

UNITED STATES DEPARTMENT OF AGRICULTURE

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FRUIT AND VEGETABLE INDUSTRY  
ADVISORY COMMITTEE

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TUESDAY,  
OCTOBER 25, 2016

The meeting came to order at 8:00 a.m. in the Potomac V Conference Room of the Hyatt Regency Chrystal City, 2799 Jefferson David Highway, Arlington, Virginia, Beth Knorr, Chair, Presiding.

COMMITTEE ATTENDEES:

BETH ANN KNORR, Chair, Cuyahoga Valley  
Countryside Conservancy  
ROBERT NOLAN, Vice Chair, Deer Run Farms, LLC  
MARK ALLISON, The Cheesecake Factory  
CHRISTIE BALCH, Crossroads Community Food Network  
VIRGINIA BARNES, Barnes Farm, LLP  
CATHERINE BURNS, Produce Marketing Association  
CARLOS CASTANEDA, Castaneda & Sons  
HELEN DIETRICH, Ridgeview Orchards  
KRISTINE ELLOR, Phillips Mushroom Farms  
RICHARD HANAS, A. Duda & Sons, Inc.  
MICHAEL JANIS, San Francisco Wholesale Produce  
Market  
HOLLIE MANIER JOHNSON, Bay Baby Produce  
ROLAND McREYNOLDS, Carolina Farm Stewardship  
Association  
MARK NICHOLSON, Red Jacket Orchards  
DANIEL SUTTON, Pismo Oceano Vegetable Exchange  
HARRY (BRUCE) TALBOTT, Talbott's Mountain Gold,  
LLP  
JORGE VAZQUEZ, Latin Specialties, LLC  
LUCY WHITTEMORE, WP Distributor, LLC  
THOMAS WILLIAMS, Coborn's  
DAVID YANDA, Lakeside Foods, Inc.

**USDA STAFF:**

GREG ASTILL, ERS  
DEVONIA BETTS, Management Analyst, FVIAC Travel  
and Expenses, AMS Specialty Crops Program  
LINDA CALVIN, NASS  
MICHAEL DURANDO, Director, MOAD Division  
ANDREA HUBERTY, Ph.D., Senior Policy Analyst,  
Livestock, Poultry and Seed Program  
TERRY LONG, Director, Market News Division  
RANDY MACON, Associate Director, SCI Division  
JODY McDANIEL, EED Branch Chief, NASS  
TRAVIS MINOR, ERS  
CHARLES PARROTT, Associate Deputy Director,  
AMS/FVP  
KEN PETERSEN, Branch Chief, USDA SCP Audit  
Programs Branch  
PATTY PETRELLA, Associate Director, PED  
CARL PURVIS, AMS, Public Affairs  
JUDY RUDMAN, Director, PACA Division  
PAM STANZIANI, Designated Federal Official  
ELANOR STARMER, AMS Administrator  
CHIP TAYLOR, Associate Director, SCI Division  
SUZANNE THORNSBURY, ERS  
ANDREW TOBIN, Assistant Director, USDA Office of  
Ethics  
LORENZO TRIBBETT, Director, SCI Division  
NATHANIEL WARENSKI, ERS  
SHAREEFAH WILLIAMS, ERS

**GUEST SPEAKERS:**

STEPHEN HUGHES, Fresh Produce Branch, Division of  
Produce Safety, Office of Food Safety,  
CFSAN, FDA  
MICHAEL MAHOVIC, Ph.D., Fresh Produce Branch,  
Division of Produce Safety, Office of Food  
Safety, CFSAN, FDA  
JENNIFER THOMAS, Director, Compliance, Policy,  
Staff, Office of Compliance, Center for Food  
Safety and Applied Nutrition, U.S. Food and  
Drug Administration, Co-Chair, FSMA Produce  
Safety Workgroup

**ALSO PRESENT:**

**MICHAEL J. AERTS, Director, Production & Supply  
Chain Management, Florida Fruit & Vegetable  
Association**

**DIANE CURLEY, U.S. Apple Association**

**SARAH HOSTETTER, Regulatory and Technical Affairs  
Specialist Intern, American Frozen Food  
Institute**

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## P-R-O-C-E-E-D-I-N-G-S

(8:07 a.m.)

1  
2  
3 MS. STANZIANI: Thank you everybody  
4 for coming. We have predominantly new members,  
5 welcome. And we do have a sprinkling of some of  
6 our existing members. The rest of them, of  
7 course, will come at 10:30 because this is your  
8 orientation to the Fruit and Vegetable Industry  
9 Advisory Committee.

10 I'm Pam Stanziani. If I haven't  
11 introduced myself, here I am. Chuck Parrott,  
12 he's the Deputy Administrator. He is the  
13 Committee Manager. And we are going to start  
14 right off because we've got a lot to get in  
15 before our Administrator, Elanor Starmer, comes  
16 and gives a few welcome remarks.

17 Beth Knorr, she was our Vice Chair  
18 last session and she is serving as our Chair for  
19 at least the afternoon, this morning and then the  
20 afternoon. And basically the Chair and the Vice  
21 Chair will be voted on by the committee after  
22 lunch. And that's why you all have to have lunch

1 together so you get to know each other a little  
2 more.

3 But for now, Beth is going to keep us  
4 in line basically. So I'm going to actually turn  
5 this meeting over to Chuck for now, Chuck  
6 Parrott.

7 MR. PARROTT: Well, good morning again  
8 everyone and welcome. You know, I know I sent  
9 you a letter. But I really want to congratulate  
10 you on being selected. You know, this committee,  
11 you probably know, consists of 25 people so  
12 that's not a whole lot.

13 And really the charter, you know,  
14 you're here to advise the Secretary in the  
15 Department of Agriculture on how we can better  
16 serve the fruit and vegetable industry. And each  
17 of you represents -- you know, with only 25  
18 people in the whole produce industry, the  
19 Secretary works very hard to try to make sure  
20 that we select, you know, everyone is represented  
21 to some extent.

22 So we have big growers, we have small

1 growers. We have wholesalers, we have retailers.  
2 We have food service. We have restaurants. We  
3 have brokers. We have importers, we have  
4 exporters. And we have all parts of the country  
5 represented. And you know, big and small.

6 So you know, you bring something  
7 unique to the table and that's important to us.  
8 Because we're here to serve the whole industry.  
9 You'll hear from people who work for me later  
10 today, kind of a brief presentation on what we  
11 do.

12 But let me just kind of go over really  
13 quickly --

14 MS. STANZIANI: Chuck, can I just ask  
15 you --

16 MR. PARROTT: Yes.

17 MS. STANZIANI: One thing that we need  
18 to do is make sure that because we have the  
19 meeting minutes recorded --

20 MR. PARROTT: You need to be speaking  
21 into the microphone.

22 MS. STANZIANI: Everybody needs, when

1 they do speak, to speak into the microphone. And  
2 these are a little different than the others.  
3 You have to press the button in the front there.  
4 They're mobile so we all share them. But just  
5 make sure when you're speaking at any time, you  
6 press the button and you speak into the  
7 microphone.

8 MR. PARROTT: Great.

9 MS. STANZIANI: Sorry about that.

10 MR. PARROTT: Now you can hear me.

11 And plus I get to sit down so that's a good  
12 thing. So briefly I oversee the Specialty Crops  
13 Program. It used to be called the Fruit and  
14 Vegetable Program. But we changed it because we  
15 deal with a number of commodities that aren't  
16 necessarily fruits and vegetables, things like  
17 honey and spearmint oil. And softwood lumber we  
18 have now. And it goes on and on.

19 But the bulk of what we do, about  
20 probably 95 percent are fruits and vegetables.  
21 And within that spectrum, I oversee the  
22 inspection and grading service. So you know, we

1 have graders out there at terminal markets. We  
2 have them at shipping point, other places doing  
3 grading loads of produce. We do auditing, things  
4 like gap auditing, other types of audits to  
5 verify that things are what they say they are.

6 We oversee the market news division  
7 which reports, you know, market prices every day.  
8 It's available, it's free, it's online. You can  
9 get prices at shipping point. You can get prices  
10 at terminal markets. You can get prices at  
11 retail.

12 And we keep expanding that because  
13 there's a lot of demand for that information.  
14 And it's so important because it provides  
15 transparency to the marketplace which really  
16 creates a more fair trading environment.

17 I oversee the PACA, the Perishable  
18 Agricultural Commodities Act. That's a Fair  
19 Trade law that regulates the fruit and vegetable  
20 industry. And ensures that people live up to the  
21 terms of their contracts. That, you know, if you  
22 sell a load of produce and you don't get paid or

1 they cut your invoice by \$5,000, you can file a  
2 complaint under PACA. And we resolve millions of  
3 dollars' worth of those claims every year.

4 A few other things I deal with,  
5 marketing order. They're a little bit more  
6 obscure but we have 28 of them, 29. We just  
7 started a new one for pecans. But they allow  
8 producers and handlers to overcome some marketing  
9 problems by working together that they couldn't  
10 individually.

11 We also oversee research and promotion  
12 programs. Those are the generic advertising  
13 programs. You're probably familiar with some of  
14 the big ones like the milk mustache or, you know,  
15 beef it's what's for dinner.

16 But we have 17 of them for fruits and  
17 vegetables. There's the blueberry, Highbush  
18 Blueberry one. There's a watermelon one. We  
19 have one for avocados which is our biggest one.  
20 In fact, the Mexican avocado group has a Super  
21 Bowl ad this year. So they have some money. But  
22 you know, the purpose of those programs is to

1 generically promote the product to increase  
2 consumption.

3           So that's -- and then we also purchase  
4 like a half a billion dollars' worth of produce  
5 every year for school lunch and for a number of  
6 other domestic feeding programs, food banks.

7           We do, I was talking to some folks  
8 earlier, we do what are called bonus buys. So if  
9 an industry is in excess one year because of, you  
10 know, a variety of issues, our economists analyze  
11 the situation. And if it's warranted, the  
12 Secretary can use what are called, it's not tax  
13 dollars, it's called Section 32 funds to purchase  
14 some of that product to put supply and demand  
15 back in balance. It's all domestically produced  
16 product. And that gets donated typically to food  
17 banks around the country. So we do that as well.

18           So that's kind of in a nutshell who we  
19 are and what we do. But again, from you the  
20 Committee, you know, you're here to really  
21 provide us not only with input on those programs  
22 but really anything that the government can do to

1 help the fruit and vegetable industry.

2 And different committees choose  
3 different topics. It's really up to you as to  
4 what you see as an issue that needs to be  
5 tackled. You have a lot of flexibility here. So  
6 we're just here to ensure that you operate, you  
7 know, within the parameters of the -- what does  
8 FACA stand for? The Federal Advisory Committee  
9 Act. There we go.

10 But again, Pam and I are always here.  
11 Our administrator, Elanor Starmer, is going to be  
12 coming by later this morning to greet you all.  
13 And then we'll have an opportunity for a photo.

14 And then this afternoon, really we get  
15 down to business and start forming, you know,  
16 what topics you want to cover. You'll also get  
17 to vote for the Chair of the committee. That's  
18 up to you all to decide.

19 So I think that's it. Pam?

20 MS. STANZIANI: Did you talk about the  
21 charter?

22 MR. PARROTT: Well in your packet, I

1 will mention there is a charter. It's very easy  
2 to read actually. But it just, you know, this  
3 kind of outlines who you are as a group and what  
4 you do.

5 MS. STANZIANI: It'll be on the right  
6 side. Should be on the right side at least.

7 MR. PARROTT: And again, just to  
8 reiterate, the purpose of the committee is to  
9 examine the full spectrum of fruit and vegetable  
10 issues and provide recommendations and ideas to  
11 the Secretary on how the U.S. Department of  
12 Agriculture can tailor programs to better meet  
13 the needs of the U.S. produce industry.

14 So that's really the -- I think if I  
15 had to pick out one sentence from the charter,  
16 that's the key thing. But again, you all have  
17 been selected by the Secretary. It's quite an  
18 honor. And I look forward to working with all of  
19 you.

20 MS. STANZIANI: All right. I am just  
21 going to give you a little extra and then we can  
22 move on, just some logistical things. First of

1 all, in your packet you have the agenda that  
2 should be for both days. Of course, tomorrow we  
3 will probably only meet for at the most an hour  
4 here before we take our educational field trip.

5 So make sure that you do bring your  
6 packet with you tomorrow as well just in case.  
7 You can leave them here in the room when we  
8 leave.

9 Also there is a list of the members  
10 that should be behind that on the right side.  
11 Again, I think I sent a note out but please make  
12 sure that I have everything correct. I know I've  
13 received a few corrections. So once I get  
14 everybody's corrections I will make those. So  
15 please take a look at that and make sure that the  
16 correct information is listed.

17 Behind that you will see Up Top Acres.  
18 That is where we'll actually be going tomorrow.  
19 Up Top Acres is an urban garden. They have one  
20 of several in the Maryland, DC, and Virginia  
21 area. Several of them are a couple acres.

22 So it'll be very, an interesting thing

1 to see how we're trying to fulfill the food  
2 desert issue in the urban areas. And just give  
3 everybody, because we bring everybody throughout  
4 the entire spectrum of the fruit and vegetable  
5 industry, this kind of gives everybody an idea a  
6 little bit about other people's worlds and how  
7 they live.

8 Because I know we all have a lot going  
9 on in our businesses. And sometimes you're just  
10 focused on that one issue or one thing that's  
11 really, you know, you need to get solved. But  
12 this gives you a better overall feeling for a lot  
13 of the issues that are going on.

14 Behind that, again, I have attached  
15 the travel guide. I know I probably inundate  
16 you. You might be thinking why does she keep  
17 giving these things to us? Because at the end of  
18 the meeting in about a week, I'll get five phone  
19 calls saying how do I do my expenses?

20 And this is very important for you to  
21 hold onto. Devonia Betts will be here to give  
22 you just a very brief administrative overview.

1 Some of you may have talked to Devonia on the  
2 phone. She handles all of our travel, our  
3 expenses, everything. So she'll just go through  
4 that briefly with you.

5 On the left side of your packet are  
6 the minutes from the last meeting. These are  
7 here basically for the new members just to give  
8 you an idea to read through and hear a little bit  
9 about the process of how we do things here, how  
10 we develop recommendations and vote on them.

11 These will be voted on by the existing  
12 members via email. We're not going to take the  
13 vote here at the meeting. I just wanted to make  
14 sure that everybody had a chance to review them  
15 first.

16 And then behind that are copies -- I  
17 know some of you have asked me about what  
18 recommendations did come out of the last  
19 committee. And so the documents that you have on  
20 the left side behind the previous meeting minutes  
21 are the recommendations that were forwarded to  
22 the Secretary from this committee over their last

1 two year term. So that should give you a little  
2 reading to do too.

3 All right. I think that's it. I do  
4 want to introduce Andrew Tobin. Andrew is the  
5 Deputy Director of the USDA Office of Ethics. We  
6 have to be very careful that we follow strictly  
7 the FACA rules and regulations which includes  
8 training on ethics. I'm going to let Andrew go  
9 through everything with you. But if you would  
10 welcome Andrew forward.

11 MR. TOBIN: Good morning everybody.  
12 Is this supposed to work?

13 MS. STANZIANI: No. I guess I'm going  
14 to have to do it for you.

15 MR. TOBIN: Good morning everybody.  
16 My name is Andrew Tobin like Pam just said. The  
17 Office of Ethics for USDA is a group of 21 that  
18 essentially serves everyone from the Secretary on  
19 down including our committee members and you  
20 folks. So we have a relatively large charge.

21 Since you guys have a very broad  
22 portfolio but you're going to be making broad

1 based recommendations on policy changes, you're  
2 not one of the sort of high risk committee that  
3 we have around here which tend to involve  
4 committees that are making decisions on grants or  
5 recommendations on how to move forward with  
6 contracts, those kinds of things.

7 So what I sort of want to do is just  
8 give you a general overview of what a federal  
9 advisory committee is. And kind of how the  
10 ethics rules work. This won't take very long.  
11 But if you have questions as we go, please don't  
12 hesitate to raise your hand. And we can kind of  
13 walk through them with you.

14 Here's what an advisory committee is.  
15 It has a sort of -- our executive branch  
16 officials have sort of a lot of leeway to  
17 establish one on their own. Or they can be  
18 established by statute, by act of Congress.

19 And the idea is that advisory  
20 committees are here to give us perspective we  
21 wouldn't have on our own here in the federal  
22 government. So we'll move to the next slide Pam.

1 More specifically, what the Government  
2 Accountability Office which is the sort of  
3 watchdog wing of Congress that sort of looks at  
4 executive branch programs and how they're being  
5 administered.

6 In 2004 they came out and basically  
7 said that the executive branch agencies were not  
8 doing a good job of making sure that advisory  
9 committees were being established appropriately.  
10 The ethics rules weren't being applied. And  
11 you'll see there's sort a tripartite structure  
12 for appointing folks. And that we just weren't  
13 doing what we were supposed to be doing.

14 Thankfully we've gotten much better,  
15 I believe, at USDA especially. And now the  
16 ethics office is at these kind of meetings to  
17 meet with you.

18 Going backwards, during the Kennedy  
19 administration basically the Kennedy  
20 administrative felt that as talented as federal  
21 employees are and, you know, how many different  
22 perspectives we bring, often times it's really

1 important to bring in experts and representatives  
2 from the private sector to come tell us how to  
3 best administer our programs.

4 Like Chuck said a few minutes ago,  
5 that's really your job here. Is that you're  
6 representing sort of a very broad swatch of the  
7 ag industry. And your job is to sort of let us  
8 know how we can better serve you folks as  
9 industry representatives and ultimately, the  
10 American public. So it's a very broad mission.

11 But essentially, in 1962 the Kennedy  
12 administration devised sort of this tripartite  
13 structure you'll see on the next slide.

14 Basically for federal advisory committee members,  
15 you can sort of go into one of three doors.

16 The first are your federal employees  
17 like Pam, Chuck, and I. Second are  
18 representatives like all you folks here on this  
19 committee. And the third is sort of a hybrid  
20 category. We'll talk about it a little bit just  
21 so you have some background.

22 But these folks are special government

1 employees. They are experts in a particular  
2 field here to solve a particular problem and  
3 represent their own interests. So go to the next  
4 slide.

5 Federal employees, these folks, like  
6 I said, are those of us who work on a full time  
7 basis. We are compensated for our work by the  
8 federal government. We work more than one half  
9 of the year. And therefore, we owe a duty of  
10 loyalty to the U.S. Government because you're  
11 serving in public trust positions.

12 That means that we have conflict of  
13 interest rules we need to abide by. We have a  
14 whole standards of ethical conduct that we need  
15 to abide by in terms of gift rules and rules on  
16 outside employment and all these different  
17 things.

18 Representatives are the folks in this  
19 room. You're committee members. You folks are  
20 not considered to be federal employees obviously.  
21 You are not compensated from the federal  
22 government but for reimbursement for expenses.

1 So we really do appreciate you taking time out of  
2 your busy lives and full time jobs to be here to  
3 provide that perspective to us that we wouldn't  
4 otherwise have.

5 And again, you're here to represent  
6 the interests of your outside group as specified  
7 in the charter, the produce industry. And again,  
8 the purpose of representatives is to represent  
9 that outside group and to provide outside  
10 perspective for folks.

11 Although you folks may be experts, you  
12 are not here to provide your independent  
13 expertise. You are here to represent the views  
14 of the industry. You're here to represent.

15 Although you may be experts in your  
16 field and I'm sure that you are highly educated  
17 and have very sort of expert level knowledge in  
18 your industry, you are not here to speak on your  
19 own behalf. You're here to speak on behalf of  
20 the industry itself and sort of how USDA can  
21 better deliver services to you.

22 And again, the idea here is that

1 you're providing a perspective that we don't  
2 otherwise have. Often times the federal  
3 government can be something of an echo chamber in  
4 that, you know, a lot of times we're focused in a  
5 particular geographical area. We may meet with  
6 each other.

7           And this is a means to really have a  
8 focused and specific set of time for your folks  
9 to come here and provide us a perspective, let us  
10 know how we're doing. It sort of opens up the  
11 communication channels.

12           And the work you're doing here is  
13 very, very important. And like I said, we really  
14 do appreciate your taking the time out of your  
15 busy lives to be here.

16           In terms of the ethics rules, since  
17 you folks are here to sort of present a biased  
18 perspective, we don't expect you to be unbiased.  
19 We don't expect you to serve sort of the  
20 government first the same that we are, even  
21 though you are ultimately here to make sure the  
22 government is delivering services in the best

1 possible way.

2 But as representatives you are not  
3 subject to the criminal conflict of interest  
4 statutes. You're not subject to the  
5 representational statutes. You don't have post  
6 employment bans. All these things are good news  
7 for you.

8 But essentially we'd like you be aware  
9 of sort of any potential appearance concerns  
10 associated with your service. Where this comes  
11 up occasionally is that for advisory committees,  
12 you folks are here during these meetings to  
13 provide your perspective. You're going to make  
14 recommendations at the end of your service to the  
15 Secretary on how we can deliver services.

16 That is kind of the limits of your  
17 duty here. So be very careful. We've seen folks  
18 sort of fall into hot water in the past by doing  
19 some extracurricular stuff representing the  
20 advisory committee up on the Hill or to other  
21 groups.

22 I would encourage you to sort of stay

1 within those bounds. And focus your activities  
2 on making recommendations to the Secretary to  
3 make the programs better if that makes sense.

4 In terms of appearance, again, this is  
5 not the kind of committee that we get worried  
6 about having any conflicts of interest because  
7 you're really there to make broad based  
8 recommendations on behalf of the produce  
9 industry. So even if you wanted to engage in  
10 some self-dealing, I don't think that would even  
11 be possible.

12 But if you're concerned about  
13 appearances, please let Pam know. She's your  
14 designated federal official. She is in charge of  
15 administering the committee and making sure  
16 everything runs on time. She's doing a great job  
17 so far.

18 They're not required -- we may  
19 recommend a recusal in certain cases. And like I  
20 said, this is not the kind of committee that's  
21 really going to be a problem from our  
22 perspective.

1                   Here's an example of the kind of thing  
2 we might make a recommendation for recusal on.

3                   Let's say Susan serves on the Advisory Committee  
4 on Minority Farmers which is administrated by the  
5 Office of Advocacy Outreach.

6                   In that capacity she is asked to  
7 review grant applications for the outreach and  
8 assistance for socially disadvantaged farmers and  
9 ranchers competitive grant program which is  
10 actually a program that exists with a very long  
11 name.

12                   Let's say her husband applies for such  
13 a grant. We would recommend that Susan,  
14 obviously, recuse herself from consideration of  
15 that application. Because the appearance is  
16 she's using her position on that board to benefit  
17 someone very close to her, obviously.

18                   So that's sort of the first two  
19 categories. The third one, like I said, is sort  
20 of a hybrid. It's a special government employee.  
21 This is a class of employee created in Title 18  
22 of the U.S. Code. And we'll sort of talk about

1 what that means on the next slide.

2 An SGE is someone who is here to  
3 provide independent advice based on their  
4 personal expertise. A lot of times this comes up  
5 for medical experts in HHS. If there is a  
6 particular disease outbreak, we may not have the  
7 expertise in house. We bring in these folks to  
8 provide their expert opinion on this particular  
9 matter.

10 In that case, they're representing  
11 themselves and not any sort of outside  
12 organization. They're speaking based on their  
13 education and their particular experience that we  
14 need here.

15 We have a few in USDA, not too many.  
16 Some of them work on crop insurance issues.  
17 Experts in that particular field, they'll come in  
18 for a few weeks at a time and work for the  
19 Federal Crop Insurance Corporation Board.

20 But the vast majority of our advisory  
21 committees here at USDA are representative based.  
22 Because they really are focused on having folks

1 in come in from industry and make recommendations  
2 to the Secretary as to how we can better deliver  
3 our programs to benefit the folks that are coming  
4 before us.

5 In terms of Special Government  
6 Employees, the Obama administration said that,  
7 essentially, lobbyists cannot be appointed as  
8 Special Government Employees. They can still  
9 serve as representatives. That was something  
10 that was a little bit unclear in their initial  
11 guidance. Again, it doesn't really affect you  
12 folks but something to generally be aware of if  
13 you're interested in serving on other committees  
14 in the future.

15 SGEs are required to fill out  
16 financial disclosure reports. They're required  
17 to receive annual training. And these folks are  
18 subject to the ethics laws while they're serving  
19 on duty.

20 So again, Special Government Employees  
21 are sort of this weird hybrid net. They're not  
22 full time employees. But they're also not

1 representatives that are not subject to the  
2 ethics rules. They kind of fall in that middle  
3 ground.

4 For SGEs we say that be very careful  
5 working on matters that affect the interests of  
6 someone close to you who are worried about any  
7 overlap between your official duties and  
8 financial interests. Again, not a concern here.

9 In terms of relationships that are  
10 considered to be so close to you that they are  
11 your own, we're talking about your spouse and  
12 minor child, your employer, or prospective  
13 employer if you are negotiating for employment, a  
14 general partner in a general partnership, and any  
15 organization where you are an officer, trustee,  
16 or general partner.

17 So for those Special Government  
18 Employees we make very sure to vet not only their  
19 financial interests that they hold but also the  
20 financial interests of those of their family  
21 members, of their employer, those kind of things.

22 So we often hear that those are

1       invasive forms. I don't necessarily disagree.  
2       But thankfully, not ones filed by you folks here.

3                 In terms of what kind of things to be  
4       concerned about, these are the kind of matters  
5       that if a committee is working on these kind of  
6       things, we get a little bit worried. And want to  
7       make sure that we vet them very thoroughly for  
8       conflict of interest.

9                 Because we're talking about grants and  
10       loan applications, contracts, litigation,  
11       judicial proceedings, requests for rulings or  
12       determinations. Basically those kind of things  
13       where you can tell exactly who you're impacting  
14       by your work. Those are the things we get  
15       worried about as ethics officials. But  
16       thankfully, not here.

17                Here's an example. Jim is a member of  
18       the NUCFAC committee which is a committee  
19       administered by Forest Service. And their charge  
20       is to, essentially, administer a grant program  
21       for urban forestry.

22                And let's say that City View, the

1 company for whom his wife is President of,  
2 submits a new application for such a grant.  
3 Should Jim evaluate and score the City View  
4 application? The answer is obviously no, as  
5 you'll see in the next slide, because it involves  
6 the interests of his wife.

7 Second rule is that for SGEs,  
8 essentially if you work on a matter like a  
9 contract, grant, loan, et cetera, you cannot  
10 serve as that outside organization's  
11 representative back to the federal government to  
12 try to expand the scope of that particular grant  
13 or loan. So as the rules that follow with you if  
14 you are a Special Government Employee. Again,  
15 not an issue for you folks.

16 Gifts, one thing I would caution you  
17 is that if you're receiving gifts or being  
18 offered gifts based on your work here, which I  
19 can't imagine you would be, but if you are be  
20 very careful of that. Any gifts, obviously,  
21 given to you for reasons other than your service  
22 here are not going to be a problem.

1 Teaching, speaking, or writing, this  
2 comes up occasionally for some of our other  
3 committees. But the idea here is that Special  
4 Government Employees may generally not receive  
5 compensation for teaching, speaking, or writing  
6 about what they're doing on the committee.

7 So again, sort of stay within those  
8 bounds in terms of your ultimate goal is to make  
9 recommendations. And to have sort of robust  
10 discussions within this organization before  
11 making your recommendations.

12 To determine whether or not something  
13 is related to your official duties, we look at  
14 this. Basically you teaching, speaking, or  
15 writing about the work you're doing here. If  
16 you're not, you're in good shape.

17 So here's basically the upshot.  
18 Again, this is just to give you a point of  
19 contact in our office. If you have any questions  
20 about anything, feel free to give me a call or  
21 send me an email.

22 But the idea is that you folks are

1 really here to benefit us and to benefit the  
2 American people. You're going to be making  
3 recommendations on very important issues. And  
4 really do appreciate the time that you're giving  
5 to us and your attention and your willing to be  
6 here. So let me thank you very much. I really  
7 wish you the best for the rest of your work here.

8 One other thing, I think I touched  
9 briefly on it before but Pam wanted me to talk  
10 about lobbying. Again, make sure that the work  
11 you're doing is sort of kept here within the  
12 advisory committee. And that the ultimate  
13 product be made as a recommendation.

14 You shouldn't be up lobbying members  
15 of Congress or other institutions in your  
16 capacity as a member of this committee. Anybody  
17 have any questions now before you get on to your  
18 action packed schedule for the next couple days?  
19 If not, thank you very much. I hope you have a  
20 great day.

21 MS. STANZIANI: Thank you very much.

22 MR. PARROTT: Thanks Andrew.

1 MS. STANZIANI: He told me that the  
2 technical way is just to cover it up. I'm going  
3 to just elaborate a little bit on that last point  
4 that Andrew made. We don't want you to feel as  
5 if you can't go up on Capitol Hill as a, you  
6 know, an industry representative, you know,  
7 representing your business or organization.

8 It's just the one thing that you  
9 cannot do is go up on the Hill or even your local  
10 member of Congress' office and represent yourself  
11 as a member of the advisory committee.

12 I'm going to go through just a couple  
13 little things here for you too. Because it has  
14 to do with how we operate here. The advisory  
15 committee, first and foremost what will probably  
16 happen later on this afternoon, we basically  
17 decide what issues are important to you guys  
18 right now.

19 And that's kind of the reason why we  
20 have new folks coming in every two years, is to  
21 kind of get an influx of, you know, how are you  
22 viewing USDA's programs and services? What is

1 affecting your industry in general or  
2 specifically?

3 And what areas, we usually pick five  
4 areas or six areas, it just depends on, you know,  
5 the scope of work that's involved and how many  
6 people are really interested. But the majority  
7 of the committee would have to vote on each focus  
8 area that's determined.

9 To give you an idea of the previous  
10 committee's work, we have the food safety and  
11 FSMA working group. That is chaired by Cathy  
12 Burns and vice chaired by Lorri Koster who won't  
13 be able to, unfortunately, join us this meeting.

14 Second group is the research and grant  
15 funding working group. That is chaired currently  
16 by Roland McFarland. And we have the  
17 agricultural labor working group that is chaired  
18 by Carlos Castaneda.

19 And what will be interesting -- and  
20 we'll have to talk a little bit about it because  
21 we've got a new administration coming in. And I  
22 know that that's probably on a lot of people's

1 minds right now is ag labor.

2 We also have rural broadband and  
3 internet connectivity. And I think Beth is the  
4 current chair right now. There is issues with  
5 broadband in the rural communities and the  
6 farming community in general. I know that  
7 farmers markets are having a tough time with some  
8 of the SNAP and WIC electronic equipment  
9 compatibility. So those are some of the issues  
10 that are being discussed there.

11 We have a working group on food  
12 deserts and food waste. And then we have a  
13 working group on new farmer advocacy, education,  
14 and mentoring. That was a new working group as  
15 of the last two meetings. And we've actually had  
16 some recommendations come out of that working  
17 group already that have started to be implemented  
18 by the Secretary.

19 Now to give you an idea of -- let me  
20 backtrack here a little. We do have two working  
21 groups that are dormant right now. And they were  
22 voted to not be disbanded but just to lay

1 dormant.

2           The education and branding working  
3 group, they actually were very active with a  
4 recommendation on GMO and GMO labeling. And then  
5 the ports of entry inspection delays which was  
6 chaired by George right over here. And they  
7 actually had several recommendations that went  
8 out that I think they're still working on. We  
9 work very closely with the transportation and  
10 marketing program which is a sister program to  
11 the specialty crops program. But right now  
12 they've been determined as dormant right now.  
13 They can be reactivated if this group chooses to  
14 have that occur.

15           So one of the things that we will do  
16 is not only have the working groups and topics  
17 decided, you will have to vote within that  
18 working group who is going to chair and vice  
19 chair if you don't want the current folks doing  
20 so.

21           And then you'll have to determine  
22 within that focus area -- sometimes as you can

1 see, like for example food safety, that's a  
2 pretty broad focus area. So there will need to  
3 be a couple sub topics within there that.

4 You'll see within the recommendations  
5 that you have there's a couple real specific  
6 recommendations to the Secretary on educating the  
7 industry, educating the different sectors of the  
8 industry on their specific elements that are  
9 related to FSMA, just for example.

10 The working groups, the working groups  
11 will meet probably about five or six times each  
12 term, maybe more. You meet by teleconference.  
13 And we probably, the Chair will send out an  
14 agenda. And we will actually at this meeting  
15 determine what kind of research needs that you  
16 do, that you need for that group which comes from  
17 me.

18 Tell me what to do basically, what you  
19 need, and I'll facilitate that. That could be  
20 anything from bringing in a speaker from the Food  
21 Nutrition Service or the Foreign Ag Service or,  
22 you know, any of the other programs. We have

1 subject matter experts who have spoken from  
2 private entities, the American Farm Trust, the  
3 American Farm Bureau.

4 We have folks, as you can see today  
5 from the agenda, coming in from the FDA who will  
6 provide us with updates on the implementation of  
7 the two rules that have come out already. So  
8 that's something to think about.

9 And then, of course, I will be in  
10 constant contact with everybody via email. And I  
11 emphasize making sure that I do have your correct  
12 email address. Because that is how we pretty  
13 much do all of our communications now. It's  
14 faster and it's on the record. And it just makes  
15 it easier for us to do things a little more  
16 quickly.

17 Working group meetings must, I must be  
18 present or Chuck must be present. The group  
19 cannot meet independent of one of us. That makes  
20 anything that you do a problem with regard to  
21 ethics. And it's in the FACA I can probably  
22 forward you.

1           It's too long for me to -- thousands  
2 of pages. And you're not going to want to take  
3 that on the plane home with you. So what I'll do  
4 is I'll email you a link to the FACA if you have  
5 interest in taking a look at it. It will give  
6 you some of the rules, you know, the dos and  
7 don'ts with regard to what you can do and should  
8 do. And my role and Chuck's a little more in  
9 detail.

10           Let's see if there's anything else I  
11 need to cover. Attendance to the meetings and to  
12 the working groups, you as an appointed member of  
13 this committee are expected to attend all of the  
14 meetings. We do have, typically, a minimum of  
15 two in person meetings per year. And then we,  
16 again, have five or six or seven teleconference,  
17 whatever the need is, teleconference meetings.

18           You're expected also to attend those,  
19 attend them based on, of course, the working  
20 group will decide what works best for them as far  
21 as timing and meeting dates and times. But you  
22 are expected to.

1           If you miss more than two meetings of  
2           the physical meetings, you potentially could be  
3           replaced and asked to step down. Same with the  
4           working group meetings.

5           So we want to make sure that everybody  
6           -- there's a reason why we have every sector of  
7           the industry represented here on this committee.  
8           And it's important for you as that representative  
9           to bring your group's focal, you know, your  
10          group's perspective to whatever is the issue.

11          So if you're not available and you're  
12          never there and then a recommendation is made and  
13          it's not something you would have wanted to be a  
14          part of, that's a problem because you didn't  
15          attend the working group meetings.

16          So the working groups, as I mentioned  
17          before, we'll do a lot of research. You'll get a  
18          lot of presentations or subject matter experts  
19          coming to speak to you. You'll be able to ask a  
20          lot of questions.

21          The work that is done in those working  
22          groups is done by you. That means the minutes

1 are taken by the members. The recommendations  
2 are physically developed by the members. I am  
3 there to help guide you. You know, maybe you  
4 want to say it this way. You know, do a little  
5 bit of wordsmithing.

6 But this is a hands on committee. So  
7 just to make sure you're ready to work.

8 MR. PARROTT: And you may want to  
9 mention that when we start full committee at  
10 10:30 we'll do introductions once everybody is  
11 here.

12 MS. STANZIANI: Oh yes. Well once  
13 everybody comes -- we had the new members come  
14 for the orientation first. The existing members  
15 have heard all this before. But at 10:30 we will  
16 have everybody joining us. And that's when we  
17 will have a full round of introductions. But I  
18 think we do want to have everybody introduce  
19 themselves here initially, our new members, just  
20 so you guys get to know each other.

21 MR. PARROTT: We're doing it twice  
22 then.

1 MS. STANZIANI: All right. Nevermind.  
2 Okay. Well I'm going to stop at that. And I'm  
3 going to introduce, I see Devonia has joined us.  
4 And she's going to give you an overview on the  
5 administrative matters, the travel. And some of  
6 the stuff that you guys will have to do to get  
7 reimbursed if your money is reimbursed.

8 And please, if you have a question,  
9 you know, as it. If you don't think of  
10 something, email her later. She's very helpful.  
11 Devonia?

12 MS. BETTS: Good morning and welcome.  
13 It's always good to put a face with the names  
14 with the emails and everything. So I appreciate  
15 you all being here.

16 Hopefully you found the travel guide  
17 helpful. And it was easy to make your  
18 reservations. Just want to highlight a couple of  
19 reminders. If you could please keep your  
20 receipts except meals. We do not need receipts  
21 for your meals. But for your parking, for your  
22 taxi, and your hotel we do need those receipts.

1                   The receipts along with your  
2 reimbursement forms to be submitted to me by  
3 November 18th. I will then prepare your travel  
4 voucher. I will email or fax it to you for your  
5 signature.

6                   Once it's returned and input into our  
7 electronic system it'll be approved. And you  
8 should receive your reimbursement within 10  
9 business days. It will be a U.S. Treasury check.  
10 And it'll be processed within 10 business days  
11 from the approval in our e-travel system.

12                   Are there any questions on the travel  
13 guide or the reimbursement process?

14                   MS. STANZIANI: The travel guide is  
15 that last page -- or the expense form, excuse me,  
16 is on the last page of your travel guide. You  
17 have a physical copy and you should have an  
18 electronic copy of it as well.

19                   MS. BETTS: Yes. It's very simple.  
20 It's just basically recording your mileage,  
21 parking, and attaching your receipts. The hotel  
22 tax is reimbursable. Once you submit your form I

1 will process your voucher within two days. It's  
2 very important that we turn these around quickly  
3 and get you your reimbursement so you can pay  
4 your credit card bill for your hotel.

5 But if you have any questions at any  
6 point in time, you can email or call me. Thank  
7 you.

8 MS. STANZIANI: Any further questions?  
9 No? Okay. Great. Thank you Devonia. Do you  
10 want to introduce our Division Director? Why  
11 don't we have Judy go first?

12 MR. PARROTT: Yes, sure. Okay. So  
13 the next point in time, I mentioned earlier you  
14 were going to get to hear from our Division  
15 Directors to talk briefly about what their  
16 programs do. I kind of went over them very  
17 quickly. But you'll get to hear a little bit  
18 more detail.

19 So why don't we start with Judy  
20 Rudman? Judy is the Director of our Perishable  
21 Agricultural Commodities Act division. And as I  
22 mentioned, PACA gets a lot of people paid. And

1 ensures that people live up to the terms of their  
2 contracts.

3           So it's a very important program.  
4 It's been around since 1930. It works really  
5 well. But we're always, like everything else,  
6 we're always looking to fine tune things and make  
7 them better. So Judy, I'll turn it over to you.

8           MS. RUDMAN: Thank you. Thanks Chuck,  
9 Pam. Thanks for having me. I am new to USDA. I  
10 came here last December. I had a 25 year career  
11 at the Commerce Department where I did anti-  
12 dumping and countervailing duty trade cases. So  
13 I did fair trade on a global perspective.

