

**Testimony of Edward Beckman**  
**President**  
**California Tomato Farmers**  
**Before the**  
**Subcommittee on Oversight and Investigations**  
**House Committee on**  
**Energy and Commerce**  
**July 31, 2008**

**Introduction**

My name is Ed Beckman. I serve as president of the California Tomato Farmers (CTF), a cooperative of fresh tomato growers who produce 750 million pounds of fresh tomatoes each summer and fall. Our tomatoes are sold throughout North America and Japan with annual sales greater than one quarter billion dollars. From June through November, we are the largest producer of fresh tomatoes for all of North America.

Thank you, Chairman Stupak, Ranking Member Shimkus and members of this Subcommittee for the opportunity to testify before you on the topic of traceability within the fresh tomato industry.

CTF was formed in 2006 upon a foundation composed of mandated practices in three areas: food safety, social accountability, and sustainability. It was our intent to raise the bar on tomato food safety to protect public health. This was done through the

adoption of new food safety production requirements on the farm including improved standards for water quality, soil amendments and employee hygiene. In addition, CTF members must have trace back procedures beyond what is required under the Bioterrorism Act of 2002. To verify that these standards are being met, CTF requires mandatory government inspections of our members. Today, all ranches farmed by our members and all packinghouses that process our tomatoes are subject to random and unannounced inspections conducted by the California Department of Food and Agriculture. Members who fail to meet these verifiable standards will be removed from the cooperative.

Industry members associated with CTF have been actively working with the U.S. Food and Drug Administration (FDA) on tomato related food safety issues since 2004. As a result, the first commodity specific food safety guidance for fresh tomatoes was published in 2006. In 2007, working with the Florida Tomato Exchange, United Fresh Produce Association and others, the development of a second edition was launched. The finished product has just been released and is now in wide distribution through trade associations and grower organizations. We believe it to be the most comprehensive document related to tomato food safety ever published.

FDA participates in the California Tomato Farmers Advisory Committee comprised of government, academic, trade, and labor advocates whose task is to review all programs of the cooperative and provide input into our policy and food safety initiatives.

The salmonella outbreak of 2008 has and will continue to impact our members. Although never associated with the outbreak, our members have lost sales in domestic

and international markets. Even in California, where we are the “locally grown” tomato, June retail sales of red round and roma tomatoes are down more than 50% according to AC Nielson scanner data. Prices to farmers today (July 24, 2008) as compared to just prior to the outbreak are half what they once were. This is even more concerning based upon recent findings that tomatoes may never have been involved in this outbreak at all.

Our concerns are not limited to the time when tomatoes were the suspect of the FDA investigation. Yes, there were losses but that period of time is not our primary concern.

Our very real concern is that this may happen again. We are concerned that, once again, tomatoes may be cited as a possible source for food borne illness when, in fact, there’s no conclusive evidence to support that fact. And, that we will again witness a prolonged investigation that only further weakens the trust in our food supply. Speaking for our growers, this cannot happen again. Regaining trust in our product will take months, if not years.

Even more important is that we learn from this past outbreak and that all parties work together to ensure that investigations such as this do not take several weeks or months. We would ask that consideration be given to an in-depth analysis of the FDA investigation that would include individual trace back records so that we can effectively determine why this investigation of tomatoes was inconclusive. We would ask that officials from the highly respected Minnesota Department of Health be involved in this analysis since in only two weeks time they were able to identify a cluster of illnesses, identify the suspected food item and then successfully trace back that implicated food item, in this case jalapeno peppers. And, we must ask what we can learn from the

efficiencies found in current industry traceability models where product can be traced from store to field in a matter of hours.

Our comments are shared by Dr. Michael Osterholm, an infectious disease specialist and advisor to the government as noted in a July 24 Associated Press report:

*"We have got to put the appropriate perspective on this outbreak as to what went right and what went wrong so the kind of changes that are going to further foodborne disease (prevention) can be made," said Michael Osterholm, a University of Minnesota infectious disease specialist and frequent adviser to the government.*<sup>1</sup>

While very much in agreement with FDA that their foremost goal must be to protect the public, we cannot help but raise concern with the speed of this investigation and the number of associated illness. Speed of an investigation can be associated with FDA's success in tracing product. It is therefore appropriate to consider the role of traceability - that ability to trace back or forward the identity of a product that may have contributed to this outbreak.

