



November 20, 2019

Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Docket No. FDA-2019-N-4187 for “A New Era of Smarter Food Safety.”

Dear Deputy Commissioner Yiannas:

On behalf of the nearly 200,000 family farmer, rancher and rural members of National Farmers Union (NFU), I am pleased to submit comments regarding “A New Era of Smarter Food Safety.”

National Farmers Union Foundation (NFUF) is heavily engaged through its leadership and coordination of the Local Food Safety Collaborative (LFSC) in providing training, education, and outreach to small-scale producers to enhance their knowledge of and develop a culture of food safety, and to help them comply with the Food Safety Modernization Act (FSMA). We appreciate our partnership with FDA through LFSC to help ensure a safe food supply. And we thank FDA for holding a public meeting and soliciting input on the development of FDA’s Blueprint for a New Era of Smarter Food Safety.

NFU’s grassroots, member-driven policy states that “We support... National food safety policies that can and should protect consumers without limiting farmers, ranchers or small food processors who sell into local and regional markets. Regulations should be size- and risk appropriate.”¹

FDA has asked how it can “create shared value for all participants” as FDA moves toward “creating a more digital, traceable global food supply chain.”² NFU anticipates that smaller-scale farmers and processors will face financial and educational barriers to adoption of such technologies. Thus, as digital technologies increasingly play a role in tracing the origin of contaminated food to its source, it will be important that farmers and processors with fewer resources are provided with adequate assistance and appropriate incentives for participation. This could include the development and authorization of a grant program on research, outreach, education, and training geared toward small-scale farmers and processors to ensure the development of scale appropriate technologies.

¹ National Farmers Union, *Policy of the National Farmers Union*, (March 2019).

² Federal Register, Vol. 84, No. 181, September 18, 2019.

Additionally, as regulations are developed, FDA should conduct appropriate cost-benefit analyses to minimize harm to smaller farmers and processors.

Furthermore, increased use of digital technologies for traceability will require adequate infrastructure, including broadband and cellular services currently lacking in many rural areas. Thus, FDA should continue to allow for paper-based recordkeeping as appropriate. Continuing to allow paper-based recordkeeping is also important for ensuring scale-appropriate traceability. Some farmers operate at a scale too small to justify adoption of certain software and digital services, irrespective of the infrastructure issues mentioned above. In other cases, adoption will be limited for cultural or religious reasons, such as in the case of Plain communities.

It is also imperative that as we move in the direction of a more digital, traceable global food supply that data privacy and security is of paramount concern. NFU policy is clear that producer data “should only be collected with the producer’s consent in a manner so as to ensure data collected remain the property of the producer” and “protect[s] privacy.”³

It is especially important that FDA continues to work to advance the safety of commodities that have been the subject of frequent contamination incidents, such as romaine lettuce and spinach. Smaller-scale farmers that use shorter supply chains, such as local, direct-to-consumer marketing or regional rather than national or global supply chains, have been negatively affected by outbreaks leading to large scale warnings and recalls. We urge stronger communication and collaboration between FDA, CDC, USDA, farmers, and processors in order to respond to outbreaks in a manner that limits the negative impacts on businesses while maximizing consumer protection. Additionally, FDA should invest resources in studying the comparative risks of shorter and longer supply chains and the associated implications for the safety of consumers.

The rise of e-commerce presents new food safety challenges and it is important to understand new business models and their associated risks. As regulations are developed to address the health risks posed by foods provided by new business models, such as e-commerce, it is also important to recognize that direct-to-consumer sales via e-commerce should not be subject to the same requirements as those for longer supply chains. For example, traceback in the direct-to-consumer context is straightforward.

NFU applauds FDA for wanting to “do more to use and leverage proven organizational culture and behavioral science principles and techniques to enhance organization and employee compliance with desired food safety practices and behaviors.”⁴ This statement is a helpful reminder that culture and, relatedly, behavior is central to achieving successful food safety processes and outcomes.

Finally, NFU also applauds FDA for its investment to date in outreach and education efforts, including the investment that has made the work of the Local Food Safety Collaborative (LFSC)

³ National Farmers Union, *Policy of the National Farmers Union*, (March 2019).

⁴ Federal Register, Vol. 84, No. 181, September 18, 2019.

possible, and also the work of the Produce Safety Alliance (PSA), the National Association of State Departments of Agriculture (NASDA), among others. In order to place further emphasis on prevention, FDA should continue to invest in education and outreach to participants in supply chains at all scales, and in a manner that is scale appropriate. We appreciate that FDA is working closely with organizations that have strong networks of family farmers. It is imperative FDA continues to commit resources to reaching the full extent of small, local, organic, sustainable, value-added, and diversified farmers.

Thank you again for the opportunity to submit comments. If you have any questions or would like to further discuss NFU's position, please contact Aaron Shier, NFU's Government Relations Representative, via e-mail at ashier@nfudc.org or by phone at 202-554-1600. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Johnson". The signature is fluid and cursive, with the first name "Roger" written in a larger, more prominent script than the last name "Johnson".

Roger Johnson
President