14           And when this opportunity came along,  
15 I jumped on it. So at Commerce I had several  
16 cases on agricultural products and I liked the  
17 industry. And in my mind, it was a perfect  
18 shift.

19           I moved from promoting international  
20 trade on a broader scale to fair trade in  
21 produce. So I'm really happy to be at USDA. I  
22 feel like I won the lottery. Ten months in it's

1       been a really good move for me.

2                       So looking at your backgrounds and  
3       profiles, there's probably varying levels of  
4       knowledge of what PACA does. So I'll give a  
5       quick overview. And PACA is always there to  
6       answer questions.

7                       The Perishable Agricultural  
8       Commodities Act has been around since 1930. And  
9       we work in partnership with the fruit and  
10      vegetable industry to facilitate fair trade  
11      practices through education, mediation,  
12      arbitration, licensing, and enforcement.

13                      Under the law buyers and sellers of  
14      fresh and frozen fruits and vegetables in certain  
15      quantities have to be licensed by PACA. There's  
16      a licensing fee. We are user fee funded. We're  
17      not appropriated. So everything we, all of our  
18      revenue comes from our licensees. We're there to  
19      serve the industry. So if, this is why it's  
20      important for me to make these kinds of contacts.

21                      We provide a variety of services, a  
22      forum to investigate, mediate, and arbitrate

1 contract disputes. And what PACA was, the  
2 Congress has great insights in 1930. They wanted  
3 to protect American farmers.

4 So if a seller does not get paid, they  
5 can call USDA. They can file a complaint with  
6 us, an initial informal complaint for \$100 filing  
7 fee. And PACA works to achieve a successful  
8 resolution of that claim.

9 So we're there for the industry. So  
10 you don't have to go out and pay the legal fees.  
11 If you can get your disputes resolved through  
12 PACA, it's a win-win for everybody.

13 We have a mechanism for recovering  
14 damages when buyers and sellers of produce fail  
15 to meet their contractual obligations. We can  
16 issue orders that stipulate how much the buyers  
17 has to pay the seller based on our analysis of  
18 the claim.

19 If they do not pay up at that point,  
20 there are certain sanctions that PACA can impose.  
21 We can suspend licenses. We can impose civil  
22 penalties. We are there to ensure fair trade in

1 produce.

2 We have provisions to sanction produce  
3 sellers that fail to pay obligations or  
4 misrepresent the products that they're selling.

5 We have a misbranding office. And we handle  
6 hundreds of complaints every year where people  
7 are misrepresenting what they're selling to their  
8 receivers.

9 PACA also provides a mechanism to  
10 monitor the activity of PACA violators. So when  
11 entities, individuals or entities are sanctioned  
12 we follow up on them. We work to ensure that  
13 there is a fair environment to buy and sell fresh  
14 and frozen fruits and vegetables.

15 Since I came onboard, I have  
16 established some priorities. We are working to  
17 achieve these. We want to continue to provide  
18 the highest level of customer service. As I  
19 said, we are user fee funded so we're accountable  
20 to the industry.

21 We have a 1-800 line. I'll show you  
22 the number at the end, and some of you may be

1 familiar with it, where we're staffed 12 hours a  
2 day with people to answer your questions. We're  
3 there to address the needs and concerns of  
4 industry stakeholders. That's why we're here.

5 I'm trying to expand PACA's presence  
6 in the industry through outreach efforts. I have  
7 been to several large -- I was at PMA last week.  
8 I spoke to Western Growers, spoke to the Fresh  
9 Produce Association in Nogales.

10 We're trying to get out there so that  
11 the industry is aware of the services that we  
12 have to offer so we can be responsive to industry  
13 needs.

14 One of the things, our highest  
15 priorities right now is to enhance our PACA  
16 licensing system. For those of you that are  
17 familiar with PACA, you know that we currently do  
18 not have online renewal or online licensing.

19 We're working on making that happen.  
20 We want to get to the point where you can renew  
21 your license at pay.gov, pay your 995 on a credit  
22 card and your \$600 branch fees and make it all

1 happen easier. That's one of our top priorities.

2 We also are trying to increase the  
3 emphasis on PACA licensing to ensure that  
4 everybody is in compliance. We have some -- if  
5 you're interested in filing a PACA claim, for our  
6 enforcement PACA can only take enforcement  
7 actions when we receive written notice from  
8 outside the department.

9 There is an informality there. That  
10 written notice can come in an email, a letter,  
11 anything. When we get notice of a claim and a  
12 problem we keep it confidential who sent it in.  
13 And we immediately look into it and follow up.

14 When I was at the Commerce Department  
15 in charge of the Mexican tomato suspension  
16 agreement, I used this provision quite frequently  
17 where I would funnel information to PACA and ask  
18 them to look into it where I thought there were  
19 PACA violations.

20 Examples of the unfair trade and  
21 practices that we look to eliminate are fraud,  
22 false and misleading statements, non-payment,

1 misbranding and mislabeling, and employing people  
2 under employment restrictions.

3 Our enforcement highlights for the  
4 last three years, and these are just updated, we  
5 addressed over 131 enforcement actions to  
6 sanction firms and individuals who violated the  
7 act. And we captured almost \$280,000 in civil  
8 penalties that were paid directly to the U.S.  
9 Treasury.

10 We're user fee funded. But when we  
11 impose civil penalties on violators, that money  
12 does not come to PACA. It goes into the U.S.  
13 Treasury.

14 Some more general highlights for the  
15 last three years, we assisted over 8,000 callers  
16 with issues valued at approximately \$140 million.  
17 So these are the calls that come in. We have  
18 marketing specialists who stand ready to answer  
19 questions as the industry members are trying to  
20 figure out if they have a claim and what to do.  
21 You can get immediate guidance by calling our 1-  
22 800 line.

1           We resolved approximately 3,500 claims  
2 involving more than \$58 million. And again, this  
3 is all to ensure that sellers of produce get  
4 paid. And we settled roughly 90 percent of our  
5 informal complaints within four months.

6           We have an informal and a formal  
7 complaint process. Our goal is to settle as much  
8 as we can so that you get the more immediate  
9 relief. We know that in some cases whether or  
10 not a seller receives \$7,000 on a payment can be  
11 the difference between when they open the doors  
12 the next day.

13           So our informal mediation process is  
14 key. It's where we start. It's where we try and  
15 resolve things so that we can ensure that both  
16 the buyer and seller reach a happy settlement.

17           When we can't get resolution that way,  
18 we have a formal complaint process where we --  
19 it's a much more involved process that can take  
20 longer. But hopefully, again, will resolve in a  
21 satisfactory method to all the parties involved.

22           So that's our 1-800 number. If you

1 have any questions, again, PACA is here to serve  
2 the industry. And thanks for listening.

3 MR. VAZQUEZ: Hi, this is Jorge  
4 Vazquez with Latin Specialties. So we know that  
5 PACA licensing applies to probably most of us in  
6 this room. But how does it apply to end users  
7 such as restaurants or retailers? Does it apply  
8 to them at all?

9 MS. RUDMAN: Well it can apply. They  
10 can be the respondents in the cases. I mean, if  
11 they're the purchasers, they could be on the  
12 other end. We know that when buyers and sellers  
13 are, when sellers are looking for -- excuse me,  
14 when buyers are looking at their sellers, buyers  
15 are often to look to see if they're PACA  
16 licensed. It's sort of a quality seal of  
17 approval shall we say. You know that everybody  
18 is operating.

19 Depending on the volumes that the  
20 restaurants and all of the entities involved in  
21 the process are buying and selling, they may be  
22 subject to license. So that's all stipulated in

1 the law and in the regulations.

2 And if they don't pay, we do have the  
3 authority to follow up and to continue with our  
4 claims. But it all depends on the volumes that  
5 people are buying and selling in.

6 MR. PARROTT: Just to clarify, I think  
7 to be subject to PACA you have to buy and/or sell  
8 2,000 pounds in any day. So if you're an  
9 individual restaurant, you probably don't meet  
10 that criteria. Many of the chains, of course,  
11 do.

12 So that's what kind of it comes down  
13 to as to whether you're subject.

14 MS. RUDMAN: And if you're a broker,  
15 you're subject under first transaction. So you  
16 know, there are some different nuances there. If  
17 it's frozen it's 230,000 pounds in a year if it's  
18 frozen product.

19 But yes, again, it all depends on the  
20 particular circumstances. So that's the nature  
21 of the questions that we get a lot of times on  
22 the 1-800 line. People will say well, you know,

1 who is subject on this one? Do they need to be  
2 licensed?

3 MR. PARROTT: And PACA has a really  
4 good website too. I know a lot of times people,  
5 if they get a call from a new buyer and they say,  
6 you know, we want to buy a load and you don't  
7 really know who they are, you can go on the  
8 website and check to see, you know, do they have  
9 a license? Is it current? Has it been  
10 suspended? Are there complaints filed against  
11 that company already? You know, you can do  
12 things like that ahead of time.

13 MS. RUDMAN: And one of the things we  
14 put up for the industry is on our main PACA  
15 webpage, we're updating it monthly, our license  
16 book. That's a new feature that shows, and it's  
17 pdf searchable.

18 You can put in anything, you can  
19 search by state. And you can find out who is  
20 licensed right there. Within a month that's real  
21 time data.

22 MS. WHITTEMORE: How does it apply to

1 overseas growers that may not be PACA, members of  
2 PACA perhaps?

3 MS. RUDMAN: And we get this question  
4 -- I mean, certainly I dealt with this a lot in  
5 this Mexican tomato suspension agreement that  
6 their buyers and sellers, if they were in the  
7 United States, were PACA licensees.

8 A U.S. based entity that is operating  
9 in the subject, dealing the subject quantities  
10 that make you subject to license can be licensed  
11 and should be licensed under PACA.

12 So in other words, if you have a  
13 distributor in Nogales, Arizona who is selling  
14 Mexican produce, that distributor is a PACA  
15 licensee. And that covers the international, the  
16 product coming from Mexico.

17 So it's the buyers and sellers of  
18 produce in the United States. But to get a PACA  
19 license, you have to be subject and you have to  
20 be a U.S. based entity.

21 MS. WHITTEMORE: Right. But if you  
22 are not, like if you're buying from somebody in

1 Costa Rica, for example, it's a grower there.  
2 You're bringing the product into the U.S. but  
3 they are not under the PACA license, I guess  
4 under the PACA rules.

5 MR. PARROTT: Right. So the Costa  
6 Rican shipper wouldn't have to have a PACA  
7 license. If they sold to a wholesaler in the  
8 U.S. let's say, they would still have recourse if  
9 they didn't get paid. They could file under  
10 PACA.

11 MS. WHITTEMORE: What about the other  
12 way around?

13 MR. PARROTT: No.

14 MS. WHITTEMORE: Thank you.

15 MR. PARROTT: Yes.

16 MR. VAZQUEZ: One more question if I  
17 may, you keep mentioning the Mexican anti-dumping  
18 tomato, how is the situation with that? I mean,  
19 has the problem abated a little bit? Or can you  
20 give us some examples of some of the actions that  
21 you guys have taken against companies?

22 MS. RUDMAN: I worked on it for 20

1 years. PACA in the 2013 agreement it was written  
2 in that a violation of the agreement may be a  
3 violation of the Perishable Agricultural  
4 Commodities Act. If it meets the willful,  
5 flagrant, and repeated criteria, it can be a  
6 violation of PACA.

7 There's a case out there now. We had  
8 issued a press release where we're looking into  
9 one company where a violation of the agreement is  
10 also possibly a violation of PACA. And that's  
11 proceeding.

12 But PACA and Commerce are working  
13 together on enforcement. It didn't change the  
14 way that PACA operates at all. But it did help  
15 to give some teeth to the Mexican tomato  
16 suspension.

17 MR. PARROTT: Any other questions for  
18 Judy on PACA? Okay. Judy thanks very much for  
19 being here. Okay. Our next speaker, Mike  
20 Durando I'm going to call on you. Mike is the  
21 Director of our Marketing Order Administration  
22 Division or MOAD as we call it.

1                   We have 29 marketing orders currently.  
2                   I got it right. So Mike is going to give us a 10  
3                   minute presentation on what marketing orders do.

4                   MR. DURANDO: You bet. Thank you.  
5                   I've got some handouts there for everybody. Good  
6                   morning everybody. Nice to see you all. Mark,  
7                   welcome back to Washington. Some folks may not  
8                   realize Mark used to work for the fruit and  
9                   vegetable program which was the specialty crops  
10                  program a ways back. And always good to see him.  
11                  Great to be here.

12                  Let me just say as one division  
13                  director, and I'm sure Chuck has already said  
14                  this, but we thank you for your service and the  
15                  time you put in on this committee. It's very  
16                  important to all of us in the program including  
17                  at the division level. The recommendations that  
18                  you make, suggestions you develop there, they're  
19                  all very good for us and help us grow.

20                  The Marketing Order and Agreement  
21                  Division has a very simple mission. It's to help  
22                  fruit, vegetable, and specialty crop producers

1 and handlers achieve marketing success through  
2 industry driven programs. And that's really the  
3 key.

4 There are 46 programs that my division  
5 oversees. All of them are programs that, at one  
6 time or another, either through the Congress  
7 and/or subsequently through the Department of  
8 Agriculture the industry asked for.

9 Uncle Sam didn't come to the industry  
10 and say you're going to have to have this  
11 program, congratulations. You came to us and  
12 said we would like this program pursuant to this  
13 federal law and we put them in place.

14 The primary statute that we are  
15 responsible for is the Agricultural Marketing  
16 Agreement Act of 1937. So we've been around  
17 since 1937.

18 We currently have 29 federal marketing  
19 orders under that program one of which is brand  
20 new. We'll talk about that in a minute. We'll  
21 take a quick look at it. And that's the  
22 marketing order for pecans. I guess we could say

1 we're through birthing it. We're about ready to  
2 get it up and walking within the next few weeks.

3 Under that law we also have 14 sets of  
4 import regulations for commodities that are  
5 regulated under those federal marketing orders  
6 where we have the ability to hold imports  
7 accountable for the same minimum grades and  
8 standards as domestic product. And level the  
9 playing field for American producers.

10 There are three other statutes that  
11 we're responsible. One is the U.S. Peanut  
12 Standards Act that really sets in place the  
13 minimum standards for peanuts in this country  
14 both domestically produced and those that are  
15 imported, not only for minimum grade but also to  
16 ensure that the aflatoxin level is within  
17 tolerance.

18 We also oversee the Export Apple Act  
19 and the Grape and Plum Export Act which, in  
20 short, ensures that every fresh apple that is  
21 exported from this country meets a minimum U.S.  
22 Number 1. And that every table grade that's

1 exported from this country in most cases meets a  
2 U.S. Number 1. There are several exceptions to  
3 that. And that requires mandatory inspection for  
4 those two commodities for all exports.

5 We're very proud of the fact that  
6 every day our people come to work knowing that  
7 they serve 90,000 producers of these products in  
8 the United States representing about \$23 billion  
9 a year in value of production.

10 In doing that, one of our primary  
11 activities is regulatory action. And I know in  
12 the big scheme of things, regulations are  
13 perceived as bad. Nobody wants the government on  
14 their back and all these types of things.

15 Well the regulations that we do, these  
16 are all published in the Federal Register, these  
17 are all regulations that are asked for, once  
18 again, by our industries primarily through any of  
19 those 29 boards or committees or councils as they  
20 seek to either change their assessment rates,  
21 modify their grade standards, add additional  
22 authorities, perhaps for quality regulation in

1 their programs, or make any other adjustments.

2 The regulatory process is a critical  
3 component to ensure transparency not only to  
4 everybody in the industry but really everybody in  
5 the United States. Everybody can see what's  
6 going on. The public has the opportunity to  
7 comment through these regulatory actions.

8 We do this every day with 45 staff.  
9 About half of us are located here in our  
10 headquarters office at the USDA South Building  
11 across the river. The other half are almost  
12 equally disbursed among three regional field  
13 offices in Fresno, California, Portland, Oregon,  
14 and Winter Haven, Florida just south of Orlando.

15 Let's take a little closer look at  
16 marketing orders and agreements. These are very  
17 complex animals as compared to the peanuts, the  
18 table grapes, and the apple programs which are  
19 pretty straight forward minimum standard and  
20 inspection programs.

21 Marketing orders and agreements, we  
22 like to advertise -- think of it as a big tool

1 box. And within that box you have a variety of  
2 tools that are available to those in the industry  
3 who choose to put themselves under a federal  
4 marketing order.

5           These programs can require and provide  
6 for generic, that is industry wide, non-  
7 proprietary promotion activities, marketing  
8 activities, paid advertising activities. They  
9 can use industry monies that are collected  
10 through assessments upon handlers to fund market  
11 research targeted at the trade, consumers, and  
12 for product development. Production research as  
13 well, newer varieties, pest resistant varieties,  
14 varieties with better flavor, better shelf life.

15           Volume control is a feature of our  
16 marketing orders in some cases. Where really,  
17 particularly for those commodities that have a  
18 little time on the shelf, so to speak, primarily  
19 a nut crop or maybe a dried fruit crop or  
20 something like that or cherries or cranberries.  
21 They have the ability to regulate the flow to  
22 market to sort of even out the supply. So you

1 don't have a big surplus followed by a  
2 significant deficit.

3 And what that does over the long term,  
4 it means not only stable pricing for consumers  
5 but also for producers. And a reliable supply  
6 for customers of that product.

7 Through marketing orders the industry  
8 can also collect and publish market data that's  
9 very useful for producers and for handlers. And  
10 in some instances ties right into our USDA market  
11 news program. You'll be hearing more about that  
12 in a minute.

13 We can require minimum or official  
14 container and pack requirements relating to size,  
15 capacity, weight, dimensions, or pack of the  
16 product. This again assures a commodity a place  
17 in the marketplace without overcrowding it with  
18 too many types of cartons or packages.

19 Minimum standards I've alluded to are  
20 relative to size, quality, grade, and maturity.  
21 These drive in term mandatory inspection.  
22 Because anytime you have a minimum standard or a

1 container or pack requirement, you're going to  
2 have to have an inspection program to verify and  
3 ensure compliance with those requirements.

4 And then last but not least, on the  
5 import and commodity regulation there are  
6 currently 14 commodities. And there are others  
7 listed in the statute as well. But there are 14  
8 active ones where we impose the same regulations  
9 on imported product as we do on domestically  
10 produced product. Citrus, tomatoes, dates, and  
11 the list could go on with a number of others,  
12 potatoes and onions.

13 And again, it levels the playing field  
14 for American producers. And basically ensures  
15 that if a domestic industry is setting the  
16 quality bar up here, the import competition can't  
17 come in and undercut with a subpar quality.

18 Some current activities, a little look  
19 at where we are, the things going on, we have a  
20 brand new pecan marketing order. In fact, we  
21 just have a selection order signed. Chuck knows  
22 that. It just got taken care of yesterday.

1                   So we'll be informing the new members  
2 of the American Pecan Council this week. And  
3 we're hoping to have our first meeting of that  
4 group sometime in November.

5                   This is a marketing order that  
6 stretches 15 states, coast to coast across the  
7 country from California to North Carolina. And  
8 basically draw that line and take it everything  
9 south.

10                   We think there are about 3,500  
11 producers. This is a group that, through their  
12 testimony as indicated, they want out of the  
13 chute come in with about a \$10 million program.  
14 And they want to grow up to be like the almond  
15 guys and the walnut guys and the pistachio guys  
16 in terms of marketing players from a generic  
17 standpoint in the marketplace.

18                   On the technology side, my division is  
19 a leader for the agency in working with Customs  
20 and Border Protection to implement for AMS the  
21 International Trade Data System.

22                   And what this actually looks like in

1 every day usage comes through our compliance and  
2 enforcement management system which is a major  
3 information technology interface that we have  
4 built. We're still in the process of finishing  
5 it up.

6 What this technology is going to do  
7 for the very first time is going to position AMS  
8 with the ability to determine whether or not an  
9 imported product regulated by any of our 14  
10 regulations is allowed to enter in the United  
11 States.

12 Up until this time Customs and Border  
13 Protection was in full control in terms of  
14 whether an imported lot was either held, held in  
15 tact, or released and may proceed into the  
16 channels of commerce to the United States.

17 Through ITDS 54 different government  
18 agencies are now tied in. So any particular  
19 commodity, let's say it's a load of imported  
20 citrus, there may be several agencies wanting to  
21 take a look at it, AFS, maybe from a sanitary  
22 standpoint FDA from Food & Drug, and certainly

1 AMS from the standpoint of our import  
2 regulations.

3 Well in our case there's an electronic  
4 signal through this system that now is going to  
5 be automatically sent to our special crops  
6 inspection division. You'll hear more from them  
7 in a moment. These are our inspection forces.

8 And basically setting up that group  
9 for inspection of this product. And then we have  
10 it on our screens on not quite a real time basis.  
11 But rather than the two week to two month away  
12 that we've had, it's going to be at most a day or  
13 two days.

14 We'll have information on every single  
15 entry of our regulated products into the United  
16 States through all ports. And then we'll have  
17 corresponding, or next to that an indication of  
18 whether each one of those entries has obtained an  
19 inspection and has met the requirements.

20 If that does not occur, the entry  
21 remains in what's called a holding taxed status  
22 and CBP does not release it. And the legal

1 liability continues to rest with the importer or  
2 the filer until that occurs.

3 This is very new, very different. And  
4 we think it is going to dramatically expand  
5 compliance or improve compliance with our import  
6 regulations.

7 Food Safety Modernization Act, I think  
8 you're going to be hearing about that during your  
9 meeting while we're here. Very interestingly,  
10 FDA has recognized marketing orders as a very  
11 effective tool to put in place various  
12 requirements in the areas of handling, GAPs at  
13 the producer level, training for the industry, or  
14 recall and traceback programs.

15 And, in essence, FDA has said hey, you  
16 know, if you're an industry operating under a  
17 federal marketing order and you're doing things  
18 that are achieving the objectives of FSMA and  
19 meeting our criteria, well guess what, as FDA we  
20 have very limited enforcement resources, we're  
21 going to be focusing elsewhere.

22 Why? Because they have big faith in

1 these programs. And they know AMS has strong  
2 legal compliance enforcement capability and that  
3 we'll take care of it. So this is an area we're  
4 becoming more active in with our groups.

5 And then we have a lot of strategic  
6 relationships. We work with a United States  
7 trade representative all the time. Our import  
8 regulations all have to be vetted through them.  
9 And then also there are ongoing discussions,  
10 always discussions from folks around the world  
11 about our marketing orders, our import  
12 regulations, and the compliance with our  
13 agreements pursuant to the World Trade  
14 Organization, WTO.

15 We work with FDA not only on FSMA but  
16 with FDA and FTC as well, Federal Trade  
17 Commission, on marketing communications. Part of  
18 our role is to assure that every message that our  
19 boards, committees, or councils put out there  
20 advertising or promoting their product is  
21 compliant with those two agencies laws and  
22 regulations. You can't just go out there and

1 make any kind of claim you want about a product.  
2 It has to be a legitimate and properly backed up.

3 Foreign Ag Service is a close  
4 collaborator of ours. A lot of overlap between  
5 our 29 programs and FAS. A lot of them are also  
6 FAS program cooperators. And we share compliance  
7 information and audit information. And then  
8 collaborate as well on international trade  
9 issues.

10 Specialty crops inspection, again,  
11 you'll be hearing from them. Not all of our 29  
12 programs but many of them have mandatory  
13 inspection requirements which drives a tremendous  
14 amount of activity for SCI.

15 And then finally, science and  
16 technology program within AMS that is responsible  
17 for a lot of laboratory testing work that we do  
18 for salmonella and aflatoxin and other pathogens,  
19 in particular in our nut crops.

20 Internally we have a three year  
21 strategic plan that we have in place. It runs  
22 through 2018. We have five goals that you can

1 see there that really are designed above all else  
2 to not only improve our functionality and our  
3 efficiency and our effectiveness, but basically  
4 make sure we're doing the very best that we can  
5 to help farmers help themselves through our  
6 programs.

7 They include performance measures and  
8 an annual operating plan that is adjusted as  
9 necessary to reflect priorities and resource  
10 capabilities.

11 And so, that's us. And that's what we  
12 do every day. In the handout that I provided to  
13 you you've got the contacts for our three  
14 regional field offices. This has just been a  
15 real fundamental overview. We were given 10  
16 minutes. So I think I've done it which is an  
17 amazing thing for me to get it in under 10.

18 And certainly, I can remain available  
19 during the break. If any of you have any  
20 questions, I'd be happy to visit with you  
21 further. Okay. And we do have time now. So we  
22 can take questions now as well if you have any?

1                   MR. PARROTT: Thanks Mike. Any  
2 questions on marketing orders through that  
3 program?

4                   MS. KNORR: Good morning Mike. Thanks  
5 for being here.

6                   MR. DURANDO: Sure.

7                   MS. KNORR: I have a question. Our  
8 last session we had a group that was focusing on  
9 food waste. And so, I'm wondering through the  
10 market orders, when there are produce standards  
11 and that kind of thing, are there any marketing  
12 orders that acknowledge or proactively address  
13 waste streams that may be created during that  
14 process?

15                   MR. DURANDO: Great, terrific  
16 question. Everybody heard the question about  
17 food waste? Okay. So the answer is yes. In  
18 fact, I'm proud to say that all of our marketing  
19 orders that have any kind of a minimum standard  
20 requirement in them do have the capability to  
21 provide an alternative outlet to product that  
22 does not meet those standards. So that we

1 minimize the potential or virtually eliminate the  
2 potential for food waste.

3           Actually very interesting, the one  
4 marketing order that remained that didn't have  
5 that kind of an outlet was within our table grape  
6 marketing order for southeastern California.  
7 This is the Coachella Valley for those of you  
8 that know the grape business.

9           And it didn't have the ability for  
10 product to go to charities or to food banks or to  
11 those kinds of outlets if those grapes failed to  
12 meet their standards. So we amended the  
13 regulation. So we completed that. And that's  
14 now been in place for -- I know we're in the  
15 first year but it may be more than a year old at  
16 this point.

17           Sidebar to that or interesting little  
18 factoid, we were pulling some data the other day  
19 looking at imported table grapes and the  
20 disposition of those and whatnot. And low and  
21 behold found that there was a lot, or a load if  
22 you will, 11,000 pounds of table grapes that had

1       been imported through Philadelphia that failed,  
2       must have failed to meet because they were  
3       diverted to a food bank.

4                       So that wouldn't have been able to  
5       happen a year or year and a half ago without our  
6       change in the regulations. It now could happen.  
7       And all of our orders have that capability of  
8       some kind.

9                       MS. ELLOR: Hi, Tina Ellor from  
10       Phillips Mushroom Farms. Could you say a little  
11       bit more about your -- is the relationship you  
12       have with the FDA sort of a formal one in regards  
13       to FSMA or an informal?

14                      So you said that they will be less  
15       likely to target industries that have GAP  
16       programs in place. Could you say more about  
17       that?

18                      MR. DURANDO: Sure. Not that I want  
19       to steal the FSMA thunder and I think food safety  
20       thunder that's coming up maybe through some of  
21       the discussions here.

22                      But going back a number of years to

1 when Michael Taylor was running the program there  
2 at FDA and overseeing a lot of the FSMA work and  
3 everything else. And it was published even in  
4 some of the regulations.

5 What they're basically saying is if  
6 there is an industry out there -- and let me just  
7 say there's not a formal agreement. There is not  
8 an MOU in place on this. This is just sort of  
9 FDA's, I guess, logical prioritization of  
10 resources.

11 They're acknowledging A, they've got  
12 limited enforcement resources. And then B, if  
13 you're operating under a program, in this case  
14 I'm addressing federal marketing orders, that are  
15 achieving these things -- you've got handling  
16 requirements in place that, you know, in fact  
17 meet or exceed whatever FSMA they may be  
18 requiring.

19 Or you've got handling requirements  
20 that, in fact, are affecting the behavior of  
21 producers so that what they're doing through GAPs  
22 or other activities are somewhat de facto

1 compliance -- I use that term very carefully  
2 here.

3 They're achieving, they're meeting the  
4 goals of what FSMA is trying to do. Then FDA is  
5 going to look at that, through no agreement or  
6 whatever, but they're going to have an  
7 understanding that that's happening. They have a  
8 high degree of awareness of our programs as it  
9 is.

10 And they'll understand that isn't an  
11 area of risk for us in the food safety arena.  
12 Because that is an area that has very good  
13 controls in place. And a lot of that has to do  
14 with the FDA audit, pardon me, the USDA audit and  
15 inspection programs that are run by SCI and  
16 overseen by them.

17 It has to do with the compliance and  
18 enforcement capability that our program through  
19 my division has. And the legal teeth that we  
20 have in that which we do. We can take people all  
21 the way up through the federal court system.

22 So those are the reasons why. But

1 there's no formal MOU between us and FDA on that.  
2 Randy did you want to add something to that?

3 MR. MACAN: Yes I do.

4 MR. DURANDO: This is Randy Macan from  
5 the Specialty Crop Inspection division.

6 MS. STANZIANI: Randy you'll need to  
7 use one of the microphones.

8 MR. MACAN: While we're on the topic  
9 so we can just clarify, AMS has an agreement, an  
10 MOU with FDA. The USDA has had, a working  
11 agreement with FDA goes back to the 1940's  
12 whereas that we have established a relationship  
13 working with the regulators.

14 And we have an individual, Ken  
15 Petersen, about our working relationship with  
16 FDA. And then with FSMA implementation. And he  
17 can go into a little bit more detail.

18 But yes, we have an agreement. All of  
19 us AMS from poultry to meats and all of our fruit  
20 and vegetable inspection services have signed  
21 that agreement.

22 MR. DURANDO: Yes. And Randy, just to

1 add onto that, I appreciate that because -- but  
2 that agreement doesn't specifically name, it  
3 doesn't say in the agreement if you have a  
4 marketing order we're going to do this. Right?  
5 It has much more to do with the other side of the  
6 business. Does that help Tina?

7 MS. ELLOR: It does, thank you.

8 MR. DURANDO: I think we have a  
9 question here. And then we'll come back down the  
10 line.

11 MR. VAZQUEZ: Good morning Michael.  
12 Thank you for your wonderful introduction. Just  
13 can you elaborate a little bit more on the status  
14 of the ITDS? Is it already fully implemented?  
15 And just expand a little bit more please.

16 MR. DURANDO: Well ITDS, I mean,  
17 that's a big category. But the International  
18 Trade Data System and very specifically the  
19 Automated Commercial Environment, the ACE, that  
20 is fully up and running by CBP. That's a CBP  
21 owned product.

22 And they are now calling for all

1 filers to be using the ACE. In fact, they turned  
2 off the old legacy system called ACS. And  
3 they've pushed everybody into ACE.

4 Now they very recently have announced  
5 some deferment of the deadline dates until, I  
6 think, into the end of December or early January  
7 on certain aspects of filing that really go  
8 outside of the USDA activities.

9 For AMS and for the programs that I  
10 was addressing, they are the 14 import  
11 regulations, we're currently in a pilot status on  
12 that. And in that regard, we've now expanded to  
13 the point where we have L.A. Long Beach, Miami,  
14 and Philadelphia.

15 Those ports are open for all filers to  
16 file in ACE. And to file for their Section 8E  
17 compliance. Those are our import regulations  
18 through ACE. And we're running that through  
19 those three ports as we speak.

20 We'll be piloting those still for a  
21 little bit as we're continuing to debug our  
22 system. There's a lot of technology going on

1 between Specialty Crops Inspection Division and  
2 their FEARS program that automates the inspection  
3 process. It reports into our Compliance and  
4 Enforcement Management System or CEMS that I  
5 referenced earlier. And that's all working  
6 through.

7 But I can tell you that our goal or  
8 our target is that by pretty much mid to late  
9 November, by then we hope to have our system open  
10 to all ports of entry. And so that we have a  
11 full month of service under our belt, that would  
12 be the month of December, before we hit the  
13 December 31 deadline which is called for in the  
14 President's Executive Order.

15 So does that clarify it for you?

16 MR. VAZQUEZ: Yes. Thank you.

17 MR. DURANDO: Okay.

18 MR. PARROTT: Okay. Any other  
19 questions for Mike?

20 MR. SUTTON: So just another question  
21 regarding FSMA and the marking orders. Is AMS  
22 looking to get a written agreement that that will

1 be the compliance arm for marketing orders?

2 MR. DURANDO: With FDA?

3 MR. SUTTON: With FDA.

4 MR. DURANDO: No we are not.

5 MR. SUTTON: Okay.

6 MR. DURANDO: No we are not.

7 MR. SUTTON: But it is of the

8 assumption that through AMS regarding a marketing  
9 order that you guys can verify compliance for  
10 that marketing order?

11 MR. DURANDO: It should be assumed  
12 because it's our job that we have the ability to  
13 verify compliance and enforce compliance with the  
14 terms and the requirements of a federal marketing  
15 order.

16 If those terms and requirements happen  
17 to align or achieve the goals or requirements of  
18 FSMA, FDA is going to look at that very favorably  
19 in terms of how they choose to allocate their  
20 enforcement resources.

21 It isn't by any means an automatic  
22 pass. You're not "exempt" from FSMA or anything

1       like that. It doesn't mean FDA couldn't come  
2       looking at you. But in terms of allocating their  
3       resources, they're going to be focusing  
4       elsewhere.

5                   MR. PARROTT: Thanks Mike, appreciate  
6       it.

7                   MR. DURANDO: Thank you very much.

8                   MS. STANZIANI: I'm just going to do  
9       a little interpretation. Because as the federal  
10      government, we have a tendency to use a lot of  
11      acronyms. And we try, you know, we do our best  
12      but when we're talking every day to the same  
13      people, everybody knows what we're talking about.  
14      It doesn't necessarily mean that the general  
15      public does.

16                   So when Mike referred to a selection  
17      order, the selection order is actually the call  
18      for nominations for the board members. And a  
19      selection package is the appointment package  
20      which related to the new pecan board. They have  
21      gone through that whole selection process.

22                   And CBP is Department of Homeland

1 Security Customs and Border Protection. Just to  
2 give you a little update there. I'll continue if  
3 we need to.

4 MR. PARROTT: Okay. Let's move right  
5 along. Terry I'm going to ask, Terry Long is our  
6 Director of our Market News Division. And again,  
7 Market News reports prices every day all over the  
8 country. And helps maintain a transparent  
9 marketplace which is really important. So Terry,  
10 thanks for being here. And I'll turn it over to  
11 you.

12 MR. LONG: Good morning and thank you  
13 for this opportunity. You're going to be the  
14 operator and I'll be the pointer? Okay. Got it.

15 Well first off Market News, I will  
16 mention that Market News is actually older than  
17 the Agricultural Marketing Service. Market News  
18 was established in 1915 before there was an AMS.  
19 Market News was later merged into AMS when AMS  
20 was created later.

21 Anyway, Market News is the eyes and  
22 ears of the American agricultural industry. In

1 fact, I'd say we were the eyes and ears of  
2 agriculture worldwide. A mission very simple,  
3 provide timely, accurate, and unbiased  
4 information on agricultural markets, very simple.

5 Our motto get it, get this  
6 information, get it right, it's got to be  
7 accurate, and then get it out. Again, three  
8 things here. One, the information, it's out  
9 there and you have to collect it.

10 Secondly, if it's erroneous, we have  
11 an obligation to not use that information. Our  
12 saying is if you're in doubt about the  
13 information, check it out. If you're still in  
14 doubt, leave it out. Again, this information  
15 becomes prima facie in court cases. So again,  
16 these market reporters have to be competent in  
17 the information they're collecting and  
18 disseminating.

19 Again, market levels covered, shipping  
20 point, terminal markets, retail advertised weekly  
21 specials. And I'm going to pause there and hand  
22 these out if I may. And we'll come back to this.

1           Retail, again, we're only checking the  
2           advertised weekly specials not every day regular  
3           prices. And a few farmers markets and the  
4           growing trend in direct marketing farmers  
5           auctions.

6           Again, some other products you may not  
7           be aware that Market News covers, apple juice  
8           concentrate, grape cold storage and, again, the  
9           volume in cold storage, apples for processing,  
10          international markets of interest, Paris, London,  
11          all over the world.

12          And things you might not expect us to  
13          cover honey and beekeeping. And it's not up  
14          there but cut flowers is a huge industry that we  
15          track.

16          On the movement side or volume, again,  
17          one of our important sets of data for the  
18          industry is movement, shipments, domestic, truck,  
19          rail, it doesn't list air but if there's any  
20          there, crossings from Mexico every single day.  
21          Trucks, air, and boat, all of those we're  
22          tracking. And then imports from all the other

1 countries, 63 other countries beyond Mexico that  
2 we're capturing imports on mostly on a daily  
3 basis.

4 Again, part of our role here Mike  
5 alluded to in this ITDS, the new system. We'll  
6 be getting that data as well. Currently we're  
7 using other means to collect this. We're going  
8 to be part of that same mechanism. So everyone  
9 will be using the same data set, ITDS, for the  
10 imports.

11 Key reports, the National Shipping  
12 Point Trends is a weekly report. We'll glance at  
13 that in a minute. The retail report I just  
14 passed out. Those are only the first four pages  
15 of the most recent retail report. Once a week  
16 it's about 35 pages long in great detail.

17 The Truck Rate Report is very popular.  
18 Most produce moves by truck except boats coming  
19 into the country. How is the supply? What are  
20 the rates? You know, where are they moving?  
21 Shortages and surplus are very closely tracked,  
22 very widely supported by the industry, Truck Rate

1 Report.

2 Daily Movement Report, again, we're  
3 aggregating all of this volume, shipments,  
4 crossings from Mexico, and imports into that  
5 daily rate. The universal supply is available to  
6 us. Again, a specialized component of that is  
7 the Mexican crossing, again, specific.

8 And again, the recent summary we've  
9 added for the organic markets that we continue to  
10 add, grow, and report. Again, this is done on a  
11 daily basis, the National Special Crops Organic  
12 Summary. We're rolling all of the organic into  
13 one place, the shipments, post sale shipping  
14 point, retail all rolled up into one report.  
15 Obviously, the retail is a weekly feature.

16 Now this is what I handed out to you.  
17 I wanted you to look at this again. We are  
18 tracking, I think the number is 360 chain stores  
19 with over 29,000 outlets. Again, we're pulling  
20 these ads off the internet for these individual  
21 stores by region.

22 So again, we are capturing almost the

1 entire nation's weekly advertised specials for  
2 fresh produce on a weekly basis. Very big data.  
3 Almost every reporter in America collects part of  
4 these stores.

5 We distribute them out so everyone has  
6 a feel for what their, say they're covering  
7 mangoes, they get to cover the market at shipping  
8 point, in other words the point of import, as  
9 well as tracking these retail ads. So you can  
10 see how they link together. So it's a been a  
11 boon for us both in our reporters and in the  
12 products that we make available to the industry.

13 Again, I spoke briefly about the truck  
14 report, Truck Rate Report. I just wanted to give  
15 you a glance at that. Again, broken down by all  
16 of the major shipping districts. And again, all  
17 the truck brokers, the individual shippers are  
18 very cooperative, I would say, on a national  
19 basis over 90 percent cooperation, extremely  
20 high.

