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

Re: Docket FDA-2011-N-0921; Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption

November 14, 2013

Dear Sirs,

As a state legislator representing over 70,000 residents of Chester County, Pennsylvania, I write concerning the proposed rules implementing the Food Safety and Modernization Act. Adjacent to Lancaster County, this part of Pennsylvania is home to thousands of small family farmers involved in all aspects of agriculture, with a particular focus on mushrooms, dairy, crop farming, and fruit/vegetable operations.

Due to the volume of comments you are likely to receive, I will keep my remarks brief.

With regard to proposed rule 112.116 concerning food packing and packaging material, I ask the Administration to take into account common sense and the combined experience of 10,000 years of modern human existence as it relates to the use of wooden containers. Wood is all-natural, environmentally friendly, cost effective, sturdy, and versatile. I think in particular of large wooden crates used when picking and selling fruit, and also wooden equipment used by some farmers to clean vegetables of excess dirt. To replace such equipment with plastic or other materials would be a huge expense, and the improved sanitary environment would be minimal.

The only crate that could be guaranteed sterile would be a container that arrives in the farm field wrapped in a sterile shield of some sort. The moment the seal is broken and one piece of fruit is placed in it, it is in a sense contaminated. The significant increased cost in both time and money for sterile or super sanitized containers over and above what is being used today is of little or no practical value.

Draconian regulations in this arena could force farmers into single use containers which would dramatically increase costs for farmers and consumers. It is difficult to fathom how the resulting improvement to overall food safety would be anything other than de minimis.

With regard to proposed rule 112.82, I encourage you to carefully consider the ramifications upon those who use work animals on a daily basis in an agricultural setting. In particular, thousands of Old Order Amish and Mennonite farmers use oxen, horses, and mules every day for planting, harvesting, etc. The suggestion in the proposal that "draft horses...use horse paths that are segregated from produce" is untenable. How is a horse drawn wagon supposed to harvest a field if it cannot leave the horse path?

With regard to proposed rule 112.83 and 112.112, again I plead with the Administration to use common sense and the collected wisdom of thousands of years of human experience. For example, the statement "If you see evidence of animal intrusion, such as significant quantities of animals...you must evaluate whether the covered produce can be safely harvested" is so absurd that I have to wonder if the individual writing the sentence has ever set foot in a farm field. Every farm field on earth has thousands of animals intruding upon it on a daily basis – mice, insects, birds, deer, etc. It would be impossible to determine if a crop can be "safely harvested" using this criteria. I shudder to think how the FDA could or would enforce such a regulation.

While I have a number of additional concerns, for the sake of brevity I simply request that the Administration take into full account the undue burden of the existing regulatory environment upon Pennsylvania's family farmers prior to adding any additional requirements that do very little to improve food safety.

Thank you very much for the opportunity to comment. Please do not hesitate to contact me with any questions or concerns.

Kind Regards,



John Lawrence

CC: The Honorable John Maher, Chairman, House Agriculture Committee, Commonwealth of Pennsylvania

The Honorable Joseph Pitts, Member of Congress

The Honorable Pat Meehan, Member of Congress

The Honorable Pat Toomey, United States Senator

The Honorable Bob Casey, United States Senator

Joel Rotz, Pennsylvania Farm Bureau