

November 18, 2010

The Honorable Harry Reid  
Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Tom Harkin  
Chairman  
Committee on Health, Education,  
Labor & Pensions  
United States Senate  
Washington, D.C. 20510

The Honorable Michael B. Enzi  
Ranking Member  
Committee on Health, Education,  
Labor & Pensions  
United States Senate  
Washington, D.C. 20510

Dear Senators:

As the Senate begins final deliberations on S. 510, the FDA Food Safety Modernization Act, we are writing to express our opposition to latest "compromise" on Senator Tester's amendment to exempt small farms and business operations from basic federal food safety requirements. As organizations representing the vast majority of fresh produce grown and consumed in this country – from small, medium and large-sized farms – the Tester amendment utterly fails to protect consumers by including blanket exemptions from the rest of the bill's strong safety net, without regard to risk.

We applaud the leadership of the Senate HELP Committee and Senator Durbin who worked hard to construct a bill that embraces a risk based approach to food safety. Providing a framework for developing preventive control standards from farm to table was a fundamental principle of a new food safety structure at FDA and had broad support amongst fresh produce companies across the country. Unfortunately, by incorporating the Tester amendment in the bill, consumers will be left vulnerable to the gaping holes and uneven application of the law created by these exemptions. In addition, it sets an unfortunate precedent for future action on food safety policy by Congress that science and risk based standards can be ignored. And most importantly, this amendment rejects the fundamental purpose of S. 510 that requires FDA to develop standards and set requirements that are based on science and risk.

Comments from Senator Tester and supporters are now making it abundantly clear that their cause is not to argue that small farms pose less risk, but to wage an ideological war against the vast majority of American farmers that seeks to feed 300 million Americans. We are appalled at statements by Senator Tester reported today in the Capital Press that "Small producers are not raising a commodity, but are raising food. Industrial agriculture, he said, takes the people out of the equation."

The consequences of inadequate food safety precautions have no boundaries as to size of operation, geography, nor commodity. The consumer has a right to know that all food that they purchase has been produced, transported and offered for sale under the same food safety requirements. The undersigned produce organizations strongly oppose inclusion of the Tester amendment in S. 510. If this language is included in the bill, we will be forced to oppose final passage of the bill.

Sincerely,

United Fresh Produce Association  
American Mushroom Institute  
Fresh Produce Association of the Americas  
National Potato Council  
National Watermelon Association  
Produce Marketing Association  
U.S. Apple Association  
Western Growers  
California Citrus Mutual  
California Strawberry Commission  
California Grape and Tree Fruit League  
Florida Fruit and Vegetable Association  
Florida Tomato Exchange  
Georgia Fruit and Vegetable Growers Association  
Idaho Grower-Shipper Associations  
Idaho Potato Commission  
New York Apple Association  
Northwest Horticultural Council  
Texas Produce Association  
Washington State Potato Commission