I would like to reiterate, as reported by the Minnesota Star Tribune on July 24, 2008, that the Minnesota Department of Health was able to determine through their trace back methodology that tomatoes were not the source of illness in two weeks time:

*In less than two weeks, Minnesota Department of Health investigators traced the source of a mysterious salmonella outbreak that had stumped federal health officials for two months and sickened more than 1,200 people in 43 states and Canada. The culprit: jalapeno peppers. Minnesota health officials first learned of*

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<sup>1</sup> [http://ap.google.com/article/ALeqM5hoVNNMbbTPzFP\\_Oaubc\\_ZXF7I7QD923PDL00](http://ap.google.com/article/ALeqM5hoVNNMbbTPzFP_Oaubc_ZXF7I7QD923PDL00)

*a salmonella outbreak in the state on June 23. By July 9, they were on the phone with their federal counterparts making it "crystal clear" it was not tomatoes but jalapenos that were the likely source, said Kirk Smith, head of foodborne diseases at the Health Department.<sup>2</sup>*

Clearly, FDA's handling of this outbreak initially which most likely falsely linked it to fresh tomatoes must be subject to further investigation based upon full disclosure of the trace back procedures from point of service to the field and all points between. The agency should not withhold trace back records from scrutiny. We ask for this investigation not because of the damage done to our farmers, but in the interest of public health. As we have just seen, illnesses continued because people were avoiding the tomatoes but they kept eating the peppers.

### **Introduction to Tomato Traceability**

Tomato traceability is based upon a one up/one down model that is in keeping with The Bioterrorism Act of 2002<sup>3</sup> which is enforced by the FDA Center for Food Safety and Applied Nutrition (CFSAN).

For there to be traceability, there must be a linking of the physical flow of a product from field to the final point of sale/use using a two-way information flow between all who produce, handle or market the product.<sup>4</sup>

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<sup>2</sup>[http://www.startribune.com/lifestyle/health/25837094.html?location\\_refer=Health%20+%20Wellness:highlightModules:2](http://www.startribune.com/lifestyle/health/25837094.html?location_refer=Health%20+%20Wellness:highlightModules:2)

<sup>3</sup> [www.fda.gov/oc/bioterrorism/Bioact.html](http://www.fda.gov/oc/bioterrorism/Bioact.html)

<sup>4</sup> [www.pma.com/view\\_document.cfm?docID=148](http://www.pma.com/view_document.cfm?docID=148)

Traceability is achieved by the tracing and tracking of fresh tomatoes using three components:

- Product, party and location identification
- Recording of information
- Linking of information between parties

Traceability identification may be in the form of a shipper assigned lot ID, where the initial identification is carried throughout the supply chain. Identification may also be transactional, changing with each shipment or transaction. When transactional, there are records kept at each “point of handling” to maintain the original source of the product. Thus, while multiple identifiers may be used as the product moves through the distribution system, each is linked to the prior identifier which maintains product lot identity for the purpose of trace back. As a result, there is the ability to trace product from the point of sale to the field.

#### **Traceability Regulatory Provisions: Federal and State**

The Bioterrorism Act of 2002 requires that traceability is maintained from the initial shipper, (commonly referred to as a “packinghouse”) to the delivery to the retail or foodservice establishment. Under federal law there is no traceability requirement at the farm or for product sold by a supermarket or foodservice establishment to the consumer. However, the State of California requires that traceability include the farm. The California Tomato Farmers cooperative goes further and requires that farm traceability include all product inputs that are used in the growing of fresh tomatoes.

There is no standard Federal definition for what is to be traced. The item to be traced may be in the form of a shipment, pallet, container or consumer ready package.

Under California's Food and Agriculture Code for fresh tomatoes, the required traceable unit is the original container. The same applies under CTF policy. Containers cannot be reused under California's code or under CTF regulations. Tomatoes from one grower cannot be commingled with that of another grower in the original carton or in a carton repacked in California. In addition, the Perishables Agricultural Commodities Act (PACA) prohibits the sale of any lot of tomatoes in which the state or region of origin is misrepresented, meaning tomatoes labeled as "Product of California" must be grown in California.<sup>5</sup>

Trace back requirements are also part of the California Food and Agriculture Code<sup>6</sup>. The California Department of Food and Agriculture (CDFA) noted in their analysis first published in 2005 the rationale behind amending California's code was to improve food safety and traceability:

*The California Code of Regulations makes no provision requiring that tomatoes be free from dirt or debris. Salmonella can be vectored by birds or found in the soil. Given the documented illnesses that are the result of salmonella found on field packed tomatoes, the Department is proposing to amend Section 1472(a)(1) requiring tomatoes to be free from dirt and foreign material. The Department is also proposing that tomato containers be stamped with a handler ID number for trace back purposes in the event of product contamination. The proposed changes are intended to provide consumers with safe, good quality tomatoes as well as protect the integrity of the industry.*

