



July 3, 2008

Secretary Michael O. Leavitt
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Leavitt:

Several weeks have passed since our June 17 letter requesting a meeting with CDC and FDA to discuss opportunities to work in partnership to enhance food safety and minimize the human and economic impact of a foodborne illness outbreak. Although we received a positive preliminary response from CDC, we are concerned that, to date, we have not heard from you or your office. On behalf of the thousands of members of the Produce Marketing Association and the United Fresh Produce Association, we urge you to make a commitment to meet with us immediately.

Since our first request, the number of people sickened by the *Salmonella saintpaul* outbreak has increased, and the economic losses to our members have reached a critical point. The public is more confused than ever and consumer confidence in government health agencies is rapidly eroding. With this in mind, it is imperative that we engage in a frank and open dialogue on needed improvements. For example, it is our understanding that investigators have concerns about industry recordkeeping and traceback capabilities. We are eager to discuss these with you so that we can make necessary improvements on industry's part. There may be other issues you want to raise with us, and that is yet another reason it is imperative to have this meeting as soon as possible.

The produce industry and government share a common goal – protecting public health. We have gone on record many times to support FDA and CDC when we believe their actions are based on sound science. However, we cannot fulfill our mutual goal of protecting the public health without collaboration between our industry and the government. We want to be active participants in finding solutions that will enhance our food safety practices. At such a critical time, we are at a loss to understand why you have not responded to our request for a meeting. We attach a copy of our earlier letter and respectfully ask again that a meeting of CDC, FDA and

produce industry representatives be convened immediately to address issues surrounding this outbreak and to begin an ongoing dialogue toward better overall outbreak management.

Finally, concerning communications about the current outbreak, we also ask that you consider the profound impact that interaction with the media and the public have on consumer confidence in FDA, CDC and the industry. We fully support open and honest communication; however, speculation does not belong in any public communication about something as serious as an outbreak. Unfortunately, the continued lack of clarity in the communications regarding the current outbreak situation is casting a wider net of suspicion and doubt over the safety of all produce, further undermining consumer confidence and fueling industry and public frustration. And more important than the millions of dollars already lost by the industry and the damage to consumer confidence is the question of whether the agencies are actually protecting public health.

Together, we have much to do, and we hope you will agree that we should get started immediately with our first meeting.

Sincerely,



Thomas E. Stenzel
President and CEO
United Fresh Produce Association



Bryan Silbermann
President
Produce Marketing Association

Cc: Andrew C. von Eschenbach, M.D., Commissioner, U.S. Food & Drug Administration
David W.K. Acheson, M.D., Associate Commissioner for Foods, U.S. Food & Drug Administration
Julie Gerberding, M.D., Director, Centers for Disease Control and Prevention
Lonnie King, DVM, Director, National Center for Zoonotic, Vector-Borne, and Enteric Diseases, Centers for Disease Control and Prevention

Encl: June 17, 2008 PMA and United Meeting Request Letter



June 17, 2008

Michael O. Leavitt

Secretary

U.S. Department of Health and Human Services

200 Independence Avenue, S.W.

Washington, D.C. 20201

Dear Secretary Leavitt:

Nothing is more important to the produce industry than delivering to consumers the safest, healthiest and most nutritious fresh produce possible.

In recent weeks, our industry, public health officials in federal, state and local government, and consumers have all been grappling with a complex and complicated outbreak of *Salmonella saintpaul* that appears, through epidemiology, to be linked to certain tomatoes in the marketplace during late April and May. Unfortunately, our collective ability to detect this outbreak early, or to quickly identify and isolate its source, has been inadequate. No one in public health nor industry can be satisfied with an outbreak that went undetected for so long, nor a traceback investigation that has left consumers scared about the safety of all fresh tomatoes and will likely cost more than \$100 million to tomato growers, packers and retailers whose produce was never contaminated. We simply must work together to do better.

As the two national multi-commodity trade associations representing the fresh produce industry, we are writing to ask you to convene a meeting of CDC, FDA and industry representatives to address ways we can learn from each other and work together to enhance food safety and minimize the human and economic impact of an outbreak. We believe there simply have to be solutions to help speed and streamline outbreak identification and management, and we pledge our industry's complete commitment to this effort.

With government's expertise in outbreak identification and industry's expertise in understanding the complex produce supply chain, we could set up an ongoing working group to look at crisis management systems in advance of outbreak investigations, rather than seemingly reinvent the process each time an outbreak occurs. Should an outbreak occur, we stand ready

to offer FDA and CDC a 24-7 team of industry experts in every discipline to help in traceback investigations to ensure the fastest possible isolation of problems. If CDC or FDA feel that they need greater produce experience in their own ranks, we could work with you to develop something similar to a Presidential Fellows program in which government could detail produce experts to the agencies for one-or-two year commitments.

These are just some of the ideas we would like to discuss, and we are sure there are many other opportunities FDA and CDC can see better than us. But we hope this gives you a sense of our urgency and commitment to develop more effective ways to identify and manage outbreaks.

You should also know that our first and foremost commitment is to prevent foodborne disease outbreaks or potential contamination from ever occurring. Our industry is totally committed to prevention, but realistically, we must also recognize there is no such thing as zero risk for a product grown in an open natural environment and consumed without thermal processing or another kill step. In the rare but critical cases where outbreaks do occur, we simply must do a better job to remove any threat to public health as soon as humanly possible, and isolate potential problems quickly to ensure ongoing consumer confidence in the vast supply of healthy, fresh produce available across the country.

We ask that you and your staff please contact either of us if you have any questions, and we look forward to your response.

Sincerely,



Thomas E. Stenzel
President and CEO
United Fresh Produce Association



Bryan Silbermann
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