow-up inquiries
135 from the media.

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

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

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

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

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

155 **BE IT FURTHER RESOLVED**, that we urge the Governor and the Legislature to
156 investigate providing additional funding for a joint effort of the New Jersey Departments of
157 Agriculture and Health to ensure that New Jersey's non-exempt farm and food businesses,

158 including those who handle products from the farm to the table, comply with the
159 requirements of the Food Safety Modernization Act, in order that they do not lose markets.

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