21 And the trends. Again, we're  
22 aggregating up the berry market broken down by

1 the varieties underneath, the citrus fruit, the  
2 varieties underneath, as well as the shipping  
3 point districts. We're showing you the movement  
4 over three weeks, three weeks ago, two weeks ago,  
5 last week, and the current market. Again, a  
6 glance at that shipping point market for the  
7 United States and for imports into the U.S.

8 Just briefly, we cover 1,453 markets,  
9 over 4,000 buyers and sellers interviewed every  
10 day, total commodities 411. Again, that includes  
11 things like honey and the various varieties of  
12 cut flowers, for examples. Or types, excuse me,  
13 not varieties.

14 Now how broadly is this information  
15 accessed? The most recent count we did, we get  
16 54,000,000 e-views. This is people going to our  
17 site to pull information off. So these aren't  
18 just, you know, visits if you will. Because you  
19 know, you can get a lot of those automated.  
20 These are all where they've actually gone in and  
21 pulled data out of our site 54,000,000 times a  
22 year.

1                   Again, what's next for Market News?  
2                   We talked about the ITDS system we'll be  
3                   integrating into that and collecting that data  
4                   more efficiently and more comprehensively. So  
5                   that's a big boon.

6                   One of the other things we're doing is  
7                   an overall replacement of our platform. We're  
8                   operating in an Oracle environment that was first  
9                   deployed in the '90s. You can imagine a system  
10                  that's still operating that was deployed in the  
11                  '90s.

12                  So the market MAR system, Market  
13                  Analysis and Reporting, modern technology getting  
14                  rid of the old MNIS, our database if you will.  
15                  The communications system that links all of our  
16                  offices, we have our own communication network.  
17                  Again, MAR will replace that.

18                  And then lastly, on the sheet I handed  
19                  out there it talks a lot about our portal and how  
20                  to access this information our customers are  
21                  using. This system will replace the Market News  
22                  portal as well.

1                   One attribute of the MAR system is the  
2                   API, the Automated Protocol Interface I believe  
3                   is the term. This will allow our customers for  
4                   the first time, instead of having to go run  
5                   reports, you know, for a two year period, for  
6                   certain markets and then try to roll them up,  
7                   this new feature in MAR will allow you to pull  
8                   everything we have.

9                   If you say I want every bit of data  
10                  you have on mangoes, you can pull this out  
11                  through this giant pipe of the API. That's just  
12                  one example of the new functionality you will get  
13                  with MAR.

14                 Modern technology, a big pipe to allow  
15                 you to pull vast quantities of data. And again,  
16                 our database goes back to the early '90s. So  
17                 it's pretty comprehensive data.

18                 Organic Data Initiative, this was a  
19                 farm bill. We have been allocated money for a  
20                 two year project to grow organic reporting in  
21                 Market News. Our primary focus -- well we're  
22                 adding up to 10 new reporters. Again, mostly in

1 our existing Market News offices.

2 The focus is on growing our organic  
3 reporting primarily at the shipping point. And  
4 again, when we capture a market we're looking at  
5 volume and prices. So those are our two big  
6 focuses here, MAR and the Organic Data  
7 Initiative.

8 Within the international realm, Market  
9 News AMS serves as the Chairman of the Marketing  
10 Information Organization of the Americas. Again,  
11 33 member nations that are basically doing what  
12 Market News.

13 Some countries this is a quasi-private  
14 organization that has been set up. You know, to  
15 sort of separate them from the government so that  
16 people would have more confidence depending on  
17 the countries.

18 So of these 33 members, we met last  
19 month, well actually it was this month earlier,  
20 in Guatemala. Twenty eight of those members  
21 nations were in attendance.

22 So again, the desire to have good,

1 reliable, timely agricultural market information  
2 is not, you know, unique to our group here today.

3 And again, the focus of this thing is  
4 to improve these systems. And also to promote  
5 the concept that market transparency like we  
6 promote in Market News and you see here through  
7 inspections and marketing orders, this  
8 transparency is, we consider it a critical public  
9 good.

10 As a planner for the government, you  
11 need to know these things. As a private sector  
12 trying to enhance your business to support your  
13 family, these are all information that should be,  
14 we believe is a public good, market transparency.

15 And again, that's all I had for today.  
16 I appreciate your time and would answer your  
17 questions if you have them.

18 MR. PARROTT: You know, one thing,  
19 just to tag onto what Terry said about it being a  
20 public good. I always think back to the mid  
21 1990s after the Soviet Union broke up. It amazed  
22 me how many of those former Soviet countries came

1 to the U.S. looking -- because the first thing  
2 they wanted was market news.

3 You know, we take it for granted  
4 because we have this transparency. They didn't.  
5 And Terry mentioned the Marketing Information  
6 Organization of the Americas, you know, with the  
7 33 countries. But just having that information  
8 available to everyone, not just the people who  
9 subscribe to it just is a tremendous public good.

10 MR. LONG: Well thank you Chuck. I  
11 wanted to mention that we often refer to  
12 ourselves as the first responders. And that's  
13 true.

14 When they said, you know, the wall has  
15 fallen, Russia is an independent nation, what did  
16 they need? Well the first thing seemed to be  
17 these market news reporters.

18 In the '50s we went and worked in  
19 South Korea. To this day they have a very good  
20 market information system. In the '70s we worked  
21 in other countries. Like you said Chuck, in the  
22 '80s we helped Mexico set up their system.

1           In fact, we helped Mexico set up a  
2 database before we had one in the U.S. But  
3 learned from that experience and came back and  
4 built a database in the U.S. So it's not a one  
5 sided effort, if you will. And Chuck's already  
6 mentioned the former Soviet Union nations.

7           I would say, I would tell you that we  
8 currently have four nations that have either  
9 written or verbal requests to Market News to come  
10 help them improve their marketing information  
11 system, Mexico, Brazil, Argentina, and Columbia.

12           In some cases these have come to us in  
13 a formal letter from the Ministry of Agriculture  
14 requesting our assistance. So this is a project  
15 for the next year and beyond, is to continue to  
16 help our key trading partners improve the  
17 information. And we both get to rely on that.  
18 So it seems to be a win-win situation.

19           MR. VAZQUEZ: Good morning Terry.  
20 Jorge Vazquez with Latin Specialties. What's the  
21 timeframe for the MAR full implementation?

22           MR. LONG: Full rollout is January of

1 '18. Some parts of it like the early parts of it  
2 like feeder cattle and some of those are being  
3 done and phased in fully. But for full  
4 implementation it's January of 2018.

5 MR. VAZQUEZ: And one more question,  
6 if I may. Do you happen to know the name of the  
7 Mexican database?

8 MR. LONG: I know the name of the  
9 organization, SNIM, the Servicio Nacional de  
10 Informacion de Mercados. And they are part of  
11 the Secretaria de Economia. Their database I  
12 can't call to mind. I'm sorry. There's 33 of  
13 them, it's hard to keep them all straight.

14 MR. VAZQUEZ: Thank you.

15 MR. LONG: Yes, sir.

16 MR. PARROTT: Mark, did you have a  
17 question?

18 MR. LONG: Yes, sir?

19 MR. SUTTON: How do you verify that  
20 the information you collect on pricing points and  
21 things like that, what checks and balances do you  
22 have in place to make sure that information is

1 accurate?

2 And the reason I ask is I have  
3 salesmen and I know they report to you all. I  
4 wished I was getting the prices they were  
5 reporting to you.

6 MR. LONG: You know, we rely on  
7 several things. One of them is a culture of  
8 training where we realize that highliers and  
9 lowliers exist out there. You have to take the  
10 highliers, the lowliers, cross check them against  
11 their customers, the people that are buying this  
12 product.

13 So we're often trying to capture both  
14 sides of these transactions. So again, the fact  
15 that you tell me the market is 12 and I know it's  
16 9 to 10, I'm not going to write 12. I might have  
17 cover you and say occasional higher.

18 But just because you tell me that's  
19 the market, unless I can confirm it and it  
20 matches up with all the other contact points, I'm  
21 not going to use it.

22 So again, when in doubt we leave it

1 out. If you can't check out and make sure it's  
2 correct, we don't use it. And I will mention  
3 that sometimes there are special circumstances.

4 Like I'm doing a season long contract  
5 at the 1st of the year. It's going to be under  
6 what you think the market is going to be. You  
7 know, it's 10 to 12 and I'm taking the season  
8 long contract with so and so for \$8.

9 Well okay, that's a valid transaction  
10 at that point in time. Start of the season, on  
11 that day there was an \$8 transaction. Now the \$8  
12 transaction only happened one time. It extends  
13 over the season. But as far as a spot market  
14 sale or a sale, it only happened once.

15 So in that first part of the season  
16 your \$8 is a key part of the market. But after  
17 that, the market goes to 10 to 12. We're not  
18 going to relate back to that and say, by the way,  
19 so and so \$8 at the start of the season.

20 We may have something in there like  
21 previous sales lower. So that people understand  
22 when they hear that \$8 out there, it's not

1 current market. So we will try to utilize that  
2 information to sort of paint a picture.

3 MR. ALLISON: My name is Mark Allison.  
4 I just wanted to make a comment that I've been  
5 using this on and off for probably more years  
6 than I want to admit to on and off again. But I  
7 just thought you guys over the years have really  
8 done a great job of, you know, especially keeping  
9 current.

10 I jumped on it just a couple years ago  
11 after taking a hiatus for half a dozen years.  
12 And when I came back and visited your website,  
13 you know, I was really impressed with the  
14 progress and the detail and the reports that are  
15 available. So I just wanted to just say I think  
16 you're doing a really great job on keeping ahead  
17 of it all.

18 MR. LONG: Thank you very much.

19 MR. PARROTT: Okay. So next I'll  
20 Lorenzo Tribbett up. Lorenzo is the Director of  
21 our Specialty Crops Inspection Division. They do  
22 inspections and audits on fruits and vegetables

1 and some other commodities as well.

2 MR. TRIBBETT: Good morning everyone.  
3 Again, my name is Lorenzo Tribbett. I'm the  
4 Director of the Specialty Crops Inspection  
5 Division.

6 We were created in October of '12.  
7 This is our four year anniversary. We were  
8 merged from the original fresh products branch  
9 and the processed products branch to service the  
10 fresh and processed industry from farm to fork.

11 We are over 700 strong is what I like  
12 to say. We are the largest division within AMS.  
13 Our budget annually is \$60 million. Of that, \$58  
14 million is all user fee. Judy was mentioning  
15 that also. I have another saying for that, if we  
16 don't churn, we don't earn. When the government  
17 is down like Judy for anything, we're still  
18 working. We do get \$2 million of appropriated  
19 money for our standardization branch but that's  
20 it. Other than that, it's \$50 million.

21 We are quickly approaching our 100th  
22 year anniversary which we get in January of this

1 year, excuse me, January 2017. So like I said,  
2 we've been around for a long time.

3 Today with me -- and I'll step back  
4 and just give you a little bit of my history  
5 background. I've been with AMS Specialty Crops  
6 fruit and vegetable program and PACA for the  
7 last, over 14 years now. Started out in PACA as  
8 a Training Officer and then moving up to Deputy  
9 Director. And prior to that, I'm an Air Force  
10 retiree. But very great career here so far. And  
11 looking, again, to be the future to be even more  
12 successful.

13 But today with me I have two of my  
14 Associate Directors here. First being Randy  
15 Macan. Stand up Randy. He's the Associate  
16 Director for Inspection Services. Tell them a  
17 little bit about yourself Randy.

18 MR. MACAN: Good morning. Again my  
19 name is Randy Macan. As my Director said, I'm  
20 Randall Macan, Associate Director of Inspection  
21 Services.

22 Inspection Services covers the

1 training aspect, the standardization of brands,  
2 contract services, and our auditing services that  
3 we provide. I also handle budget and I play  
4 relations and human resources issues for the  
5 division.

6 As he mentioned, I myself have been  
7 with the department for 35 years actually this  
8 past year. So that's one milestone. And so  
9 mostly with the processed fruit and vegetable  
10 side. That's from the former processed products  
11 division that we've had.

12 And so, basically from our standpoint  
13 we handle the, I make sure that the training, all  
14 of our inspectors are trained. And basically, so  
15 that they are ready to go for when you need that  
16 service that we provide.

17 We also have about, for our  
18 standardization section, we have food  
19 technologists and experienced marketing  
20 specialists that cover 400 standards and another  
21 300 or 400 CIDS. That's Commodity Item  
22 Descriptions which are government buyer

1 specifications. So we maintain those.

2 We also are in charge of their  
3 operational rations which is our relationship  
4 contract with DOD where we cover the inspection  
5 service of all the MREs for the operational  
6 feeding programs for our soldiers around the  
7 field. So we have over 13 or 14 suppliers that  
8 we have actual personnel in the facility making  
9 sure that the DOD contract requirements are met.

10 On top of that we're presently working  
11 with USAID. USAID is in the process of trying to  
12 expand their humanitarian rations program where  
13 we are setting up a type of service similar to  
14 DOD where we can help them develop their  
15 humanitarian rations that are presently used for  
16 several instances either for disaster relief here  
17 in this country or for refugee situations around  
18 the world.

19 We're working with the UN on that  
20 also. It's going to be a meeting later on where  
21 we're going to expand the humanitarian rations  
22 program so that they can have enough supply to

1 meet the demand.

2 And so that's generally what it is.  
3 I'll have Ken Petersen, my auditing branch will  
4 be up later to talk about more detail on the  
5 audit side.

6 MR. TRIBBETT: Okay. And also Chip  
7 Taylor who is our Associate Director of  
8 Operations.

9 MR. TAYLOR: Good morning everyone.  
10 As Lorenzo and Randy said, my name is Chip  
11 Taylor. I'm Associate Director for Inspection  
12 Operations.

13 So basically I oversee all the  
14 inspection grading and certification activities  
15 for both the fresh and processed inspections that  
16 we do.

17 Randy mentioned the MREs. We inspect  
18 everything from A to Z or soup to nuts, whichever  
19 you prefer, and all things in between. We do the  
20 MREs.

21 Our largest programs are peanut  
22 inspection, raisin inspection in Fresno,

1 California followed by orange juice. We have  
2 more than 700 full and part time graders at more  
3 than 60 locations in inspection offices  
4 nationwide.

5 Additionally we have cooperative  
6 agreements with 41 states and the Commonwealth of  
7 Puerto Rico to license state and commonwealth  
8 employees to do inspections on our behalf. We  
9 train them, oversee them, and license them to  
10 issue our certificates.

11 So that's the real condensed version  
12 of what I do. And it sounds pretty  
13 straightforward but it doesn't seem to end up  
14 that way. Lorenzo?

15 MR. TRIBBETT: We had a little  
16 technical difficulty so I don't have anything to  
17 pass out. I was going to give you a little short  
18 film that we had that really entails exactly what  
19 we do within a minute and 20 seconds actually.

20 So I'm going to ask Pam, as you're  
21 going through the meeting here, maybe tomorrow  
22 she can show it to you to show you exactly what

1 we do all the way. Like I said, you'll pick up  
2 on it right away.

3 But a couple of the things that we do  
4 that people don't even realize is we're in olive  
5 oil also. We're into Subway and all the big  
6 companies. We have our hands, we're either  
7 grading, inspecting, or doing customized services  
8 for them. So we have a lot.

9 And our big thing right now is the  
10 group gap as Randy mentioned about that. Ken  
11 Petersen will be talking to everyone about that  
12 later on today or this afternoon. I'm quite sure  
13 that's high on your list of things outstanding.

14 He's been carrying the torch for that  
15 for us for, I know for me for the last four  
16 years. And prior to that when I knew him when he  
17 was just a one man shop. So that'll be a good  
18 when you do hear that presentation from him.

19 But for right now, we'll open up to  
20 any questions that you may have about specialty  
21 crops inspections.

22 MR. PARROTT: If I could just tack on

1 a couple of things before we get to questions. A  
2 few things I wanted to highlight. One is Chip  
3 and Randy talked about training.

4 You know, we have a lot of inspectors  
5 out there all over the country. We work, we have  
6 a training center that's a couple hours or one  
7 hour south of here in Fredericksburg, Virginia.  
8 It's a great facility.

9 We work really hard to ensure that we  
10 have consistency in our inspections. So you  
11 know, if you call for an inspection on a load of  
12 tomatoes in Los Angeles, it's going to be done  
13 exactly the same way as if you called for it in  
14 Boston or Milwaukee.

15 And you know, that takes a lot of  
16 training and effort to make sure that people are  
17 looking at things the same way. But that's  
18 really important to what we do.

19 There was something else I was going  
20 to mention and now I don't remember what it was.  
21 Blackboard, yes. So we just recently -- you  
22 know, obviously it costs money to bring in

1 inspectors and state inspectors from all over the  
2 country to Fredericksburg to get them trained and  
3 certified and brought up to speed.

4 But we just recently got the  
5 Blackboard system. Those of you that, you know,  
6 kids at university or, you know, younger are  
7 probably very familiar with it. But Blackboard  
8 enables you to do distance training really well.  
9 It also enables us to track, you know, who is  
10 doing what, how they're performing, all of those  
11 kinds of things.

12 So it's a great system. So we're just  
13 now getting that available. So that's going to  
14 help us reduce some of our training costs.

15 MR. TRIBBETT: Especially travel  
16 costs. And again, as Chuck was saying, it  
17 standardizes our training system and formalizes  
18 our training system. So we know at any given  
19 point in time how many people we have in  
20 training, who may be not doing so well, and how  
21 we can go about correcting that.

22 So like I said, it's a great tool. It

1 goes down to any type -- it can go down to your  
2 phone if you're having a class or whatever it may  
3 be. And you can do it. When we've got some down  
4 time perhaps in some of our offices, then our  
5 guys can go and train on specialized courses.

6 So we're very proud of that system.  
7 We're going to really -- I think next month we  
8 really release it. We're doing a lot of  
9 individual work right now. But it's going to be  
10 a great system for us that we'll be able training  
11 to, even out to the industry.

12 That's another big thing. Instead of  
13 having to come in to our training development  
14 center -- I don't know if anybody has ever sent  
15 anybody in here to do anything. But we'll be  
16 able to come out to your location via this  
17 Blackboard system and provide that training to  
18 you.

19 MR. PARROTT: One other thing if I  
20 just could tack on. You know, obviously there  
21 are federal grade standards. So you know, if you  
22 get a load of apples in, you know, does this load

1 grade US.. Number 1? That's what we do.

2 But we also do customized inspections.  
3 So if, you know, if Walmart had their own grade  
4 for, you know, what their buyers were looking  
5 for, we can do inspections to any level of  
6 certification that you want. So that's a  
7 customizable feature that we offer.

8 MR. TRIBBETT: Yes, ma'am?

9 MS. WHITTEMORE: What type of training  
10 is offered to the inspectors in terms of tropical  
11 products or exotic products?

12 MR. TAYLOR: Well we've got some  
13 standards. The mango standard was just issued  
14 five or six years ago I believe. We do a fairly  
15 comprehensive on the job training program. We  
16 can inspect any commodity whether it has an  
17 official grade standard or not.

18 And the tropics are an emerging  
19 sector. When I started back in the early '80s,  
20 tropical fruits consisted of bananas and  
21 pineapples and that was about it. That, of  
22 course, has expanded greatly.

1           A lot of that is through the OJT. But  
2 we have handbooks or guidance manuals that give  
3 general direction on those types of commodities.

4           MR. PARROTT: But if someone wanted to  
5 get, let's say a load of starfruit inspected.  
6 There's no grade standard for starfruit. But you  
7 guys would do the inspection and basically  
8 describe what you're seeing.

9           MR. TAYLOR: Oh absolutely. We can  
10 quantify what the defects are. We know what soft  
11 is or what flabby is or what shriveled is. So we  
12 have the ability to inspect any commodity.

13           MS. WHITTEMORE: I would like to  
14 volunteer, if it's possible, with some of that  
15 training.

16           MR. TAYLOR: Absolutely.

17           MS. WHITTEMORE: Because we import a  
18 lot of tropicals. And sometimes you bring  
19 products and you ask for an inspection. And to  
20 be honest, the inspectors don't know what those  
21 products are. And I mean, I understand. These  
22 are things that they've never seen. But it

1 should be some type of training.

2 Like I had a shipment of canepes. And  
3 they look at me like, what is this? What it  
4 should look like when it's good or when it's bad?  
5 So this person is making a determination of  
6 whether I'm going to lose my head on this product  
7 or not with something that they have never seen  
8 perhaps.

9 MR. TAYLOR: That is entirely  
10 possible. What we try to do in most instances is  
11 if it's close to another similar commodity, we  
12 tend to use those instructions. A dragonfruit,  
13 I'd never seen a dragonfruit before three or four  
14 years ago. But I can look at it, see the  
15 textures, it's soft skinned, hard shelled, what's  
16 the internal quality like. And base it on a  
17 commodity that I already know and have a standard  
18 on.

19 But certainly, we can develop any kind  
20 of specialized training that industry may need or  
21 our inspectors may need.

22 MS. WHITTEMORE: My offer still

1 stands.

2 MR. PARROTT: Any other questions on  
3 inspection? Okay. Thank you.

4 MS. WHITTEMORE: One more. I'm sorry.  
5 I've got one more.

6 MR. PARROTT: One more.

7 MS. WHITTEMORE: So if the standards  
8 for -- I have an example. So a shipper, a grower  
9 sends three containers of avocados from the  
10 Dominican Republic. Two goes through a port in  
11 New York, one goes through Miami.

12 The one through Miami goes through no  
13 problems, fine. The one through New York they  
14 stop because the fruit should be all the same  
15 size which is almost impossible. They demanded  
16 that they all should be the same size.

17 So that importer is stuck with two  
18 containers of avocados versus the one from Miami  
19 went right through. How is that possible if it's  
20 the same standards?

21 MR. TAYLOR: There are maturity  
22 requirements for green skinned avocados coming

1 into the country. So based on what type of year  
2 and where that cutoff date is --

3 MS. WHITTEMORE: Same time.

4 MR. TAYLOR: If that's a specific  
5 situation, I can find out for you.

6 MS. WHITTEMORE: Okay. Same time of  
7 the year, same time. It was a little odd.

8 MR. TAYLOR: Okay. Was that stopped  
9 by us or by --

10 MS. WHITTEMORE: You guys.

11 MR. TAYLOR: Okay. Because we don't  
12 really have the authority to stop anything.

13 MS. WHITTEMORE: That's what I was  
14 told.

15 MR. TAYLOR: We verify quality and  
16 requirements. But we don't have any police  
17 authority. So we can't hold a load. All we can  
18 do is fill out the certificate and say whether or  
19 not it met.

20 MS. WHITTEMORE: Mine was the one that  
21 went through so I'm okay.

22 MR. TRIBBETT: Well if you do have

1 those questions, you can give us all the data  
2 that you have and the information. We can  
3 definitely check it out. But like he said, when  
4 you said that I was saying we have authority to  
5 do that? We can find out though. That's not a  
6 problem.

7 MR. PARROTT: So just adding onto  
8 that, it wouldn't be SCI that would stop you. It  
9 would be Customs and Border Protection or CBP.  
10 And we're now at a point, we talked about ITDS  
11 earlier, where because all the filing is coming  
12 through ACE, even if that port isn't part of our  
13 pilot program yet, CBP now has a much -- the  
14 system will not let product in today if, what we  
15 call the old stamp and fax system, if the  
16 importer doesn't present that stamped copy of a  
17 fax from SCI indicating that they've got the  
18 inspection scheduled.

19 And then that puts it on CBP's screen.  
20 And now electronically, probably what's happening  
21 is the load failed, you know, it didn't meet.  
22 And my guess is ACE locked it down and wouldn't

1 release it. So it wasn't these guys or it wasn't  
2 SCI who was holding the load. It would have been  
3 CBP.

4 But just to add on, I mean, they'd  
5 have to look at the particular incidents. But it  
6 could have been that you had different varieties  
7 in those other containers. All the varieties are  
8 regulated on different maturity times under our  
9 regulations.

10 So there could be a number of factors  
11 at play there why one entered Miami okay and the  
12 other two did not. It could have been different  
13 product or something.

14 MR. PARROTT: Like I said, any  
15 questions we'll find out. Give us the data.

16 MS. STANZIANI: And I just want to say  
17 that it was my miscommunication, I apologize.  
18 But I will make sure that you do get a copy or  
19 see a copy of that video. It's a great animated  
20 video. They're kind of the pioneers for us, our  
21 program in this. And it actually, you'll be able  
22 to go online and grab it too. But I would like

1 you to see it here.

2 MR. TRIBBETT: And it's in English and  
3 Spanish also. So you know, we try to cover just  
4 about everything else. And next, I guess, we're  
5 going to try to do Korean as we continue to  
6 develop.

7 MR. PARROTT: Okay. Thanks Lorenzo  
8 and Chip and Randy. I know everybody is probably  
9 ready for a break. But we've got one more  
10 speaker. And then it's break time. So Patty  
11 Petrella is here. Patty is the Associate  
12 Director of our Promotion and Economics Division.  
13 And then we'll hear from her. And then we'll  
14 take a break. And then we'll come back with the  
15 full committee meeting.

16 MS. PETRELLA: And I'll be quick.

17 MR. PARROTT: While Pam is pulling  
18 that up, just a couple of housekeeping things. I  
19 think everybody knows this but we have coffee and  
20 water and tea that's up here. Water is in the  
21 back. Please help yourself.

22 And then the restrooms are, the

1 women's room is straight across the hall. And  
2 the men's room is to the right just a little bit  
3 and then it's on the left.

4 MS. PETRELLA: Good morning everybody.  
5 My name is Petty Petrella and I am the Deputy  
6 Director of the Promotion and Economics division.  
7 My supervisor Heather Pichelman is actually out  
8 at an industry board meeting for the paper and  
9 paper based packaging program today.

10 I know all of you have heard of beef,  
11 it's what's for dinner and got milk. These are  
12 tag lines from federally enacted research and  
13 promotion programs otherwise known as commodity  
14 checkoff programs.

15 In the Specialty Crops Program, our  
16 division oversees 13 of the 22 research and  
17 promotion programs for various fruit, vegetable,  
18 nuts, and forestry programs. They include  
19 avocados, blueberries, mangoes, Christmas trees,  
20 honey, mushrooms, peanuts, popcorn, potatoes,  
21 paper and paper based packaging, raspberries,  
22 watermelon, and softwood lumber.

1           Our two newest programs are the fresh  
2 cut Christmas tree program and the paper and  
3 paper based packaging program.

4           But first, let me tell you about the  
5 interesting organization of our division. We are  
6 made up of a team of marketing specialists that  
7 oversee the 13 research and promotion programs.

8           And a team of economists that compile,  
9 process, research, analyze, and report economic  
10 and statistical information on fruits,  
11 vegetables, and tree nuts and related  
12 commodities, other specialty crops including  
13 forestry products, and organic products.

14           PED economists also support activities  
15 related to various AMS SCP functions and other  
16 USDA agencies with emphasis on commodity  
17 purchases for feeding programs, particularly  
18 school lunch, marketing order and agreement  
19 programs, research and promotion programs, and  
20 other programs as needed.

21           Our marketing specialists work on the  
22 research and promotion programs. All national

1 research and promotion programs are designed to  
2 maintain and expand domestic and foreign markets  
3 for agriculture commodities.

4           These programs are created and funded  
5 entirely by industry stakeholders. The  
6 assessment payers can be producers, handlers,  
7 processors, manufacturers, and importers of the  
8 commodity.

9           Under a program a commodity board is  
10 established. And board members are nominated by  
11 the industry and appointed by the Secretary of  
12 Agriculture. No tax payer monies are used.  
13 These are user fee programs. They can be  
14 national in scope.

15           There are mandatory assessments on the  
16 programs that choose to be part of a RNP program.  
17 All the programs combine for approximately \$1  
18 billion annually.

19           AMS has been given oversight authority  
20 by Congress. AMS oversees how they money is  
21 spent in accordance with their laws. Some of the  
22 activities we oversee include budgets, contracts,

1 review promotional ads, research projects and  
2 promotional campaigns, to name a few.

3 We are the fiduciaries for the  
4 producers, importers, processors, handlers,  
5 manufacturers, and others that pay into the  
6 programs.

7 And that's all I have. If anyone has  
8 any questions about our research and promotion  
9 programs or what we do, what our economists do,  
10 I'll be happy to take them. And Chuck is on the  
11 economist staff.

12 MR. PARROTT: You may want to just  
13 give them a little bit of a feel for how much of  
14 a review -- like when one of the boards submits  
15 an ad to, you know, they have to get it approved  
16 first. What are we looking at and what do we  
17 ensure that it has to do?

18 MS. PETRELLA: Right. Any of the  
19 material that the board generates, promotional  
20 material, our specialists have to review that  
21 material. It's all considered government speech.

22 So we're looking at it to make sure

1 that it is in compliance with, we have  
2 guidelines. And also we review them under FDA  
3 guidelines and also FTC guidelines to make sure  
4 that they are compliant.

5 MS. WHITTEMORE: How do you decide, I  
6 mean, the committee decide what campaigns to  
7 target or what products to promote?

8 MS. PETRELLA: Well the board kind of  
9 makes that recommendation. They decide, they  
10 kind of steer I guess the whole strategy on what  
11 they're going to promote. And then most of the  
12 boards, they may have in house people that do  
13 that. Or they'll hire a contractor, PR firm or  
14 whatever to work on that strategy.

15 MS. WHITTEMORE: But is it based on a  
16 specific product that needs -- like for example,  
17 when it was the milk. Was it because milk was  
18 low and they want to promote more of the  
19 consumers using more milk because that will help  
20 the producers? What is the rationale?

21 MS. PETRELLA: Yes, I guess. I mean,  
22 these are all industry driven. So they come to

1       USDA. And if they decide they have, I guess, a  
2       problem or they want to promote their product,  
3       they come to USDA to develop a program.

4               MR. PARROTT: Yes. That's an  
5       important distinction. We don't say people need  
6       to drink more milk so let's get a milk -- no.  
7       The dairy industry comes to us and says hey, you  
8       know, we want to promote our product generically.  
9       So we oversee that program. But it's completely  
10      up to them whether they want to have one or not.

11             MS. WHITTEMORE: So any industry could  
12      come up to you guys?

13             MR. PARROTT: Could, yes.

14             MS. WHITTEMORE: And what is the  
15      mechanism to do so, to present an idea for a  
16      promotion?

17             MS. PETRELLA: We actually have some  
18      procedures on our website. I'd be happy to  
19      direct you to the website. Usually a proponent  
20      group comes to us and we help them kind of  
21      develop the program. And that's usually how it's  
22      done.

1 MS. WHITTEMORE: Thank you.

2 MS. STANZIANI: I'll make sure that  
3 you get any information that you need from any of  
4 these presentations.

5 MR. MACAN: Thank you very much for  
6 the presentation. I guess just a couple of  
7 questions with respect to marketing orders and  
8 marketing agreements. There was the lawsuit on  
9 the raisin marketing order which, you know,  
10 pretty significantly called into that question  
11 that order.

12 I'm just wondering, you know, is that  
13 having any repercussions in terms of the  
14 execution of other marketing orders? Or are  
15 there changes in policy that you all are having  
16 to pursue in order to come into compliance?

17 MS. PETRELLA: Well I'll let Mike  
18 answer that. He's actually the Division Director  
19 for marketing orders.

20 MR. DURANDO: Thank you. Nice to see  
21 you. Sure. I think I can say right now the  
22 litigation that was going on in marketing orders

1 I don't think has really spilled over to research  
2 and promotion programs at least politically or  
3 programatically or anything like that. They're  
4 really two separate animals although we have a  
5 lot of overlap in the things that we can do.

6 With regard to the raisin litigation,  
7 again, that was a very narrow decision by the  
8 U.S. Supreme Court relating to the grower held  
9 reserve for raisins as part of their volume  
10 control program.

11 As a result, the repercussion or the  
12 result of that decision has been that the  
13 Department of Agriculture has made it clear to  
14 the Raisin Administrative Committee that oversees  
15 that program that it will not, we the department  
16 will not implement any form of that reserve  
17 program as it is currently constituted in the  
18 regulations.

19 It has not spilled over to other  
20 marketing orders. And there are currently no  
21 agreements on the books. The reason being the  
22 reserve provisions in any of the other orders

1 that have reserves are materially different than  
2 what was in the raisins.

3 And so, when you get in there and  
4 start splitting all the legal hairs, if you will,  
5 the applicability doesn't flow over to those if  
6 that makes sense.

7 The final repercussion, and I can just  
8 report it from a process standpoint, we are  
9 actually have been working with the raisin  
10 committee to go through formal rulemaking. This  
11 is with public hearings and public comment and  
12 final notices.

13 The order is in the process of  
14 potentially being amended. A recommended  
15 decision has not been published yet. But the  
16 Department of Agriculture did propose in that  
17 hearing to completely strike all of the volume  
18 control provisions in the raisin order.

19 So if this process proceeds, that  
20 could likely occur. But other than that, no  
21 other hit on the other programs. We're in good  
22 shape.

1 MR. MACAN: Thank you Mike.

2 MS. MANIER JOHNSON: I was just  
3 wondering, so the campaigns such as Got Milk, are  
4 they then funded by the industry themselves?

5 MS. PETRELLA: Yes.

6 MS. MANIER JOHNSON: Okay.

7 MS. PETRELLA: And so are the ones in  
8 our program too. Yes, they're all industry  
9 driven. That is industry funded.

10 MR. PARROTT: And I would add, that  
11 would be the same for the marketing orders as  
12 well. If you see California almonds promoted or  
13 Florida tomatoes or Texas citrus or cranberries  
14 or any of those things, that's all industry  
15 funded. Any other questions?

16 Thanks Patty. So at this point we'll  
17 take a break. Let's take 15 minutes. That takes  
18 us to about 10:35. And then please be back and  
19 we'll have the full committee and we'll get  
20 underway.

21 (Whereupon, the above-entitled matter  
22 went off the record at 10:19 a.m. and resumed at

1 10:40 a.m.)

2 CHAIR KNORR: Good morning, everybody.

3 Okay, welcome. It's great to see so many  
4 returning faces, and I think I can speak for the  
5 returning members, we're excited to welcome all  
6 the newcomers to the Committee at this time.

7 We're going to go ahead and call the  
8 meeting to order here, and first thing, I think  
9 we're going to go around and do a round of  
10 introductions. So, if you could state your name,  
11 the organization you're with, that will help us  
12 get to know one another a little bit better.

13 So, I'll start, since I have the  
14 microphone. My name is Beth Knorr. I'm with  
15 Countryside Conservancy, located in Peninsula,  
16 Ohio. I'm involved with managing farmers'  
17 markets and also, Summit Food Policy Coalition,  
18 where organizations come together to deal with  
19 policy issues related to sustainable agriculture,  
20 as well as healthful food access.

21 MS. BURNS: Good morning. I'm Cathy  
22 Burns, President of the Produce Marketing

1 Association, taking over as CEO of the Produce  
2 Marketing Association in January, January 31st,  
3 to be exact. Bryan Silbermann is retiring, after  
4 a 33 year career.

5 I've been with PMA for three years  
6 now. Prior to that, I spent my first 30 years in  
7 grocery retail, 20 years at Hannaford up in the  
8 Northeast and 10 years at Food Lion, where I was  
9 blessed to run the company the last three and a  
10 half years I was there. Welcome to all our new  
11 members.

12 MR. ALLISON: Hi. My name is Mark  
13 Allison. I'm with the Cheesecake Factory  
14 restaurants.

15 MS. DIETRICH: Good morning. I'm  
16 Helen Dietrich. I'm an apple grower from  
17 Michigan, and we also pack fresh asparagus.

18 MR. CASTANEDA: Good morning. My name  
19 is Carlos Castaneda. I'm in California. I'm in  
20 the labor business, 25 years this year, and happy  
21 to be here, and welcome to all the new members.

22 MS. BALCH: Hi. I'm Christie Balch.

1 I'm with the Crossroads Community Food Network in  
2 Maryland, and we run the Crossroads Farmers  
3 Market, which was the first market in the country  
4 to do a double-dollars for federal nutrition  
5 benefits program. So, healthy food incentives.

6 MS. ELLOR: Tina Ellor, Phillips  
7 Mushroom Farms.

8 MR. YANDA: I'm Dave Yanda with  
9 Lakeside Foods. We're based out of Manitowoc,  
10 Wisconsin. We have a number of plants across the  
11 Midwest, where we freeze and can a variety of  
12 vegetable products, and then we do some other  
13 food products, as well.

14 MR. WILLIAMS: Good morning. My name  
15 is Tom Williams. I'm the director of produce and  
16 floral for Coborn's. We're a family-owned and  
17 employee-ran group of 50 stores, operating in  
18 Minnesota, Wisconsin, North Dakota and Iowa, and  
19 happy to be here again.

20 MR. NOLAN: I'm Bob Nolan, a fourth-  
21 generation vegetable farmer from New York, 30  
22 acre farmer, lettuce, spinach, cabbage, some

1 herbs, basil, arugula, stuff like that. I have a  
2 roadside stand. Also sell to other roadside  
3 stands and sell to supermarkets, fresh-direct to  
4 New York City and also to Hunt's Point. I'm glad  
5 to be back. This is my third go-around. So.

6 MS. BARNES: My name is Virginia  
7 Barnes. I work for my family's fifth-generation  
8 farm in Hastings, Florida, and we grow a variety  
9 of fresh produce, and this is my second go-  
10 around.

11 MR. NICHOLSON: Thank you. Mark  
12 Nicholson, Red Jacket Orchards in Geneva, New  
13 York. We're a third-generation orchard and juice  
14 company. So, we both grow summer fruits and  
15 apples, as well as process apples into cider, and  
16 then a line of 100 percent fruit juices.

17 I recently served as the chairman for  
18 the U.S. Apple Association, and my history way  
19 back, at one point, I was a USDA employee. We're  
20 talking 1998 and 1999, and then even another  
21 stint after that for a bit. So, it's nice to be  
22 able to come back and see the operation here.

1                   MR. HANAS: Good morning. Rick Hanas  
2 with the Duda Company.

3                   I'm COO, Senior VP for the company.  
4 We're a family-owned farming concern, with two  
5 major -- with farms in Florida and California,  
6 and subsidiary growing activity in 11 other  
7 states in the United States, and it's a pleasure  
8 to have the new folks that are here, to be with  
9 us.

10                  MR. SUTTON: Good morning. My name is  
11 Dan Sutton. I'm the general manager for Pismo  
12 Oceano Vegetable Exchange, a grower shipper out  
13 of the central coast of California. We have a  
14 co-operative that markets products for its  
15 members throughout the United States, producing  
16 leafy greens and oriental vegetables.

17                  MR. McREYNOLDS: My name is Roland  
18 McReynolds. I'm executive director with the  
19 Carolina Farm Stewardship Association, a member  
20 organization, serving farmers and value-added  
21 food producers in North and South Carolina, that  
22 are principally focused on the markets for local

1 and organic foods, and welcome to all the new  
2 members.

3 MR. TALBOTT: I'm Bruce Talbott from  
4 Palisade, Colorado. We're a family organization.  
5 We're a grower, shipper, packer, processor of  
6 mostly peaches, wine grapes, sweet cider and  
7 recently hard cider.

8 MS. MANIER: My name is Holly Mainer.  
9 I work Bay Baby Produce and we are a grower,  
10 shipper and packer of pumpkins and organic  
11 squash.