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<sup>5</sup> U.S. Code 7§499b, 7 CFR 46.45

<sup>6</sup> California Food and Agriculture Code Title 3, Chapter 1, Subchapter 4, Article 43 § 1472(a)(1), 1472.4, and 1472.7.2

Following a review by the California State Office of Administrative Law, the California Code of Regulations was amended on May 18, 2006 to now require tomatoes produced in the state to be free from dirt and other specific contaminants and that all cartons be labeled to assist in trace backs. These regulations are administered by the Inspection and Compliance Branch of the California Department of Food and Agriculture. Under the Agriculture Code, California requires that all individuals or companies who market or distribute tomatoes be able to provide records to enable trace back to the grower and field location.<sup>7</sup>

California also enacted language that regulates the packing of tomatoes requiring that all containers be new and unused<sup>8</sup>. The California Agriculture Code mandates that if tomatoes are repacked that they are returned to the original container of the original packer and that all repackers register with CDFA on an annual basis.<sup>9</sup> As noted previously, this requirement had been unique to California until the recent Florida statute took effect.

### **California Tomato Farmers**

CTF members are required to exceed all state and federal regulations related to trace back and recall. CTF policy incorporates requirements of the State of California and the Bioterrorism Act of 2002. However, CTF also requires members to:

- document their ability to trace back all agricultural inputs used in the production of their tomatoes and all product sold or disposed of;
- identify crews involved in production and harvest;

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<sup>7</sup> California Food and Agriculture Code Title 3, Chapter 1, Subchapter 4, Article 43 § 1472.7.2

<sup>8</sup> California Food and Agriculture Code Title 3, Chapter 1, Subchapter 4, Article 43 § 1472.7

<sup>9</sup> California Food and Agriculture Code Title 3, Chapter 1, Subchapter 4, Article 43 § 1472.7 and § 1472.7.1



- successfully conduct mandatory, mock trace back and recall exercises.

All member performance is subject to mandatory government inspections to ensure compliance.

Recordkeeping by members of CTF is largely electronic. Lot identification coding travels with the product. That Lot ID code is unique to that product and provides the means to identify the date that the tomato was harvested and packed; the identity of the ranch that produced it; and, the block or planting number of the field. This code is printed on all containers, included all quality control records, production reports, and forms used in shipping of the product.

Attached as Exhibit A, is the section of the CTF food safety standards that outlines California code requirements along with the additional traceability requirements for CTF members. In part, the policy provides that all levels of the tomato supply chain shall maintain adequate traceability to a minimum of one step forward (next recipient) and one step back (immediate previous supplier). California's Food and Agriculture Code, Article 43 § 1472, provides specific regulations for fresh tomatoes produced in California requiring the traceability of all product.

#### **Non-regulatory Provisions: Food Safety Guidance for Fresh Tomatoes**

The North American Tomato Trade Working Group, an ad-hoc coalition of the North American tomato industry, published the first Commodity Specific Food Safety Guidance for the Fresh Tomato Supply Chain. The second edition, published July 2008, was expanded to include specific recommendations for risk reduction in the handling of fresh tomatoes throughout the supply chain – from field to individual supermarkets and

restaurants.<sup>10</sup> Although each section of this document was developed for a specific level of the supply chain (i.e., fresh cut, repacking, retailing, etc), there is one common recommendation – that of mandatory trace back. It was the consensus of everyone involved in the development of this document that all who handle tomatoes must maintain verifiable traceability. This would extend beyond the parameters of the Bioterrorism Act, to include farms and restaurants. For the latter, trace back can begin with nothing more than an invoice for the tomatoes purchased. Thus, the editors of the document, representing all segments of the supply chain, are in agreement that the ability to trace back the origin and handlers of a tomato is critical to all concerned. It is a continuation of industry food safety practices that may begin on the farm but doesn't end until the time of purchase by the consumer.

Attached as Exhibit B, are the requirements set forth by the July 2008 Commodity Specific Food Safety Guidance for the Fresh Tomato Supply Chain to enable trace back at all levels of the supply chain.

### **Trace Back Beyond the Grower/Shipper: The Role of Tomato Repacking**

The challenge of the fresh tomato industry is that retailers and foodservice establishments each have specific standards for color, grade and size. It is not feasible for a farmer to meet the diverse needs of such a customer base. Therefore, tomato repackers play an important role in the movement of product from the field to the end-user. The repacker must be able to pass forward the information as provided by the farmer and shipper. The lot identification code provides the means to maintain product origin at all levels of the supply chain.

