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

Re: FDA-2010-N-0085; Preventive Controls for Fresh Produce; Request for Comments

The watermelon industry appreciates the opportunity to submit comments to FDA in this docket to help FDA obtain information about current practices and conditions for the production and packing of fresh produce. As an industry, we are concerned about food safety requirements and rules as they relate to our crop. While the industry agrees with GAP and GHP standards of food safety, we believe that the following suggestions would improve the utility and clarity of produce standards, consistent with FDA's intentions.

The Melon Category – A High Risk Priority:

The Melon category has a high risk designation, or category of priority, as identified by FDA for the category's history of produce outbreaks. The Melon category (by FDA definition) includes Cantaloupe (also known as Muskmelons), Honeydew, Watermelon, and variety Melons (e.g., Canary, Crenshaw, and Galia).

In a letter dated January 22, 2010 from FDA to the National Watermelon Association, FDA stated, "*melons have been linked to 15.9% (13) of the eighty-two food-borne illness outbreaks associated with the consumption of fresh produce between 1996 and 2008 in which FDA was involved (i.e., outbreaks not associated with contamination at point-of-service). Cantaloupe was involved in 10 of the 13 outbreaks associated with melon consumption. Of the remaining 3 outbreaks, 2 were linked to honeydew melon and a third to pre-cut melon, type not specified. FDA's outbreak data for fresh produce during this time period does not reflect any illness outbreaks linked to pathogen contamination of watermelon during production, harvest or packinghouse handling*".

Industry customers (retailers and foodservice operators) require 'additional' and 'unnecessary' investments in food safety audits and procedures because of the High Risk designation, even though Watermelon has a clean record. The added costs are substantial; they are in addition to standard GAP and GHP investments; and these costs are fully borne by the watermelon industry with no pay-back from our customers. The High Risk designation is not deserved and the resultant costs of wasted time, labor, and money are forcing some farmers to move to other crops. Even as a safe crop, we are considered by our customers to be 'guilty by association' and are forced to pay an additional, unnecessary price.

The Commodity-specific Approach:

The Food Safety Working Group (FSWG), created by President Obama in 2009, announced that FDA would issue "*commodity-specific draft guidance on preventive controls that industry can implement to reduce the risk of microbial contamination in the production and distribution of tomatoes, melons, and leafy greens*". The Melon guidance is not, in our opinion, commodity-specific. The guidance has an emphasis on a category of crops, not a commodity, which hampers our crop/commodity unfairly.

In the FDA letter dated January 22, 2010, FDA stated, "*We agree that some of these designations cover a range of commodities (e.g., melons and leafy greens) and others are narrower (e.g., green onions). We also agree that produce varieties (and practices) within a category may have significantly different risk profiles. The following submitted comments by the produce industry's largest organizations help to validate the differences: The industry recognizes that netted skin melons, like cantaloupe, have a different contamination risk profile from waxy skin melons, like watermelon, and this is reflected in the relative frequency that each has been associated with illness outbreaks. (United Fresh comments, October 2009). Western Growers remain unconvinced that these products present the same risk profile and question the need to include them all in this Guidance. While production practices are generally similar, the outbreak history*

discussed in the background section of this document clearly indicates that netted skin melons, like cantaloupe, have a different contamination risk profile from waxy skin melons, like watermelon. It is Western Growers recommendation that FDA reduce the scope of the Guidance to netted melons consistent with the “risk based” approach to food safety guidance and regulation promoted by FDA. (Western Growers comments, January 2010)

FDA is completely committed to commodity-specific and risk-based processes. In that vein, to keep Watermelon in the Melon category is a contradiction to the commodity-specific goal of the FDA and the Obama administration. The USDA oversees U.S. Standards for Grades of fruits and vegetables, and has Watermelons, Cantaloupes and Honey Dew melons separated as a result of their differing profiles and uniqueness in a commodity approach. FDA should follow the same commodity-specific approach as USDA to reflect the risk-basis of each commodity.

Watermelon and Melons are in the cucurbit family, the Cucurbitaceae. However, they are in different genera. Watermelon is *Citrullus lanatus*, and Melon is *Cucumis melo*. Melon is also known as muskmelon; but that term has been also used to describe a type of melon with netted rind. (Munger, H.M. and R.W. Robinson, 1991 Nomenclature of *Cucumis melo* L. Cucurbit Genetics Cooperative Report 14:43-44).

As an example of the proper separation of commodities, Onions and Green Onions are separated into two commodities. Yet, they share more commonalities through scientific classification than Watermelons and Melons. The only scientific classification difference between the onion commodities is Species. Watermelon and Melons differ in three areas; Tribe, Genus and Species. The important difference between the Onion commodities is that Green Onions have a history of foodborne illness outbreaks and are separated from Onions in a proper risk-based, commodity specific approach. With more differences between them, Watermelons should be separated from melons.

In a commodity-specific and risk-based approach to food safety, Watermelon is one of the safest crops produced for consumers throughout the World. Consumers buy commodities, like watermelon and cantaloupes, not categories. They know that they can purchase a watermelon and trust the safeness and healthiness of our fruit.

FDA’s risk-based approach may want to focus on true melons that have the risk profile and outbreak record, like Cantaloupes, and not waste valuable resources on a safe, healthy crop such as Watermelon. FDA has verified that watermelon has no industry-related outbreaks on record. Even with a positive record, the Watermelon Industry has been very proactive in its progressive approach toward food safety through the creation of its own Guidance for the Fresh Watermelon Supply Chain, which included input and review with high marks from FDA. The industry participated in a successful USDA pilot program in food safety audits in Mexico. And, we created an advanced traceability process at the item level that many in our industry are utilizing. The Watermelon Industry is doing more than it is expected to do, yet we are forced to pay a hefty, incremental price for additional requirements that do not improve safeness.

Conclusions:

Members of the Watermelon Industry appreciate this opportunity to contribute to FDA’s efforts to provide information and share views that will help to inform the development of safety standards for fresh produce at the farm and packing house through strategies and cooperative efforts. Watermelon deserves to be viewed by FDA in a commodity-specific and risk-based approach to food safety. We need FDA to put Watermelon in its rightful place as a commodity of it self. We thank you for your consideration, and stand ready to validate our comments and recommendations.

Respectfully submitted,

NAME

Title

Company

Mailing Address

City, State, Zip Code