12 MR. VAZQUEZ: Good morning, everyone.  
13 My name is Jorge Vazquez. I'm the president of  
14 Latin Specialties in Houston, Texas. We are an  
15 import outfit, import from South America, Mexico  
16 and other countries, and distribute into retail  
17 and food service. We recently added a fresh-cut  
18 division, as well as a re-pack department.

19 MS. WHITTEMORE: Good morning, all.  
20 Lucy Whittemore. I am with W.P. Distributor. I  
21 am a co-owner of the company. My brother and I  
22 own it, and I'm super, super excited to be here

1 and make a contribution to the industry, after 10  
2 years of being around, I can't be any more  
3 excited. So, just keep on growing.

4 We sell tropical produce, with is a  
5 growing market for the Latino community in the  
6 U.S. So, happy to be here.

7 MR. JANIS: Good morning. I'm Michael  
8 Janis. I'm with the San Francisco Wholesale  
9 Produce Market, and in addition to providing food  
10 infrastructure for our 30 businesses, as well as  
11 services, we're very engaged in food policy and  
12 food access work in San Francisco Bay Area.

13 MR. PARROTT: So, thank you, everyone,  
14 and as you can see, we have a really impressive  
15 group of people, and again, we've worked very  
16 hard to make sure that the whole industry is  
17 represented, and I think you heard that, as we  
18 went around.

19 So, at this point, it's my please to  
20 introduce Elanor Starmer to you. Elanor is the  
21 administrator of the agricultural marketing  
22 service. She's been with USDA since 2011. She

1 came in originally to work with the Deputy  
2 Secretary Kathleen Merrigan at the time, and then  
3 she became a senior advisor to Secretary Tom  
4 Vilsack.

5 Prior to joining USDA, Elanor worked  
6 in non-profits and as a consultant on rural  
7 development, agriculture and water policy issues,  
8 both in the United States and Latin America.

9 She holds two Masters degrees, and  
10 she's originally from a farming -- small farming  
11 community in New Hampshire, kind of near the  
12 White Mountains, up there.

13 So, with that -- and I will say just  
14 on a personal note, for me, it's been wonderful  
15 because Elanor has such a strong interest in  
16 fruits and vegetables. That's integral to what  
17 she does and how she thinks. So, she's been a  
18 real strong advocate for all of us. So, Elanor,  
19 I'll let you speak.

20 MS. STARMER: All right, thank you so  
21 much. It's great to be here and Chuck, I  
22 appreciate your words, but it is absolutely true

1 that the produce work is very close to my heart.

2 As Chuck mentioned, I grew up in a  
3 small farming community in New Hampshire, just  
4 south of the White Mountain National Forest, and  
5 my next-door neighbors are vegetables growers,  
6 and I grew up working on their farm, and  
7 throughout a lot of folks in the community who  
8 are dealing fruits and vegetables, and it's been  
9 really neat to be here, during this  
10 administration, where I feel like all the way the  
11 from top at the White House, there has been such  
12 an emphasis on the opportunities presented by --  
13 through the fruit and vegetable industry,  
14 opportunities not just for our farmers and our  
15 businesses, but also for consumers, in terms of  
16 healthy eating, and that's been a great emphasis,  
17 something that I've been really thrilled to be  
18 part of, and something that I know will continue  
19 to be front and center, because I don't see this  
20 work going anywhere, and I imagine all of you  
21 will help make sure that that's the case. So,  
22 it's great to be here.

1           On behalf of Secretary Tom Vilsack and  
2 the rest of the department, and all of AMS, I'd  
3 like to welcome all of you here. I thank the  
4 returning members for coming back and continuing  
5 to put your work and your minds, into this  
6 effort, and to welcome those of you who are  
7 joining the committee for the first time.

8           I think that you will find that this  
9 is a very important forum for bringing issues  
10 relevant to the industry, in terms of your needs  
11 and priorities to forefront, and really plugging  
12 those into the Department at various levels.

13           As I was thinking about this work,  
14 last night, as I was reading through the agenda,  
15 it struck me that the work that you're doing is  
16 integral to the way that our programs and  
17 policies function, and it is also really critical  
18 to the functioning of our democracy, which I  
19 realize sounds a little bit overblown perhaps,  
20 but when we think about it, committees like this  
21 are one of the ways in which we ensure that our  
22 programs and our services are reflective of the

1 needs of a very diverse industry, and that  
2 they're meeting the priorities and that if  
3 they're not working, it gives us feedback that  
4 allows us to make them work better.

5 So, as we think about sort of the idea  
6 of having a system in which our policies and  
7 programs truly reflect your needs, the work of  
8 this committee and other FACA committees is  
9 incredibly important to that, and we have other  
10 mechanisms as well, like our notice and comment  
11 rulemaking processes and other things, but the  
12 work that you all are doing is really critical to  
13 helping make sure that we're constantly able to  
14 be responsive and aware of the needs and the  
15 priorities of your industry.

16 So, I thank you for being here, and  
17 I appreciate all the work that Chuck and his team  
18 have done to bring together a committee that  
19 truly represents the diversity of this industry.

20 I think it's very exciting, as I hear  
21 you all go around, to get a sense of where  
22 everyone is coming from and just the breadth of

1 work that you're doing. So, thanks for being  
2 here.

3 I think you've got a very exciting  
4 agenda before you over the course of the next day  
5 and a half, and many of these issues are issues  
6 that have been raised by the committee last term  
7 and that I know you will continue to keep front  
8 and center.

9 We'll have folks in later this  
10 afternoon talking about the Food Safety  
11 Modernization Act. This is an issue that I  
12 worked on for the Secretary, when I was in his  
13 office, and that I've continued to keep a very  
14 keen focus on, as I've been in my role at AMS.

15 It's not our rule, right. It's FDA's,  
16 but USDA plays an incredibly critical role, in  
17 terms ensuring that the -- that the interests of  
18 the ag sector and sort of the reality of what it  
19 is to be a fruit or vegetable farmer and how  
20 these rules will impact those producers is at the  
21 table with FDA, and that's something that we have  
22 tried to do throughout the process.

1           So, very, very early on as they were  
2           conceiving of these rules, we took a very -- a  
3           very strong role in bringing the interests of the  
4           industry to the table in those discussions.

5           At this point now, we're looking ahead  
6           at implementation, and I know you'll get a lot  
7           more detailed information this afternoon, about  
8           the landscape of training opportunities and  
9           education and technical assistance that will be  
10          available.

11          It is a broad landscape. I think  
12          there is still a lot of work that needs to be  
13          done, to bring together all of those different  
14          options that are going to be available to the  
15          industry as these rules roll out, and help folks  
16          understand what's there for them.

17          So, that's a challenge that we have  
18          before us, and one that I know you're very  
19          engaged in, as well.

20          We have done a lot of work to date, to  
21          begin a process with FDA, to look at our good  
22          agricultural practices, or GAP program, alongside

1 the FSMA requirements, and you see how they can  
2 better be aligned, because we know that there are  
3 a lot of folks already using GAP and we would  
4 like for that program to serve as -- as a tool  
5 that growers can use to be able to know that  
6 they're sort of looking through the list of  
7 what's going to be required under FSMA and  
8 getting closer to meeting those requirements.

9 So, we've had FSMA/GAP alignment  
10 process underway with FDA for a number of months.  
11 I think we're in a very good place on that, and  
12 you'll hear more about the time line for that  
13 process this afternoon.

14 As we have been engaged on that, and  
15 even prior to starting that process with FDA, we  
16 did recognize that the GAP program is a really  
17 important tool for growers to help them  
18 understand food safety best practices and be  
19 certified to be meeting those best practices.

20 We also recognize that for a number of  
21 the smaller growers or folks who are looking at  
22 scaling up, who really need that certification to

1 access markets, that the cost of that  
2 certification program is a barrier, and so, I'm  
3 very proud that AMS saw that, sort of looked  
4 ahead at what the need was going to be, and over  
5 three years ago now, piloted a group GAP program,  
6 where we allowed groups of growers, doesn't  
7 matter what size, but I think it's particularly  
8 useful for some of the smaller growers and others  
9 who were -- who were coming together, to  
10 participate as a group, to get audited and  
11 certified as a group, and that allows them to  
12 share the cost of that process across the group,  
13 but also, to show growers -- to show buyers that  
14 they are all in compliance with the GAP best  
15 practices.

16 We rolled that out as an official  
17 permanent program earlier this year, and I was  
18 just talking with Ken Petersen, who you'll hear  
19 from later, who has really been heading up this  
20 work.

21 We've already got 10 grower groups  
22 that we anticipate to be certified by the end of

1 this year. Around 300 growers are part of that.  
2 So, that's 300 new growers who are now going to  
3 be able to access grocery stores, institutional  
4 markets and other higher-volume buyers that they  
5 may have never had the option to sell to before.

6 So, that's very exciting, and it's  
7 just one example of the way that we want to be  
8 listening to you, hear what some of the needs  
9 are, and trying to adapt our programs and our  
10 services to meet those needs. So, that's  
11 something that you'll be hearing more about.

12 I believe you also have a presentation  
13 today on GMO labeling. I know this is an issue  
14 that some of you are really interested in. It's  
15 one that is going to be quite a process for the  
16 ag marketing service, my agency. We are the ones  
17 charged with implementing the law that was passed  
18 by Congress this summer, and we have worked very  
19 hard to put together a process that is going to  
20 allow for a lot of opportunity for public input.  
21 It's going to be very transparent and -- but  
22 we'll try as best we can to engage folks on all

1 sides of the issue.

2 So, I'm very pleased with where we  
3 are, in terms of that planning. We are still  
4 waiting on funding. Unfortunately, Congress has  
5 not yet provided that, although they do have a  
6 very aggressive time line that they're asking us  
7 to meet with no resources.

8 So, I am hopeful that that will change  
9 in the coming months, because it's something that  
10 there is a lot of interest in, and I think it's  
11 in everyone's best interest to ensure that we can  
12 run a process that does have a lot of opportunity  
13 for public input. So, we are working on that.

14 I know that one of the issues that  
15 many of you are interested in as well, is the  
16 various USDA grant programs that are out there to  
17 support the fruit and vegetable industry, and  
18 there are a number of them. Just, I guess it was  
19 last Monday, I was up in New Hampshire for an  
20 event with the Ag Commissioner there and he  
21 announced the roll out of \$62.5 million in  
22 specialty crop block grant funds, which as I'm

1       sure you know, go to the states, but then  
2       redistribute those funds to grantees.

3                 There is so much interesting work  
4       happening through that program, and because -- I  
5       believe because it's a block grant program, it is  
6       able to be responsive to different needs and  
7       different regions of the country, in a way that's  
8       pretty unique.

9                 Everything from research and to crop  
10       pests and diseases, to feasibility studies to  
11       look at new market opportunities for produce, and  
12       it's very, very exciting. So, we were thrilled  
13       to roll that out.

14                But there are a lot of other tools in  
15       the toolbox, as well, that I know you'll be  
16       discussing today, and again, I hope that this  
17       forum can really be a place to talk about what's  
18       working well, where do you see holes, in terms  
19       what's being supported through some of these  
20       programs, and to the extent we are able to adapt  
21       them, you know, not always the case depending on  
22       how the law was written, but when we look at some

1 of our research agencies, they do have a lot of  
2 discretion over how they're targeting that  
3 funding.

4 So, having this sort of interactive  
5 opportunity with all of you to talk about what's  
6 working and where the gaps are, I think can help  
7 ultimately direct those funds in a way that will  
8 benefit the industry, which brings me to the Farm  
9 Bill, because many of these programs are offered  
10 through the Farm Bill, and as I'm sure you know,  
11 we've got another one coming down the pike.

12 Those conversations are already  
13 starting fast and furious, and the agency plays  
14 an interesting role in that process.

15 Obviously, Congress is the one that  
16 writes the law, but we are often asked for  
17 technical assistance, as they look at that. You  
18 know, what do you think of this idea? How would  
19 this actually work? Would you be able to  
20 implement this as written?

21 That's another place I believe, where  
22 the input that you all are providing is going to

1 help inform our agency, as we're having those  
2 conversations with Congress about the upcoming  
3 Farm Bill.

4 So, again, your work is very important  
5 in helping direct Congress's work, even though we  
6 don't have, you know, the jurisdiction to  
7 actually write the Bill ourselves. I know  
8 sometimes we wish we did, but.

9 I think the other thing that's on a  
10 lot of folks' minds, certainly on my mind, is the  
11 upcoming transition in administrations.

12 AMS is a very lucky agency, relative  
13 to some of our sister agencies within USDA, in  
14 that we only have one political appointee and  
15 it's me.

16 So, the good news is that our very  
17 strong career leadership, including Chuck and  
18 other Deputy Administrators for our programs are  
19 not going anywhere, and my two associate  
20 administrators are not going anywhere.

21 So, you will be able to instead, in  
22 the sense that you have a very stable leadership

1 structure, career leadership structure within my  
2 agency, but that doesn't mean that there aren't  
3 going to be challenges associated with the  
4 transition.

5 I was having coffee this morning with  
6 someone who told me, anyone who thinks that they  
7 know how this is going to go is lying, and I  
8 think that's that case, I've heard lots of  
9 different stories about what the transition will  
10 be like.

11 But I do know that we will have a new  
12 team of folks coming in, a transition team first  
13 and then new political appointees coming in after  
14 January 20th, and again, there is a real  
15 opportunity to be putting things on their radar  
16 screen that are priorities for the industry and  
17 really make sure that the things that you all  
18 have been working on and talking about don't lose  
19 steam, but we keep them front and center, that  
20 folks know that it's important, and that we're  
21 really getting them briefed up on the discussions  
22 that we're having here today.

1           So, I have asked, and will continue to  
2           ask our AMS team to keep these on the list and to  
3           -- as soon as folks start coming in, to begin  
4           having those conversations and getting them up to  
5           speed on the work of this committee and the  
6           recommendations that are coming out of your --  
7           your conversations. So, that's another great  
8           opportunity.

9           I know in looking through the  
10          recommendations that have come out of the  
11          committee meetings, that not all of them are  
12          things that my agency can necessarily do, and  
13          that's okay.

14          There was a big focus in the last  
15          meeting on challenges facing beginning farmers  
16          and ranchers, and I know this is an area that I  
17          very important to the Secretary and to the  
18          Administration, and also looking at land access  
19          for fruit and vegetable growers, which is an  
20          issue that, I think across the spectrum of  
21          commodities, folks are facing, but it's  
22          particularly a challenge with some of our fruit

1 and vegetable growers who are, you know, located  
2 closer into areas that are being really pressured  
3 by development. That's certainly the case where  
4 I come from.

5           You know, those aren't necessarily  
6 issues that AMS has the ability to fix, but we  
7 are in a very good position to be able to act as  
8 your ambassadors, if you will, to other parts of  
9 the department. Whether that is taking your  
10 recommendations and talking to some of my  
11 colleagues, fellow administrators in our research  
12 agencies or FSA, or other folks who can help on  
13 the land access side, or making introductions for  
14 you, as you look at how you want to move you work  
15 forward and just have the capacity for this  
16 committee to engage with the department.

17           So, that is also something that I'm  
18 very committed to doing, and I think one of the  
19 things I love about working at AMS is that we do  
20 have these really strong ties with the industry,  
21 and we can in many ways, act as ambassadors in  
22 other parts of the department and sort of help

1 you understand the structure, how decisions are  
2 made and how to plug in.

3 So, that will certainly be something  
4 that we'll be thinking about, moving forward,  
5 through the transition and beyond.

6 So, with that, I wish you a really  
7 productive and enjoyable day and a half. I think  
8 it's a great group of people. I can't wait to see  
9 what comes out of your conversations. I wish I  
10 could stay to be part of them, but my schedule  
11 won't allow that, but I certainly want to welcome  
12 all of you, thank those of you who are returning  
13 and wish you the best over the next day and a  
14 half, and I will read very closely, the write up  
15 of the meeting, and look forward to doing  
16 everything that I can do, to support you in the  
17 months ahead. Thank you.

18 MR. PARROTT: Okay, so, the next thing  
19 on the agenda -- thank you Elanor. We have  
20 certificates from the Secretary, appointing each  
21 of you to this committee, and I'm going to let  
22 Elanor pass those out, and we'll get photos too,

1       okay.

2                   MS. STARMER:   Okay, so, how do you  
3       want me to do this?

4                   MR. PARROTT:   Why don't we do it up  
5       here?

6                   MS. STARMER:   Okay.   All right, so,  
7       Mark Allison, come up.   All right, Christie  
8       Balch.   Virginia Barnes.   All right, Michael  
9       Janis.   All right, Holly Johnson.   Beth Knorr,  
10      and Beth, thank you for your leadership.

11                   Mark Nicholson.   Robert Nolan.   Dan  
12      Sutton.   Bruce Talbott and Lucy Whittemore.

13                   Thank you so much.   Thank you,  
14      everyone.

15                   PARTICIPANT:   In case you're  
16      wondering, these letter are given out to those  
17      whose terms are beginning this time.   So, if you  
18      have a three year term, and this is your final  
19      year, you won't have received on this time  
20      around.

21                   A couple of announcements.   First of  
22      all, if you haven't signed in already, this goes

1 for both the observers, as well as the Committee  
2 members, we need to keep a good record of who is  
3 attending the meeting.

4 So, if you haven't done so already,  
5 please make sure that you sign in. That goes for  
6 today and tomorrow, as well, please.

7 We're going to -- speaking of  
8 observers, have the observers around the room  
9 introduce themselves, because these are public  
10 meetings. We often do have observers and  
11 commenters who are attending to see what the  
12 Committee is discussing and ask questions, where  
13 they have an interest.

14 So, we're going to invite them now to  
15 stand up and introduce themselves to the  
16 Committee.

17 MR. PURVIS: I'm Carl Purvis. I'm  
18 with AMS Public Affairs. I'm here to take photos.

19 MR. ASTILL: I'm Greg Astill. I'm  
20 with the Economic Research Service at USDA.

21 MR. MINOR: Travis Minor. I'm also  
22 with ERS.

1 MS. HOSTETTER: I'm Sarah Hostetter.  
2 I'm the Regulatory and Technical Affairs  
3 Specialist.

4 MS. CURLEY: Diane Curley.

5 MR. PETERSEN: Ken Petersen. I'm the  
6 Chief of the Audit Services Branch.

7 CHAIR KNORR: Okay, next we are going  
8 to be taking a group photo out in the open area  
9 outside. So, if we can all go ahead and head out  
10 that way.

11 (Whereupon, the above-entitled matter  
12 went off the record at 11:13 a.m. and resumed at  
13 11:19 a.m.)

14 MR. PARROTT: Okay, so, now that  
15 everybody is back, thank you for that.

16 We're running a few minutes ahead of  
17 schedule. So, what we thought we'd do is, since  
18 many of you have businesses to attend to, you're  
19 probably looking -- this is a great time to make  
20 some phones.

21 At 11:45 a.m. we're going to meet  
22 upstairs in the lobby level for lunch. There's a

1 restaurant up there called Cinnebar. Is that  
2 correct?

3 PARTICIPANT: I think it's the second.  
4 Take the elevator up one.

5 MR. PARROTT: Okay, so, one level up  
6 from here. The lobby, yes.

7 So, we're going to do that. So, make  
8 sure you're there by 11:45 for lunch, and between  
9 now and 11:45, again, you've got some time, you  
10 can chat amongst yourselves. You can catch up on  
11 the email or phone calls, whatever works for you.

12 So, we'll see everybody then upstairs  
13 at Cinnebar at 11:45. Thank you.

14 (Whereupon, the above-entitled matter  
15 went off the record at 11:20 a.m. and resumed at  
16 1:07 p.m.)

17 MS. STANZIANI: Good afternoon,  
18 everybody. I think we're going to get started.  
19 So, we can stay on schedule here, and I'm going  
20 to hand the meeting over to Beth.

21 CHAIR KNORR: Welcome back, everybody.  
22 A couple of items.

1           As we go throughout the meeting, make  
2           sure that you are using your microphones and  
3           speaking clearly, and also, state your name for  
4           the minutes, so that they can get a good record  
5           of the comments and who is making them.

6           I think we covered the sign in sheets  
7           and --

8           PARTICIPANT: Yes, I think that's it.

9           CHAIR KNORR: Yes. So, just make sure  
10          you're speaking into your microphones and stating  
11          your name, before you ask a question or make a  
12          comment. Yes, go ahead.

13          MS. STANZIANI: Yes, at this point,  
14          now that you've all gotten to know each other, we  
15          will be electing a chair and a vice chair. We  
16          need to do this every time we have a new group  
17          come in.

18          So, at this point, I think the duties  
19          of the chair and vice chair are pretty self-  
20          evident here.

21          You're leading the meeting. I work  
22          with you as the Designated Federal Officer, in

1 putting the agenda together, or if we have any  
2 issues that we have to discuss, with regard to  
3 problems. It's up to the chair and the vice  
4 chair, and Chuck and I, to smooth them out.

5 It's actually pretty, you know, easy,  
6 except you have to not mind being the center of  
7 attention, I guess, and be a little bossy and run  
8 the meeting.

9 But so, I am going to -- at this  
10 point, I guess we could just take nominations for  
11 chair. Is anybody -- Cathy?

12 MS. BURNS: Cathy Burns. I would like  
13 to nominate Beth Knorr for chair of this  
14 committee. Do I have to say why, because I could  
15 go on for a long period of time, but obviously,  
16 Beth has served -- I think this is your fifth  
17 year now or -- and on this Committee she has --  
18 she was ran -- she has run the last two meetings,  
19 and just a great advocate for this work and would  
20 love to see her as chair.

21 MR. VAZQUEZ: Jorge Vasquez. Latin  
22 Specialties. I'd like to second that.

1 MS. STANZIANI: Okay, then do we have  
2 any other nominations for chair? It doesn't look  
3 like it.

4 So, all in favor say aye.

5 {Chorus of ayes.}

6 MS. STANZIANI: Any against?

7 {No audible response.}

8 MS. STANZIANI: You are the chair,  
9 officially. Beth Knorr. Congratulations.

10 Now, as vice chair, what we typically  
11 like to do is somebody who is a new member, to  
12 assume that role, mainly because you will be  
13 continuing that role after this last group of  
14 members -- unless they get re-appointed, of  
15 course, leaves the committee.

16 So, is there anyone who is interested  
17 in the vice chair or would like to nominate  
18 someone as vice chair? Tina?

19 MS. ELLOR: How about you, Bob? Would  
20 you be willing to do that?

21 MR. NELSON: Yes, I don't mind serving  
22 as vice chair, but I'm not new to it.

1 MS. ELLOR: But you are new. You were  
2 just re-appointed.

3 PARTICIPANT: That's true. You're on  
4 another two year term.

5 MR. NELSON: That's right.

6 MS. STANZIANI: Okay, so is that a  
7 yes, Bob?

8 MR. NELSON: Yes.

9 MS. STANZIANI: Okay, do we have a  
10 second?

11 MR. YANDA: Okay, that's Dave Yanda,  
12 seconding the motion. Any others? Any other  
13 nominations for vice chair? No?

14 All in favor, say aye.

15 {Chorus of ayes.}

16 MS. STANZIANI: Any against?

17 {No audible response.}

18 MS. STANZIANI: Congratulations, Bob  
19 Nolan. You are now the vice chair. Now, you're  
20 really going to get it.

21 Okay, I think we can resume now. I'm  
22 going to turn it back over to our new chair.

1 CHAIR KNORR: Thank you all very much  
2 for your vote of confidence.

3 So, next up we have Andrea Huberty,  
4 the senior policy analyst, who is going to share  
5 with us, information on the USDA GMO regulations.

6 DR. HUBERTY: Hello, everybody. Can  
7 you hear me okay? I'll just move this a little  
8 bit.

9 So, thank you for having me. This is  
10 -- we're doing our like, dog and pony show, going  
11 around to all sorts of organizations to talk  
12 about the GMO disclosure law.

13 So, as you may be aware, so the  
14 President signed into law, the National Bio-  
15 Engineer Food Disclosure Standard on July 29th,  
16 2016. That happened on July 29th. I started work  
17 at AMS on August 7th.

18 So, this has been going at a pretty  
19 lightning speed, and what I'm going to run  
20 through is, I'm going to take you through some of  
21 these pieces here, these nine points in the law.

22 So, when Congress went through in

1 developing this, this standard, this has been in  
2 the works for a couple of years on the Hill, and  
3 what they ended up doing is essentially providing  
4 the USDA with lots of discretion about how to  
5 implement the law.

6 So, these nine points here are some of  
7 the points that we are dealing with as an agency,  
8 to develop the implementation and the regulations  
9 for the National Bio-Engineered Food Disclosure  
10 or the GMO labeling law.

11 So, you are, I'm sure, very familiar  
12 with this structure. So, just to remind you, AMS  
13 is in the marketing and regulatory programs  
14 within USDA.

15 So, the GMO disclosure law is both a  
16 regulatory law or regulation, because it is a  
17 mandatory disclosure requirement, for those that  
18 are subject to this standard, and as well, it's  
19 also a marketing issue.

20 So, we view the GMO disclosure piece  
21 as informing consumers, giving them more  
22 information about their food. This is not a food

1 safety issue. It is much more of a marketing  
2 issue. It's informing consumer approach, the GMO  
3 disclosure.

4 So, this is the first part of it. The  
5 law goes -- I'm going to take you through these  
6 nine pieces.

7 So, one of which is the definition of  
8 bio-engineered food, and so, here it's food for  
9 human consumption. That's what the disclosure  
10 stands -- requires -- is subject to. So, food  
11 for human consumption, and it contains materials  
12 that were generated through genetic engineering  
13 or bio-engineering, as it's described in the law.

14 The key point here is, for which the  
15 modification in the -- in this case, in the  
16 plant, could not otherwise be obtained through  
17 conventional breeding or found in nature. Okay,  
18 so, those are -- we'll talk about that.

19 But this -- those are two points of  
20 discretion that the agency has, in terms of  
21 deciding how -- how broadly or how narrowly the  
22 definition is going to be, and additionally, the

1 other piece of this definition is essentially  
2 what we're calling the threshold.

3 So, the Secretary also gets to  
4 determine how much of an ingredient that is bio-  
5 engineered creates a bio-engineered food product  
6 and thus, requires disclosure? All right, so,  
7 there's two points there.

8 Additionally, so, for those animals  
9 where we get products, so, meat, poultry and egg  
10 products, that if those animals consume GMO feed,  
11 those products that come from those animals are  
12 not considered bio-engineered. Doesn't mean that  
13 they're non-GMO. But they're not considered bio-  
14 engineered, just because of the -- solely because  
15 of the food that they eat, and feel free to pop  
16 up with questions, if you have any, as I'm going  
17 through.

18 So, one of the biggest points of this  
19 law from the Hill's perspective was that this  
20 preempts any other state or disclosure laws, both  
21 in terms of food or seed, and this -- the  
22 development of this law was -- was one of the

1 factors that -- for this law, to come to  
2 fruition, was the Vermont labeling law.

3 So, the Hill was concerned that there  
4 would be many different states, with many  
5 different types of disclosure requirements. Some  
6 of them may or may not conflict.

7 So, the overarching -- one of the  
8 overarching purposes of this law was to provide a  
9 consistent standard across the United States for  
10 GMO disclosure.

11 So, no other state -- other laws that  
12 were on the books were discontinued, and they are  
13 not allowed to have any new laws, except that  
14 they can't actually put this law as a -- as  
15 identical as it is, into their own state law.  
16 So, they can put in their own law, as long as  
17 it's identical to the national standard.

18 So, this is some examples of what the  
19 Vermont labeling law did.

20 So, over there, there is -- is  
21 partially produced with genetic engineering.  
22 That was the text that was required under the

1 Vermont law, and also under this -- the  
2 difference -- one of the differences between the  
3 national standard and the Vermont law is that it  
4 actually -- the national standard covers 25,000  
5 additional food products.

6 So, one of the inconsistencies just  
7 within the Vermont law, was that any meat product  
8 was exempt from disclosure.

9 So, for example, if a cheese pizza was  
10 created with some of those ingredients that were  
11 bio-engineered, that would require disclosure.  
12 But a pepperoni pizza would not, even if they had  
13 the same ones.

14 So, the national standard does rectify  
15 some of the inconsistency that was in the Vermont  
16 law, as well.

17 So, to create this disclosure standard  
18 we have -- we are required by law, to enact this  
19 -- or it's enacted now, but to develop the  
20 implementation regulations, as well as the  
21 program itself, within two years from enactment.

22 So, this law the implement -- into it

1 -- implementing rules will be published in July  
2 of 2018.

3 So, within the national standard,  
4 companies have -- food manufacturers have three  
5 choices for disclosure for those products that  
6 require disclosure.

7 They can have on-package text. They  
8 can have a USDA-developed symbol, that we're  
9 developing, or they can use an electronic or  
10 digital link disclosure, and the food  
11 manufacturers gets to choose which one of those  
12 options that they have, and the electronic link  
13 is -- have an example here, it's the QR code.

14 So, the QR code will -- if you access  
15 it with your smart phone, it will bring up a  
16 webpage that will have the information about the  
17 bio-engineered disclosure on it.

18 These are the other examples. We had  
19 the Frito-Lay. These are actually already  
20 labeled, disclosed just by the company's choice,  
21 through the on-package text, and this example  
22 here is Brazil, has their own symbol. It's a

1 yellow triangle with a 'T'.

2 One of the pieces of the legislation  
3 requires USDA to develop a symbol that is not  
4 disparaging to the technology.

5 So, Brazil's symbol 'T', that kind of  
6 looks like a warning symbol, is not allowed. So,  
7 it won't look anything like that.

8 So, back to this -- the QR code. So,  
9 when -- so, we have a -- what we've been hearing  
10 most from the public is they're -- they're  
11 unhappy with the ability for food manufacturers  
12 to use electronic or digital disclosures, and the  
13 law requires USDA to conduct a study, to evaluate  
14 the technological challenges of consumers  
15 accessing bio-engineered disclosure information  
16 via their electronic or digital or QR code, and  
17 this -- again, we have one year to conduct this  
18 study, and we are putting this to the  
19 professionals. So, we are contracting this out.

20 We put our -- what's called a request  
21 for information, in early September, and we put  
22 it -- what's essentially a draft scope of work,

1 to get feedback from both the public, as well as  
2 other vendors, to see if -- what the felt about  
3 the study and the study design itself, and we  
4 received information from that, and we actually  
5 just published our request for proposals, to get  
6 a contractor. That went out on October 19th, and  
7 we are receiving proposals until November 22nd,  
8 and we anticipate awarding a contract for this  
9 study in mid December, and that's contingent on  
10 funding and the Appropriations Bill.

11 There are quite a few exclusions  
12 within the standard itself. Any food that's  
13 served in a restaurant or similar retail food  
14 establishment, which we will decide what that is  
15 within rulemaking, they are not required to  
16 disclose.

17 Very small food manufacturers, also  
18 defined through rulemaking, are not required to  
19 disclose.

20 As explained earlier, meat, poultry  
21 and egg products from animals that can food --  
22 consume GMO feed are not -- do not require

1 disclosure solely because they consume the feed,  
2 and finally for your mental twister for after  
3 lunch, and I'm just going to read this one.

4           So, this is food that contains meat,  
5 poultry or egg products, if the predominant  
6 ingredient would not be independently subject to  
7 the Federal Food, Drug and Cosmetics Act, food  
8 labeling requirements is excluded, or if the  
9 predominant ingredient is broth, stock, water or  
10 a similar solution, and the second most  
11 predominant ingredient is not independently  
12 subject to FFDCA food labeling requirements.

13           So, this -- here, I have examples.  
14 So, first one is Spam. First ingredient is pork.  
15 If that's the predominant ingredient, then that -  
16 - doesn't matter if the sugar is from genetically  
17 engineered sugar beads or they're potatoes from a  
18 potato, Spam would not require disclosure.

19           Bottom example here is soup. So, the  
20 first example -- the first ingredient is stock.  
21 Second is chicken fat. It's a poultry product.  
22 Doesn't matter if the soy -- soybean oil or the

1 canola is from genetically engineered plants.

2 That soup would not require disclosure either.

3           So, small food manufacturers get some  
4 additional, both time to implement their  
5 regulations, as well as some additional options  
6 for disclosure. They get an extra grace period  
7 of at least a year from whatever the effect date  
8 is, to be determined, once we put in the final  
9 rule, and they get an additional option of a  
10 telephone number or an internet website for their  
11 disclosure. So, they have five options for their  
12 disclosures, and again, small food manufacturers  
13 will be defined in our rulemaking.

14           I mentioned this earlier. There is a  
15 piece within the legislation that talks about the  
16 food safety implications of disclosure. It  
17 reiterates that any labels or anything that we  
18 develop, in terms of on-package disclosure text,  
19 must be done in such a way that it cannot create  
20 an environment where the bio-engineered foods are  
21 treated differently than their non-bio-engineered  
22 counterparts.

1           The law does specifically to organic  
2 foods within -- and it talks about that food  
3 certified as organic under the NOP may not be  
4 labeled as non-bio-engineered, non-GMO, and  
5 similar language. So, third-party verification  
6 there.

7           Finally, enforcement. Failing to  
8 disclose is a prohibitive act. USDA has the  
9 ability to require records and conduct audits,  
10 and if we do find that there is an instance of  
11 disclosure that was not provided to the public,  
12 we do not have recall authority over that  
13 product.

14           So, where we are now in our two year  
15 quest to get these final rules in place.

16           USDA has developed or has put in  
17 place, an inter-agency working group and it  
18 involves members of the different USDA  
19 departments including -- as well as FDA and USGR,  
20 and what this is, is essentially an informal  
21 policy group, and they're helping us vet these  
22 documents, so they go faster through the formal

1 clearance process.

2           We've done a lot for public  
3 engagement. Besides these talks that we've been  
4 giving, we also have GMO labeling email site,  
5 which actually, I think might be over 1,000  
6 comments, because we just had a big push from one  
7 of the advocacy groups today. So, we had a lot  
8 of emails today, as well as at our website, we  
9 have the ability for you to sign up for email  
10 updates. We have almost 1,000 subscribers to  
11 that -- that service, as well.

12           There you will find, when we have --  
13 when we reach milestones in terms of rulemaking  
14 or anything changes on that website, in terms of  
15 documents that are posted, and as I mentioned  
16 before, the study itself is actually going  
17 through the contracting process.

18           So, what's next? So, the first part  
19 of rulemaking is our advance notice of proposed  
20 rulemaking. I'm going to speak about that in a  
21 second, but that's where all of those -- those  
22 nine pieces of the legislation that I went

1 through, as well as many others, will be asking  
2 for public comment.

3 That is scheduled to be published by  
4 the end of the calendar year. So, end of  
5 December 2016.

6 The electronic disclosure study is to  
7 be completed by July 2017. We're anticipating  
8 our proposed rule will go out Winter --  
9 Fall/Winter of 2017, and then our final rule, no  
10 later than July 2018.

11 So, a little bit back to the ANPR.  
12 The Advanced Notice on Proposed Rulemaking.

13 So, again, I spoke a little bit about  
14 the numerous policy discretion areas that are in  
15 the legislation. We've identified those and laid  
16 them out and -- in this document, in the ANPR.  
17 There is over 30 of them, and we posed the  
18 questions essentially, to the public, give a  
19 brief idea about what the agency's current  
20 thinking is, along well, how we might be posing  
21 this in the proposed rule, and we asked for  
22 comments.

1                   So, again, it's scheduled for  
2 publication at the end of the year, and we're  
3 also going to be conducting public listening  
4 sessions, concurrent with the ANPR and this  
5 provides a face-to-face opportunity for anybody  
6 who would want to join. We will have at least  
7 two and up to eight public listening sessions,  
8 depending on funding, and again, these issues  
9 include things that -- some of the ideas that we  
10 talked about here in this talk.

11                   The definition of bio-engineered food,  
12 what is conventional breeding, what does it mean  
13 to be found in nature? Are highly refined food  
14 products like oils and sugars, are they  
15 considered bio-engineered?

16                   What is the amount of bio-engineered  
17 substance that a food product needs to have, in  
18 order for it to be considered bio-engineered?  
19 What do the text -- what are the -- what are the  
20 -- what's the language that needs to be on the  
21 product? What kinds of symbols are we going to  
22 have on the products, as well as some questions

1 around our non-compliance investigations and  
2 enforcement processes.

3 So, that's kind of where we are for  
4 the disclosure law, and I will be more than happy  
5 to take any questions that you have.

6 MR. McREYNOLDS: Roland McReynolds.  
7 There is already the independent third-party non-  
8 GMO verified program and label. It's got a  
9 symbol. It's got standards very -- you know,  
10 addressing these same questions.

11 What is the impact of this law on  
12 private third-party, you know, independent  
13 schemes for this sort of labeling?

14 DR. HUBERTY: So, this label goes for  
15 positive disclosure and not any negative claims.  
16 So, we view them as very different.

17 So, non-GMO, either through non-GMO  
18 project or our process verified program for non-  
19 GMO claims, that's a separate issue. This is  
20 focusing solely on what is bio-engineered. So, a  
21 positive claim.

22 We anticipate that the use of some of

1 the third-party verifications for it not being  
2 non-GMO, to play a small role in determining  
3 whether or not it should be disclosed. So, if  
4 they have a third-party verification, then  
5 they're safe, or if they disclose, they're in  
6 compliance with the law.

7 So, but there is a dividing line  
8 between those two.

9 MR. McREYNOLDS: Thank you.

10 MR. ALLISON: How does -- how do we  
11 line up with, for example, the European  
12 community, as far as the definition and what  
13 we're doing?

14 DR. HUBERTY: The definition itself,  
15 if you go to just about any country, and even  
16 within the sister agencies within the government,  
17 they all have different definitions of bio-  
18 engineer, genetically engineered, genetically  
19 modified.

20 So, that's one of the issues that we  
21 need to consider, as we're developing this law,  
22 so, and then in terms of thresholds, there is 64

1 different countries that have these types of laws  
2 in place, and they just about have different  
3 standards, in terms of thresholds.

4 European Union is .9 percent by  
5 ingredient. The Vermont labeling law was .9  
6 percent by weight. South Korea is three percent.  
7 So, it kind of goes across the definitions,  
8 thresholds, the whole bit.

9 The law does require us to be  
10 consistent with our international obligations, as  
11 we move forward in developing this Bill. So, we  
12 have members on our interagency group from USTR,  
13 Foreign Egg Service, to help us kind of walk  
14 through and develop and -- and make a rule that  
15 is consistent to the best -- to the extent that  
16 we can, with all of those different purposes.

17 MR. AERTS: Michael Aerts. Food and  
18 Vegetable Association.

19 How is the department is going to be  
20 looking at the transfer and editing approach?

21 DR. HUBERTY: Yes. So, our general  
22 counsel actually responded to a question from

1 Senator Stabenow, regarding that particular  
2 issue, and so, in that letter, he talks about  
3 that this law gives us the authority to evaluate  
4 essentially the new breeding techniques, but that  
5 is one piece of a very complex definition.

6 So, it's -- whether or not it's  
7 commenting on technologies and is it -- can you  
8 get the same things through conventional  
9 breeding? Can it be found in nature?

10 So, there is -- it's a big more  
11 complex. But this law does allow us to consider  
12 those techniques as eligible, as one part of the  
13 puzzle.

14 PARTICIPANT: Any other questions?

15 MS. WHITTEMORE: So, if I go -- moving  
16 forward, right, with this law and the GMO, I  
17 could go to a restaurant and order salmon, right,  
18 and they don't have to disclose that it's a  
19 genetically modified piece of salmon, basically?