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<sup>10</sup> <http://www.californiatomatofarmers.com/foodsafety-metrics.asp>

Repacking of that product, such as tomatoes, serves an important function in the fresh tomato supply chain. Repacking of tomatoes, if done properly, does not put the traceability of tomatoes at risk. There are two issues to consider:

- Commingling
- Traceability

As noted by FDA's Dr. David Acheson in his press conference of June 18, 2008:

*“So you know the key point here is not that commingling is a problem. The key point is if you're going to commingle, make sure you can trace them and make sure that the suppliers you're commingling from are using good agricultural practices and preventative control.” – Dr. David Acheson.*

We concur with his assessment that the issue of repacking is not commingling of tomatoes per se, but rather, that proper records are maintained.

As an organization, we do not support the commingling of tomatoes from one farmer with those from another. Our position is based upon the production standards of the cooperative and maintaining the integrity of those standards, just as noted by Dr. Acheson. In California, a tomato repacker is not permitted to mix products of multiple growers in the finished container.

### **Tomato Trace Back Case Studies**

During their press conferences, a number of comments were made by FDA related to the difficulty of this trace back investigation. As previously noted, the State of Minnesota was able to successfully complete their investigation using trace back methods not unlike those found in the tomato industry. Trace back of fresh tomatoes using existing industry best practices protocol can enable trace back from point of service to the

field in hours, not days or weeks. Further, if an investigation is focused on the wrong product, trace backs will be both misleading and time consuming.

The following case studies were conducted in July 2008. They are representative of the everyday standard practices of the fresh tomato industry in California as regulated by the contractual provisions of the California Tomato Farmers Cooperative and the California Agricultural Code, as established by the California Department of Food and Agriculture.

***History of a Trace Back and Mock Recall by a National Fast Food Chain***

Illustrated in the slides attached as Exhibit C and further documented as Exhibit D, in this case study, directed by the Committee on Energy and Commerce Oversight and Investigative staff, a Sacramento restaurant of a national fast food chain was selected at random for a trace back and possible recall of tomatoes. The chain uses tomatoes in salads and sandwiches. The recall originates with the fast food chain and requires all history for the tomatoes used by that restaurant. The supplier to the chain is responsible for the gathering of all information from all sources of the product that was found in that single restaurant.

**Slide One**

Product Flow:

Grower>Shipper>Repacker>Distribution Center>Restaurant

Information Flow:

Restaurant <>Distribution Center <>Repacker <>Shipper <>Grower

### **Slide Two**

- A single fast food restaurant is selected randomly for a trace back and mock recall by House and Energy Committee staff investigators. A phone call is made by the chain's VP of Quality Assurance to the restaurant to obtain the date code on a carton of tomatoes found in their storage room. The date code is obtained and provided to the VP of Quality Assurance.
- The VP of Quality Assurance informs their distribution center of the need to trace back and recall all tomatoes with that date code. The distribution center uses their computerized system, inputs the date code and learns the product came from ABC Repacker and was received on July 7. 540 boxes were received and distributed to 156 units from the distribution center. ABC Repacker, the supplier, is called and provided with the purchase order code for the shipment. The distribution center can now recall all unused product from all 156 units.
- The general manager of ABC Repacker begins his segment of the trace back. Using the purchase order code on the invoice, he is able to determine that their repacked product originated from XYZ Tomato Shipper in a single shipment of 540 cartons. He calls XYZ Tomato Shipper and reports that he needs to complete the trace back on this purchase order.

### **Slide Three**

- XYZ Tomato Shipper now begins his segment of the trace back. Using the purchase order code, he obtains the original Lot ID from his computer records. This information includes the location of the field, the grower name, variety,

harvest date, pack date, shipping date, and transportation carrier used. This information is provided to the ABC Repacker, who then provides copies of all records to the VP of Quality Assurance for the fast food chain. The trace-back is complete - Time required: 35 minutes.

