

**Statement of Bryan Silbermann
President, Produce Marketing Association
Before the
Horticulture and Organic Agriculture Subcommittee
House Committee on Agriculture
July 30, 2008**

Chairman Cardoza, Ranking Member Neugebauer and members of the subcommittee, I am Bryan Silbermann, president of the Produce Marketing Association (PMA). I am honored to appear before you to address the topic of this hearing: The Legal and Technical Capability for Full Traceability in Fresh Produce.

PMA

PMA is the largest worldwide trade association of companies that market fresh fruits and vegetables. We represent 3,000 companies and their affiliates across the produce supply chain, ranging from grower-shippers and supermarket retailers to hotel and restaurant chains, as well as other buyers of produce worldwide. Within the United States, PMA members handle more than 90 percent of fresh produce sold to consumers. Reflecting the global nature of our industry, we also have members in over 50 countries.

PMA serves the industry on the issues that are important to it. Since our start nearly 60 years ago, PMA has pioneered packaging concepts for produce and served as the clearinghouse for standardization of these issues. Over the past two decades, the association – and me personally – have been at the center of developing standard systems to improve the flow of information from produce packinghouse to the consuming public. This work includes the

advent of those small identification stickers that are so ubiquitous on tree fruit and other produce shipped from your district, Mr. Chairman, as well as standard bar coding on produce packages sold in supermarkets. This involvement, combined with our members' commitment to provide fresh and wholesome fruits and vegetables, compel us to appear before you today on this important topic.

The Way Forward

One illness linked to the products our members grow and market is one too many. Food safety is the top priority for our members, now as it has been for many years. The deeply troubling spinach *E. coli* outbreak in 2006 and the recent *Salmonella* outbreak are tragedies that shake the public's trust, and cause us to review all actions by industry and by those who regulate us. Rather than casting blame we need to work toward solutions. Speaking today before Congress, with my industry colleagues, federal regulators and experts, I want to talk about our shared responsibility to protect public health.

Clinging to old ways is not an option. Because consumers rightfully expect safe food, our buyers – retail and foodservice – demand exacting food safety standards, and assurances they are being met; in turn, suppliers are evaluated in light of this new reality of the marketplace and on their ability to ensure the safety of their product. Turning the page on the past, the produce industry has already rapidly changed to avoid the introduction of risk into the food system. This paradigm shift brings with it new responsibilities for industry, and for the government. Industry cannot reflexively oppose regulation – but governmental action must

recognize and harness the ingenuity of the private sector to improve food safety and to gain back the full confidence of our consumers. At the same time, it is not the private sector's role to wait passively for government to regulate; we must act.

Reflecting the will of our members, PMA has already taken considerable action on food safety. We have contributed \$2 million to the creation of the Center for Produce Safety at the University of California at Davis. My organization also provides funding for and volunteer leadership of the public/private Partnership for Food Safety Education, which educates consumers on safe handling practices in the home. We have endorsed the idea of mandatory good agricultural practices based on risk specific to certain commodities and have recently advised FDA that we support the concept of certification of food safety by third parties. Further, PMA with our colleagues have launched an industry-wide effort on traceability.

Traceability

Today's hearing is recognition of the importance of traceability to the food safety process; that is, the ability to determine the origin of suspect product and its path from the farm to the consumer. Over the next several months, we need to learn lessons from the *Salmonella* investigation to understand what went wrong and why the investigation took the path it did. It is very early in that process, and we have numerous questions that should be answered in a searching review that must include all stakeholders. It is our common duty to protect the public. If that process identifies gaps in the current system, the Food and Drug Administration

should close those gaps – but such actions should not be based on rumors or speculation; they should be based on science.

Unlike other food industries, the produce marketing chain has been required to maintain records since the 1930 passage of the Perishable Agricultural Commodities Act. The Bioterrorism Act added the “one up, one-back” concept, but the requirement for comprehensive recordkeeping is a longstanding legal obligation in our industry.

Critics have said the *Salmonella* event demonstrates the limitations of the industry’s current traceability system, and that current regulations do not go far enough. Focusing exclusively on the legal requirements misses the advancements the private sector has made to improve not just the retention of records, but also the tracing of fresh fruits and vegetables. Many companies have already implemented internal systems to track produce, but this multiplicity of systems caused industry leaders to see the need to create a common platform to link the disparate approaches. PMA joined with the Canadian Produce Marketing Association to develop an *Implementation Guide to Fresh Produce Traceability* that was first published in 2004.

Last year, PMA, CPMA and United Fresh Produce Association began a traceability initiative to reach across the entire supply chain. At that time, I said:

“Our food safety system is not complete without a more robust and quicker ability to rapidly recall our products and trace their history. The issue of how to have improved

traceability is not about technology; it's about changing our business practices. Effective traceability must be a business imperative for everyone in our industry. Consumers and regulators demand it.”

These words are even more true today. The initiative has moved quickly to create a standard methodology for maintaining key information. Comprised of more than major 50 produce buyers, sellers, brokers, terminal markets, distributors and wholesalers, the Produce Traceability Initiative's Steering Committee acknowledges that each member of the supply chain will have its own traceability system. However, these systems must be adapted so that important information can flow through the supply chain in a common format that uses existing global information standards. I want to stress the word global, because the solution we have developed must work for all fresh produce, no matter where grown or shipped. I also want to stress that from the initiative's beginning, we have briefed FDA and U.S. Department of Agriculture officials and others on our work.

As developed by the initiative, the process uses three pieces of information: (1) a Global Trade Item Number (GTIN), which will identify the “manufacturer” of the product and the produce that is in that specific case; (2) the lot number; and (3) the harvest or pack date. These three pieces of information will be on each case so that the numbers are intelligible to the human eye. Immediately, by reading that case's label, you will know the origin of the product and the lot number assigned to it.