20 DR. HUBERTY: So, salmon is actually  
21 under the labeling authority of the FDA. So,  
22 that is -- that is a -- that is a different

1 issue, and we are actually talking with FDA about  
2 how to handle that, and there is nothing set in  
3 stone about one way or the other about how that's  
4 going to be labeled, because we are at least two  
5 years out from actually implementing any of these  
6 regulations.

7 But genetically engineered salmon is  
8 required by FDA to be labeled, as it's been put  
9 in an Appropriations Bill in the past, separate  
10 from this standard, and so, we're working with  
11 them, as to how to -- how they want to implement  
12 it and how it can interact with this law.

13 So, that GE salmon is a special issue.  
14 However, if you were to go in and have a potato -  
15 -

16 MS. WHITTEMORE: Yes, okay.

17 DR. HUBERTY: Okay, how about a  
18 potato?

19 MS. WHITTEMORE: Yes.

20 DR. HUBERTY: Okay, potato. According  
21 to this law food -- restaurants and similar  
22 establishments do not required disclosure.

1 MS. WHITTEMORE: Are you guys also  
2 considering other options? I think I've been  
3 reading about Thailand. I think it's another  
4 option for -- instead of grow -- for produce,  
5 instead of the GMOs, it's more expensive, but  
6 it's less complicated.

7 DR. HUBERTY: That --

8 MS. WHITTEMORE: I think it's Thailand  
9 that it's called. There was a big article on the  
10 blue book magazine about it.

11 DR. HUBERTY: Oh.

12 MS. WHITTEMORE: No? You don't know?

13 DR. HUBERTY: I'm afraid I'm not  
14 familiar.

15 MS. WHITTEMORE: Okay, thanks.

16 DR. HUBERTY: Thank you.

17 CHAIR KNORR: Any other questions?

18 MR. VAZQUEZ: Just one more question,  
19 just to keep you busy. Jorge Vasquez, Latin  
20 Specialties.

21 So, if the USDA does not have the  
22 power of enforcement for recall, then what's

1 going to be the mechanism for enforcing this law?

2 DR. HUBERTY: Well, just because we  
3 don't have recall authority, again, it's not a  
4 safety -- it's not a food safety issue, so,  
5 therefore, we don't have recall authority.

6 But we do have the ability to audit  
7 their records, conduct hearings and then what  
8 we're calling publicly shaming them.

9 So, that is kind of laid out in the  
10 law, that we have the ability to provide public  
11 notice that these folks are the bad actors, in  
12 terms of bio-engineer disclosure.

13 PARTICIPANT: Okay, thank you, Andie.

14 DR. HUBERTY: Thank you.

15 PARTICIPANT: It sounds like there's  
16 going to be a lot of opportunity for public  
17 comment on these.

18 PARTICIPANT: It looks like we are a  
19 little early.

20 PARTICIPANT: Okay, so, the folks for  
21 the food safety presentation -- we're a little  
22 bit ahead of schedule, so we -- our food safety

1 presentation is not going to happen just yet.

2           Instead, we're going to invite Ken  
3 Petersen, Branch Chief of the audit programs  
4 branch, to speak with us.

5           MR. PETERSEN: All right. Well, good  
6 afternoon., everybody. I feel like being here  
7 all morning, you know, I got quite the buildup  
8 between some of my other colleagues and the  
9 administrator, talking about my presentation.  
10 So, I'm a little jittery here.

11           My presentation was going to build off  
12 of what FDA was presenting. I was supposed to be  
13 at the end of it, so I apologize if some of this  
14 refers to some of the things that they're talking  
15 about, but I'll try to reference that, and when  
16 FDA does get here, you can follow up with  
17 questions that you may have, specific to FSMA.

18           So, just as a quick primer, the audit  
19 services branch is part of the Specialty Crops  
20 Inspection Division. We provide voluntary  
21 inspection and audit services to the food and  
22 vegetable industry. Lorenzo talked this morning

1 about that, so I won't get into a lot of detail  
2 here.

3 But you know, we offer a number of  
4 voluntary services on a user fee funded basis.

5 Within the audit services branch,  
6 there are a number of different audit programs  
7 that we work with. The largest by fourth -- by  
8 far, being the good agricultural practices  
9 program and its various iterations between USDA  
10 gaps, harmonized gaps, tomato gaps, mushroom  
11 gaps, etcetera.

12 Good GAP, which I'll talk about a  
13 little bit later, are qualified through  
14 verification program. Domestic origin,  
15 verification, which is primarily used within the  
16 School Lunch Program purchases, to verify product  
17 is of domestic origin.

18 Our plate systems audit, which is a  
19 GMP-type audit, that is used primarily in  
20 processing facilities and places like that, and  
21 our identity preservation program which is used  
22 primarily to identify unique characteristics in a

1 product that they want to bring out and ensure  
2 that that product integrity and identity is  
3 maintained throughout the growing, marketing and  
4 supply chain.

5 So, I'm going to talk a little bit  
6 about AMS/FDA activities and how we're working  
7 together on a lot of these issues. Some of this  
8 is a little bit redundant from this morning. So,  
9 I'll try to go through this quickly, but just  
10 wanted to highlight them.

11 As was mentioned this morning, we've  
12 had a long-term relationship with -- at this  
13 point, with AMS, or sorry, with FDA, in regards  
14 to FSMA and with Leanne Skelton being over at  
15 FDA.

16 The Produce Safety Alliance, again,  
17 I'll talk about that in a little bit, as we go  
18 through. Preventive Controls Alliance, and are  
19 involved with that. Sprout Safety Alliance. The  
20 AMS/FDA GAPS review project and the on-front  
21 review project.

22 So, I believe many of you know Leanne.

1 Some of you have asked if she was going to be  
2 here today. She is on the road, I think, this  
3 week, if I'm not mistaken.

4 PARTICIPANT: She is.

5 MR. PETERSEN: Yes, on travel doing --  
6 doing some outreach with FDA, but she remains our  
7 liaison with FDA. She's in contact with the FDA  
8 folks, you know, at times, maybe on an hourly  
9 basis, it seems like. But remains that conduit  
10 for our two agencies to pass information back and  
11 forth and coordinate activities and different  
12 things like that. So, that relationship  
13 continues, and it is really wonderful tool for us  
14 to be able to have that direct access to the FDA  
15 folks.

16 So, the Produce Safety Alliance, over  
17 the last six years, FDA and AMS have provided \$5  
18 million in funding to Cornell University, to  
19 manage the Produce Safety Alliance, and the  
20 Produce Safety Alliance has a number of different  
21 goals, primarily to serve as a resource for on-  
22 farm food safety issuance -- issues for producers

1 all across the country, whether they're covered  
2 by the rule or not.

3 I mean, the goal of the Product Safety  
4 Alliance is to provide that knowledge, provide  
5 that information that is needed to address food  
6 safety issues through their network.

7 The other piece is, as we've mentioned  
8 in previous meetings, is to develop that formal  
9 FDA recognized training curriculum for the  
10 produce safety rule.

11 The PSA curriculum was finalized and  
12 approved by FDA on July 1st. So, relatively  
13 recently, and the Produce Safety Alliance, since  
14 then, has been working furiously to start getting  
15 both train the trainer sessions, as well as  
16 grower training sessions scheduled throughout the  
17 country, so that they can start getting this  
18 curriculum out there.

19 From September through Christmas,  
20 their first priority has been trying to get out  
21 and do as many train the trainer sessions as they  
22 can, because obviously with 186,000 produce farms

1 across the United States, we need to build up a  
2 cadre of trained trainers that can go out and  
3 offer the curriculum.

4 So, they've been working a lot on  
5 that, but also there has been industry groups  
6 that have said, "Hey, we want grower training  
7 sessions, as well."

8 So, I don't have their schedule up  
9 here, but I just saw their schedule the other  
10 day, and those four or six people from the  
11 Alliance, their travel schedule, you know,  
12 they're going to earn gold status on United by  
13 December, pretty quickly here. So, they're  
14 traveling all over the place.

15 If you want to see what is scheduled,  
16 both for the train the trainer sessions, as well  
17 as grower training sessions, if you go to the  
18 Produce Safety Alliance website, I apologize, I  
19 didn't put it up on my presentation, but if you  
20 Google Produce Safety Alliance, it will bring you  
21 to their website and you can look at their  
22 training schedule, and they're adding grower

1 training sessions to that website almost on a  
2 daily basis, as the trainers get trained, and you  
3 know, those extension agents or trade association  
4 groups in particular are starting to offer that  
5 curriculum. I know PMA has been very active in  
6 doing some of the Preventive Controls training  
7 already, and is looking at the grower training,  
8 as well.

9 The Preventive Controls Alliance. AMS  
10 is really working to ensure that our programs and  
11 services align with the requirements of the  
12 Preventive Controls for Human Food rule.

13 So, when our inspectors are out in  
14 those processing plants and in those frozen food  
15 plants, or were on terminal markets, providing  
16 inspection services, you know, we want make sure  
17 that our policies and procedures are aligning  
18 with what the requirements of FSMA are.

19 So, if we're in a processing facility,  
20 whether it's, you know, for the MREs that we've  
21 talked about earlier in the day, or we're in  
22 warehouses or in manufacturers that are producing

1 frozen foods or juices for the school lunch  
2 program, we want to ensure that our policies and  
3 procedures align.

4 So, again, that those producers and  
5 those manufacturers have some assurances that  
6 yes, they're meeting the requirements of the  
7 rule.

8 One thing that we do, in all of our  
9 programs, whether it's on the inspection side or  
10 the audit side, if we see any immediate food  
11 safety risk, you know, we see a leaky sewer pipe  
12 leaking on product or something like that, our  
13 MOU with FDA obligates us to report that to  
14 public health. So, both the local public health  
15 as well as FDA.

16 So, a lot of what we're going to be  
17 doing here over the next six months is providing  
18 training to our inspectors and our auditors, so  
19 that they understand A) what their roles are, and  
20 B) what those eminent food safety risks are, and  
21 talk about what our policy is for how to report  
22 those and the process for doing that.

1           So, again, there is that confidence in  
2           -- that the public has, that facilities that are  
3           under USDA inspector or USDA audit-type programs  
4           are looking out for public good and public  
5           health.

6           So, the big project that I've been  
7           working on with our FDA colleagues, that are  
8           walking in the door, hello, FDA colleagues, is  
9           the AMS/FDA GAP's review project, and really,  
10          this is an effort to ensure that our GAPs program  
11          is aligning with the produce safety rule.

12          Again, we heard from the industry loud  
13          and clear during the listening sessions that FDA  
14          held with FSMA, as well as just our regular  
15          interaction with our customers, that they wanted  
16          our program to align, so, again, it gave those  
17          growers some assurances that if they were meeting  
18          our GAP's program requirement, they were meeting  
19          the requirements that were in the produce safety  
20          rule.

21          So, we went through a fairly  
22          exhaustive review process, a number of conference

1 calls with -- between our FDA colleagues and my  
2 staff, as well as some of our state partners. As  
3 well, we met at the FDA building for basically, a  
4 three day, you know, eight hour a day, going  
5 through line by line, out GAPS audit and looking,  
6 comparing those requirements to what's in the  
7 rule, and identifying where there were  
8 differences, and the good news is, is that many  
9 of them, there weren't differences.

10 Some of them were a little bit of  
11 interpretation issues that we need to square out,  
12 but we found that by and large, a lot of it did  
13 align, and in some cases, where the rule is  
14 absent and industry has set a best practice that  
15 may be higher than either what's in the rule or  
16 they wanted something to look at, our GAPS  
17 program is, in some cases, is even higher than  
18 what's in the rule in certain instances.

19 So, we took the results of that GAPS  
20 review project, went back to the produce GAPS  
21 harmonization technical working group, presented  
22 those findings to the technical working group,

1 and we're in the process of getting the produce  
2 GAP's harmonized standard updated to include  
3 those as we move forward.

4           Clearly, the next stage in the GAP's  
5 review project is to identify some audits that we  
6 can get our FDA colleagues out on farms, so that  
7 we can kind of go through this now, hopefully  
8 revised checklist and ensure that yes, what we're  
9 looking at is what FDA is looking for when they  
10 have language in the rule, make sure that we're  
11 on same par, as far as terminology, if we're  
12 saying things one way and they're saying it a  
13 different way, that we kind of come together and  
14 understand what's meant, you know, and quite  
15 honestly, there are some things that FDA is still  
16 looking to draft guidance on.

17           So, we're hopeful that part of getting  
18 out on some of these audits is, they can get some  
19 practical hands-on experience of what farmers are  
20 going through, so that it helps them as they may  
21 be drafting guidance for some of the particular  
22 components of the rule.

1                   Another project that we're -- we've  
2                   been involved with, FDA and NASDA, National  
3                   Association of State Departments of Agriculture,  
4                   have a project to develop a process for states --  
5                   helping producers and their states perform  
6                   informal assessments of their operations in  
7                   accordance with FSMA.

8                   This is really kind of like a self-  
9                   assessment tool, kind of, you know, it's a non-  
10                  regulatory, it's supposed to be kind of a low-key  
11                  assessment for these operations, and they've been  
12                  working on that project now for about a year, I  
13                  think that's been going on, give or take, and  
14                  this past August, they participate -- they held  
15                  their first field trial of that assessment tool  
16                  in Michigan, and they asked AMS to participate in  
17                  that, and I had one of my senior auditors out on  
18                  that assessment, providing feedback on the  
19                  assessment tool and the process, and I believe  
20                  there's a couple of other field trials scheduled  
21                  here in the next three to six months. I'm not  
22                  100 percent sure of the schedule on that, at this

1 point.

2 So, you can see there has been a lot  
3 of collaboration between both agencies on these.

4 So, I'm going to take a few moments to  
5 provide you an update on the USDA GAP's program,  
6 as I reported out in previous Advisory Committee  
7 meetings, on a number of issues that I thought  
8 you might want to get some information on.

9 Global food safety initiative and  
10 where we're at with that. General buyer  
11 acceptance of the USDA GAP's program and improve  
12 GAP.

13 So, I'll start with GFSI. This has  
14 been basically one of those crosses to bear of  
15 mine, for the past six-plus years now, trying to  
16 work with GFSI. You know, approached by industry  
17 back in 2010, to try to gain some sort of  
18 recognition with GFSI, and through fits and  
19 starts and changes in GFSI board leadership and  
20 everything I think I'm starting to see light at  
21 the end of that tunnel, which is, you know,  
22 certainly is a good thing for our program and

1 American agriculture in general.

2 So, I serve on one of the GFSI  
3 technical working groups for primary production.  
4 So, I've been involved with that for about the  
5 last 18 months, and as a result, when I go to  
6 those technical working group meetings, the Board  
7 members are -- from GFSI are typically there.

8 So, I've had the opportunity to talk  
9 with a number of the Board members. I've had the  
10 opportunity to talk with the technical working  
11 group that's looking at their benchmarking  
12 process, as well as the Government standard  
13 equivalence that they're trying to develop.

14 So, this past October 4th, GFSI  
15 released Version 7 of its benchmarking document  
16 for stakeholder feedback, and you know, that's  
17 kind of like when we put out something for open  
18 comment period. GFSI does something similar.  
19 So, they are right now, asking for feedback from  
20 stakeholders on the newest version of its  
21 benchmarking document.

22 I was hopeful that Version 7 would

1 have the piece that is the technical equivalence  
2 for government-based standards. It wasn't in  
3 there.

4 I quickly followed up with GFSI and  
5 said, "Where is it?" They said, "We need a few  
6 more weeks. We're still trying to wrinkle out  
7 some issues with that," but I've been assured,  
8 you know, any day now, they're going to be coming  
9 out with that government-based or technical  
10 equivalence for government-based standards  
11 requirements.

12 So, once we get that, we'll be able to  
13 get a much better handle on what they're going to  
14 require, what we're going to need to do to meet  
15 those technical equivalence requirements.

16 Additionally, the GFSI Board of  
17 Directors is going to be in Washington, D.C. for  
18 a stakeholder meeting in the morning, with a lot  
19 of industry reps, and in the afternoon, with a  
20 lot of the different government agencies, as well  
21 as Embassy reps here in D.C. Chuck and I are  
22 going to be going to that meeting in the

1       afternoon, but the day before, on November 14th,  
2       we've got the GFSI chair and vice chair of the  
3       Board coming in to meet with Elanor,  
4       Administrator Starmer and Chuck and a number of  
5       people from the agency, to very specifically talk  
6       about what AMS would like to accomplish and what  
7       GFSI sees our role in the -- kind of the GFSI  
8       umbrella.

9                 So, you know, I think we've made a lot  
10       of good progress in the last six months, and  
11       again, hopefully, we'll get over that last  
12       hurdle. But I think a lot of the outreach that  
13       we've done and our involvement with the technical  
14       working groups, there's a lot of support from the  
15       GFSI Board, especially from the North American  
16       Board members, to make something happen, so that  
17       the USDA programs can get some sort of technical  
18       recognition.

19                 Moving onto buyer acceptance. You  
20       know, we continue to provide outreach. If there  
21       are buyers out there that don't current accept  
22       our audit programs, to try to talk with them,

1 find out what their needs are, what their  
2 concerns are. Are lot of it is GFSI related.  
3 They are only accepting GFSI level type audits.  
4 But for those that don't have that requirement,  
5 we'll meet with them. We'll have conference  
6 calls, phone calls. In some cases, if we see  
7 that we're getting close to them basically  
8 accepting our audits, we'll go out and meet with  
9 them face to face.

10 This past Spring, I traveled up to  
11 Minneapolis and met with representatives from  
12 Target and now, Target is accepting USDA  
13 harmonized GAP audits for its local suppliers and  
14 its low-risk suppliers. They are for their, what  
15 they consider high-risk commodities, still  
16 requiring a GFSI, but this is good news for a lot  
17 of our small local producers that are supplying  
18 into the Target stores and stuff like that, where  
19 they're now able to use our audit.

20 We continue with industry to gain  
21 increased buyer acceptance of our program, and  
22 again, I think once -- if and when we get the

1 GFSI piece, that's going to kind of open the  
2 flood gates and we'll see a lot of other buyers  
3 coming onboard, as well.

4 All right, last thing I want to  
5 discuss with you is Group GAP. You know, this  
6 has kind of been the feather in our cap, I think  
7 the last year, with the audit programs, and this  
8 was really something that -- that the industry  
9 came to us. I mean, the small farmer community  
10 in particular came to us, back in 2010/2011, and  
11 said, "Hey, we love the USDA GAP's program. You  
12 know, we like what it does. We have some issues  
13 with the challenges with costs."

14 In some cases, it's just cost  
15 prohibitive or we don't have the resources to  
16 develop food safety plans and the things that are  
17 necessary to implement a GAP's program at the  
18 grower level.

19 So, we conducted a feasibility study  
20 in 2010/2011. Group GAP kind of came out as the  
21 best option in that feasibility study, and we ran  
22 a three year pilot, looking at how we could do

1 group certification.

2           As Administrator Starmer mentioned,  
3 this past April, we officially launched Group GAP  
4 and we have -- and my numbers are even off here  
5 from what Elanor had this morning, but we've got  
6 12 groups initially said that they were  
7 interested. It's actually 10 that are out going  
8 through certification, representing 306 growers.  
9 I've got 250 here, but it's actually as of this  
10 morning, I checked with my staff, it's 306. So,  
11 you know, that's a good number of growers that  
12 the majority of those growers hadn't gone through  
13 individual GAP certification. So, this was the  
14 first time that they were going through any type  
15 of GAP certification.

16           Two weeks ago, I was actually out in  
17 Idaho, doing a Group GAP audit of a potato  
18 cooperative out there, and when the industry --  
19 potato industry in Idaho heard that I was coming,  
20 ringing my phone off the hook, "Hey, if you're  
21 out here, can we meet with you? Can we meet with  
22 you?"

1           I didn't have a lot of time to meet  
2 with a bunch of them, but I did meet with a  
3 couple of groups, of potato groups out there,  
4 that are interesting in going into group  
5 certification next year.

6           So, you know, as I travel around the  
7 country and field phone calls, this is certainly  
8 becoming an option that a lot of grower groups  
9 are looking to go through, and not just the small  
10 growers, but you know, even some of the larger  
11 associations and things like that.

12           Moving forward, we already know that  
13 we have just about a dozen groups that said that  
14 they're interested in Group GAP, didn't have the  
15 capacity to get in the program this year, but are  
16 working towards it, and are fully preparing to go  
17 through group certification in 2017 growing  
18 season, which you know, brings us up over 20, 24  
19 that we're aware of for next year already and  
20 puts us, you know, well over 500 growers.

21           So, again, a very good program that  
22 really starts, the grass roots, with growers

1 coming to us and saying, "Hey, is there something  
2 that can be done to help us better achieve  
3 certification and look to eliminate a lot of the  
4 costs that are involved?"

5 Over the last several weeks, we've  
6 actually fielded, I think it's three inquiries  
7 from Capitol Hill, Congressmen, Senators calling  
8 in where their growers have been calling them  
9 saying, "Hey, we're suffering audit fatigue.  
10 We're getting all these audits that we're  
11 required to go through," and you know, so, people  
12 on Capitol Hill are looking to us, to provide  
13 feedback and information on what we can do  
14 help eliminate some of that audit fatigue and  
15 things like that.

16 So, you know, again, this program is  
17 growing by leaps and bounds. We're well over  
18 4,000 audits for this past fiscal year. You  
19 know, I tend to count audits by growing season,  
20 because it makes things a lot easier, but you  
21 know, we're -- we've grown number of audits, last  
22 fiscal year to this -- well, 2015 to 2016 fiscal

1 year, by over 10 percent, and we've been growing  
2 at 10 to 15 percent a year over the last five or  
3 six years. So, see a lot of good movement in  
4 that program.

5 So, that's what I've got. I can  
6 certainly take your questions now, and I'm sure  
7 once my FDA colleagues get done, you may have  
8 some other questions, that we can circle back  
9 with after theirs, but would be more than happy  
10 to answer any questions you have now.

11 CHAIR KNORR: Just a reminder, if you  
12 do have questions, please name sure you state  
13 your name before you ask.

14 MR. NELSON: Hey, Ken. Bob Nolan here  
15 from New York. I have an apple grower from New  
16 York, was asking me about the harmonization of  
17 GAPs. Will there ever be just one food safety  
18 audit for them, because they just get done with  
19 one. One company requires one, you know, food  
20 safety audit, and then the other company requires  
21 another one, and it's like -- it seems like it's  
22 so meticulous and repetitive.

1           Is there any move by the Government to  
2           make just one, or is it up to the industry and --  
3           and you know, people have their favorites and  
4           that's the way it's going to stay?

5           MR. PETERSEN: So, certainly, we've  
6           been involved with the GAPs harmonization  
7           initiative, which is -- is really an industry-led  
8           initiative to harmonize the number of the  
9           different GAP audits that are out there.

10           That was United Fresh, led the charge  
11           back in 2010, and that -- that particular audit  
12           is becoming increasingly large percentage of the  
13           audits that we're doing. It's about neighborhood  
14           of 33 percent, but the total number of audits  
15           that we do now is the harmonized audit.

16           So, that has relieved some of that  
17           pressure because, you know, we've tried to  
18           harmonize a number of the different audit  
19           standards out there.

20           But ultimately, you know, it's a buyer  
21           driven system, and you know, buyers are going to  
22           dictate what type of audit they're going to take

1 and accept and there's not really a whole lot  
2 that we can do for that.

3 I mean, certainly, we can -- we can  
4 work with buyers to try to get them to understand  
5 our programs and services and see if they'll  
6 accept, but you know, at the end of the day,  
7 buyers going to do what they feel is in their  
8 best interest.

9 MR. NELSON: So, then I would like to  
10 ask the buyers in the room.

11 Tom, this is Bob again. What's your  
12 take on it? Do you think it's good to have one  
13 harmonized food safety program, or do you think  
14 that that's never going to happen?

15 MR. WILLIAMS: This is Tom Williams  
16 from Coborn up in Minnesota.

17 I think it's actually -- I could speak  
18 as having been a wholesaler, and currently as a  
19 retailer, that a lot of times, it's what's being  
20 sold to you is what you need to do, to sell it to  
21 somebody else, and I know on the wholesale side,  
22 especially when I was in the fruit service side,

1 one company would take SILIKERS {phonetic} audit.  
2 Another company would -- I mean, it was -- it was  
3 like whatever the customers had been sold was the  
4 best, most up to date audit. That's what  
5 generated and kind of drove what audit they would  
6 then accept, because we had one of our  
7 warehouses, that we literally had probably seven  
8 audits in a row, within like a two week period,  
9 which was good because we had all of our  
10 documents all together and everything.

11 It was time consuming, and it was very  
12 expensive. So, I think it's -- it's ultimately,  
13 Ken, the industry, which ultimately would be the  
14 consumer industry, whether it's in the restaurant  
15 business or in the grocery stores or wherever, if  
16 we can all say yes, this is what we're going to  
17 accept, and I don't know if we'll ever get to  
18 that point.

19 But I think the more that we're  
20 educating them on how effective the audits that  
21 you're doing are, the easier it will be to  
22 eventually get to that point.

1                   MR. NICHOLSON: Mark Nicholson. Is  
2 there -- you know, with regard to harmonized --  
3 the harmonized process and where you're at on it,  
4 what's the anticipation of the impact of FSMA  
5 with -- you know, you've gotten to harmonized,  
6 and now, you've -- you've got a whole new regime,  
7 to some degree.

8                   MR. PETERSEN: So, as I mentioned  
9 earlier, once we sat down with FDA and went  
10 through and identified those -- those differences  
11 between our program, and we used the harmonized  
12 standard kind of as the benchmark of what we were  
13 looking at.

14                   We identified what needs to be  
15 updated. I presented that back to the  
16 harmonization technical working group, which I  
17 serve on, and we're in the process of making  
18 those changes to the harmonized standard. Those  
19 are actually open for public comment through  
20 November 20th.

21                   If you go to United Fresh's website,  
22 who is the secretariat of the harmonized

1 standard, those changes are -- are posted up  
2 there. You can take a look at them, provide  
3 feedback.

4 But barring any significant push-back  
5 from the industry on that, after November 20th,  
6 we're looking probably sometime in January, for  
7 those to go into effect.

8 So, we have done a lot to get the  
9 harmonized standard aligned with FSMA. We've  
10 still got a little work to go on and some  
11 interpretation and guidance and stuff like that,  
12 that we'll be working on from USDA's perspective.

13 But ultimately, the good news is,  
14 we've got until January of 2018, before the first  
15 growers have to comply with the rules. So, we've  
16 got -- you know, we've got a little window to  
17 work with here yet.

18 MR. NICHOLSON: And just a quick  
19 follow up. Again, Mark Nicholson.

20 Is there anticipation then that  
21 because of, you know, what you've done with  
22 harmonizing the harmonize with FSMA, that you'll

1 see a greater use of that by the buying  
2 community?

3 MR. PETERSEN: I would hope so, and  
4 again, as we meet with buyers, that's one of the  
5 things that I've talked to them about is, hey,  
6 we're aligning our program with FDA. You know,  
7 we've got through that -- that process.

8 So, you know, that is, I think a  
9 selling point, but you know, any private scheme  
10 that's worth their salt, is going to basically do  
11 their own analysis and make that same claim. But  
12 you know, we certainly have the inside track,  
13 because we're the only ones that have actually  
14 sat down with FDA. So, I think that's certainly  
15 a good thing.

16 MR. McREYNOLDS: Roland McReynolds.  
17 I'm just going to say, my understanding, the FDA  
18 has a pilot project going with third-party  
19 certifiers, as well, to develop project, right,  
20 simultaneously with this, and that there will be  
21 standards out, you know, a harmonized to FSMA  
22 standard for private certifiers.

1                   MR. PETERSEN: I'll defer that to my  
2                   FDA colleagues, after their presentation. I'm  
3                   not 100 percent sure of that.

4                   MS. BURNS: So, Cathy Burns from PMA,  
5                   and maybe as a follow up to that. First of all,  
6                   thank you for all your leadership and getting a  
7                   harmonized standard. I know that's -- sounds  
8                   like it's a been a six-plus year journey, and the  
9                   industry certainly appreciates that a lot.

10                   So, the question is, will the FDA  
11                   recognize USDA's audit scheme, because that will  
12                   help, both on the buyer side, especially if you  
13                   can get the GFSI issue resolved, and then you can  
14                   go out and say, you know, if FDA, and the states,  
15                   quite frankly, recognize the USDA audit scheme,  
16                   that will help some of the fatigue that Bob  
17                   highlighted.

18                   So, I think we really need to push for  
19                   that to happen, and that might be something that  
20                   this committee can look at, going forward.

21                   Two other quick points. We need USDA  
22                   to continue to fund the Produce Safety Alliance,

1 and we need continued funding for Leanne  
2 Skelton's role.

3 MR. PETERSEN: Well, thank you. I  
4 appreciate it, and at this point, I think we'll  
5 turn it over to FDA folks.

6 CHAIR KNORR: I actually have one more  
7 question.

8 MR. PETERSEN: Okay.

9 CHAIR KNORR: This is Beth Knorr. I  
10 have a question about the Group GAPs, and you  
11 mentioned that there was a cooperative of potato  
12 growers that were participating in that.

13 Is that typically seeing with the  
14 group GAPs, that they're all similar, items like  
15 tree fruit or what have you, or are you seeing  
16 groups of growers with somewhat desperate  
17 products, coming together, banning together to  
18 participate in the audits?

19 MR. PETERSEN: We've actually seen  
20 both in the groups that are in this year. The  
21 majority of them are actually multi-commodity  
22 groups. They're true small farmers that, you

1 know, have, you know, an acre of this or acre of  
2 that, you know, half-acre of this, whatever.

3 We've only got two, maybe three groups  
4 that are commodity-specific type groups.

5 CHAIR KNORR: Okay.

6 MR. PETERSEN: But you know, the  
7 groups as we've seen them now, I mean, we've got  
8 a -- we've got a group of organic growers. We've  
9 got a couple of groups that are plain farmers,  
10 Amish Mennonite farmers. We've got the potato  
11 group.

12 We've got, you know, a number of  
13 different groups that vary their formal groups,  
14 or in one case, it's a group of growers in a  
15 particular county that came together and said,  
16 "Hey, we want to develop our own group,"  
17 specifically for the purpose of group  
18 certification.

19 So, we tried to build the Group GAP  
20 requirements flexible enough, so that we didn't  
21 pigeonhole groups into having to meet Title I  
22 model, you know. We built it fairly broad, so

1 that different types of groups could come  
2 together and go through group certification.

3 MR. PARROTT: Ken, one thing, if I  
4 could just throw something out, just in case --  
5 sometimes, people get confused.

6 They think -- they hear Group GAP, and  
7 it's an easier way for small growers to get GAP  
8 certified. In their minds they think GAP like,  
9 or something, and I just wanted to emphasize that  
10 that's not what I means.

11 It has the same degree of rigor as any  
12 other GAP audit. It's just the way that it's  
13 structured, so that it's -- it's -- allows small  
14 growers to kind of pass the costs, and make it  
15 easier for them to get GAP certified and get  
16 those larger buyers.

17 CHAIR KNORR: Next up we're going to  
18 welcome the FDA presenters. Jennifer Thomas,  
19 Michael Mahovic and Stephen Hughes will be  
20 speaking about the Produce Safety Rule.

21 MS. THOMAS: Good afternoon. Thank  
22 you all very much for the opportunity to come and

1 speak with you. I was here about a year and a  
2 half ago, I think, and so, I'm very happy to be  
3 back to talk about the progress we've made.

4 Before I start, I'd like to introduce  
5 my colleagues, both from Center for Food Safety  
6 and Applied Nutrition, from the Office of Food  
7 Safety, Division of Produce Safety.

8 First we have Mike Mahovic who is the  
9 branch chief for the fresh produce branch, and  
10 Stephen Hughes who is the team lead for the new  
11 product safety network, which I'll talk about in  
12 a few minutes.

13 So, just as a reminder, FDA's approach  
14 to FSMA implementation. We're looking at it in  
15 three phases. So, the Phase I being the standard  
16 setting phase. Phase II being the implementation  
17 of those standards, and then Phase III being the  
18 monitoring stage.

19 So, Phase I is the stage where we're  
20 doing all rulemaking, guidance development, that  
21 kind of thing, setting policy all around the FSMA  
22 rules, and Phase II, that's the part of the

1 program where we are thinking about, how are we  
2 going to implement these rules?

3 So, now that we have them, we need to  
4 do the work to bring them into our program. So,  
5 that means setting up inspection programs or what  
6 kind of other requirements we're going to have to  
7 really bring those programs into the work that we  
8 do every day.

9 Then Phase III is the monitor stage,  
10 where once we are in the compliance periods,  
11 that's the point at which we're looking to see  
12 how all of those implementation programs we  
13 designed are actually working, once the rules are  
14 in effect.

15 Then throughout the whole process, we  
16 feel that stakeholder engagement is really key.  
17 So, we -- you've probably noticed that we've done  
18 a lot of public meetings. We've had a lot of  
19 invitations for folks to provide feedback,  
20 because we really think it is critical to the  
21 success of our FSMA implementation.

22 So, Phase I, the standard setting,

1 very happy to report that we have published all  
2 of our seven foundational rules, the two  
3 preventive controls rule, the produce safety  
4 rule, our import rules, sanitary transport and  
5 then attentional -- intentional adulteration,  
6 which was our last one that published in May.

7 So, they're all out and we are  
8 actively working on guidance documents related to  
9 all of them.

10 We are now in the compliance period  
11 for the Preventive Controls Rules. For  
12 Preventive Control Human, the large facilities  
13 are now subject to being in compliance with all  
14 aspects of the Preventive Controls Rule.

15 For Preventive Control Animal Food,  
16 the large facilities are subject to the  
17 modernized GMPs, and then next up will be sprouts  
18 in January 2017, and the rest to follow.

19 So, where are we with produce  
20 guidance? We have published one guidance  
21 document to help explain kind of the -- where the  
22 split is between who has to comply with

1 preventive control aspects and who has to comply  
2 with the produce rule, that is out in draft.

3 Opportunity to comment on that.

4 The agency is working on a number of  
5 additional guidance documents related to produce,  
6 such as an overall compliance guide. They come  
7 out in multiple pieces, but it's going to be --  
8 provide more information about basically, how to  
9 comply with the produce rule.

10 We're working on a sprout guidance,  
11 very similar, sort of how to comply with the  
12 sprout rule. A small entity compliance guide, we  
13 are required to do those for all of the rules,  
14 and it's more like a -- sort of a -- a little bit  
15 simplified version of the rule itself, and then  
16 we are also working on updated GAPs guide, that's  
17 a little bit behind the other documents.

18 So, just in terms of compliance dates,  
19 I mentioned that we are in the compliance period  
20 for some of the preventive control rules, the  
21 large firms. We have produce safety, the first  
22 compliance dates, other than sprouts, would be

1 2018, as Ken mentioned, and then the FSVP rule  
2 follows, basically six months after the  
3 compliance dates for the other rules for firms  
4 that are subject to those rules, or 18 months  
5 after publication. FSVP is incredibly  
6 complicated.

7 So, there's a great chart on the  
8 website of all the compliance dates, if you have  
9 any questions about that.

10 All right. So, Phase II. Phase II  
11 governance structure. We do have four work  
12 groups that are working on the implementation  
13 program, because they are very far-reaching. So,  
14 we have an intentional adulteration group, import  
15 controls, a preventive controls group, which is  
16 dealing with both human and animal food, and we  
17 have a produce safety group. All of those groups  
18 are overseen by a steering committee, and then  
19 the steering committee reports up to our high  
20 level FDA senior leadership.

21 All of the groups have representation  
22 from both the -- the responsible center. So,

1 usually CFSAN for animal foods and CVM, and then  
2 also, our Office of Regulatory Affairs, which is  
3 our inspection staff, and they also all have  
4 state representation, because like I said, we  
5 feel like having some of that representation from  
6 our partners, because we're going to have to be  
7 working with them to implement these rules, we  
8 need to get their input as we're moving along.  
9 So, we do have state regulators on all of our  
10 implementation groups.

11 Obviously, the groups are at different  
12 places, because the intentional adulteration rule  
13 just recently published, so their implementation  
14 program is a little bit behind. Preventive  
15 controls' is -- being the first one out of the  
16 gate, their implementation program is much  
17 further ahead, but so they're all in various  
18 stages of figuring out what their implementation  
19 programs will look like.

20 So, we do have an operational strategy  
21 for FSMA overall, and it was published in May of  
22 2014, and basically, the overall goal related to

1 produce would be to have broad collaborative  
2 effort to foster awareness and compliance,  
3 through guidance, education and technical  
4 assistance.

5 So, this broad statement is really  
6 kind of the guiding principle and one of the big  
7 guiding principles for us, as we design our  
8 programs.

9 We do have some key principles that we  
10 -- that each of the work groups has been charged  
11 with dealing with, in designing their  
12 implementation programs.

13 So, the first one I think that's  
14 probably at the top of everybody's list when they  
15 think about FDA and regulation is inspections.  
16 So, what will the inspections look like? How  
17 will compliance work? We talk a lot about  
18 specialization. That's a project that ORA is  
19 going through to specialize their investigators.  
20 So, that's a key aspect.

21 The second piece is training,  
22 regulator training. We know that having

1 consistency is so critical to make these programs  
2 work, and so, we are engaging in a great deal of  
3 thinking about what training will look like, both  
4 for our staff and for the state staff, to make  
5 sure that those programs are consistently  
6 implemented.

7 We have committed to having subject  
8 matter experts available to the investigators, as  
9 they're on inspections. So, if questions come up  
10 in the inspections, they have resources available  
11 to them.

12 We are looking at data analytics. We  
13 have done a ton of work to think about what  
14 metrics we want to have, and then design our data  
15 systems around those. How do we collect the  
16 data? Another opportunity for working with our  
17 partners, because we know that we're not going to  
18 be the ones who are going to be necessarily  
19 generating all of the data that we might want to  
20 look at, to see how these roles are working, or  
21 how the role is working.

22 Then finally, to work closely with our

1 government counterparts and our other  
2 stakeholders, in putting these programs together.  
3 Ken -- one of Ken's staff members is working --  
4 has -- is embedded with us on the produce side,  
5 to make sure that we're thinking about the USDA  
6 perspective, and we -- we also have the states,  
7 and we also have a number of other stakeholders  
8 we're working with in various capacities.

9 All right, so, I'm going to focus on  
10 a couple of these key principles through the rest  
11 of this talk.

12 So, the first one I want to focus on  
13 is the skilled workforce.

14 So, as I mentioned, specialization,  
15 particularly in produce, we think is really  
16 important. You know, a lot of our investigators  
17 have experience in manufactured foods. But we  
18 don't have a lot of people who have that much  
19 experience in produce.

20 So, we feel like because it's such a  
21 specialized area, that we need to make sure that  
22 we have folks who are specially trained in

1 produce and understand it, understand ag science,  
2 understand the different growing conditions. So,  
3 that's going to really be key to our  
4 implementation of the produce rule, and we are  
5 developing what we call the Produce Safety  
6 Network, and this is a map of the Produce Safety  
7 Network, sort of identified where -- current  
8 thinking, as to where they might reside.