- If there was a need to recall product beyond that of the single unit of this fast food chain or this single shipment this can easily be done since XYZ Tomato Shipper has identified the grower and field. While not required for this specific trace back/recall, using the Lot ID information, the shipper determined that 64,000 cartons were harvested from this field. Under CTF protocol, this Lot ID provides the means to trace forward the destination of all 64,000 cartons and, if product was destroyed prior to shipment, the disposition of that product.
- Under CTF regulations, XYZ Tomato Shipper and the farmer must maintain all records related to the production of the crop including water testing, source of all inputs, pesticide use, names of planting and harvest crews, etc. This is not required under the Bioterrorism Act. This requirement is unique to CTF and allows full field history in the event of a trace back or product recall.
- Codes used in Mock Recall:

Foodservice chain:      *Repacker assigned Date Code and Chain Purchase Order.*

Repacker:      *Chain Purchase Order that includes repacker assigned Lot ID that links to original Lot ID and Purchase Order of the shipper and grower; if product from more than one grower were used, the newly assigned*

*Lot ID would link to both growers. Thus, if the tomatoes in this event had been (somehow) commingled using product of two growers, the repacker would maintain Lot ID records for both growers. The trace back would then include two shippers, not one as illustrated. Thus, even if two growers were the source of the product, the ability to trace back is maintained.*

Shipper: Purchase Order and Lot ID

Grower: Lot ID

*Note: Names of all parties have been withheld, as this is an actual recall that involved multiple companies, some privately held, other's public.*

#### ***History of a Trace Back and Mock Recall Conducted by a Buying Cooperative***

Mock recalls can be initiated at any point in the distribution system. In the following case study conducted on July 9, a California-based Buying Cooperative (TBC) that purchases product for its members but does not physically handle the product is conducting a recall. The members are large foodservice distribution companies that service both restaurant chains and independent restaurants. TBC requires that all repackers repack tomatoes to their specifications with a trace back code on each container. In this case study, the entire recall is coordinated by TBC's Food Safety Director.

Product Flow:

Grower>Shipper>Repacker>Distribution Center

Information Flow:

Buying Cooperative<>Repacker< >Foodservice Distributor<>Shipper <>Grower

- The Buying Cooperative's (TBC) Food Safety Director at random selects a specific trace back code, X20623. The product was purchased from DEN Repacking in Denver for their member in that market, a foodservice distributor. In the TBC recall, they have asked DEN Repacking to trace forward and back all product linked to the above code, including the location of all distribution centers used, total cases produced under this code, total cases shipped, raw product lot numbers, and the identity of all growers.
- DEN Repacking, using the TBC trace back code, identifies that the product was shipped to SMK Foods (a TBC member foodservice distributor) on July 6. The product had been repacked as follows: 30 cases in TBC label and 16 cases under the DEN label. The repacker also notes that product from the same grower and field was repacked under a second trace back code (shipped on July 4 to the distribution center) with 25 cases using the TBC label and 8 cases using the DEN label. The repacker provides the TBC Food Safety Director with the Lot ID and the Purchase Order (PO) numbers of his supplier, RST Tomato Shipper in California.
- TCB's Food Safety Director, using the Lot ID and PO, asks RST Tomato Shipper to provide information on all cases produced, total cases shipped, raw product lot ID, grower ID and identify harvest crews.
- RST Tomato Shipper, using the Lot ID and PO, is able to document the grower's name and that the product for this order came from two separate lots, but only one field. Lot one produced 37,880 cartons, all but 80 cartons have been shipped. The remaining 80 cartons are still in inventory. The second lot



produced 52,543 cartons; there are 800 remaining in inventory. Trace back complete – Time required: 5 hours, 11 minutes. (Note: The actual amount of product subject to this recall is 79 cartons (46+33). While not required in this specific mock recall, RST Tomato Shipper can identify the destination for all tomatoes produced under this lot order, not only those associated with this recall involving TBC, DEN Repacking, and SMK Foods; As they are a CTF member, they can provide additional documentation as noted under items 5 and 6 in the previous case study.)

- Codes used in Mock Recall:

Buying Cooperative: Repacker assigned trace back code and their own Purchase Order (PO)

Repacker: Cooperative's PO that references repacker assigned Lot ID that links to original Lot ID of the shipper and grower; in this example, product from one grower, but two different lots was used for the final shipment of product. The repacker's own assigned trace back code is linked to the two PO's from the shipper.

Shipper: Purchase Order (PO) and Grower Lot ID

Grower: Grower Lot ID

*Note:* Names of all parties have been withheld, as this is an actual recall that involved multiple companies, some privately held, other's public.

## **Trace back Summary**

The case studies represent common traceability practices within the fresh tomato industry as they exist today. In each of the illustrations, there is lot identification that travels with the product. There is a two-way flow of information that compliments the physical movement of the product. In each of the illustrations, the time to trace and conduct a mock recall of all associated product was a matter of hours, not days. The current system, when utilized properly, contributes to a rapid flow of information and the documentation of all product in the supply chain. It is a system that, not unlike many other systems, requires recordkeeping that is efficient and effective. Bad data in results in - bad data out. It's a common problem across all industries.

