



NEWS RELEASE

Arizona House of Representatives

Representative Tim Dunn (R-13)

1700 West Washington • Phoenix, Arizona • 85007-2844

Thursday, September 27, 2018
FOR IMMEDIATE RELEASE

Rep. Tim Dunn Sends Letter to FDA Urging Rapid Release of *E. coli* Investigation Findings

STATE CAPITOL, PHOENIX – Representative Tim Dunn (R-13), along with Senator Sine Kerr (R-13), Representative David Cook (R-8), and Senator Lisa Otondo (D-4), sent a letter to the U.S. Food and Drug Administration urging a rapid release of their *E. coli* investigation findings.

“With the crop season underway and harvest just around the corner, our agriculture industry desperately needs to see the findings of this investigation to ensure all is being done for the safety of produce for our consumers,” said Representative Tim Dunn.

Text of the letter can be found below.

September 27, 2018

*Commissioner Scott Gottlieb
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993*

Dear Commissioner Gottlieb,

*We, the undersigned, are collectively expressing our concern with the Agency response to the April 2018 *E. coli* outbreak in Arizona. We feel the Agency has fallen short in several segments of the management in the investigation and has contributed, with or without direct intent, to a severe undermining of consumer confidence in US agricultural production.*

Arizona agriculture has been a leader in Food Safety Policy and Procedure. In 2007, Arizona together with California growers, developed a strict, voluntary food safety audit program, verifiable by government auditors for growers and shippers of leafy greens. Arizona agriculture has been proactive in advocating for these procedures which were ultimately incorporated into the Federal Food Safety Modernization Act. As we understand, the produce shipped in this incident had been grown within the procedures of the Arizona Leafy Greens protocol and/or appropriate guidelines for the product. The water sampling procedures that growers follow and the global results had all met the standards. We understand the CAFO operation that has been present for decades has also cooperated and tested negative for the outbreak pathogen.

The Leafy Greens Food Safety Task Force formed as a result, has been meeting since the outbreak. The Leafy Greens Food Safety Task Force was designed to assess and address issues associated with recent food borne illness outbreaks attributed to the consumption of leafy greens and to prevent such a tragedy from occurring in the future. Some of its recommendations to the Arizona Leafy Greens Marketing Committee were recently adopted for growers to follow beginning this growing season.

We understand the cooperation between the stakeholders involved has been open and transparent. The size and scope of the environmental variables has possibly created an atmosphere where we may never know the true origin of the outbreak. The foremost goal in this investigation is to prevent additional illness from happening. The shipment of safe food to all of us as consumers is our highest priority.

We ask for the following steps to be implemented as soon as possible, as the planting season has begun for the fall harvest.

- 1. The report needs to be released by October 5th to allow approximately 30 days before harvest begins, however any hypotheses not supported by direct evidence and sound science that implicate or exonerate cooperators should be avoided. The recognition of existing leafy green policies and best management practices that have been strictly followed should be both recognized and stressed. The growing season has begun, and any further modifications to our procedures need to be addressed immediately.*
- 2. The FDA should explore a memorandum of understanding under the Food Safety Modernization Act to put the Arizona Department of Agriculture in as the lead investigators of any future food safety incidents. This will allow for timely response with local knowledge. The monitoring of shipments this season could fall under this as well.*
- 3. Issuing recalls should have the strategically important purpose of protecting the public health. Other than what is necessary for the implementation of a recall, FDA should not release business names to the public during or after an investigation until a thorough investigation of the producer, harvester, processor, shipper or marketer has been conducted, and the entity to be named publicly has been notified. Entities who sell goods into the public market place should never be named unless it can be determined that they adulterated the food or product through negligence.*

The shipping region of Yuma Arizona is vital to our country's food supply. The FDA has the important duty to oversee federal food safety regulations that foster consumer confidence. We in Arizona are committed to providing the appropriate resources and local oversight to enable the shipping of a safe food supply.

Sincerely,

*Representative Tim Dunn
Arizona House of Representatives
LD13*

*Senator Sine Kerr
Arizona State Senate
LD13*

*Representative David Cook
Arizona House of Representatives
LD8*

*Senator Lisa Otondo
Arizona State Senate
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