9 So, you'll notice that there are  
10 circles and there are diamonds. So, the Produce  
11 Safety Network will have two pieces to it. It  
12 will have CFSAN staff and it will also have ORA  
13 staff, and the CFSAN staff, we are planning to  
14 hire eight technical experts, and then two  
15 compliance staff, to follow a little bit later.

16 We are in the process of hiring them.  
17 We do have Stephen onboard now, and we are in the  
18 process of hiring the additional staff to fill  
19 out the CFSAN members of the Produce Safety  
20 Network, and then these circles are where the ORA  
21 staff will eventually reside.

22 We are planning to hire approximately

1 40 to 50 staff ultimately. Probably, half of  
2 that initially. But you'll notice that they're  
3 spread throughout the country.

4 So, the intent is that the folks who  
5 are embedded in those parts of the country will  
6 have real direct relationships with the state  
7 regulators, the academics and the other  
8 stakeholders that are in those areas. So, they'll  
9 really get to know the regional practices and be  
10 able to bring that expertise to us, as we  
11 continue to develop our programs.

12 Some of the responsibilities of the  
13 produce safety network will include technical  
14 assistance, outreach and training, work planning,  
15 outbreak investigations, inspections on the  
16 foreign side, and then enforcement.

17 So, the inspection piece is, they are  
18 going to be responsible for the foreign  
19 inspections, because we do plan to do foreign  
20 inspections for produce, and they will do foreign  
21 -- they will do inspections in states that choose  
22 not to have an inspection program. But for the

1 states that choose to have an inspection program,  
2 the states would be the lead there, and they will  
3 be -- so, they will be directly available to the  
4 states, in their regions, understanding the  
5 regional considerations. They'll be there to  
6 provide the technical assistance, the training if  
7 needed, help design the work plan and a lot of  
8 other aspects that go into the produce regulatory  
9 scheme.

10 All right. So, moving on a little bit  
11 to training. So, we are working with two  
12 organizations on training. So, one is the  
13 Produce Safety Alliance and the other is the  
14 Sprout Safety Alliance, similar sort of  
15 portfolios, just -- obviously, produce looking at  
16 produce overall, sprout is looking specifically  
17 at sprout. So, they are focusing on developing  
18 training programs for the industry.

19 Then on a regulator training side, we  
20 are going to have all of our regulators who are  
21 working on produce go through the alliance  
22 training. If they're working on sprouts, they'll

1 go through the sprout alliance. If they're  
2 working on produce generally, they'll go through  
3 the Produce Safety Alliance training, and then  
4 they're going to be going through some regulator  
5 training.

6 This is somewhat in development. I  
7 can't say somewhat. This is currently in  
8 development, and so, some of the aspects that we  
9 know it will include, first of all, will be how  
10 to approach an inspection, what do you look at  
11 during an inspection, kind of general inspection  
12 information.

13 If we have new reporting tools, the  
14 training will cover that, and then some of the  
15 bio-security aspects that are specific to farms,  
16 and then just how to interact with farms, because  
17 farms are a brand new entity for us, in most  
18 cases. We don't have the short -- a regular  
19 regulatory program on farms. So, this is going  
20 to be new, and so, we want to make sure that our  
21 investigators are really comfortable how to  
22 approach an industry that we have not had a lot

1 of interaction with.

2 That sort of leads to relationship  
3 building. So, part of what we know we have to do  
4 to make this program successful is to make sure  
5 we develop those relationships.

6 So, through our Produce Safety  
7 Network, they are going to be the ones who are  
8 going to have some of those direct interactions  
9 with both the farms and the state. We're going  
10 to be looking to our state partners to help us  
11 bridge some of those gaps that the interaction  
12 that we might not have had. Generally, our  
13 interactions with farms are during outbreaks,  
14 which is a very high stress, high tension kind of  
15 situation. We want to get -- have it -- a  
16 somewhat different relationship with the farms,  
17 where they understand that if we're coming out to  
18 do an inspection or accompany a state on an  
19 inspection, we're not there to look for where you  
20 had a problem that caused an outbreak. We're  
21 just there to see how you're complying with the  
22 rule.

1                   So, that's going to be a really  
2                   important part of what we want to do with our  
3                   Produce Safety Network, and part of that  
4                   interaction is going to be attending the training  
5                   with the industry.

6                   So, we've said that we want our folks  
7                   who are going through the PSA training to do it  
8                   with the industry at the same time.

9                   So, that -- I also want to mention our  
10                  recently announced cooperative agreement program  
11                  with the states. This was a major effort for us,  
12                  one of the largest cooperative agreements that  
13                  FDA has ever done.

14                  We recently announced that we are  
15                  providing money to 42 states that had applied for  
16                  -- to be part of this cooperative agreement  
17                  program, basically, to create an integrated food  
18                  safety system and to really plan through on a  
19                  state level, how they want to implement the  
20                  program.

21                  So, they had the opportunity to apply  
22                  for one of two competitions. They could apply

1 either just for education, outreach and training  
2 money, or education, outreach, training and  
3 inspection money.

4           Some states chose at this juncture,  
5 just to apply for the education, outreach,  
6 training money. Others included the inspection  
7 piece. The states that did not apply during the  
8 first round will have an opportunity to apply  
9 again. So, just the fact that they didn't apply  
10 in this round, doesn't mean that they're  
11 foreclosed permanently.

12           So, they -- the state cooperative  
13 program, the states will be expected to provide  
14 information to FDA about a number of things,  
15 including how they plan to do their outreach and  
16 education, how they plan to develop an inventory  
17 and what their staffing might look like, how they  
18 plan to execute any information requirements that  
19 they're going to have.

20           So, it's going to be a very  
21 comprehensive program. It's a big endeavor for  
22 us, but we're really excited to be able to

1 provide this money to the states, to help them  
2 kick off their programs.

3 Sort of a companion piece to this  
4 state cooperative program is a grant or a  
5 cooperative agreement that we also have with --  
6 to establish the National Consortium, which is  
7 money that was given to NASDA and they are going  
8 to be working with a number of other  
9 organizations, to bring together a lot of  
10 stakeholders such as AFDO and AFSO and USDA and  
11 FDA and others, to really sort of try and create  
12 some uniformity throughout the states.

13 We can't require that states implement  
14 any particular program under their cooperative  
15 agreement. But NASDA is going to be able to --  
16 the National Consortium will be available to try  
17 and share best practices and provide information  
18 to the states about maybe if somebody is doing  
19 this brand new, and somebody else has a program  
20 already established, kind of be that sort of  
21 clearinghouse, if you will, for information  
22 sharing.

1 All right. So, moving to inspections.  
2 So, obviously, you know, an inspection is trying  
3 to shape compliance, assessing the state of  
4 compliance of the industry.

5 We want these inspections to be  
6 standardized. We've said a lot, that we're going  
7 to be educating while -- before and while we  
8 regulate.

9 So, we are looking at how do we  
10 incorporate that education piece into our  
11 inspection program. We want to do some trend  
12 analysis, again, the relationship building, and  
13 so, we do have a group right now with NASDA,  
14 under our NASDA cooperative agreement, which are  
15 looking -- is looking at what does their  
16 inspection program look like? How do we  
17 prioritize inspections? How do we actually  
18 conduct the inspections? What kind of tools do  
19 the investigators use to collect data or report  
20 out on their findings, and then how do we do the  
21 compliance enforcement piece at the end, where --  
22 where needed?

1           Then so, a point here. The states have  
2           been -- if they apply for competition B, they  
3           will receive funding to do inspections. The  
4           Produce Safety Network will be available to them  
5           as a resource, and may accompany them. It will be  
6           sort of state dependent. But the PSN will be  
7           expected to lead the inspections in states that  
8           chose not to do inspections.

9           So, right now, we have, I want to say  
10          10, somewhere around 10 to 13 states that have  
11          chosen not to apply for inspection funding. So,  
12          in those states, the Produce Safety Network team  
13          will be the ones who will be doing the  
14          inspections, as well as perform the inspections.

15          All right. So, a bit on education,  
16          outreach, technical assistance. I mentioned the  
17          alliances.

18          So, we are working with the alliances  
19          to set up some technical assistance. We have a  
20          number of organizations that we think will play a  
21          role in this. We have a number of grants under  
22          the NIFA program, and we have the coordinating

1 centers that have also been funded.

2 One piece that Ken did mention is on-  
3 farm readiness review, and so, we are treating  
4 this as sort of an education outreach activity,  
5 more than inspection. It might look like an  
6 inspection or an audit program, but we're really  
7 thinking about it as an opportunity for outreach  
8 and education for the farms.

9 So, just to expand a little bit on  
10 what Ken was saying. We have been working with  
11 NASDA and USDA on developing this program. We  
12 have currently, a tool that we are getting ready  
13 to pilot. We are planning some pilots for  
14 beginning of January through sort of mid next  
15 year, and this will be a totally volunteer  
16 program. So, we're still working on how we would  
17 get those volunteers, how we would keep track of  
18 them, and who is going to do them is really going  
19 to be state-dependent.

20 So, part of the funding that the  
21 states get is going to be towards this on-farm  
22 readiness review program. So, again, for states

1 that choose not to do this, the FDA will be the  
2 one that will be doing the on-farm readiness  
3 reviews.

4           What do we really want to do with this  
5 data? We don't plan to leave any reports with  
6 the farm. We are going to really provide them  
7 the tools. We're going to hope that they do a  
8 self-assessment, and then we're going to sort of  
9 walk through them and maybe point out some areas  
10 where we might look at things differently. But  
11 we don't plan to issue any kind of reports to the  
12 farms or anything. It's really going to be up to  
13 them, to take notes as we go.

14           But we do hope to do some trending of  
15 the findings. So, you know, we're thinking about  
16 sort of an aggregate of, you know, this  
17 particular state went to 15 strawberry farms.  
18 These are the sorts of things that they found,  
19 and then that will help us when we design both  
20 our inspection programs and also prioritization,  
21 because if we see a particular industry that,  
22 well, this industry did really, really well

1 during the on-farm readiness review, that might  
2 be an industry where we don't maybe focus as much  
3 of our inspection attention during the first  
4 round of inspections. So, still thinking through  
5 how that might work.

6 So, technical assistance. We do have  
7 -- we have established a Technical Assistance  
8 Network, called the TAN, and it -- we have -- we  
9 are planning two parts to our technical  
10 assistance network.

11 So, the first one is in place. It's  
12 web-based and there is also a phone option. So,  
13 those are the -- that's a place where people are  
14 sending questions, basically rule interpretation  
15 questions.

16 We get questions anywhere from what  
17 are the compliance stage for this rule, to very  
18 specific questions like, I have this particular  
19 facility and we do this, and I need help  
20 understanding what this piece of the rule is  
21 asking.

22 We have all of our questions that are

1 captured in a knowledge management system, and we  
2 are working through right now, getting some of  
3 those questions and answers up on the website. I  
4 know we've committed to doing that, and we are  
5 working on that right now.

6 We're making sure that we're sort of  
7 sanitizing the questions, if you will, because we  
8 don't want people to not submit questions to us,  
9 with the level of detail that helps us answer the  
10 question, if they fear that we'll then go ahead  
11 and post their question up on the web.

12 So, everything that's posted is going  
13 to be sort of non-specific to a particular farm.

14 So, the TAN -- like I said, the TAN is  
15 up and running. We've had more than 2,000  
16 questions in the first year, and we know that  
17 we've been a little bit slow on some of the  
18 responses. We are developing some standardized  
19 responses for questions that we get a lot, and we  
20 are working on some other mechanisms to increase  
21 our speed.

22 The second piece of the TAN is going

1 to be the regulator TAN, and we are currently  
2 working on developing the regulator TAN, and so,  
3 this will be the group of people that are going  
4 to be available to the investigators, while  
5 they're on the farm or while they're in a  
6 facility, to answer those types of technical  
7 questions that might come up during the  
8 inspections, to make sure that they have that  
9 technical assistance that they need to really do  
10 the best inspection job that they can.

11 So, this is a little graphic. We had  
12 the -- the TAN does include CVM, CFSAN, ORA and  
13 our Office of International Programs, and the  
14 website to submit a question, and that's all.  
15 Thank you very much. Happy to answer questions  
16 and have my other resources here, as well.

17 So, I light all the way in the back  
18 and then I'll -- all the way at the end.

19 MS. BARNES: My name is Virginia  
20 Barnes, and I actually took the train the trainer  
21 course with Dr. Ben, from the Produce Safety  
22 Alliance. It's awesome. The TAN is awesome and

1 they also have the phone a friend.

2 But I was wondering if you could tell  
3 me about the state partners. Is there any kind  
4 of a site that I can go to for the question I  
5 have about the water, you know, the testing and  
6 things like that? Is there a state partner  
7 already set up for Florida, or is there a website  
8 I can go to, to find out? Do you know?

9 MS. THOMAS: At this point, we have  
10 not identified the specific people within the  
11 states that are going to be responsible for the  
12 different pieces of the program.

13 We have had some conversations with  
14 the states and with NASDA about how to make sure  
15 that the folks that needs those kinds of  
16 questions answered, have access to that.

17 So, I would keep an eye out, both  
18 probably on FDA's website, and then also on the  
19 NASDA site for that kind of contact information.

20 MS. BARNES: Thank you.

21 MS. THOMAS: You're welcome. I think  
22 I saw Ken. Okay, all right, let me go over here.

1                   MR. VAZQUEZ: Hi. Jorge Vazquez,  
2 Latino Specialties.

3                   So, to me, the notion of how you guys  
4 are going to prioritize the inspection seems kind  
5 of nebulous, you know.

6                   Is there talks about maybe creating a  
7 national database, kind of like the FDA facility  
8 registration site where maybe all of us can  
9 upload our certifications, and then help your job  
10 a little bit easier in choosing where they're  
11 inspecting or not?

12                  MS. THOMAS: I wish I could tell you  
13 yes, that sounds fantastic.

14                  We do not have authorization to have  
15 anything like food facility registration for  
16 farms. I mean, farms are specifically excluded  
17 from registration, and so, right now we have no  
18 way to be able to do that.

19                  We are looking to the states to  
20 develop their programs to consider how to collect  
21 inventory information and that's going to be one  
22 of the responsibilities of the folks who did get

1 funding, and so, how the states choose to do that  
2 will really be up to them.

3 We hope that we're going to pull all  
4 that information into a centralized database that  
5 FDA can use to do some of the prioritization and  
6 that it has the information that we need to do  
7 that.

8 I can tell you that I understand, it  
9 is sort of still nebulous. I like that word.

10 We are looking at prioritization on a  
11 couple of fronts. One is size. So, you know,  
12 impact would be if it's particular entity -- or  
13 not an entity, necessarily.

14 Well, you know, on the farm -- sort of  
15 at the farm level, what their compliance history  
16 would be. At the industry level, what their  
17 compliance history is. You know, if it's an  
18 industry that's been associated with outbreaks a  
19 lot, as opposed to a commodity that maybe hasn't,  
20 we might prioritize them differently.

21 I heard the question about how will  
22 FDA use the USDA information. I think that's a -

1 - that's sort of kind of where we're going, and  
2 that's a question that we've had a lot.

3 We talked about the -- using that  
4 information in the way that we prioritize. So,  
5 you know, if we know that because we've been  
6 working very closely with USDA, with AMS on the  
7 standard, we -- if we kind of know that a company  
8 has had a good USDA audit, then maybe we can  
9 think about, they would be further down on the  
10 priority list. A lot of details to be worked out,  
11 but certainly something that we'll share kind of  
12 as we -- as we make some progress on that. Yes,  
13 sir.

14 MR. YANDA: Hi. Dave Yanda with  
15 Lakeside Foods. We just had a team of people  
16 over at a large food show in Europe, SIAL,  
17 perhaps you're familiar with it. Our company  
18 does some considerable amount of export business,  
19 and our team came back with some concerns, after  
20 having meetings with buyers, over at that show,  
21 as it relates to the new regulations, and how  
22 they will pertain to us being able to compete in

1 the international market.

2           So, my question is, there are some  
3 international standards, Codax, which I'm sure  
4 you're probably familiar with, on some of these  
5 things that globally, I'm told many countries are  
6 required to adhere to, and there are tolerance  
7 levels for some of the things in Codax, and the  
8 concern is that our standards will be held higher  
9 than Codax, and that it will eliminate us from  
10 being able to compete in the international  
11 market, simply from a cost standpoint, and so,  
12 I'm wondering if you have any thought, or you  
13 could share any insight on that.

14           Is there any consideration continuing  
15 to perhaps, conform our standards with  
16 international accepted tolerances, rather than  
17 creating our own?

18           MS. THOMAS: So, we are active in many  
19 of the Codax activities. We don't have the  
20 authority to, at this point, just accept any of  
21 the Codax information. We've always just sort of  
22 have to take it, consider it against our

1 regulatory scheme.

2 But, you know, we do -- like I said,  
3 we do participate. We take the Codex information  
4 into account, as we're thinking through our  
5 standards. I don't know, Mike if you had  
6 anything further to add on that.

7 (Off-microphone comments)

8 MR. YANDA: Is there consideration  
9 being given to what it might mean to restricting  
10 companies' ability to continue to support  
11 business?

12 MS. THOMAS: Certainly. We have -- we  
13 are always concerned about, sort of the impact of  
14 what we're doing on both the international  
15 community, and also, the impact -- or the  
16 international requirements on our industry.

17 We do have two groups. One within  
18 food specifically, and then our international  
19 programs people, who are very active in working  
20 through a lot of those relationships.

21 (Off-microphone comments)

22 MS. THOMAS: Right, yes.

1 MS. BURNS: Cathy Burns with PMA. I'd  
2 like to build on that a little bit, both products  
3 going out and in.

4 I think there's an opportunity, and  
5 Ken, this is maybe more for you, for USDA,  
6 somehow to get involved in the coordination of  
7 the training between trade associations, USDA,  
8 maybe it's FAS, somebody needs to get involved,  
9 to coordinate those activities, so that FSMA  
10 training is clear for imports, and I certainly  
11 can tag onto the export conversation, as well.

12 I don't know who owns that between the  
13 FDA and USDA, but there seems to be -- there's a  
14 gap there on education and training, certainly  
15 for products coming in to the U.S.

16 MS. THOMAS: Our international affairs  
17 staff is taking the lead on a lot of the outreach  
18 and education for our -- for the international  
19 partners. So, I can certainly --

20 MS. BURNS: We might be able to help  
21 to --

22 MS. THOMAS: Okay, that would be

1 wonderful. Thank you.

2 MR. NELSON: Bob Nolan, Deer Run  
3 Farms. As a small vegetable grower, I think it's  
4 great that the produce safety alliance are going  
5 to be having these training sessions for us, to  
6 help bring us into compliance.

7 But I'm just curious, you know, is  
8 there a document that shows exactly what we're  
9 going to have to do, as far as record keeping?  
10 Are we going to have a food safety plan, and how  
11 much record keeping are we going to have to do?

12 The second point to my question is, I  
13 see you mentioned enforcement several times.  
14 Could you elaborate on enforcement? Is it going  
15 to be fines? Jail time? What are we talking  
16 about? Thank you.

17 MS. THOMAS: So, let me start with the  
18 first piece. We are -- we -- we'll have two  
19 guidance documents that I think will help to some  
20 degree.

21 So, one is the small entity compliance  
22 guide. So, that will be, you know, sort of the

1 guidance that is directed more towards the  
2 smaller growers, and then the general compliance  
3 guide, which may be one piece or multiple pieces,  
4 which will be pretty explanatory about when you  
5 have to keep records.

6 So, there is no requirement for a food  
7 safety plan for a farm. We did not require that.  
8 So, that is not something we require, although  
9 probably not a bad idea.

10 Enforcement. So, great question. I'm  
11 in the Office of Compliance. So, enforcement is  
12 sort of near and dear to my heart. So, I hope I  
13 didn't alarm anybody by mentioning enforcement at  
14 any point.

15 We sort of see this as an opportunity  
16 to do a lot of collaboration. We think the  
17 states are really going to be the front lines of  
18 any type of enforcement that's needed, but we  
19 think it's going to be sort of a very soft sort  
20 of roll out.

21 You know, I mean, we're not expecting  
22 to come out on day one and do an inspection and

1       come and shut a farm down. I mean, that's just  
2       now how we work, number one, and certainly not  
3       our expectations.

4                   But you know, so, yes, but you know,  
5       I mean, there may be situations where there is a  
6       farm that has major compliance challenges and if  
7       we see a public health concern, we are prepared  
8       to work with our state partners and consider  
9       which tools we have that would make the best  
10      sense, in terms of getting that farm into the  
11      state of compliance that they need to be.

12                   So, we really -- we have a variety. We  
13      don't have civil penalty authority. So, the only  
14      fine that we would have would be related to  
15      criminal prosecution, which is, you know, for  
16      very -- for the most egregious situations.

17                   But we have a lot of, sort of things  
18      in between, and we would be very judicious in  
19      using our tools. But we really do want -- you  
20      know, I mean our -- quite honestly, from my  
21      perspective, I want to be out of a job, in the  
22      Office of Compliance. I would love for everybody

1 to be in compliance and we wouldn't have to do  
2 anything. But you know, unfortunately, that's  
3 not the reality. So.

4 MR. JANIS: Hi. Michael Janis. I'm  
5 with the San Francisco Wholesale Produce Market.

6 For those of us who either operate or  
7 own multi-tenant or multi-use facilities, we're a  
8 little unclear as far as compliance in our role,  
9 as the landlord or the operator or the manager.  
10 Perhaps, where would that sit?

11 MS. THOMAS: Depends. That's,  
12 unfortunately, not an easy question, and it  
13 depends on how your particular entity or facility  
14 or organization is set up, and it depends kind of  
15 where you've drawn a line, in terms of, you know,  
16 what you're responsible for or what your tenants  
17 are responsible for. So, it's really going to be  
18 very situation specific.

19 If you have sort of a -- you know, in  
20 your particular situation, we -- if you wanted to  
21 submit a question to the TAN, we would be happy  
22 to sort of think through that and provide some

1 response for you.

2 MR. JANIS: And perhaps for our  
3 segment of the industry, there could be a point  
4 person who could potentially work for many of us,  
5 from food hubs to terminal markets, to you know,  
6 operations that are multi-user, because there is  
7 a lack of clarity when we speak to different  
8 inspectors in different regions.

9 MS. THOMAS: Yes, I mean, if it's an  
10 issue that you feel like we need to make sure  
11 that we address, particularly for investigators,  
12 you know, please let us know and we'll make sure  
13 to sort of think through that as we're designing  
14 our inspection programs. Thank you.

15 CHAIR KNORR: This is Beth Knorr.  
16 Mike, I really appreciate that question and also,  
17 think it probably carries over to farmers market  
18 managers too. Like, what is their rule? What is  
19 their responsibility level for any of the  
20 compliance issues that farmers might face?

21 MS. THOMAS: So, would you make a note  
22 of that for your guidance document? Excellent.

1 MR. VAZQUEZ: Just building up on  
2 those three questions from Mike, as well as Beth.

3 Is there any talks right now of if  
4 you're compliant with the rule of the law, and  
5 you happen to have some type of incident, to put  
6 in place, some type of tort reform or boundaries  
7 for, you know, in case you get sued, because some  
8 are afraid that the enforcement is going to come  
9 more from the legal sector rather than from you  
10 guys.

11 So, can we initiate a conversation  
12 about maybe putting some type of limits on the  
13 type of, you know, damages that somebody can be  
14 awarded, if you are complying with the rule of  
15 the law?

16 MS. THOMAS: That would not be  
17 something that would be within our bailiwick, but  
18 I would think that maybe the Advisory Committee  
19 or other entities, you know, that might be an  
20 opportunity. I totally understand the concern.

21 MR. NICHOLSON: Mark Nicholson. Two  
22 questions and maybe answered later. It was

1 regarding compliance guidance or the guidance  
2 documents, and I guess, you know, I don't know  
3 the exact timing on some of those deadlines. I  
4 know that there is a lot moving forward with  
5 compliance, but there's also then a lot of  
6 questions on the actual guidance.

7 So, I don't know how you're able to  
8 move forward with certain areas, without the  
9 guidance being done or not.

10 The other question is probably again,  
11 maybe more related to the guidance, but with  
12 regard to water and the water standards and  
13 methodology for testing the water.

14 MS. THOMAS: I can tell you, and Mike  
15 can correct me if I get this wrong, that we are  
16 doing a guidance that is specific to the water  
17 standards, and will provide perhaps, more  
18 information that would be helpful to you.

19 I think if you have some specific  
20 issues that you would like us to consider as  
21 we're developing the guidance, you know, please  
22 submit them to the TAN or through -- I think Mike

1 would be willing to hear from you about, if you  
2 had some specific scenarios.

3 In terms of sort of how can we do our  
4 inspection and compliance planning, when the  
5 guidance is still open.

6 There is a lot that we can do based  
7 just on the rule requirements. So, the guidance  
8 is going to build on the rule, but the rule  
9 really sets the foundation for our inspection and  
10 compliance programs.

11 So, while the guidance documents may  
12 further explain some things or provide a little  
13 bit more clarity, we think that we can start  
14 designing our inspection program based on the  
15 regulation itself, because you know, that will  
16 tell you where you have to keep records or what  
17 some of the requirements are. So, that's why  
18 we're able to sort of move forward now.

19 MS. BURNS: This is Cathy again. I'm  
20 curious whether people are volunteering for on-  
21 farm reviews.

22 MS. THOMAS: We have not put out the

1 call yet.

2 MS. BURNS: Not yet?

3 MS. THOMAS: Not yet.

4 MS. BURNS: Well, I think if what you  
5 say comes true, that if people volunteer and they  
6 get -- you know, a commodity has a clean bill,  
7 maybe they get audited less, so that the bottom  
8 of the priority list, that's pretty good  
9 incentive, if they're doing things well. So, I  
10 didn't realize it hadn't started yet.

11 MS. THOMAS: Yes.

12 MS. BURNS: When will that start?

13 MS. THOMAS: Great question. The roll  
14 out is anticipated for the Fall. So, this year.  
15 Next year, 2017, yes. Yes. We do have a couple  
16 of pilots going on for the first half of the  
17 year, and those have all been volunteers. So.

18 MR. McREYNOLDS: Roland McReynolds.  
19 I guess going back to the guidance issue, a  
20 couple of questions or points.

21 In talking to state regulators, that  
22 are going to be responsible, they're very, very

1 hesitant to be doing inspections without guidance  
2 being out, and feel like it's really, you know,  
3 not appropriate.

4 So, I guess you know, I would second  
5 my state government partners in that sentiment.  
6 It's really -- you know, there is a lot of  
7 interpretational questions and application  
8 questions that are not -- very much not clear  
9 from the rule.

10 So, I guess I'd like to understand  
11 more about how you would see that it is possible  
12 to provide effective inspections on these rules,  
13 absent that guidance.

14 The other question is, are you writing  
15 the guidance in-house or are you contracting with  
16 outside parties, and if so, who are those outside  
17 parties?

18 MS. THOMAS: So, let me first clarify,  
19 if I mis-spoke or was not clear.

20 I was not suggesting that we would be  
21 doing the inspections in the absence of guidance,  
22 but we're designing the inspection program, sort

1 of concurrently with the guidance being  
2 developed.

3 So, we do fully expect that the  
4 guidance documents will be out in plenty of time  
5 for both the industry and the regulators, to have  
6 some time to absorb them and to figure out what  
7 tweaks we need to make to our programs, before  
8 the compliance states. So, I apologize if I gave  
9 the wrong impression.

10 The guidance documents are being  
11 developed in-house, and I'm going to ask Mike if  
12 he has any -- the -- are we getting any outside  
13 assistance at all?

14 (Off-microphone comment)

15 CHAIR KNORR: Okay, any other  
16 questions for Jennifer?

17 Thank you so much for sharing the  
18 information.

19 Because this was kind of an  
20 information heavy piece, I think we're going to  
21 go ahead and take our break. So, it is about 10  
22 til three right now. Let's take a 15 minute

1 break. Maybe come back at five after three.

2 (Whereupon, the above-entitled matter  
3 went off the record at 2:49 p.m. and resumed at  
4 3:15 p.m.)

5 MS. STANZIANI: Okay, everybody, if  
6 you wouldn't mind taking your seats. We are  
7 going to get moving again. We've got a couple of  
8 different presentations to get through.

9 CHAIR KNORR: Okay. So, let's get  
10 right back into it. We're going to open up the  
11 session for any comments observers might have  
12 right now. Anyone?

13 Okay, so, assuming that there are no  
14 comments, we're going to move along and Greg  
15 Astill, from the Economic Research Service is  
16 going to present some information to us here.

17 MR. ASTILL: Hi. I'm Greg Astill with  
18 Economic Research Service in USDA.

19 Economic Research Service does all  
20 sorts of economic research that has to do with  
21 agriculture, and this is some work that I'm doing  
22 with my colleagues Linda Calvin, Suzanne

1 Thornsberry, who is here, and Travis Minor, just  
2 recently joined our team.

3 Also, we have from NASS, the National  
4 Agricultural Statistics Service, Nathaniel  
5 Warenski and Shareefah Williams, and this has  
6 been a concerted effort between ERS and NASS, in  
7 producing these food safety surveys dealing with  
8 the produce sector.

9 First, why are these food safety  
10 surveys important?

11 Primarily, better data makes better  
12 policy. We need information to inform that.  
13 We're looking to document the level of food  
14 safety practices already in place, and things  
15 that have developed since the last food safety  
16 survey that was done at the national level in  
17 1999.

18 We want to provide a benchmark of  
19 practices prior to implementation of FSMA, to  
20 estimate the impact that the law is going to have  
21 on produce growers, and we're hoping and we  
22 expect that the results -- the published results

1 of these surveys that we'll be producing, will  
2 guide research and the economic impacts of this  
3 law, and also address training efforts and show  
4 where the important parts of guidance documents  
5 and training are.

6 So, we're looking at the economic  
7 impacts of the Food Safety Modernization Act on  
8 U.S. produce industry, and so, we partnered with  
9 NASS to do two surveys, a grower survey and then  
10 a post-harvest processing survey, and we're  
11 focusing on food safety practices in asking about  
12 questions about those practices, as they line up  
13 with the rules in the FSMA law.

14 We have a small number of questions  
15 about costs and these surveys are going through  
16 most of the U.S. We're trying to capture as much  
17 of the produce industry as possible.

18 So, we've covering a lot of  
19 commodities and a lot of farm sizes.

20 Now, NASS takes -- the National  
21 Agricultural Statistic Service of the USDA, they  
22 take data integrity and data security very

1 seriously. So, all of these surveys are  
2 personally enumerated by NASS staff. NASS  
3 ensures that no individual response or operation  
4 can be identified by the data that's held in the  
5 database, and each person dealing with the data  
6 must sign a confidentiality agreement. So, the  
7 integrity and privacy of the data is -- is  
8 primary.

9 So, this survey has gone out in two  
10 parts. The first part of the survey was combined  
11 with the NASS chemical use survey, and in 2015,  
12 that went out to fruit growers, and we have that  
13 raw data now. I'm going to show you some  
14 preliminary example graphs from that.

15 So, thank you to everyone who  
16 participated in this survey. Thank you to anyone  
17 who encouraged participation. We appreciate it  
18 very much. There were over 6,000 growers who  
19 filled out the chemical use survey, and of those,  
20 40 percent filled out the Food Safety Addendum.

21 Now, the second part of the survey is  
22 going out right now, and through January 13th.

1 It's -- this is an addendum to the vegetable  
2 chemical use survey, and it's going out to the  
3 big vegetable producing states and for a lot of  
4 target commodities, most of them are vegetables.

5 But there is some overlap. So, some of  
6 these vegetable growers will also be growing  
7 different fruit commodities, and we see that in  
8 our first survey, some of that.

9 So, these are example graphs of the  
10 type of information you will see in our published  
11 report, and I am showing you a very thin slice.  
12 We've gotten a lot of great information in that  
13 first survey, and we're going to have a lot to  
14 share.

15 So, all the graphs are going to have  
16 a similar structure. So, let me just explain the  
17 structure, and then each graph will be fairly  
18 easy to understand.

19 So, on the 'x' axis, we have broken  
20 out produce growers by the amount of produce  
21 sales they've had on average in the last three  
22 years. So, yearly average sales.

1                   Now, the far left of the graph, we  
2                   have less than 25,000, then on the far right, we  
3                   have more than 10 million. In the middle, that  
4                   middle bar is 500 to 100 -- 500 to one-million,  
5                   500,000 to one-million.

6                   So, they are the categories of sales,  
7                   and then the width of those bars is the  
8                   proportion of the sample that fits into that  
9                   category.

10                  So, you can see, we have two percent  
11                  of our sample are selling more than 10-million a  
12                  year. Sixteen percent of the sample is selling  
13                  less than 25,000.

14                  So, you can see we have quite a few  
15                  mid-size growers, small-ish growers, and then a  
16                  few, we do have some large growers in there, as  
17                  well.

18                  Now, on the Y-axis here, we have the  
19                  percentage of firms in that category that have  
20                  answered 'yes' to the question. So, here the  
21                  question is, have you heard of the produce rule  
22                  in FSMA?

1           Now, you can see of the large growers,  
2 more than 75 percent say, "I have heard of the  
3 produce rule." The smallest growers, about one-  
4 third say that they have heard of the produce  
5 rule, and you can see that trend increase.

6           Looking at audits. So, we asked, "Do  
7 you have an audit?" You can see the large  
8 growers, more than 50 percent say they have  
9 audits. The small growers, about 10 percent say  
10 they have an audit, and you can see that  
11 increasing trend, as well.

12           When we asked, "How many audit  
13 standards do you use," the large growers on  
14 average have three audit standards that they're  
15 complying with and the smaller growers are -- on  
16 average, have one, and that trend also increases  
17 with size.

18           Now, we look at marketing channel.  
19 So, you have -- we asked four marketing channels,  
20 "Are you selling fresh? Are you selling  
21 processing? Are you selling to fresh cut? Are  
22 you selling direct to consumers?"

1                   Now, very few people are selling 100  
2 percent to one of those channels. So, I've  
3 broken that out into are you selling at more than  
4 90 percent to one channel, and then if you're  
5 selling less than 90 percent to one channel,  
6 you're in this mixed category.

7                   You can see those who are in the mixed  
8 category, that's 31 percent of firms in the same,  
9 and about two-thirds of those firms have audits.  
10 When you look at in comparison, direct to  
11 consumer is on the far right. Eleven percent of  
12 the sample are selling direct to -- more than 90  
13 percent direct to consumers, and about 10 percent  
14 of them have audits.

15                   Now, this is water, and this is one  
16 piece of a lot of information we have about  
17 water. So, this is specifically ground water  
18 that you are using in irrigation or application,  
19 that touches the crop. So, overhead irrigation  
20 or application of chemical or either.

21                   So, the categories we've broken these  
22 up into are the number of water tests. Zero is

1 the red bar and if you're having four or more  
2 water tests a year, that's the green bar.

3 So, you can see the -- the largest  
4 growers, those with over \$10 million in sales,  
5 about two-thirds of those growers are doing four  
6 or more water tests a year, and about 15 -- 10 or  
7 15 percent don't have a water test. Compare that  
8 with the smallest growers, over 50 percent of the  
9 smallest growers aren't doing a water test on  
10 their ground water, and a very small percentage  
11 are doing four or more, and you can see that  
12 trend, similar to those other trends we saw in --  
13 it's pretty linear, as we go up in size.

14 So, we would just like to encourage  
15 everyone to fill out the survey if you get it,  
16 and also encourage participation in the survey,  
17 because this information, we fully expect to help  
18 the guidance document writing and the training  
19 that's coming out.

20 We'd also like to get any information  
21 that you have of suggestions for reaching out to  
22 growers and communicating that the survey is

1 coming out, and the benefits of it. So, I'm open  
2 to questions.

3 CHAIR KNORR: Okay, jump on in with  
4 questions, folks.

5 MS. DIETRICH: So, what kind of return  
6 did you get on surveys sent out?

7 MR. ASTILL: So --

8 MS. DIETRICH: So far.

9 MR. ASTILL: Yes. So, there were  
10 about 2,700 that we got, that were partially  
11 filled out, and about 2,000 that were very clean,  
12 and there were 6,000 growers on the chem use  
13 survey, and more than -- if I'm not mistaken,  
14 more than 90 percent of those people filled it  
15 out, and it's an -- as I understand, it's a  
16 mandatory survey. So, unless -- oh, it's not.

17 Okay, but yes, it's -- it has a very  
18 high response rate. Yes.

19 MR. SUTTON: Dan Sutton. Just a  
20 couple of recommendations.

21 I think one, if you utilize some of  
22 the trade organizations to possibly reach a

1 greater breadth of growers, and also, I think if  
2 growers really knew that this was an attempt to  
3 help the guidance document, if that point could  
4 be very clear when it's sent out, that the intent  
5 is to help develop the guidance, I think your  
6 response level is going to go up, pretty big.

7 MR. ASTILL: Thanks.

8 MR. SUTTON: There is a great contact  
9 in the front of the table right here, that could  
10 probably get you started.

11 MS. STANZIANI: Can we put that on the  
12 record, please?

13 MS. BARNES: I was just saying also,  
14 to go through Farm Bureau and Fruit and Vegetable  
15 Associations, because those are people that  
16 farmers really trust, and also know the seasons.

17 If you call us when we're not busy,  
18 we're more likely to help. I just did it last  
19 week. I just got the call last week and I did it  
20 because I wasn't super busy. But I have gotten  
21 the call when we were in the middle of our  
22 season, at our busiest time, and we just don't

1 have time to do it then.

2 MR. McREYNOLDS: And Roland  
3 McReynolds. I think other point that which I  
4 think we -- might have been made in prior  
5 presentations on this.

6 But in terms of, you know, outreach to  
7 organic farmers, the chemical use survey may not  
8 be the best vehicle for reaching those growers,  
9 in terms of, you know, just their response rate  
10 to that survey.

11 So, other times that you're surveying  
12 organic growers, piling it onto that would be --

13 PARTICIPANT: The chemical use survey,  
14 it doesn't discriminate organic growers.

15 MR. McREYNOLDS: Sure, right, and  
16 there are -- there are organic chemicals. My  
17 point is, I'm just not sure the response. Maybe  
18 you've got some response rate data that you can  
19 correlate but I would just guess, lot of the  
20 organic farmers that I work with, which see just  
21 this survey and go in the round file.

22 MR. VAZQUEZ: Jorge Vasquez. Are you

1 guys gathering any data on fresh operations or  
2 any type of -- other type of facilities, other  
3 than growers or just strictly growing operations?

4 MR. ASTILL: We have information on  
5 whether that growing is running a packing  
6 facility. But then we have another port -- we  
7 have another survey that goes out specifically to  
8 packers, and we do have that information. I  
9 didn't present it here. But the survey is very  
10 similar, but with a few differences.

11 MR. VAZQUEZ: So, are the findings  
12 kind of like the same, the less you sell, the  
13 less familiar you are with the --

14 MR. ASTILL: I haven't dug into that  
15 data, as deeply as I have this.

16 MS. BURNS: Cathy Burns with PMA.  
17 Back to Dan's point. Do you have examples of  
18 feedback that you've received and you've made a  
19 change as a result of it in the guidance, because  
20 I think we need to be able to tell the story.