Economies of scale realized by larger growers and their customers provide for electronic recordkeeping. As noted in the case studies, the entire trace back process requires hours, not days or weeks. The challenge to trace back is not the system as outlined. The challenge is that individuals may choose to not properly maintain records. They may choose to violate existing laws, such as the Bioterrorism Act that provides the framework for the trace back and enabled the prompt trace back and recall as noted in the case studies.

Individuals that do not maintain such records put everyone in the supply chain at risk from both a public health perspective as well as an economic perspective.

Trace back is not the means to eliminate food safety illness but it is an essential component that must be mandated on all producers, whether large or small.

## **Recommendations to the Committee**

We are concerned that this could happen again – a product cited as a possible source when there's no conclusive evidence to support that fact. And, that we will again witness a prolonged investigation that only further weakens the trust in our food supply. I have to reiterate that we must learn from this past outbreak and that all parties must work together to ensure that investigations such as this do not take months. Therefore,

*We recommend that Congress require FDA, appropriate state health departments and industry conduct an in-depth analysis of the FDA investigation that would include individual trace back records so that we can effectively determine why this investigation of tomatoes was inconclusive or misdirected. We must ask what we can learn from the efficiencies found in current industry traceability models where product can be traced from store to field in a matter of hours, not days or weeks. A comparison of FDA and industry trace back methodology should be considered as the basis for establishing more efficient and effective trace back procedures at FDA.*

Although tomatoes were likely not linked to this particular outbreak, we still believe that we should all learn from this outbreak and move food safety initiatives forward. Preventative measures are an important task for consideration. For the tomato industry, the adoption of the just published Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain represents application of the best available science. Provisions of this document include required risk reduction principles and full traceability – from field to point of service – and will enable all to respond to the demand for a higher level of accountability. Therefore,

*We recommend that Congress, in the current session, establish a pilot project that would include the adoption of the July 2008 Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain as the baseline for further evaluation of the food safety practices employed in the fresh tomato supply chain. This could be accomplished through the expansion of the current FDA Tomato Initiative that included the evaluation of tomato production methods in Virginia and Florida. This project should extend beyond the farm and packinghouse to evaluate the practices of tomato repackers, wholesalers, and most importantly, the integrity of the traceability of fresh tomatoes throughout the supply chain.*

California mandates traceability on all tomatoes produced or handled in the state as does Florida. But, those requirements are limited in scope. Given the needs of the restaurant and supermarket industries are vastly different there must be flexibility in any trace back system that would go beyond that required under the Bioterrorism Act. That does not suggest any segment of the supply chain should be exempt from holding records that enable the ability to trace back or trace forward the movement of fresh tomatoes.

Therefore,

*We recommend that FDA adopt the July 2008 Guidance Document for the Fresh Tomato Supply Chain as the basis for any regulation of the tomato supply chain, including revised traceability requirements, and such standards apply on all domestic and imported fresh tomatoes.*

CTF supports the need for the regulation of the production and marketing of fresh tomatoes. Already, Florida production is governed by statute. In California, nearly 8 of

10 tomatoes produced are now subject to mandated food safety and traceability standards and government inspection under the CTF system. Together Florida and California Tomato Farmers market over 70% of the fresh field-grown tomatoes produced in the United States. Therefore,

*We recommend that in any proposed regulation, it must be understood that the reduction of microbial contamination is a responsibility that is not limited to the grower and packinghouse. It is a responsibility that must be shared by all who handle tomatoes. And, that responsibility must also require that transparent traceability be maintained throughout the supply chain, including supermarkets and restaurants.*

As fresh tomatoes are one of the most popular fresh produce items and often subject to cutting, slicing, or dicing in the home we cannot eliminate 100% of the risks associated with the handling of fresh tomatoes. We can, however, ensure that all who commercially handle tomatoes are held accountable for their practices. To exclude any responsible party from such regulation would only lessen the effectiveness of good agricultural practices that are being employed today by our members and many others who strive to provide consumers with the safest supply of fresh tomatoes grown in the United States.

This concludes my testimony and I welcome any questions that the Committee may have. Thank you again for this opportunity to testify before you.

