

## RESOLUTION # 31

### 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 \$138.5 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 and some historically accepted food-production practices; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87           **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 107<sup>th</sup> State  
88 Agricultural Convention, assembled in Atlantic City, N.J., on February 9-10, 2022, do hereby  
89 support the continued efforts of the New Jersey Department of Agriculture, working alone or  
90 in concert with other state and federal agencies, Rutgers' New Jersey Agricultural  
91 Experiment Station, agricultural groups and others in the market chain, to ensure the safety  
92 of New Jersey produced, processed or distributed food.

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

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

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