21 I mean, it's one thing to say, yes,  
22 we'll take your feedback and we'll listen.

1 MR. ASTILL: Yes.

2 MS. BURNS: But if we have a solid  
3 example or two, that would help us, in terms of  
4 really galvanizing the industry to actually  
5 complete the survey.

6 CHAIR KNORR: A couple other comments.  
7 This is Beth Knorr.

8 I'm sure you already are working with  
9 extension agencies, but those are certainly well  
10 received by growers, and I just want to echo what  
11 Roland had to say.

12 I think the name of the survey is  
13 probably pretty off-putting to organic growers.  
14 So, if you want get a little bit more input from  
15 them, just tweaking the name a little bit might  
16 go a long way, to getting them to fill those out.

17 MR. ASTILL: Thank you.

18 CHAIR KNORR: Any other questions? If  
19 not, thank you so much, Greg, for the  
20 information.

21 MR. ASTILL: Thank you.

22 CHAIR KNORR: Okay, next up we'll be

1 hearing from the National Agricultural Statistics  
2 Service and Jody McDaniel will be sharing some  
3 information with us.

4 MR. MCDANIEL: Good afternoon, folks.  
5 As was mentioned, my name is Jody McDaniel. I'm  
6 actually the chief of the environmental economics  
7 and demographics branch within the statistics  
8 division for the National Agricultural Statistics  
9 Service.

10 So, we had a couple of our staff from  
11 census and survey division that joined today,  
12 that support the focus, which would be Nate, and  
13 as well as Shareefah.

14 The surveys that actually are  
15 conducted go through the process and actually  
16 they end up with my staff, who then do the  
17 publications.

18 So, to help with the answer of the  
19 chemical use, the nomenclature, that nomenclature  
20 of the chemical use program has been around long  
21 before the organic program really grew, but that  
22 is something that I'll take back and actually

1 have a conversation about. We'll have to see how  
2 to better utilize that.

3 We actually focus organic to our  
4 production survey, which any of you interested in  
5 organics, hopefully had an opportunity to see  
6 that data that we released last month.

7 But another shameless plug, we also  
8 have the local sales or a local agriculture  
9 survey for marketing channels that will be  
10 released in December. So, if anyone would like to  
11 take a look at that.

12 But for the topic of the day, which is  
13 the ag labor survey, it's -- with anything we do  
14 with NASS, I always like to take the opportunity  
15 just to remind folks that our mission statement  
16 is to be timely, accurate and useful in providing  
17 --

18 PARTICIPANT: Sorry, it's hard to hear  
19 you back here. Can you use a microphone?

20 MR. MCDANIEL: I think we might have  
21 had a height difference. I always forget that  
22 I'm not everybody else's height, and I don't have

1 a little voice either.

2 So, timely, accurate and useful  
3 statistics and service to the United States  
4 agriculture. That's the mission of NASS, and  
5 actually, Greg highlighted very well, that we  
6 take the confidentiality around our data very  
7 seriously. That's with all of our survey  
8 programs.

9 But specifically the NASS ag labor  
10 survey is the one source of data on agricultural  
11 workers and wage rates. The publication goes out  
12 twice per year. It's informed from a multi-  
13 framed sample. That sample is a probability  
14 based survey. It's off of a stratified list  
15 sample, which is actually geared off of the  
16 number of employee or the number of staff  
17 employed, as well as the economic size of the  
18 operation, to make sure that everyone gets  
19 representation, and it's supplemented by the area  
20 sample, which is actually each June, if you're  
21 not familiar, and some of you may be, we do a  
22 June area survey which is what we like to call

1 the ground truth.

2 We go out and do segments in every  
3 part of the United States, to capture  
4 information, and labor is actually a portion of  
5 what we do capture.

6 Together, that actually combines to  
7 make up approximately 13,000 respondents. The  
8 survey is now done in April and October. For  
9 those of you who have been around agriculture and  
10 had an opportunity, you might recall this used to  
11 be done four times a year.

12 So, we actually do have reference  
13 weeks in January, April, July and October. Those  
14 weeks always include the 12th of the month, and  
15 then we actually currently release the data twice  
16 a year, in April and October, and we collect the  
17 data for 10 working days around the reference  
18 date.

19 It's a multi-mode survey. So, rather  
20 than personal enumeration, which is what you  
21 heard on the chem use survey, this is actually  
22 done through a combination of mail, telephone,

1 web and very limited personal interviews to keep  
2 the cost of the survey product down.

3 The estimates that we were able to  
4 provide out of that are all hired workers. Those  
5 are those individuals working 150 days or more  
6 days, as well as less than 150 days, the hours  
7 per week those individuals work, as well as the  
8 wage rates, and that's either -- it's for all  
9 hired workers and then also field and livestock.

10 Also, some annual average numbers that  
11 are produced are the number of workers, those  
12 being all hired, hours worked, which are for all  
13 the hired workers, and again, the field and  
14 livestock hired workers for wage rates.

15 So, if we're looking at this, to give  
16 you an idea, these are the regions that are  
17 actually supported by farm labor. Those of you  
18 familiar with NASS data might understand that  
19 this does not follow our -- these are not our  
20 agency regions. These are actually DOL regions,  
21 Department of Labor regions, which is what  
22 actually is the purpose behind the survey.

1           So, again, it actually comes out twice  
2 a year, 3:00 p.m. eastern standard time, on the  
3 release date. As to not make the presentation  
4 very stake, I didn't put release dates in it, but  
5 it's also available on Quick Stats II.

6           For those of you -- does anybody use  
7 Quick Stats data product, outside of ERS?

8           I will be the first to tell you that  
9 it has a wealth of information and it's a lot  
10 better than what we used to call our IPEDB and I  
11 only know that, because I used it in graduate  
12 school. That's how I found NASS. But it's still  
13 confusing, as I'll get out, to find the data.

14           So, I gave you a cheat-sheet. If you  
15 save the -- the materials out of the  
16 presentation, if you ever look for farm labor  
17 data, you go under our economic sector, under the  
18 expenses and then under the labor section. That  
19 will actually get you to the historic data  
20 series.

21           Now, to highlight some of what I would  
22 call some of our data uses, or uses, first and

1 foremost, we provide this data to the Department  
2 of Labor. The primary reason why we currently do  
3 the survey, it's funded through a cooperative  
4 arrangement with them.

5 We provide the wage rates as a  
6 component of the parity index, which is required  
7 by law. That is actually used to establish the  
8 minimum wage rate for domestic and foreign ag  
9 workers. It complements administration of the  
10 farm labor recruitment and placement services  
11 program, as well as it helps to inform policy.

12 Just as a point of clarification, much  
13 as was discussed with ERS, NASS is non-policy  
14 driving organization. We inform policy through  
15 our data.

16 So, you may think when you get one of  
17 our surveys it's going to be holistically used to  
18 change your world. We are a primary data source  
19 for the Department of Agriculture. Our job is to  
20 collect and inform all -- everyone at the same  
21 time, on the same day.

22 So, with that, I think I may have

1 bought you a small amount of time, and I will be  
2 ready to take your first H2A question.

3 PARTICIPANT: Fantastic.

4 MR. CASTANEDA: Carlos Castaneda.

5 Jody, my question on your timing, April and  
6 October, don't you feel that weighs the --  
7 weighted a little unfairly?

8 For example, in California we're  
9 peaking at harvest between those months, April to  
10 October. Yet, from November to March, you know,  
11 we're thinning and weeding fields at hourly  
12 wages.

13 So, if you're only grabbing April and  
14 October, you get where I'm going. Your average  
15 is going to be a heck of a lot higher than what  
16 the annual average would actually show.

17 So, you know, leading into H2A, it  
18 unfairly pushes wages up quite a bit higher.

19 MR. McDANIEL: All right, and just to  
20 clarify -- actually, let's see if we can get this  
21 a little higher, so I have don't have to lean.

22 Just to clarify, actually, we collect

1 the data in April and October, but we actually  
2 collect it for four months. So, we're collecting  
3 January, April, July and October. We only  
4 collect the data twice a year now, but we're  
5 collecting it for two reference weeks at a time.

6 So, we are capturing that span of  
7 time, so it should count that cyclical nature of  
8 agriculture across the United States.

9 MR. NICHOLSON: Mark Nicholson. Yes,  
10 looking for some clarification on you know,  
11 making adjustments to the survey.

12 So, I think there's recommendations on  
13 changes of wording or clarifying, you know, H2A  
14 employers should not fill it out, and I think the  
15 direction has been in both kind of directions, in  
16 the sense that DOL may have that control, or NASS  
17 has that control.

18 So, it -- do you have any  
19 clarification on if these questions or the  
20 survey, you know, has to be adjusted? Who owns  
21 that?

22 MR. McDANIEL: So, one, I can tell you

1 every time I hear H2A, I sort of feel like the  
2 scarecrow from the Wizard of Oz, where he points  
3 in both directions, because the answer you all  
4 normally get.

5 DOL helps to drive the content at this  
6 point. At one point in time, NASS owned the  
7 survey product. We funded it through our  
8 appropriation, at a point in time. We no longer  
9 had the appropriation to support it. Department  
10 of Labor, because of their need for the data, now  
11 supports the program through funding.

12 They have a very strong voice in what  
13 we do and what we collect. We try to maintain  
14 the integrity of our data series. So, there is  
15 some consistency through that.

16 We also -- actually, it was the most  
17 recent survey period. The State of Washington  
18 happened to mail out a survey to H2A employers,  
19 at the same time that we were mailing our labor  
20 survey.

21 So, we did a phone call with them, as  
22 well as Department of Labor, to try to figure out

1 if we could actually marry the two, to decrease  
2 the respondent burden, because as I heard someone  
3 mention earlier, it's really great to fill out a  
4 survey, except for when you're in the middle of  
5 harvest, or planting or -- well, pretty much  
6 anything. It's the same way we all feel when we  
7 get a phone call.

8 So, in that discussion, we going to  
9 continue down that path, to see if we can  
10 actually try to merge the data items and make  
11 that a little clearer.

12 There is a process where we put out an  
13 OMB docket on a regular basis for the  
14 agricultural labor survey. If you happen to find  
15 that at the time that it's out, you can always  
16 generate any of those comments and they'll be  
17 considered, or my contact information is here.  
18 If you have specific feedback, I'd be happy to  
19 receive it and then get it to my partners over in  
20 our census and survey group.

21 MR. NICHOLSON: And just to follow up.  
22 To avoid that pointing back and forth, is there -

1 - is there a working group or some mechanism  
2 where you guys sit down at the table and work  
3 that out or is it -- is it less formal?

4 MR. McDANIEL: No, it's -- there's  
5 money involved. So, it -- imagine this.  
6 Government gets really formal when you have  
7 dollars.

8 There is a working group. I can't  
9 speak to the working group, only for the sheer  
10 fact that I work out of our statistics side of  
11 the house. So, my job is more to analyze and  
12 disseminate the data, less so than the census and  
13 survey group, which does the data collection  
14 side.

15 So, what I can do is, if you'll reach  
16 out to the information from here in this slide, I  
17 will partner you with my peer in that group.  
18 Yes, sir.

19 MR. SUTTON: Just seeking your  
20 opinion. So, the DOL has ownership of the  
21 survey. Do you think that serves its purpose well  
22 or would it be better suited under NASS?

1           MR. McDANIEL: As I smile and say  
2 this. As any federal agency will say, we will  
3 always gladly take additional appropriation.

4           I do think for the purpose of where we  
5 are right now, and maintaining our current  
6 program, given our allocation and appropriation,  
7 that DOL is taking good care of us.

8           MR. CASTANEDA: Carlos Castaneda once  
9 again. Another question on the survey.

10           For example, in California it's, for  
11 the average wage rate, which is, as you know, for  
12 H2A. So, how is the calculation based, because I  
13 get asked this quite a bit at farms.

14           You know, how is the calculation made,  
15 because you know, one -- when it gets released by  
16 DOL in January, like, how do they come up with  
17 that, because I mean, everyone is scratching  
18 their heads saying like, nobody around is paying  
19 those wages.

20           So, is there a percentage that's added  
21 to this to make it a super minimum? Is there a  
22 certain equation that you could share with us, to

1 make -- that would help us understand this a bit?

2 MR. McDANIEL: I wish I could share  
3 the equation with you. If I knew it, I would be  
4 happy to discuss it. The honest answer is that  
5 we provide them a certain amount of data and then  
6 they do their calculations.

7 Again, we inform the statistics that  
8 then they use to set policy.

9 MR. CASTANEDA: One more question.  
10 So, when you are gathering data how -- your  
11 filter, I'm curious. I mean, are you going from  
12 an irrigator to a harvest to a pesticide  
13 applicator? Are you going like to like, or I  
14 mean, or is it fully encompassing?

15 MR. McDANIEL: The survey would be  
16 fully encompassing. The way we would draw the  
17 sample is, it would be very representative of  
18 agriculture as a whole.

19 So, and this is not a NASS statistic  
20 when I use this, so please do not quote off of  
21 it, but when you assume that H2A accounts for  
22 probably 50 percent of agricultural workers, that

1 it's usually very labor-intensive work, and so,  
2 we also capture things that include farm labor,  
3 that include something as simple as a hired hand  
4 versus something as labor-intensive as picking  
5 fruits and berries.

6 So, everything is captured in that  
7 process and we actually -- the labor survey is  
8 actually -- it's a fairly aged product at this  
9 point, so it's fairly stable.

10 CHAIR KNORR: Any other questions?  
11 No? Okay, thank you very much. Appreciate it.

12 MR. MCDANIEL: Thank you.

13 CHAIR KNORR: Okay, next Chuck is  
14 going to provide some updates on our  
15 recommendations and their status.

16 MR. PARROTT: Okay, thank you. Those  
17 of you who are returning members, I want -- Pam  
18 and I wanted to give you some updates on kind of  
19 some of the recommendations that were made at the  
20 last meeting especially, and then kind of  
21 highlight some of the things that USDA has done,  
22 since those recommendations were made, just you

1 can -- everyone can kind of be up on to speed,  
2 and I'm just going to give you kind of a quick  
3 overview.

4 So, start with, there was a  
5 recommendation regarding funding for plant  
6 breeding and sustainability research and on May  
7 16th, this year, USDA announced that \$130 million  
8 in funding is available for research, education  
9 and extension projects to support sustainable  
10 productive and economically viable plant and  
11 animal production systems, including certified  
12 organic production.

13 So, that's something that certainly  
14 speaks to that recommendation. Also, on  
15 September 29th, USDA released details of up to  
16 \$48.1 million in available funding to support  
17 systems based research and extension activities,  
18 that Secretary Vilsack.

19 Then finally, still on the same  
20 recommendation, on August 2nd, USDA announced 19  
21 grants totaling \$36.5 million to research and  
22 education to support American farmers growing

1 fruits, vegetables, tree nuts, dried fruits,  
2 horticulture and nursery crops, including  
3 floriculture.

4 The next recommendation, we had one  
5 about targeting funding for improved pest and  
6 disease detection. A few things pertaining to  
7 that.

8 On April 18th, the National Institute  
9 of Food and Ag of USDA announced the availability  
10 of \$4 million to support research and extension  
11 efforts to mitigating test issues and increase  
12 crop production practices.

13 Then also, on June 2nd, USDA awarded  
14 \$14.5 million in grants to support research into  
15 plant health, production and plant resilience.  
16 So, that was done through NIFA, as well.

17 So, we had a recommendation regarding  
18 funding for citrus green. On April 21st,  
19 Secretary Vilsack announced the availability of  
20 \$23 million in USDA funding to support research  
21 and extension products, specifically for  
22 producers fighting citrus green disease.

1           We had a recommendation regarding new  
2 farmer networking advocacy and education. This  
3 was the group that I think, Bob, you were in  
4 charge of -- of this one, too.

5           You know, we were -- there was concern  
6 that the average farm population was -- I think  
7 the average of a farmer was 58 point-something  
8 years old. So, what was USDA doing to address  
9 that?

10           On August 17th, we announced a new  
11 investment of \$17.8 million, and this is going to  
12 fund 37 projects to help educate, mentor and  
13 enhance the sustainability of the next generation  
14 of farmers.

15           So, that's good, and then the other  
16 thing, on October 3rd, so earlier this month, the  
17 USDA's National Institute of Food and Agriculture  
18 announced \$17.7 million in grant funding to help  
19 train and educate the next generation of  
20 agricultural producers through the beginning  
21 farmer/ranger development program.

22           So, I'll pass that along, and then the

1 last one that we had regarding food safety and  
2 FSMA, just a few days ago on October 19th, USDA  
3 announced more than \$4.7 million in grants for  
4 food safety education, training and technical  
5 assistance projects for producers who were  
6 impacted by the new FMSA regulations. So, that  
7 specifically tied to that.

8 So, those are some of the things that  
9 we put together, and I know Pam, did you have  
10 anything else or -- but I wanted to pass that  
11 along to everybody, so you'd be kind of up to  
12 speed.

13 MS. STANZIANI: Well, I guess as some  
14 of you probably received, as soon as I get those  
15 kind of notifications, I like to forward them  
16 onto you.

17 I have printed a few of the press  
18 releases out for -- copies for everybody, but  
19 probably about six or seven of the press releases  
20 that are related to exactly what Chuck was  
21 talking about.

22 But I will go back and try to make

1       sure that I have all of them available. But  
2       again, I think I have tried to forward them --  
3       all of that information out to you guys, and I  
4       will continue to do so, of course.

5               I think standard procedure for anybody  
6       who wants any of the information that was posted  
7       -- any of these presentations, they will --  
8       rather than me sending -- trying to send you  
9       PowerPoints across email, they will be posted on  
10      the website. Everything is public information.  
11      So, it does go on the website.

12             So, any kind of contact information,  
13      I will have it put up there in the next two  
14      weeks, for anybody that wants that information.  
15      Of course, with the exception of the data from  
16      ERS, because that's not public information right  
17      now.

18             Let me see. I am just going to give  
19      you a couple -- well, I guess that's it for now.  
20      I think that's it. I'll let you move forward.

21             CHAIR KNORR: Okay. Any questions for  
22      Pam or Chuck on those updates?

1 MR. McREYNOLDS: Yes, thank you very  
2 much. Roland McReynolds. Thanks very much for  
3 the updates. Couple things.

4 I do get the emails, when you forward  
5 those out, Pam, and it's very helpful. I guess  
6 just from the position of the research and grants  
7 committee, even having the press release is nice,  
8 but just like a list and a link to all those ones  
9 that you rattle off would also be really helpful  
10 to streamline our review.

11 MS. STANZIANI: Absolutely.

12 MR. McREYNOLDS: And continued  
13 discussion of the subject.

14 Second of all, with respect to the ERS  
15 slides, so, those aren't public, but is that --  
16 can that information be distributed to committee  
17 members?

18 MS. STANZIANI: It can't, because what  
19 they do, very similar, is the same as NASS. They  
20 distribute it, it goes out, once the report is  
21 done, it goes out simultaneously to everybody.

22 So, they're still collecting data.

1 They're still doing all of that research and  
2 analysis and I think to keep the integrity of the  
3 information, they have to do it that way.

4 MR. McREYNOLDS: Well, that would be  
5 really helpful in the future, when we're getting  
6 presentations like that, to advise us beforehand,  
7 that you better write all this stuff down,  
8 because it's not going to be public, if you're  
9 interested. So.

10 MS. STANZIANI: Well, it will  
11 eventually.

12 MR. McREYNOLDS: Right, right, but --

13 MS. STANZIANI: But I just can't give  
14 it to you right now.

15 MR. McREYNOLDS: Yes. Understood.

16 Thank you.

17 CHAIR KNORR: One quick question that  
18 I have for you, Chuck. This is Beth Knorr.

19 Is there the -- the amounts of funding  
20 that you mentioned, do those constitute an  
21 increase from what has been available previously?

22 MR. PARROTT: Yes. In some cases,

1       yes.  Some of these funding sources were new.  
2       You know, that didn't exist before.  So, in that  
3       case, yes.

4                   There is -- there were some funds that  
5       were increased.

6                   CHAIR KNORR:  Okay.

7                   MR. PARROTT:  Yes.

8                   MR. NELSON:  And Chuck, I have a  
9       question.  With those grants for the beginning  
10      farmers and stuff, will that be distributed  
11      through the state, or how will that be  
12      distributed?

13                   MR. PARROTT:  Let me see if I have  
14      that level of detail here.

15                   Okay, so, the one with the \$17.8  
16      million to help educate, mentor the next  
17      generation of farmers, that says the investment  
18      is made through USDA's beginning farmer/ranger  
19      development program.

20                   So, in that case, no, not through the  
21      states.  It's directly through USDA, and then the  
22      \$17.7 million from National Institute of Food and

1 Ag,

2 PARTICIPANT: We don't have it.

3 MR. PARROTT: I don't have the  
4 information on that. I'm sorry. We could look  
5 into it. Yes.

6 MS. STANZIANI: Bob, I'll make sure  
7 that I look into that and send it out to  
8 everybody.

9 CHAIR KNORR: Any other questions  
10 about updates? Okay, next up we are going to  
11 begin talking about our working group areas, and  
12 earlier, Pam had mentioned the groups that had  
13 some interest in carrying forward. This when on  
14 all -- in a second here, I'll have her reiterate  
15 those.

16 But this is the opportunity for us to  
17 share those interests areas that we have some  
18 desire to make a recommendation on, that there is  
19 a pressing issue that your particular segment of  
20 the industry is facing, and you want to discuss  
21 it and make a recommendation.

22 So, now is the opportunity to share

1 those ideas and start forming working groups  
2 around them, and in the past, people have opted  
3 to sign up for multiple working groups. If  
4 that's something that you're interested in doing,  
5 I think that we have made the recommendation that  
6 you don't spread yourself too thin.

7 So, perhaps limiting it to two, three  
8 probably at the most working groups is probably  
9 advisable. Keep in mind that not on will we be  
10 meeting here, but we will also be meeting between  
11 our face-to-face gatherings by conference calls  
12 and that kind of thing, to discuss the issues.

13 So, you don't want to bog yourself  
14 down with many, many meetings, in between now and  
15 our Spring meeting. So, keep that in mind.

16 So, I'm going to have Pam share those  
17 once again, and then I think we can go around and  
18 ask for, you know, open it up to people making  
19 suggestions on a potential topic area for  
20 discussion.

21 MS. STANZIANI: Okay. Well, the  
22 groups that we -- at the last meeting, the groups

1 that we decided to, at least at that point, stay  
2 active, was the food safety and FSMA working  
3 group, the research and grant funding working  
4 group, the agricultural labor working group, I  
5 believe we -- from the minutes we re-activated  
6 that.

7 The rural broadband and internet  
8 connectivity working group, the food deserts and  
9 food waste, new farmer advocacy, education and  
10 mentoring, and another one that we had  
11 established at the end of the last meeting was  
12 the market news working group, and I believe Tom,  
13 I don't know if you remember, but you agreed to  
14 chair that.

15 MR. WILLIAMS: I don't know what  
16 you're talking about.

17 MS. BURNS: Do we still have chairs of  
18 all those groups?

19 MS. STANZIANI: We currently have  
20 chairs. Cathy Burns is -- and Lorri Koster, who  
21 is not here, but she's still a member of the  
22 committee, chair and co-chair the -- vice chair,

1 excuse me, the food safety and FSMA working  
2 group.

3 Roland, I believe, was handed off the  
4 reins to the grant -- research and grant funding  
5 working group. Carlos Castaneda is the  
6 agricultural labor chair, and Bob Nolan is the  
7 new farmer advocacy, education and mentoring  
8 chair.

9 We may or may not have a chair for the  
10 food desert and food waste. If you want to even  
11 continue that it's -- again, this is up to this  
12 committee, and then again, of course, the market  
13 news -- actually -- yes, market news, Tom, and  
14 the rural broadband and internet connectivity, I  
15 believe Helen Dietrich was the chair last year,  
16 and several of these groups did not make  
17 recommendations, solely because they were pretty  
18 much brand new, and there still needed to be a  
19 lot more research done.

20 CHAIR KNORR: Okay. So, I'm  
21 interested in hearing from the group. If there  
22 are other suggested working groups, I don't know

1 if there is a limit to the number of working  
2 groups we can establish, Pam. I mean --

3 MS. STANZIANI: I think it's just a  
4 matter of how much you can put -- you can  
5 dedicate to it.

6 CHAIR KNORR: So, I'm going to go  
7 ahead and open it up.

8 MR. JANIS: I'm just curious, the ones  
9 that have been ongoing, is there any way of just  
10 understanding, just of just in a snapshot, where  
11 the particular is or work to be done, so we can  
12 sort of understand?

13 MS. STANZIANI: Well, in your packets,  
14 that was really the purpose of me making sure  
15 that you had drafts of all -- the final draft --  
16 final draft of each of the recommendations that  
17 were done the last two years by the last  
18 committee.

19 At this point, we can just have those  
20 existing working groups meet, and everybody kind  
21 of think about A) if there's anything new that  
22 needs to be addressed, or if that working group

1 feels that maybe, you know, we don't necessarily  
2 need to be active anymore.

3 I mean, that's kind of the main  
4 question right now, and we also have a lot of new  
5 people. So, you kind of have to think about what  
6 you guys are interested in, or want to look into  
7 more, of the existing working groups.

8 So, do you want to -- I'm trying to  
9 think of the best way to do this, because there  
10 are quite a few of these.

11 Well, I guess the working groups that  
12 we have chair -- existing chairs for right now,  
13 probably should be the groups that meet first.  
14 If you are interested in two or more of the  
15 groups that are meeting simultaneously, we can  
16 make sure that -- I had to do it last time.

17 I think we had two groups meet -- we  
18 had more last time, but two groups meet first,  
19 for a half-hour, and then two groups meet again,  
20 for a half-hour. Why don't we do that? That  
21 way, everybody has an idea.

22 So, if the working groups that I think

1 probably would be the best to meet first are the  
2 -- well, it's up to you, actually. Why don't you  
3 guys decide?

4 MS. BARNES: I just have a question.  
5 If we weren't in a working group before, can we  
6 join that group now?

7 CHAIR KNORR: Yes.

8 MS. BARNES: Okay.

9 CHAIR KNORR: I don't think anybody is  
10 going to say no to extra pair of hands to jump in  
11 on the work there.

12 MS. BARNES: Okay.

13 CHAIR KNORR: So, yes. So, folks, let  
14 me hear from you a little bit. What do we want  
15 to do here?

16 MR. VAZQUEZ: I just have a general  
17 question. This is Jorge Vasquez.

18 On certain topics like the labor  
19 topic, for example, aren't we kind of like dead  
20 in the water, until we know who is going to come  
21 into the next Administration, or like the ports  
22 of entry, for example. You know?

1                   CHAIR KNORR: Well, kind of taking a  
2 cue from Pam here, I think probably the best  
3 course of action is to either meet with, or at  
4 least -- at the very least hear from the chairs  
5 of the committees that were carried forward, to  
6 see if there is any interest in carrying those  
7 on.

8                   I think there's probably a couple, you  
9 know. I think food safety is probably a strong  
10 candidate to be carried forward, and research and  
11 grant funding.

12                   So, let's -- why don't we take a quick  
13 round-robin and just do a quick check-in status  
14 with those groups, to see if you have a desire to  
15 carry forward, and then we can just go from  
16 there.

17                   If that's the case, then we can go  
18 ahead and break into those groups and then maybe  
19 reconvene after a half-hour or so, and see if  
20 there are any other topics that are emerging that  
21 we might want to coalesce around.

22                   MR. McREYNOLDS: So, only those two is

1 what we're starting off with?

2 CHAIR KNORR: No, no, no. I'd like to  
3 hear from all of the chairs who are present. I  
4 think the only one that we don't have a chair  
5 present for is the food deserts, food waste  
6 group. Yes, and we can just set that one aside  
7 for the time being, unless there is somebody who  
8 really wants to take that up.

9 But let's go ahead and just do a  
10 round-robin with some of those groups. So, yes.

11 MS. BURNS: So, the Food Safety  
12 Modernization Act group has meet for the last  
13 couple years. We put seven recommendations ahead  
14 of the Secretary, or to the Secretary. Heard  
15 back on probably most of them, but given the  
16 importance of FSMA and where it's heading, I  
17 guess the question would be what more can this  
18 group do, as it relates to implementation, as it  
19 relates to the USDA.

20 I don't have the answer to that, but  
21 if folks have a strong opinion about our ability  
22 to influence what's currently happening around

1 implementation, I think the group should continue  
2 to exist, if not, we put the seven  
3 recommendations forward and be happy to sunset  
4 the group, as well.

5 MR. McREYNOLDS: So, as somebody to  
6 serve on the food safety committee, and somebody  
7 who watched FDA's presentation and saw the very  
8 few places where there is actually an input point  
9 for industry into these regulations, I would  
10 encourage that is it important for us, as a  
11 group, through USDA, to influence AMS, which is  
12 the agency that's best tied in with FDA's effort.  
13 I would encourage us that this is a major  
14 priority that we -- that we -- that this is an  
15 opportunity for us to brain-storm some better  
16 solutions to try to get into the mix of FDA and  
17 USDA's policy discussion. So.

18 MS. STANZIANI: Dan, do you want to  
19 mention something?

20 MR. SUTTON: I'm just going to re-  
21 affirm everything I just stated. I think -- I  
22 think there is still a lot of unknowns. I think

1 there is plenty for this group to work on, even  
2 if everything were defined. I think there is  
3 plenty of things that are going to come forward,  
4 that I think having a good group of people  
5 dedicated to it moving forward is going to be  
6 good.

7 MS. STANZIANI: And I do recall -- I  
8 think it was Mike Mahovic, who mentioned that the  
9 guidance -- they will always accept any kind of  
10 recommendations and comments on the guidance  
11 documents.

12 So, that's an ongoing process too.  
13 So, you're not limited to, you know, time frames.

14 MR. WILLIAMS: I was just going to add  
15 onto that, that if you look at -- it said -- it  
16 had all the different breakouts and it said, have  
17 you heard of the Food Safety Modernization Act,  
18 or the rule of -- the produce rule?

19 It did not ask do you understand the  
20 produce rule, and so, I think until we get clear  
21 -- I mean, nobody -- everybody I talk to has a  
22 different understanding of it. So.

1 MS. BURNS: What was a little scary is  
2 that the companies at \$10 million and above,  
3 still, there wasn't 100 percent that people knew.

4 MR. WILLIAMS: Yes?

5 MS. BURNS: So, we got a long way to  
6 go.

7 MR. WILLIAMS: So, if we can help  
8 influence the guidance of the questions to ask  
9 and get the education out there, I think that  
10 would be worthy in itself.

11 CHAIR KNORR: Okay, great. So, it  
12 sounds like that group is going to carry it  
13 forward, and I just want to state, just in  
14 general, even if a group decides that they want  
15 to disband for the time being, there's still an  
16 opportunity to reform at a next meeting or what  
17 have you.

18 It doesn't mean that you can never  
19 convene around that topic again. So, just keep  
20 that in mind. If there is not something specific  
21 that you feel like you can plug in around or make  
22 a recommendation on, it's perfectly okay to table

1 that for the time being and come back to it  
2 later.

3 So, okay, so, next we want to hear  
4 from the Research and Grant Funding Groups.  
5 Roland, I believe that was you.

6 MR. McREYNOLDS: Sure. Yes. So, I  
7 think at our last meeting, our -- the committee  
8 recommended the continuation of the committee,  
9 based on a recognition, first of all, of the  
10 vital nature of agriculture research to ensuring  
11 the productivity and success of farmers and of  
12 the health of our nation, and that there is a --  
13 continues to be a particular important need to  
14 make sure that specialty crops and fruit and  
15 vegetables get their share of research dollars on  
16 the health side and on the production side, and  
17 that this is important to serving the -- our  
18 stakeholders to this committee, as well as the  
19 public, and third, that they're -- you know,  
20 things like citrus greening, where you know, the  
21 response was -- to the problem was behind the --  
22 was way behind the scope of the problem.

1           You know, this committee, I think can  
2 point to success in guiding more research dollars  
3 to that subject or being part of that solution,  
4 as highlighted in the press releases here.

5           But it's even more important for us to  
6 -- for our industry to be ahead of the next  
7 gigantic pest problem, ahead of the need for  
8 breeding of new varieties of crops to withstand  
9 new pests, new climate variations.

10           So, you know, we -- I speaking as  
11 interim chair, would certainly encourage that,  
12 that is still a highly important and relevant  
13 area for continued follow up on the successes  
14 we've had and for further advocacy on -- for us -  
15 - to encourage addressing the new needs that are  
16 emerging, and so, I'd leave it to other committee  
17 members to offer their insights on this, as well.

18           MS. BURNS: So, Roland, this is a  
19 really naive question from me.

20           The Farm Bill is coming, right, in the  
21 next iteration. I don't know what the USDA --  
22 what the USDA's connection is to the Farm Bill

1 and what your group's connection is to the Farm  
2 Bill.

3 But is there a way to expand your  
4 work, to make it more broadly, to encompass the  
5 Farm Bill, because I think we have the  
6 opportunity to influence it, or is that a  
7 separate group?

8 MR. McREYNOLDS: Well, I'll certainly  
9 welcome Chuck and Pam to chime in.

10 But my understanding -- you know from  
11 -- it is certainly the case that the vast, vast,  
12 vast majority of funding for research is  
13 allocated through the Farm Bill.

14 You know, the programs are chartered  
15 in the Farm Bill, whether they're mandatory  
16 funding or discretionary funding is set in the  
17 Farm Bill, and then Congress acts.

18 The policy determinations about what  
19 will be studied or not, what will be prioritized  
20 is definitely part of the Farm Bill mix.

21 So, yes, this bit -- that's another  
22 really great argument for this -- this

1 committee's work, is to focus on things that we  
2 can advance in the broader industry's efforts to  
3 improve the Farm Bill's treatment of -- and  
4 research on the specialty crop industry. Thank  
5 you.

6 CHAIR KNORR: And that would also be  
7 relevant for food safety, as well, and perhaps  
8 for many of these.

9 PARTICIPANT: All of them.

10 CHAIR KNORR: Yes, all of them.  
11 Okay, so, I hear that kind of as a -- a yes.  
12 Okay.

13 PARTICIPANT: Why don't we have Bob  
14 talk about the new farmer act?

15 CHAIR KNORR: Yes, okay. Bob, do you  
16 want to talk a little bit about your interest in  
17 carrying forward the new farmer piece or your  
18 status on how you're feeling about that?

19 MR. NELSON: Well, I'm feeling pretty  
20 good, because we got two grants out of it. You  
21 know, I shouldn't say just because of our  
22 committee, but maybe we did have some influence

1 on that, you know?

2 The issue of mentoring and access to  
3 land, I think continues to be a problem, and as  
4 agriculture changes and new people get into it,  
5 there's probably going to still be issues coming  
6 up.

7 So, I don't know if there's any  
8 feeling of the committee, any members here, if  
9 you'd like to continue. You know, if there's  
10 things we haven't done yet or new issues that are  
11 popping up, that we need to continue. I'd be  
12 more than happy to continue to chair it. So.

13 MS. MANIER JOHNSON: As a new member,  
14 I was just going to ask, in that group, did you  
15 look at all of the barriers to entry for women  
16 and minority groups in farming or is that  
17 something --

18 MR. NELSON: I don't think so.

19 MS. MANIER JOHNSON: -- that's in new  
20 farmers, that was not looked at?

21 MR. NELSON: I don't think we looked  
22 into that.

1 MS. STANZIANI: I believe, as specific  
2 to that, no, it was more of a general -- new  
3 farmers in general, just getting the interest,  
4 you know, having people be interested in farming,  
5 and the barriers that occur because of land  
6 access. That was a big one, actually.

7 Bob, I think that that was one of the  
8 things that you wanted to continue to work on --

9 MR. NELSON: Right.

10 MS. STANZIANI: -- was the land  
11 access. I think there was also big concern about  
12 the crops -- crop -- funding for crops, crop  
13 insurance, that type of thing.

14 USDA has historically given, you know,  
15 money to the rural crops and the specialty crops  
16 has not received -- at least that's what some of  
17 the comments were at the last working group  
18 meeting, is that, you know, specialty crops are  
19 being -- you know, fruits and vegetables are  
20 being pushed by every aspect of, you know, the  
21 government and the health field, yet specialty  
22 crops doesn't get that kind of attention through

1 the -- monetarily.

2 MR. NELSON: Yes.

3 MS. STANZIANI: So, I think that was  
4 -- those were the two issues, I believe you  
5 wanted to still address.

6 MR. NELSON: Yes, it's still an issue  
7 of access to land. I don't know if Kristine has a  
8 comment. She is on our committee.

9 MS. ELLOR: Yes, definitely, I'd like  
10 to see this committee to continue, and even just  
11 talking with people today, like Holly had this  
12 terrific idea about bringing college students  
13 onto the farm in some ways, to encourage that,  
14 which would also help bring in new farmers.

15 I mean, if you've never been on a  
16 farm, but there's incentive to be on a farm,  
17 working a summer job, that brings young people  
18 in.

19 But also, this year in our area, we've  
20 been wrestling with planning issues, and what I  
21 realized is on the local and county levels,  
22 sometimes there are no farmers at the table, and

1 I don't know -- you know, that has to do with  
2 availability of land and land access, because you  
3 could preserve farm land, but in our case, you  
4 know, the roads are getting so crowded, you can't  
5 get equipment up and down the road.

6 So, there's all these issues. So, how  
7 do we -- how do we get agriculture in -- at the  
8 table at -- in the planning process? So, that's  
9 another issue I'd like to take a look at.

10 MR. NELSON: So, I guess we'll  
11 continue the committee, and those who are  
12 interested, I guess when we break up, just come  
13 down here and we'll come up with some ideas.

14 CHAIR KNORR: Okay, great. Carlos, do  
15 you want to address the interest in carrying the  
16 labor group forward?

17 MR. CASTANEDA: Sure. This is Carlos  
18 Castaneda. I think the committee did a pretty  
19 darn good job coming up with some points.

20 Unfortunately, because of the  
21 politics, you know, we didn't feel that we had  
22 the most optimistic responses as some of the

1 other committees did, and kudos to those.

2 But I don't think we need to give up  
3 on the fight. I think that there's still delays  
4 in processing. I think a lot of us have  
5 experienced that this very year, 2016. I think  
6 there is still a lot of issues with the H2A  
7 program.

8 So, I think there is a lot of  
9 different directions that we can take the  
10 committee. Maybe specifically, folks on H2A or  
11 maybe go broader, but I think the subcommittee  
12 should continue.

13 On a separate point, I would add,  
14 chairperson, that you consider the chaos it  
15 creates when we have two or three committees  
16 meeting at the same time, because we do have  
17 members in multiple committees. So, we may have  
18 to take a straw-pole up on the Board, and see  
19 which committees should meet at that time,  
20 because it makes it a challenge.

21 CHAIR KNORR: That's a great  
22 suggestion. Thanks, Carlos. I appreciate it.

1                   Okay, Tom, do you want to talk about  
2 the market news?

3                   MR. WILLIAMS: This was brought up at  
4 the end of one of our last -- I think it was  
5 actually our last session, and I think it was a  
6 result of Ken talking, wasn't it?