**EXHIBIT A**

**California Tomato Farmers Trace Back Regulations**

*All levels of the tomato supply chain shall maintain adequate traceability to a minimum of one step forward (next recipient) and one step back (immediate previous supplier). California's Food and Agriculture Code, Article 43 § 1472, provides specific regulations for fresh tomatoes produced in California. In addition, the CTF provides:*

*1) Documentation of packed tomatoes shall include sufficient information about the source (i.e., grower, production location, lot identification, personnel/crew involved in the harvest of the product) as well as the customer receiving the product to allow for the appropriate tracing of product.*

*i) The grower shall be able to document the source of agricultural inputs used in each lot of tomatoes handled by the packinghouse.*

*2) Corrugated containers for the packing of fresh tomatoes shall be new, and accurately labeled with commodity name, member name, and lot identification sufficient to allow for accurate trace back.*

*3) If using reusable containers, (e.g. Reusable Plastic Containers – RPCs), they shall be clean and sanitized before reuse. Ensure that labels are accurate prior to reusing for packing.*

*4) A traceability system to track tomatoes back to supply source and forward to customers shall be developed and tested annually. A record of this test shall be kept on file.*

*i) Traceability records shall be readily available for USDA auditors.*

*5) Tomatoes that are repacked must be done in compliance with California Agriculture Code, Article 43 § 1472.7.1, and shall maintain traceability established by the original shipper and/or grower.*

*6) The company shall document the establishment of a recall action team, product complaint log, a flow chart or other means to identify the steps to be taken in the recall process, a plan for product recovery, and annually conducts a successful mock recall.*

*7) The member maintains adequate record of the sale of product, the disposition of unsold product and the source of all products used in the production and marketing of the member's crop.*

*Based upon California Agriculture Code Article 43 § 1472.7.1, a repacker or wholesaler doing business in California must maintain lot integrity as established by the grower or shipper.*



**EXHIBIT B**

**July 2008 Commodity Specific Food Safety Guidance for the Fresh Tomato Supply  
Chain – Trace Back Requirements**

Grower:

*Recordkeeping provide evidence of reviews and evaluations to document those practices.*

*Records shall also be kept to assure traceability of harvested tomatoes.*

- a. Records documenting adherence to these practices, such as those addressing pre-harvest assessments, employee training, for the operation must be maintained and producible in a reasonable amount of time.*
- b. Traceability practices shall be utilized to ensure than all tomatoes are traceable to their origin, at least one step forward and one step back.*
- c. Records shall be retained for at least two years, or as required by regulation.*

Packinghouse:

*All levels of the tomato supply chain shall maintain adequate traceability to a minimum of one step forward (immediate next recipient) and one step back (immediate previous supplier).*

- a. Documentation maintained at the packinghouse shall include sufficient information about the source: (i.e. production location, lot identification, personnel/crew involved in the harvesting) as well as the customer receiving the product to allow for the appropriate tracing of product.*
- b. The packer shall have established procedures to ensure that traceability information about the source is retained with the product as it moves through the packinghouse process to shipping.*
- c. A documented recall system, including a traceability system to track tomatoes forward to customers shall be developed and tested at least annually. A record of this test shall be kept on file.*

- d. *All records recommended in this section shall be maintained for at least two years and be readily available.*

Repacker:

*All requirements of the Packinghouse, expanded to include:*

- a. *Establish procedures to maintain lot identify of tomatoes throughout the repacking process.*
  - a. *Documentation maintained by the repacking for each lot received shall include sufficient information about the source (i.e. production location, supplier identification, lot identification) as well as the customer receiving the production to allow the appropriate tracing of product.*
  - b. *Ensure that the information is retained with product as it moves through the repacking process to shipping.*
  - c. *It is preferred the incoming lots are not mixed/commingled during repacking. However, if incoming lots are mixed/commingled, then documentation shall be maintained to identify all included sources.*
  - d. *Traceability records shall be readily available.*
  - e. *Effectiveness of these procedures shall be tested at least annually. A record of this test shall be kept on file.*
- b. *If tomatoes lots are not mixed/commingled, then tomatoes may be repacked into their original boxes. When containers of a packinghouse supplier are to be used, and the tomatoes are removed and resorted, and returned to that clean and sanitary container, the repacker must labeled the container as being repacked, the commodity, repacker name, and provide lot identification.*

- c. *If tomato lots are commingled, then tomatoes should be repacked into new boxes that are clean and sanitary and accurately labeled with the repacker's information and lot identification that maintains the integrity of traceability information to the include sources. In the event of a call, all lots in the commingled lot are affected*
- d. *Used boxes may only be used as secondary shipping containers, provide that the original identification information on the box has been obliterated or otherwise made clear that it is no longer accurate. Use boxes may only be used as primary containers for mixed/commingled lot if they are clean, sanitary, and the original identification information on the box is still accurate to the original source of all of the tomatoes in the box*

