

Fruit and Vegetable Industry Advisory Committee (FVIAC)

2018 – 2020 Recommendations

The purpose of the FVIAC is to examine the full spectrum of fruit and vegetable issues and provide recommendations and ideas to the Agriculture Secretary on how the U.S. Department of Agriculture (USDA) can tailor programs to better meet the needs of the U.S. produce industry.

The 2018-2020 FVIAC body was very active in 2019, establishing four workgroups: Food Safety Subcommittee; Labor Subcommittee; Trade Subcommittee; and the Production Subcommittee. Thus, the membership body put forth 33 recommendations pertaining to agricultural labor, trade, production and food safety.

Food Safety Subcommittee:

Put forth recommendations and position statements for consideration on fruit and vegetable issues regarding food safety, audit, inspections, and standardization. The following recommendations were approved by the full FVIAC membership body:

- ✦ We recommend the Agriculture Secretary assist producers and packers by collaborating with the Food and Drug Administration (FDA) to obtain funding for on-farm water sampling education outreach, research projects, financial assistance for small and very small operations, and development of online Produce Safety Rule (PSA) grower training programs in English and Spanish to meet FSMA requirements. Furthermore, we recommend the Secretary (a) encourage the FDA to continue to work with growers to develop science-based water microbiological testing standards in a timely manner, and (b) encourage the re-evaluation of these agricultural water testing requirements annually.
- ✦ We recommend the Agriculture Secretary collaborate with the FDA to establish a FSMA Produce Safety Rule and Preventive Controls for Human Food (fruit and vegetable mixed-type use operations) regional grower stakeholder advisory boards for collaboration and to seek input.
- ✦ We recommend the Agriculture Secretary work with FDA to develop a FSMA Produce Safety Rule, Preventive Controls for Human Food, Foreign Supplier Verification Program (FSVP) interactive decision tree to assist entities in determining which rules they must comply with and when.
- ✦ We recommend the Agriculture Secretary regularly collaborate with the FDA to share technical expertise and data so as to inform FDA's implementation plan to ensure that foreign supply is held to the same standards as domestic supply in regards to all aspects for FSMA compliance.
- ✦ We recommend the Agriculture Secretary engage with FDA regarding prioritization of Foreign Supplier Verification Program (FSVP) inspections relating to produce that have caused outbreaks in the United States.
- ✦ We recommend the Agriculture Secretary work with the FDA and Centers for Disease Control and Prevention (CDC) to hold town-hall style meetings, which would provide the fruit & vegetable industry an opportunity to improve the CDC consumer advisory process by sharing information about growing, harvesting, packing and traceability processes.
- ✦ We recommend the Agriculture Secretary work with FDA and CDC to coordinate a fresh fruit and vegetable stakeholder-driven workgroup focused on improving communication during the consumer advisory process and other related activities.

- ✦ We recommend the Agriculture Secretary seek adequate recurring, line-item appropriations for FSMA-related training initiatives (e.g. Produce Safety Alliance).
- ✦ We strongly recommend the Agriculture Secretary engage the supply chain to include retailers, food service entities and consumer brands in accepting the USDA Harmonized GAP Plus audit program’s technical equivalence to the Global Food Safety Initiative (GFSI).

Labor Subcommittee:

Put forth agricultural labor recommendations and statements that are intended to preserve the survival and sustainability of US fruit and vegetable production. The following recommendations were approved by the full FVIAC membership body:

- ✦ We recommend the Agriculture Secretary form a multi-agency task force including but not limited to USDA and the Labor Department (DOL) as well as a nationwide cross section of industry stakeholders with the primary charge to study the current H-2A Adverse Wage Effect Rate (AWER).
- ✦ We recommend the Agriculture Secretary work with Congress and the Administration for legislative agricultural immigration reforms. The fruit and vegetable industry has identified that access to labor is our most critical need and we recognize the Secretary’s commitment to solving the agricultural labor crisis. These reforms should allow the industry to retain the current workforce in light of their ongoing critical contributions to the supply chain as well as create a new future flow of labor that makes our workforce affordable, predictable and sustainable.
- ✦ We recommend the Agriculture Secretary work with the necessary federal agencies to provide information on the rule related to 51% or more of product coming from outside the H-2A farm applicant with the understanding that the industry has undergone significant changes and that many growers also pack and ship product for other growers.
- ✦ We recommend the Agriculture Secretary collaborate with the Labor Secretary to create meaningful impact for employers utilizing the H-2A program by developing a program to identify preferred employers who possess solid history in the program for an expedited and more streamlined application process.
- ✦ We recommend the Agriculture Secretary continue engagement in this process by encouraging stakeholders to submit comments on ag labor-related rules and ensure these new rules are published as soon as possible.
- ✦ We recommend the Agriculture Secretary collaborate with the Administration, in particular the Labor Secretary, to broaden the interpretation of “temporary work” to less than one year thereby allowing more agriculture companies to participate in the H2-A program – considering that Congress has been unable to pass agricultural labor reforms combined with the expedient rate at which the agriculture workforce is dwindling.
- ✦ We recommend the Agriculture Secretary direct research methods to make the farm labor survey more robust and to work with the Labor Secretary to ensure the refined data that is collected is utilized by DOL to support agricultural employers and workers.