7                   The marketing news, is it funded  
8 through the Farm Bill, or is it funded -- how is  
9 that --

10                  CHAIR KNORR: It's appropriated and I  
11 think --

12                  MR. WILLIAMS: Appropriated?

13                  CHAIR KNORR: -- there was some risks  
14 there.

15                  PARTICIPANT: It was appropriated.

16                  CHAIR KNORR: Yes.

17                  MR. WILLIAMS: So, the question was --  
18 and so, from a conversation standpoint, it would  
19 be, you know, from the wholesale and retail  
20 community, we utilize the marketing news and the  
21 data, and all of the great information they get  
22 to help us -- help influence buying decisions.

1           So, the question was, is it something  
2           that should be continued, and so, I agree to  
3           chair this. I don't know that it would require a  
4           lot of meetings. It would just pretty much be  
5           coming -- a group together, and determining that  
6           if it is something that is viable, that should be  
7           continued, and then making a recommendation to  
8           see that it's funded, is that correct?

9           CHAIR KNORR: Yes, it seems to me that  
10          even just crafting a statement, that that's  
11          something that the committee could do, is  
12          crafting a statement in support of the market  
13          news, because of its value to the industry.

14          I think that that's something that is  
15          really appropriate.

16          MR. PARROTT: And just to highlight,  
17          that's where I was going to go too, that a  
18          statement might be all you need to do.

19          You know, the issue that we were  
20          having, you know, the Office of Management and  
21          Budget, you know, looks at a lot of programs, and  
22          if they don't -- you know, they're always looking

1 to save money, of course, and you know, they  
2 looked at market news and thought, well, ghee,  
3 you know, I mean, how many farmers are there, you  
4 know? Who needs -- you know, why can't we just  
5 have farmers enter their own information?

6 So, we spent a lot of time with them,  
7 getting them to understand who all uses this  
8 information. It's not just farmers. It's  
9 throughout the -- and what's sort of a public  
10 good, I think was Terrie Long's term this  
11 morning, that it provides and why, for really,  
12 not a lot of money, you know, it provides a lot  
13 of public good.

14 So, that was sort of the -- where we  
15 were going with that, and again, I think a  
16 statement to that effect might be really helpful.  
17 So.

18 MS. STANZIANI: I can give a little  
19 background on some of the discussion from the  
20 last meeting about this.

21 Again, I reiterate, market news is  
22 wholly appropriated. It's the only division or

1 program -- service within at least specialty  
2 crops, that is wholly appropriated.

3 So, they do depend on those dollars,  
4 and the reason this was brought up at the last  
5 committee meeting, because as Chuck alluded to,  
6 there is talk about illuminating or reducing  
7 market news appropriations, not just at OMB, but  
8 you know, and other levels, because people aren't  
9 aware of it. People don't understand that market  
10 news gets their information from the  
11 relationships they've built on the markets all  
12 over, and at the shipping points, and these are  
13 relationships that have been built up over the  
14 years.

15 If you look at any of the data that  
16 you received, maybe from -- I know that there is  
17 different groups, like western growers, and a lot  
18 of them pull up data. All of their data comes  
19 from market news. Nobody -- if market news went  
20 away, all of that data is going to have to be  
21 generated from somewhere, and that means  
22 relationship building with all of the vendors,

1 etcetera.

2           So, that would be a big -- that would  
3 cause a lot of havoc. I think one of the key  
4 things was when the government shut down a couple  
5 -- two years ago, market news, because it's  
6 appropriate, had to cease operating, and that  
7 caused a lot of problems, a lot of problems, and  
8 that's when people started to realize how  
9 important market news was to them.

10           Now, livestock market news, I believe  
11 is -- is an Act, Chuck? Livestock -- market news  
12 for livestock is --

13           MR. PARROTT: It's mandatory.

14           MS. STANZIANI: It's mandatory,  
15 whereas, specialty crops is not.

16           So, I guess that's part of the impetus  
17 to really having this committee address, you  
18 know, the importance and really, the awareness  
19 and education of how important market news is to  
20 the industry, if it is.

21           I mean, but I think there's a lot of  
22 different sectors that use it, that people don't

1 realize, and they do still think, oh, it's just -  
2 - you know, it's for the growers. But it's not  
3 just for the growers.

4 MS. BURNS: I guess my question would  
5 be, is that the only program that's at risk?

6 MS. STANZIANI: I believe so. I think  
7 so.

8 MS. BURNS: So, you feel everything  
9 else in USDA is being funded appropriately?

10 MS. STANZIANI: Well, what we can deal  
11 with.

12 MS. BURNS: Okay, because I just -- I  
13 mean, we happen to be talking about market news,  
14 but if there's other things that are at risk, we  
15 should know that.

16 MR. PARROTT: Yes, and market news is  
17 really the only one that -- as Pam said, that's  
18 funded by Congress.

19 MS. BURNS: Okay, so that is --

20 MR. PARROTT: Most of other --

21 MS. BURNS: Okay, great.

22 CHAIR KNORR: Okay, so, it sounds like

1 that one should continue, and my sense is that it  
2 will probably be pretty quickly developed, a  
3 statement for putting in front of the Secretary  
4 there.

5 Okay, the next one would be the  
6 broadband group. Helen, do you want to speak to  
7 that a little bit, how you're feeling about  
8 carrying that forward or not?

9 MS. DIETRICH: Well, I wasn't at the  
10 meeting in April. So, and basically it's just  
11 lower -- I'm sorry, Beth -- Beth and myself on  
12 that committee. Did you want to do anything else  
13 with it or --

14 CHAIR KNORR: Well, I think some of  
15 the issues that were encompassed in that were  
16 related to technology available, and the  
17 challenges with that, with relation to farmers  
18 markets and smaller outlets, such as food hubs  
19 and so on and so forth.

20 So, given that we have some new folks  
21 on the committee and somebody new also who is  
22 representing the farmers market sector, as well,

1 there may be opportunities to make  
2 recommendations around those things.

3 I'm not sure how you're feeling around  
4 -- about the rural broadband access itself, the  
5 larger issue as opposed to just, you know, the  
6 technological advances there.

7 MS. DIETRICH: I think like  
8 Nationwide, as far as the rural connectivity, I  
9 think that's really important. I know there has  
10 been a lot of funding for it, especially in my  
11 state of Michigan, we've had a big push towards  
12 funding it, but I don't know how that has worked  
13 nationwide.

14 So, maybe that is something that we  
15 should look into a little bit.

16 CHAIR KNORR: Okay, so, it sounds like  
17 that one is going to carry forward, as well.

18 So, it seems like that only one right  
19 now that may be tabled for the time being is the  
20 food desert, food waste group, unless there is  
21 somebody sitting around the table right now, that  
22 really wants to take that on, and wants to serve

1 as chair, to carry that forward. Anyone?

2 Okay, so, what I'm sensing then is  
3 that -- we'll just continue to table that.

4 So, we have one, two, three, four,  
5 five, six, six groups that are interested in  
6 being active.

7 MS. DIETRICH: Laurie -- or Beth?

8 CHAIR KNORR: Yes.

9 MS. DIETRICH: Did you want to ask if  
10 there is anyone at the table who has some new  
11 ideas?

12 CHAIR KNORR: Yes, one of the things  
13 that I thought we might do is go ahead and meet  
14 with those existing groups briefly, and see where  
15 we are, and then come back and see if there are  
16 other people who feel like they have something --  
17 something that was discussed within those groups  
18 or outside those groups, that warrants an  
19 additional working group. Does that make sense?

20 Okay, so, there was a suggestion that  
21 - I feel like the food safety group was a rather  
22 large group. So, I feel like that group probably

1 needs to meet on its own. I'm going to toss this  
2 idea out there, and feel free to shoot it down.  
3 I'm not offended by those kinds of things.

4 But what if that group met after  
5 everybody else, so that folks can meet, and those  
6 other groups -- I feel like there was a lot of  
7 cross-over with people participating in those  
8 other groups, and then we can come back and meet,  
9 and then the food safety group could meet after  
10 that.

11 Any other suggestions or ideas on how  
12 to handle that?

13 MS. ELLOR: I just wondered if we had  
14 any old committee lists lying around?

15 CHAIR KNORR: I think it's going to be  
16 based on our memory, such as it is, as to what  
17 groups we were participating in. Pam may have  
18 something.

19 But I don't think we have anything in  
20 our packets, as to who was participating in what  
21 groups.

22 Yes, yes, I think that that's fair. I

1 think, you know, the law of two feet, if you  
2 weren't satisfied with the work that you were  
3 getting done in one group, you're free to move  
4 about to a different -- a different group.

5 So, okay. I guess I'm going to  
6 suggest then -- what time is it? It's 4:30.

7 You know, perhaps we don't have enough  
8 time to meet and then come back and come up with  
9 additional group ideas.

10 So, let's go ahead and toss out some  
11 potential ideas for additional groups, before we  
12 separate out.

13 Does anybody have any issues that  
14 they're hoping to address?

15 MR. CASTANEDA: Chairman Beth, I'd  
16 like to bring to the group's attention, a  
17 technology.

18 As a concern in labor, the specialty  
19 commodities are not getting enough R&D, and so,  
20 we're seeing the stuff that's really hot. Let's  
21 take strawberries, for example. There's a lot of  
22 money in that industry. So, there's a lot R&D

1 going into technology, specifically for  
2 harvesting, and I see the cost to our growers,  
3 specifically in California, between overtime,  
4 minimum wage, non-productive time, rest and  
5 recovery, ACA, as a slew of things that had just  
6 affected the past three to five years, a lot, a  
7 lot to stomach.

8 So, those big industries, such as  
9 strawberry, I'm not trying to beat up on  
10 strawberry, I'm just using them as an example,  
11 since I've seen their equipment.

12 It's fascinating. They have the  
13 capital to invest and to come up with equipment.  
14 But what happens to the special commodities, you  
15 know, that nappa, for example, bok choy, Shanghai  
16 bok choy, collard greens, kale, that aren't as  
17 common nationally.

18 You're not going to see somebody from  
19 Silicon Valley putting in \$100 million worth of  
20 research, but they're not going to see one-  
21 billion bucks worth of machines out there.

22 So, I'm not sure if USDA -- if this is

1 the route for this, and Chuck, maybe you can  
2 comment on this, but I think it's something that  
3 we should consider, speaking of technology,  
4 because all you have to do is pick up any paper,  
5 any day of the week, and you'll see warehouses  
6 that are now 100 percent automated with forklifts  
7 that are automated, with delivery, etcetera.

8 So, this is the wave of the future,  
9 and agriculture can't be left in the dust. Thank  
10 you.

11 CHAIR KNORR: I have a couple of  
12 thoughts on that. I wonder if that might be a  
13 great fit for the research and grant funding  
14 piece or perhaps, the broadband/technology group,  
15 to address those, as well.

16 I mean, I know broadband is a little  
17 bit different of an -- different kind of  
18 technology, but I -- I do feel, especially with  
19 the technology that's related around farmers  
20 markets accepted SNAP and WIC benefits, it might  
21 have a good fit for that kind of thing, like  
22 where is that -- how can we recommend funding go

1 into technological advances, particularly for  
2 agriculture?

3 Any thoughts on that from others in  
4 those groups?

5 MR. NICHOLSON: Beth, Mark here. I'm  
6 familiar with the specialty crop research  
7 initiative, which is part of the Farm Bill, and I  
8 do believe the -- there is a fair amount of  
9 language in there directing funding to automation  
10 research.

11 I know for the apple industry, it's a  
12 major area of interest. So, it seems to make  
13 sense to keep that with what is now titled, what,  
14 research grants and Farm Bill? Is that what we  
15 renamed you?

16 CHAIR KNORR: Okay, fantastic. I  
17 think that's fair. Okay.

18 Okay, other interest areas?

19 MS. WHITTEMORE: So, this morning,  
20 when the -- what's his name? Tribbett was  
21 presenting with his team, I kind of volunteered  
22 to do some expansions in terms of the training

1 for the exotic foods and tropical products.

2 I think that's important to my  
3 industry, for sure, okay, the wholesalers, the  
4 importers, distributors, that the inspectors know  
5 exactly what products are we talking about.

6 Since I volunteer for him, I talked to  
7 him, after the fact, and I'm planning to follow  
8 through it. I wonder if -- to follow up with it.

9 I wonder if I could, you know, take  
10 that on and maybe somebody else here could also  
11 help me and bring that up, and we could, you  
12 know, develop a real program where we could --  
13 doesn't need any funding.

14 So, might be able to move forward,  
15 just to be able to -- for them to really know,  
16 you know, what are we talking about when they do  
17 the inspections. So, if it's something that we  
18 could put on the agenda.

19 CHAIR KNORR: So, Chuck, I'm  
20 wondering, is developing the standard something  
21 that -- or the reg -- something that this group  
22 has the ability to do, or is it just making a

1 recommendation that those standards be developed?  
2 Is what we can do -- I'm not really sure what we  
3 have the authority to do.

4 MR. PARROTT: Right. Typically, when  
5 standards get developed, it's kind of at the  
6 request of industry, and same thing when they get  
7 changed.

8 You know, we have some standards that  
9 are -- have still be in place since 1940-  
10 something because the commodity really hasn't  
11 changed and the way people buy it hasn't.

12 So, any time anybody can make a  
13 recommendation that, hey, we need a great  
14 standard for star fruit or for you know,  
15 whatever, that can be done.

16 So, certainly the committee can make  
17 recommendations to that effect, or if there are  
18 great standards that do exist, but they need to  
19 be updated, that could also be a recommendation.

20 CHAIR KNORR: Okay. So, I think that  
21 coming up with a recommendation around, you know,  
22 the need for the grading standards and that kind

1 of thing would be an appropriate thing to tackle  
2 for this group, and that certainly doesn't seem  
3 to fit in with any of the other groups. So, no  
4 additional tag-ons with that one.

5 Anyone else have any ideas or  
6 suggestions?

7 MR. NICHOLSON: I guess I actually  
8 have a question, and I don't know if there is  
9 anything, Chuck, that the agency is looking for  
10 guidance, as they're looking down the road, that  
11 we may not have on our radar.

12 I think it -- you know, a good example  
13 was the discussion on funding for market news.

14 You know, are there other issues like  
15 that, particularly with the Farm Bill process, I  
16 assume getting underway here very shortly, given  
17 it's not -- from a legislative calendar, it's not  
18 too far away.

19 Are there certain things that aren't  
20 on the radar or the discussion yet, that you're  
21 looking for some guidance on?

22 MR. PARROTT: Two things come to mind,

1 and one of these, I think goes back to Roland's  
2 comment from -- I think it was the last meeting.

3 But there was discussion about, you  
4 know, with FSMA coming out, you know, growers  
5 have to, you know, unless you're exempt, you're  
6 going to have to comply with FSMA.

7 So, you know, Roland, I think you  
8 threw out the idea, would it -- wouldn't it make  
9 sense for Congress to appropriate some money to  
10 assist growers in, you know, getting sort of --  
11 GAP certified or whatever, so that they could,  
12 you know, comply with FSMA.

13 So, that was one thing, and you know,  
14 it's -- I'm not advocating for that. It's  
15 totally up to you. But that's one thing that  
16 came to mind.

17 The other is our auditing program, and  
18 I think we talked about this a little bit too.  
19 You know, we have the inspection program, but the  
20 auditing program really right now, is losing  
21 money, and partly it's because just -- you know,  
22 the -- it was started 10 years ago.

1           The number of audits now, of course,  
2 just is skyrocketing, and it -- it's more  
3 expensive to train someone to be an auditor than  
4 it is to be an inspector. There's a lot more  
5 involved.

6           So, the cost structure isn't really  
7 the same. So, for us to recover our costs, you  
8 know, we need to look into that more carefully.

9           We don't want it to -- we don't want  
10 to price ourselves so that we're out of -- you  
11 know, we want to make sure small growers can  
12 still get GAP certified and all of that. But we  
13 also have an obligation to recover our costs.  
14 So, that's another area.

15           MS. BURNS: Didn't we address that  
16 already?

17           MR. PARROTT: Okay.

18           MS. BURNS: For those of you who are  
19 on the FSMA group, didn't we make a  
20 recommendation that we were going to go -- be at  
21 least neutral, and I think that was one of the  
22 seven recommendations.

1 MR. PARROTT: Okay, I'm sorry, yes.

2 MR. WILLIAMS: I believe that Ken had  
3 made that presentation with what the costs needed  
4 to go up to, and I thought we had made a  
5 presentation on that.

6 MR. NICHOLSON: And I think that was  
7 tied into the cost sharing idea. Farmers can  
8 pay more if they're getting some support for  
9 having to undergo, you know.

10 So, I understand you guys can't ask  
11 for money to fund the program, as an  
12 appropriation, but appropriating an assistance  
13 program for farmers to help them hire you, you  
14 know, would seem to fit that FSMA group.

15 MS. BURNS: Chuck, how about  
16 consumption efforts? Where does that fall in  
17 terms of USDA specifically, and then who owns  
18 SNAP-ed? Is what under USDA or is that a whole  
19 other --

20 MR. PARROTT: It is under USDA. It's  
21 under the Food Nutrition Service. They oversee  
22 the SNAP program. They oversee school lunch.

1 They oversee WIC.

2 So, yes, in terms of promotion, that's  
3 a thought. I mean, we have a committee that was  
4 looking at kind of educational things before, but  
5 yes, there's not -- I don't see a whole lot of  
6 effort being -- you know, we have the half a  
7 plate, but is there a lot of effort being put out  
8 to advertise that? Not that I see.

9 MS. BURNS: So, there is not another  
10 Advisory Committee that advises that part of  
11 USDA?

12 MR. PARROTT: Yes.

13 MS. BURNS: The reason I bring that up  
14 is, I remember reading in 2015, \$83 million of  
15 SNAP-ed money wasn't used, which just makes me  
16 sick, to think about that, and how much we could  
17 use that --

18 MR. PARROTT: Yes.

19 MS. BURNS: -- to market fruits and  
20 vegetables.

21 So, I know we talk a lot about  
22 removing barriers --

1 MR. PARROTT: Right.

2 MS. BURNS: -- but there's a huge  
3 upside on driving demand too.

4 MR. PARROTT: Sure. Yes.

5 MS. BURNS: I'm not sure there's  
6 anything we can do about it.

7 MR. PARROTT: Yes.

8 MR. VAZQUEZ: Chuck, I got a quick  
9 question about money and how it's used.

10 Is there like a concise website where  
11 we can go into see how much money is allocated  
12 for every program, or on grants, and how much of  
13 it went unused?

14 I mean, is there like just one place  
15 that you can go and see how transparent the  
16 system is?

17 MR. PARROTT: Is there one place? No.  
18 That would be -- yes, that would be nice. Yes, I  
19 -- that's not an easy question to answer.

20 You pretty much have to look, for any  
21 specific program, like if you want to see okay,  
22 how many dollars were allocated last year for the

1 specialty crop block grant program, and you know,  
2 where did that money go to, and what projects  
3 were used to -- or did it fund?

4 You know, you could look that up for  
5 any specific program. But to sort of get  
6 everything at once, I don't know where you would  
7 find that.

8 MS. BALCH: I wanted to build on the  
9 consumption -- Christie Balch, the consumption  
10 comment, because I do a lot of work with  
11 nutrition incentives, but that also is often with  
12 F&S or NIFA.

13 So, just wasn't sure how much of our  
14 work has to be focused on AMS.

15 MR. PARROTT: Yes, and again, going  
16 back to the charter, your job -- you know, as a  
17 committee, is to advise the Secretary.

18 So, it doesn't have to be -- I mean,  
19 AMS oversees this committee, but your  
20 recommendations don't have to be AMS specific.

21 MS. BURNS: Would you be willing to  
22 lead a group on consumption?

1 MS. BALCH: I'd be willing to co-lead  
2 a group.

3 MS. BURNS: I'm already a group. So,  
4 we'll have to get someone else.

5 PARTICIPANT: I think it's a huge  
6 opportunity.

7 CHAIR KNORR: Yes, and I think also  
8 related to SNAP-ed and just SNAP and FMS, the way  
9 that FMS and AMS work together or perhaps, don't  
10 work together as much as they could, I think that  
11 there are a lot of opportunities for some  
12 recommendations in there.

13 MR. PARROTT: I'll throw out one good  
14 example. Several years ago, I was working on  
15 USDA's farm to school program, and one of the  
16 things, as we went around the country and visited  
17 schools that were using -- had some sort of a  
18 farm to school program, one of the things that  
19 was really holding a lot of them up, from kind of  
20 going to that next level, was just, you know, the  
21 lack of piece of equipment, or you know, could be  
22 a table to cut fresh produce on, or you know, it

1 could be some training, whatever.

2 But not big dollar things, and so, as  
3 a result of that, one of the -- there's now a  
4 farm-school grant program, and that's helped  
5 funnel money to school districts, to get some of  
6 that, which I think has really helped with  
7 consumption in education, too.

8 So, that's maybe something that, you  
9 know, could be done.

10 PARTICIPANT: I also think there's a  
11 lot of regional, local programs that are ready to  
12 scale up, that we could evaluate and say, you  
13 know, let's scan the -- the universe and look at  
14 what's working, especially if they have data and  
15 research to support it, and then look at ways to  
16 fund that. I think it would be great.

17 MR. WILLIAMS: Last year I was a part  
18 of a program, a pilot in Michigan, when I was  
19 with Spartan Ash, and it was -- had to do with  
20 double-up food bugs, and so, I believe that, you  
21 know, how do we encourage children to eat more  
22 fruits and vegetables, right.

1                   So, children nutrition, that whole  
2 thing, I think can go into the consumption,  
3 having it closer to Canada, and you know, from  
4 five a day to what?

5                   CHAIR KNORR: So, it sounds like that  
6 this particular group is gaining some momentum,  
7 so, that's fantastic.

8                   I'm going to reiterate the groups that  
9 we have right now, and we can go from there, and  
10 certainly, if there are other ideas that people  
11 want to throw out there, those are certainly  
12 welcome.

13                   So, we have the food safety research  
14 and granting funding, the new farmer mentoring,  
15 labor, broadband/technology, market news,  
16 specialty crop research initiative, which I think  
17 that we have lumped together with the research  
18 and grant funding.

19                   The grading standards recommendations,  
20 and then the marketing and consumption group.

21 Does that sound right?

22                   Okay, so, right now, it is quarter til

1 five, and we are slated to adjourn at 5:30. So,  
2 we've got about 45 minutes, keeping in mind that  
3 we do have to leave a few minutes for observer  
4 comments in that.

5 I'm not sure the best way to go ahead  
6 and have us divide ourselves up into those  
7 groups, knowing especially that a couple of them  
8 are going to draw interest from -- from  
9 overlapping participants.

10 So, I'm going to toss it out there for  
11 some suggestions.

12 MR. VAZQUEZ: Beth, would it be better  
13 to maybe just ask for who would be interested in  
14 joining which group, and then maybe creating a  
15 list, and then you know, that way we have a --

16 CHAIR KNORR: Okay, if you can bear  
17 with my slow writing.

18 Okay, so the food safety group.  
19 Actually, I'm going to ask the chair of each  
20 group to jot those down, instead of asking me to  
21 write all of them down.

22 So, the food safety group, who is --

1 Roland, is that you chairing now or who is --  
2 okay.

3 MS. BURNS: And Lorri.

4 CHAIR KNORR: Great.

5 MS. BURNS: Lorri is the vice chair.

6 CHAIR KNORR: So, through a show of  
7 hands, who is interested in participating in the  
8 food safety group?

9 PARTICIPANT: Who isn't?

10 CHAIR KNORR: Even better. Even  
11 better.

12 PARTICIPANT: Thank you.

13 CHAIR KNORR: You guys are -- okay, so  
14 --

15 MR. CASTANEDA: Now, at what point do  
16 we have too many people? I mean, is that  
17 something we need to determine?

18 CHAIR KNORR: Well, I mean, I feel  
19 like if you're interested in participating in the  
20 group, and you feel like you have something to  
21 participate in, I mean, to contribute to the  
22 group, I don't think that we want to tell anybody

1 that they can't participate in it.

2 Okay, so, let's go ahead and send  
3 around the rest of these. Chairpeople, if you  
4 can send around a piece of paper with your group  
5 name on it.

6 It seems that a few groups are still  
7 waiting for their lists to be completed. I think  
8 there are a couple that are still going around.

9 Okay, have those sheets made it back  
10 to their committee chairs yet?

11 PARTICIPANT: Not yet.

12 MR. VAZQUEZ: Is this going to  
13 supersede any list that we had prior? Are these  
14 lists going to --

15 MS. STANZIANI: Yes, it probably  
16 would. It would.

17 CHAIR KNORR: Okay, fantastic.  
18 Knowing that we don't have a ton of time  
19 remaining in the day, I think I'm going to make  
20 the recommendation that groups other than FSMA,  
21 meet for 10 or 15 minutes, and really start to  
22 brainstorm your next steps.

1                   We don't have any time allocated  
2 tomorrow, to convene as groups, although there  
3 will be time --

4                   MS. STANZIANI: We can.

5                   CHAIR KNORR: Can we?

6                   MS. STANZIANI: We have a little time,  
7 yes.

8                   CHAIR KNORR: Okay.

9                   MS. STANZIANI: I allocated an hour in  
10 the morning.

11                  PARTICIPANT: It's a little different  
12 than the agenda.

13                  CHAIR KNORR: Okay, we'll scratch that  
14 then. But I think it's good to at least touch  
15 based with one another and come up with two to  
16 three points that you want to start addressing.

17                  We're not going to really have time to  
18 dive into those, but start thinking about the  
19 information that we're going to need to request,  
20 any kind of speakers that we'll request to bring  
21 in for our conference calls or at our next  
22 meeting and that kind of thing, any kind of

1 connections that we need, Pam or Chuck to make  
2 for us, for gathering information for those  
3 groups.

4 We'll meet with those groups for about  
5 10 or 15 minutes. Let's say 15 minutes, and then  
6 -- then the FSMA group can convene, and I think  
7 for those other groups, if you want to continue  
8 talking while the FSMA group is convening, I  
9 think that that's fair.

10 But why don't we go ahead and break  
11 out into those groups that -- yes.

12 MR. NELSON: Hey, Beth.

13 CHAIR KNORR: Yes, sir.

14 MR. NELSON: The new farmer group will  
15 meet down here, and Carlos, a lot of us are in  
16 your group. Can we meet first for 10 minutes and  
17 then go to your group for 10 minutes? Can we  
18 make a deal? A lot of the guys on my group are  
19 also in your group.

20 CHAIR KNORR: You know what? Let's do  
21 FSMA in the morning. The FSMA chair has  
22 requested postponing that meeting until the

1 morning. So, let's do that.

2 MS. BURNS: Just so you have enough  
3 time.

4 CHAIR KNORR: Are there -- how many  
5 people are serving on multiple groups? Aside  
6 from FMSA, two groups, other than FSMA?

7 PARTICIPANT: Is everybody on FSMA?

8 CHAIR KNORR: Almost.

9 PARTICIPANT: It's not a working  
10 group.

11 CHAIR KNORR: Okay.

12 (Off-microphone comments)

13 PARTICIPANT: All right, well, let's  
14 not waste time.

15 CHAIR KNORR: Yes.

16 PARTICIPANT: We've had --

17 CHAIR KNORR: Well.

18 MR. WILLIAMS: Chuck, can I ask a  
19 quick question? On the marketing news, is it at  
20 risk now, before the election?

21 MR. PARROTT: No.

22 MR. WILLIAMS: Okay.

1 MR. PARROTT: No, and they are --  
2 well, of course, we still want to have a budget  
3 yet. We're in a continuing resolution, which  
4 seems to be every year now.

5 But you know, I don't see it being in  
6 real danger of losing funding for this next year.

7 MR. WILLIAMS: For next year?

8 MR. PARROTT: Correct.

9 MR. WILLIAMS: Because we don't meet  
10 again until April --

11 MR. PARROTT: Right.

12 MR. WILLIAMS: -- I believe.

13 MR. PARROTT: Correct. That's  
14 correct.

15 MR. WILLIAMS: Okay.

16 CHAIR KNORR: For those of you who are  
17 meeting in two -- are participating in two  
18 groups, which groups are you participating in?  
19 Virginia?

20 MS. BARNES: Labor and research.

21 CHAIR KNORR: Bob, I think you said  
22 that you're --

1 MR. NELSON: Farm and labor.

2 CHAIR KNORR: Okay.

3 MR. WILLIAMS: Consumption and  
4 marketing news.

5 MR. YANDA: FSMA only.

6 CHAIR KNORR: FSMA only, okay.

7 MS. ELLOR: New farmer and labor.

8 CHAIR KNORR: Okay, is there --

9 PARTICIPANT: Consumption and new  
10 farmer.

11 CHAIR KNORR: Consumption and new  
12 farmer.

13 MR. CASTANEDA: Research and labor.

14 MR. ALLISON: Marketing and research.

15 MS. DIETRICH: I have labor.

16 CHAIR KNORR: Yes, we can do a sidebar  
17 conversation, okay.

18 Okay, so, I think it sounds like the  
19 new farmer group and the labor group have a lot  
20 of overlap there. It seems like there are a  
21 couple of -- multiple people who are serving on  
22 both of those.

1           So, I think if we just pick one, why  
2           don't we say research -- or the labor group works  
3           -- meets first, and then the new farmer group can  
4           meet. That will help alleviate a lot of that.

5           Yes, I think it's smart to have the  
6           chairpeople of those committees stay where they  
7           are, and have the rest of the group go to them.

8           So, let's meet for, I'm going to say  
9           15 minutes, and then -- actually, I'm going to  
10          say 10 minutes, and then 10 minutes for the  
11          second groups too.

12          MR. SUTTON: FSMA in the morning?

13          CHAIR KNORR: FSMA in the morning.

14          All right? Yes, Christie is acting as chair.

15          All right, great.

16                 (Whereupon, the above-entitled matter  
17                 went off the record at 4:57 p.m. and resumed at  
18                 5:15 p.m.)

19          CHAIR KNORR: All right, folks, we are  
20          coming up on 5:15 now.

21                 The primary things that Pam needs from  
22                 you at this point, are the chair and vice chair

1 names. So, if you have not selected a vice  
2 chair, please do so, and then we need to wrap  
3 this conversation and switch to our subsequent  
4 groups.

5 (Whereupon, the above-entitled matter  
6 went off the record at 5:17 p.m. and resumed at  
7 5:33 p.m.)

8 CHAIR KNORR: Okay, all right, folks  
9 it is 5:30. Let's go ahead and wrap up our  
10 groups. Make sure that you have the chair and  
11 vice chair named, and if you could turn in your  
12 group roster to Pam.

13 So, Pam does need the list of  
14 everybody in the working groups. So, if you can  
15 turn those sheets into Pam, so she can at least  
16 transcribe that, that would be helpful. She can  
17 return those to you, if you need them.

18 I believe that Pam does have a couple  
19 of announcements before wrap up for the day, and  
20 she wants to share some information about  
21 tomorrow morning, as well.

22 Just looking at our agenda, we are

1       scheduled to convene tomorrow morning at 8:00  
2       a.m. So, we'll meet back here at 8:00 a.m., and  
3       we'll have about an hour or so to do some work,  
4       before we board a bus to go on a field trip, and  
5       I think Pam is going to share some details about  
6       that trip for us.

7                 Also for dinner this evening, I know  
8       that she just put a stack of papers in the back  
9       of the room, that have restaurant listings within  
10      walking distance of the hotel. So, make sure  
11      that you grab that. In the past, informally, we  
12      have gathered in groups to go out to dinner, so,  
13      we encourage you to do that, so that you get to  
14      know one another a little bit better.

15                But there is certainly no obligation.  
16      If you want to -- you know, go to your room and  
17      be a hermit for the rest of the day, that's  
18      perfectly okay too.

19                MR. WILLIAMS: So, there isn't a group  
20      reservation?

21                MS. STANZIANI: I did not make that  
22      because you've spent a long time together today.

1 I'm not sure you -- and the other thing is, as I  
2 -- you know, try to do each time, we do have a  
3 meet and greet cocktail set up, upstairs. It's  
4 in the lobby bar. You'll see, when you see the  
5 bar, there's a little area off to the right.  
6 That's where they usually have us gather. It's  
7 exclusively for us. I believe it's a cash bar.  
8 I'm not sure if there will be a sign there. But  
9 that's -- I'm going to run up there as soon as we  
10 adjourn.

11 But that's what we're going to be  
12 doing from 5:30, or you'll be doing from 5:30 to  
13 7:00, or as long as you'd like.

14 So, that -- I just wanted to make sure  
15 you knew that was established for you.

16 As far as tomorrow, I apologize that  
17 I had to be out of the room for a while. I was  
18 just making sure we had someone taking us to  
19 this, to drive us to there.

20 When you get a message that says  
21 urgent, you leave.

22 We do need to meet here from 8:00 to

1 9:00. Little different than what the agenda  
2 says, because we do have some unfinished business  
3 that we need to make sure we take care of.

4 We will also talk about the upcoming  
5 meeting and the last few things that we need --  
6 you know, tidbits that we need to discuss.

7 We will meet in the lobby at 9:00.  
8 The shuttle will be there to take us to the Urban  
9 Garden. It will then bring us back here. They  
10 will not have -- because of how many people we  
11 have, we will not have any -- you can't bring  
12 your luggage or anything, but this room will be  
13 locked. So, if you want to check out and put  
14 your luggage in here or at the front desk, of  
15 course, they will accommodate anything that you  
16 need, as far as storage, so, because we will  
17 probably get back here around 11:30, maybe 12:00.  
18 So, I don't know if you want to have an extended  
19 check out, I'll leave that up to you. But this  
20 room will be locked and available to store your  
21 luggage.

22 Most importantly, be here at 8:00. I

1 had -- question? Somebody? No?

2 MR. JANIS: Attire for tomorrow is  
3 casual?

4 MS. STANZIANI: Casual. I would dress  
5 pretty warmly. This is the cold week, for some  
6 reason. We had 80s last week. Now, this week  
7 we've got 57 as the high tomorrow, and we'll be  
8 on a roof, and it will not be the high tomorrow,  
9 at 9:00. It will probably be around 50. So,  
10 you're probably going to want to dress pretty  
11 warmly. I don't mean to scare you, but if anyone  
12 is scared of heights, don't worry. Don't worry.  
13 We'll see. It's Spring. Yes, that's true.

14 I think we do have some questions from  
15 our observer.

16 MR. AERTS: Good afternoon, everyone.  
17 My name is Michael Aerts. I'm with Florida Fruit  
18 and Vegetable Association, and just listening to  
19 the conversation today, I had four questions come  
20 to mind, that I was wondering if the committee  
21 might be able to address.

22 First question, I was wondering what

1 the committee might be able to do with respect to  
2 additional backing or support of Secretary  
3 Vilsack and his ongoing conflict with the U.S.  
4 Environmental Protection Agency?

5 Now, don't get me wrong, we want EPA  
6 to be the most efficient regulatory body in the  
7 world. We need EPA to be the most efficient  
8 regulatory body in the world.

9 But quite frankly, over the last 18  
10 months, EPA has just run amok with what they are  
11 doing. Members of Congress have recognized this  
12 and they've written letters to EPA. Mr. Vilsack  
13 recognized this and he had a face-to-face with  
14 the EPA Administrator Gina McCarthy, that  
15 apparently was quite the shouting match, and I  
16 don't know the official outcome of that meeting,  
17 but everyone has heard rumors along those lines.

18 But I was thinking there would be  
19 quite a shot in the arm, from a support  
20 standpoint, if the Secretary's office were to  
21 receive some sort of correspondence or whatever  
22 from a group such as this, lending their support

1 to the Secretary saying that yes, we understand  
2 what you're doing. We fully support what you're  
3 doing.

4 So, I just didn't know if that might  
5 -- is that something that the committee considers  
6 along those lines or what?

7 MS. STANZIANI: Do they have to do  
8 with fruit and vegetables?

9 MR. AERTS: Yes, very much so, because  
10 the decision -- the decisions EPA is making are  
11 very much having impact on specialty crop  
12 agriculture.

13 MS. STANZIANI: Okay.

14 MS. DIETRICH: Are you specifically  
15 referring to the U.S.?

16 MR. AERTS: That's one of them. That's  
17 one of 20 different things that are ongoing at  
18 this point. It's worker protection and they've  
19 just run amok with a variety of topics here over  
20 the last 18 months, for whatever reason, and it  
21 seems to be some sort of an administrative type  
22 directive, I guess you could say.

1           So, but Mr. Vilsack called them on it,  
2           and it seems like it would be appropriate for  
3           this group to lend its support to what Mr.  
4           Vilsack is doing along those lines, or to the  
5           Secretary's office, in general.

6           Second question, and Chuck, this had  
7           to do with the update you provided, with respect  
8           to a lot of the successes that have been  
9           realized, that the committee has been involved  
10          with since the last meeting.

11          But I couldn't help but wonder, and I  
12          wonder if some of the other new member might also  
13          wonder what sort of ongoing action items still  
14          remain from the previous group, from the previous  
15          Advisory Committee that still might be out there,  
16          just so there is not a lot of reinventing the  
17          wheel sort of thing.

18          So, just maybe an overview of ongoing  
19          or previously not completed action items, things  
20          of that nature.

21          Third question, and I know a lot has  
22          been discussed along these lines, but I still

1 can't help but post the emphasis on the fact that  
2 we still need more concern, with respect to  
3 what's going on with pest and diseases.

4 Things have gotten exponentially  
5 better over the last couple years, with respect  
6 to USDA's involvement with specialty crop  
7 agriculture, along the pest and disease  
8 situations.

9 But to this point, a lot of it has  
10 been purely reactive. I mean, it took, literally  
11 took eight years for the citrus industry to get  
12 any kind of meaningful research funding support  
13 for citrus greening. What's going to be the next  
14 thing out there?

15 Is there going to be some sort of a  
16 bio-type of white fly? Is it going to be some  
17 new virus? Whatever. What can this committee  
18 maybe do to help assist USDA in getting more  
19 proactive on the whole pest and disease front?

20 I still think that's something that  
21 really needs a lot more emphasis, as well.

22 Lastly the fourth thing, and I'll just

1 kind of reiterate some of the support that's been  
2 going around there to this point this afternoon,  
3 having to do with the additional consumer  
4 education. I mean, you ask anybody where their  
5 food comes from, the answer is always going to be  
6 the grocery store.

7 Consumers still have no idea what is  
8 really going on out there. So, I just wanted to  
9 know what sort of educational things this  
10 committee might be able to suggest or recommend,  
11 specifically, you know, towards the lines of  
12 education for kids, education for just consumers  
13 in general, whatever. But I know some of that  
14 discussion has been taking place today, and we  
15 just wanted to, you know, add our emphasis for  
16 that support, as well.

17 So, thanks for consideration of those  
18 four points.

19 PARTICIPANT: Thank you. What was  
20 your name again, sir?

21 MR. AERTS: Michael Aerts. Florida  
22 Fruit and Vegetable Association.

1 CHAIR KNORR: All right. Any final  
2 comments for the good of the cause, before we  
3 adjourn for the evening? No? Okay.

4 MS. STANZIANI: Do we have a motion?

5 MR. WILLIAMS: Motion to adjourn.

6 CHAIR KNORR: Did I hear a second  
7 there?

8 MR. CASTANEDA: Second.

9 CHAIR KNORR: All right, okay, see you  
10 in the morning.

11 (Whereupon, the above-entitled matter  
12 went off the record at 5:43 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Fruit & Vegetable Advisory Committee

Before: USDA

Date: 10-25-16

Place: Arlington, VA

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.

*Neal R Gross*  
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Court Reporter

**NEAL R. GROSS**

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