*Fresh Cut:*

- a. *All levels of the tomato supply chain shall maintain adequate traceability to a minimum of one step forward (immediate next recipient) and one step back (immediate previous supplier).*
- b. *Documentation maintained at the processor shall include sufficient information about the source: (i.e. production location, lot identification, personnel/crew involved in the harvesting) as well as the customer receiving the product to allow for the appropriate tracing of product.*
- c. *The processors shall have established procedures to ensure that traceability information about the source is retained with the product as it moves through the processor to shipping.*

- d. *Primary and secondary containers shall be accurately labeled with commodity name, processor firm name or identification code, and lot identification sufficient to allow for accurate traceability.*
- e. *A documented recall system, including a traceability system to track tomatoes forward to customers shall be developed and tested at least annually. A record of this test shall be kept on file.*

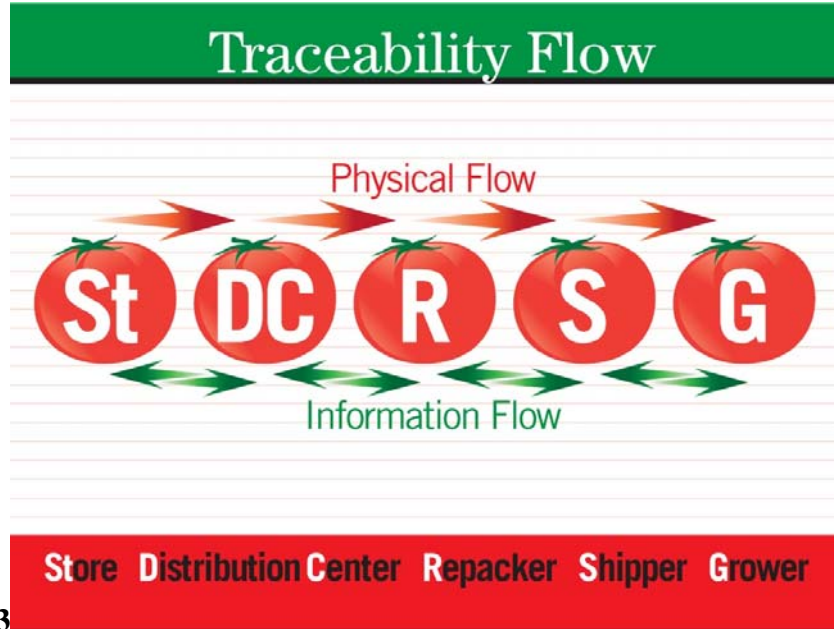
Retail/Foodservice:

- a. *All levels of the tomato supply chain shall maintain traceability consistent with record keeping requirement in 21 CFR part 1, subpart J (1.326 – 1.368). Distributors to direct-to-consumer retail and foodservice operations shall maintain traceability to a minimum of one step back (immediately previous supplier) and one step forward (immediate next recipient). Direct-to-consumer retail and foodservice operations shall maintain purchase records that will facilitate traceability.*
- b. *Each facilities ability to comply with the above (12.a) shall be verified at least annually. A record of this verification shall be kept on file.*
- c. *All records recommended in this section shall be maintained for at least six months and be readily available.*
- d. *Recognizing that bulk tomatoes may be commingled in a display, in the event of a recall, all lots in the commingled lot are affected.*

**EXHIBIT C**

**Trace Back Case Study as Conducted for the Investigative Staff**

Slide One



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Slide Two

The diagram shows the traceability flow for a CTF Member Product. It features a sequence of tomato icons labeled St, DC, R, S, and G. Red arrows point from right to left between the icons, and green arrows point from left to right. Below the icons is a list of six steps in alternating red and green background bars:

- Restaurant gives date code to Quality Assurance VP
- Distribution Center traces Repacker (Supplier)
- Supplier notified of purchase order code for shipment
- Distribution Center can recall all unused product
- Supplier determines Shipper
- Shipper obtains original lot ID

Slide Three

**Case Study**  
**Traceability Flow of CTF Member Product**

Lot ID\* includes complete field history of product:  
Field Location • Grower Name • Variety  
Harvest, Packing and Shipping dates • Transportation Carrier used

Information given to Repacker and Quality Assurance VP

**TOTAL TRACE-BACK TIME: 35 minutes**  
\*Lot ID can also trace forward