What is more, the information will also appear in machine-readable form on that label, in a barcode each member of the supply chain will be required to scan so that the information will be maintained in its computer system. Having the specific lot number and pack or harvest date, each handler will have a record of when that particular case entered and left its facility. Think of these three pieces of information as a baton that is passed by one runner in a relay race to the next; that common information then travels – and can be tracked – from the start to the finish lines.

The Produce Traceability Initiative's process avoids a bloated and unworkable central computer system to warehouse all of the data for an entire industry that ships in this country alone more than five billion cases of produce annually. Because the three pieces of information will be standard, and because each link in the supply chain will scan that information into its computer systems, each link will be able to determine with a quick computer search the origin of the produce and its destination. These searches can be done simultaneously rather than sequentially – so we can get answers faster.

The process works the same when a commodity is “repacked.” When repackers commingle produce from multiple growers into one case or simply repack the case, they become the new “manufacturer.” As such, they will be responsible for assigning a new GTIN (now showing them as the new “manufacturer”) to that new case, as well as the corresponding lot number and pack date. They must also establish a link between the new GTIN and the original GTINs and associated lot numbers and pack or harvest dates.

In less than one month from today, the steering committee for the initiative will meet to approve and release to industry an action plan along with a timeline for implementation throughout the industry. First, produce suppliers will be directed to have the capacity to label cases with both human-readable and machine-readable information; next, everyone in the supply chain will be expected to read and store that information – and chainwide traceability will have been achieved.

The Produce Traceability Initiative relies on several elements that will be the keys to its success. It relies on core pieces of information that are consistent across the supply chain, and are maintained on the case itself. Each participant in the supply chain retains that consistent information electronically. The initiative builds on the individual traceback systems that currently populate the marketing chain, by knitting a common thread among them.

Conclusion

Whole-chain traceability, we believe, is our responsibility to the public and the produce industry takes seriously its obligations to develop traceability solutions. These solutions include not just the Produce Traceability Initiative I have described today; it also includes helping to determine what went wrong when the tomato industry was apparently wrongly fingered as the culprit in the *Salmonella* outbreak. During this crisis, PMA and United Fresh jointly wrote to Secretary Leavitt, of the Department of Health and Human Services, to offer our assistance in uncovering the source of the pathogen by lending the industry's unique knowledge of distribution and handling processes. This information could and should serve as the key to

unlock the *Salmonella* mystery. We wrote again when our first letter went unanswered, and only recently did we get an assurance that we would eventually get to meet with FDA on these matters. In the coming months, we also want to participate in learning lessons and in improving regulators' traceback in light of ongoing industry efforts.

Just as we recognize our obligations, it is our profound hope that any future legislative and regulatory changes will be fashioned to work with the industry to fulfill our shared responsibility to protect public health by providing safe, wholesome and nutritious food, every bite, every time.

I thank you for the opportunity to appear before you today, and I look forward to answering any questions you may have. Thank you.

Committee on Agriculture
U.S. House of Representatives
Required Witness Disclosure Form

House Rules* require nongovernmental witnesses to disclose the amount and source of Federal grants received since October 1, 2004.

Name: BRIAN SILBERMAN
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Telephone: 302-738-7100
Organization you represent (if any): PRODUCE MARKETING ASSOCIATION

1. Please list any federal grants or contracts (including subgrants and subcontracts) you have received since October 1, 2004, as well as the source and the amount of each grant or contract. House Rules do **NOT** require disclosure of federal payments to individuals, such as Social Security or Medicare benefits, farm program payments, or assistance to agricultural producers:

Source: N/A Amount: _____
Source: _____ Amount: _____

2. If you are appearing on behalf of an organization, please list any federal grants or contracts (including subgrants and subcontracts) the organization has received since October 1, 2004, as well as the source and the amount of each grant or contract:

Source: USDA Amount: \$80,000
Source: _____ Amount: _____

Please check here if this form is NOT applicable to you: _____

Signature: 

* Rule XI, clause 2(g)(4) of the U.S. House of Representatives provides: *Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by any entity represented by the witness.*

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Bryan Silbermann is President of Produce Marketing Association (PMA), the largest, worldwide not-for-profit trade association representing companies that market fresh fruits, vegetables, and related products. PMA's membership of 2,200 companies in nearly 50 countries ranges from supermarket retailers to farmers, foreign exporters to restaurant chains. The association's programs promote the efficient distribution and increased consumption of members' products worldwide.

He joined PMA in 1983 and in 1996 was selected to become president, the organization's chief executive. In this role, he directs more than 75 staff professionals.

Bryan has been instrumental in developing new programs and services for the fresh produce and floral industry including:

- Researching consumer demand for fresh produce
- Launching the national 5 A Day program in the United States
- Training programs
- Standardized coding systems and traceability for produce and floral
- Food safety communication campaigns
- Launching the Center for Produce Safety

He is a frequent and sought-after speaker at industry meetings. He is interviewed often by national and international media and has appeared frequently on TV and radio. In 2003, *Supermarket News* named him as one of the top fifty "power players" whose actions drive the food industry. Bryan is currently chairman of the Partnership for Food Safety Education, a national program that unites industry, government and consumer organizations to teach safe food handling.

Bryan lives in Delaware, U.S.A., where PMA has its headquarters. He was born and raised in Durban, South Africa and studied there as well as at the University of Chicago and Oxford University, England.

Bryan's personal interests include music, golf, photography and travel. He and his wife Bonnie have two sons. Gregg is married and teaches in France. Brian works in Philadelphia in financial services.