Trade Subcommittee:

Put forth recommendations that seek to protect domestic farmers, ranchers, handlers and processors from unfair market advantages via imported products that are subsidized, and to provide opportunities for sustained global competitiveness. The following recommendations were approved by the full FVIAC membership body:

- ✦ We recommend the Agriculture Secretary consider meaningful improvements in the guidance for and enforcement of Buy American requirements for school food purchases enhanced by Sec. 4207 of the Agriculture Improvement Act of 2018 – and request the Secretary to keep the Committee advised of his actions on the following:
 - ❖ Strike the “Significant Cost Differential” language from the Buy American exceptions provided to schools. This exemption is significantly too ambiguous and does not recognize the myriad of fruits and vegetable options that are available should the desired first choice be cost prohibitive.
 - ❖ Establish financial or commercial (restrict from supplying schools) penalties for food distributors that misrepresent their food products or who switch foreign sourced products for contracted domestic food products.
 - ❖ Require public notice when schools elect to purchase foreign sourced food products instead of domestically produced including and require that schools maintain documentation to justify foreign purchase of fruits and vegetables over domestic. For instance; whether alternate supply sources were considered, whether bids were sought at the best time of the year to allow domestic participation, whether substitutions were considered (applesauce instead of peaches, pears instead of mixed fruit cocktail, etcetera).

- ✦ We recommend the Agriculture Secretary develop a “Sustaining U.S. Grown Food” program that offers additional promotional support for helping qualified agricultural cooperators compete against foreign competition within the United States.

- ✦ We recommend the Agriculture Secretary work with other administration offices/agencies, such as the United States Trade Representative, so that within all trade agreements, remedies for domestic produce growers need to be strengthened. A resolution process should be added to take into account seasonal domestic production of horticultural products in regards to anti-dumping. This provision should not preclude fair sustainable market access to foreign suppliers.

- ✦ We recommend the Agriculture Secretary make the following Committee position known to the President and Congress:
 - The critical importance of ensuring that Export Market Promotion programs continue to be made available to U.S. agriculture to successfully compete against foreign competition in export markets and that the available funding for these programs be increased to offset the imbalance of trade restrictions and impacts of trade disputes

Production Subcommittee:

Put forth recommendations that seek to remove barriers associated with research; crop insurance; overspray, and off target chemical applications from neighboring operations; and agrichemical labels that are not clearly written nor uniform in referencing specialty crops. The following recommendations were approved by the full FVIAC membership body:

- ✦ We recommend the Agriculture Secretary review the decision to include hemp as a specialty crop – looking at the potential negative impacts to the existing specialty crops. In particular, the impacts on federal funds for research, Specialty Crop Research Initiative (SCRI) grants. If in any way it is determined that hemp will dilute the limited research funds – the FVIAC recommends the Agriculture Secretary reclassify hemp and/or limit the crop from access to SCRI funds until additional money is appropriated.

- ✦ We recommend the Agriculture Secretary review research grant eligibility criteria and process with a goal of increasing the opportunity for private organization lead project funding and public/private projects. Increase outreach and involvement of potential industry applicants to determine how future grants can be available for emerging technology development in Agriculture.
- ✦ We recommend the Agriculture Secretary make it a goal of the U.S. Department of Agriculture's Risk Management Agency (RMA) to ensure that fruit and vegetable farmers have access to coverage options that are on par with row crop farmers for whom crop insurance generally works well, both in terms of effectiveness in addressing the perils unique to the crop and at affordable premiums.
- ✦ We recommend the Agriculture Secretary work with FDA and the Environmental Protection Agency (EPA) to recognize that dicamba will move off target and therefore a reasonable residue tolerance should be established. Buffers around the application site should be a minimum of one (1) mile to the closest sensitive, non-target plant. Applications should be limited to more desirable circumstances such as lower temperature and humidity, pre-plant and pre-season, and other factors that would reduce the potential for moving off target.
- ✦ We recommend the Agriculture Secretary work with EPA to evaluate the performance of the products identified below for safety after the 2019 season and make an appropriate judgment about their use in 2020 even before the registration expires. Due to the overwhelming reports of dicamba volatilization, we strongly recommend the registration for Xtendi Max, Engenia, Fexipan and Tavium or any other new formulations for in-crop use in soybeans and cotton not be renewed when the current registration expires. We also recommend the Agriculture Secretary work EPA to ensure dicamba registration is not renewed until such time when research can prove with certainty that specialty crop producers will not be adversely affected by any form of off-target movement, including by volatility.
- ✦ We recommend the Agriculture Secretary work with EPA and FDA to recognize that legacy materials that have been long prohibited and have not been applied to a fruit and vegetable crop, are now being detected at very small levels. The presence of a legacy material should not be considered an adulterated product, nor should the producer be subject to regulatory actions.
- ✦ We recommend the Agriculture Secretary work with EPA to require biotech developers seek the necessary reviews by USDA for seed genetics and EPA for the corresponding pesticide registration simultaneously, resulting in a joint approval process, and that the two agencies increase collaboration before seed genetics and corresponding pesticides are approved. We hope that a simultaneous and joint approval process will serve to facilitate discussion between the two agencies and prevent confusion among farmers.
- ✦ We recommend the Agriculture Secretary work with EPA to require chemical manufacturers to write their chemical labels in a uniform manner so that producers can easily determine the correct requirements of applying materials.
- ✦ We recommend the Agriculture Secretary work with EPA to establish crop groups that are consistent with each other and with industry standards, terminology, and other accepted practices.
- ✦ We recommend the Agriculture Secretary support additional base funding for applied specialty crop agricultural research at land grant Universities (Agricultural Experiment Stations and Cooperative Extension) that can be used to address regional and local priorities driven by producer needs.
- ✦ We recommend the Agriculture Secretary prioritize grant funding available dedicated to the development of new labor-saving technology and equipment development with the goal of improving agriculture labor efficiency and demand.