



July 08, 2003

Dockets Management Branch (HFA-305)
Food and Drug Administration
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L'ASSOCIATION DES FRUITICULTEURS
ET DES MARAICHERS DE L'ONTARIO

Administrative Detention
Docket No. 02N-0275
fdadockets@oc.fda.gov

**Re: Comments on rules proposed under the
*Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act)***

To Whom It May Concern:

I would like to take this opportunity to provide a few comments on the above-referenced notice of proposed rulemaking as published by the Food and Drug Administration (FDA), to implement the Detention section (Section 306) of Title III of the Public Health Security Act and Bioterrorism Preparedness and Response Act of 2002.

There are several areas that fruit and vegetable growers within Ontario need to be asking for a review by your agency. The need for an evidence standard is first and foremost. It is essential that clarity be provided that is relevant to the credible nature of any threat, and that substantive evidence be available to authorities which would then warrant the initiation of any detention. As such, there would need to formal written confirmation of such action to the affected party and that safeguards are in place to ensure that the detention is clearly warranted and linked to a verifiable threat.

A more pressing issue is that of timing – because the nature of produce is its' extreme perishability if not handled properly. Fruit and vegetable growers throughout Ontario know that shipping “just-in-time” produce means that – getting it there within a certain time frame. Temperature sensitivity varies between products and delays would be critical to getting market – and market value – for the goods being shipped. It would be hoped that there is an expeditious investigation process with adequate storage facilities being made available.

As the governments of Canada and the United States engage further under the Smart Border initiative, as they move ahead in developing their respective domestic systems, I would encourage both to develop common requirements to ensure minimal disruptions at the border.

On behalf of the Ontario Fruit & Vegetable Growers' Association (OFVGA), I appreciate the opportunity to provide our comments to this important endeavour. The OFVGA is dedicated to the advancement of horticulture in the province of Ontario, working proactively through effective lobby towards the

02N-0275

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communication, and marketing. The association has a clear mandate to be the “voice” for its 7,500 Ontario horticultural producers at governmental affairs, national and international bodies, and to proactively seek resolution of issues affecting its membership throughout the year.

Yours truly,

A handwritten signature in black ink, appearing to read 'Art Smith', with a long, sweeping underline that extends to the left and then curves back under the name.

Art Smith
CEO, OFVGA