



May 11, 2022

Thomas J. Vilsack  
Secretary, U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, D.C. 20250

Jenny Lester Moffitt  
Under Secretary, Marketing and Regulatory Programs  
1400 Independence Ave., SW  
Washington, D.C. 20250

Dear Secretary Vilsack and Under Secretary Moffitt:

As the Fruit and Vegetable Industry Advisory Committee (FVIAC) puts forth recommendations on how the United States Department of Agriculture (USDA) can tailor its programs, we thank you for the opportunity to support our diverse agricultural industry.

We appreciate that a goal of the USDA is to continually evolve to meet the changing needs of the U.S. produce industry. The FVIAC provides the ability for our industry to share ideas and perspective in a unified voice. Our common objective is to optimize and innovate. With that in mind, the FVIAC held three virtual public meetings: April 6, 2021; November 3-4, 2021, and February 2, 2022. Within 30 days of the first virtual meeting, the Committee voted to create the following Subcommittees: Food Safety; Labor & Production; and Climate & Infrastructure. These subcommittees served as a guide in our evaluation of USDA's current support of industry.

To develop meaningful recommendations, we heard from USDA subject matter experts on program and services pertaining to audits, inspections, standardization, insurance, natural disasters, food supply chains efforts, ways to increase and promote domestic produce, and ways USDA could develop modern investment policies. We also received presentations and briefings on the Agricultural Marketing Service's (AMS) grant programs, food procurement services and the Perishable Agricultural Commodities Act (PACA) fair-trade administrative initiatives – not to mention the variety of insights and best practices shared by our agricultural industry colleagues.

Our hope is the exchange of information between the FVIAC representatives and USDA counterparts contribute to effective and efficient administration of modern and innovative services. We respectfully submit our recommendations for your consideration.

Sincerely,

DocuSigned by:  
  
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**Paul Lightfoot**  
Chair, FVIAC

## Fruit and Vegetable Industry Advisory Committee Recommendations Report

### *Executive Summary*

Established in 2001, the scope and objective of the Fruit and Vegetable Industry Advisory Committee (Committee) is to examine the full spectrum of fruit and vegetable issues and provide suggestions and ideas to the U.S. Department of Agriculture (USDA) on how it can tailor its programs to meet the industry's needs.

The duties of the Committee are solely advisory. A goal of USDA is to continually evolve to meet the changing needs of the U.S. produce industry. Hearing from the industry in a unified voice, that this Committee provides, enables USDA to optimize voluntary user-fee services, domestic food procurement programs, marketing orders, generic promotion, and the administration of a fair-trade law. The exchange of views and information between industry representatives and USDA should result in improved understanding of the impact of USDA programs on the industry and contribute to those programs' effective and efficient administration.

The Committee put forth 14 recommendations for USDA's consideration pertaining to food safety (4); labor and production (4); climate and infrastructure (2); and consumption (4).

### *Advisory Synopsis Chart*

Category	No.	Topic(s)	Status
Food Safety	1	<a href="#">Funding for Adequate Training</a>	Complete. No further action.
	2	<a href="#">Third-Party Audits</a>	Received. Analysis underway.
	3	<a href="#">Agricultural Water Standard</a>	Complete. No further action.
	4	<a href="#">Imported Foods</a>	Complete. No further action.
Labor & Production	5	<a href="#">Crop Insurance</a>	Received. Analysis underway.
	6-7	<a href="#">Workforce, Supply Chain, and Land Use</a>	Complete. No further action.
	8	<a href="#">COVID Impact on Produce Industry</a>	Complete. No further action.
Climate & Infrastructure	9	<a href="#">Fund Green Technologies</a>	Complete. No further action.
	10	<a href="#">Adopt Phrase 'Food Infrastructure'</a>	Complete. No further action.
Consumption	11	<a href="#">Increase Consumption for Fresh Fruits and Vegetables</a>	Complete. No further action.
	12	<a href="#">Data Collection on FFVP Schools</a>	Received. Analysis underway.
	13	<a href="#">Buy American Requirement</a>	Received. Analysis underway.
	14	<a href="#">American Grown Campaign</a>	Complete. No further action.



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## FOOD SAFETY | *Funding for Adequate Training*

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**Recommendation:** We recommend the Agriculture Secretary seek adequate, recurring, line-item appropriations to improve and align the current USDA National Organic Program (NOP) online training initiatives for certified operations, auditors, and inspectors with other federal laws (e.g., National Bioengineered Food Disclosure Act and FSMA).

**Background:** Fruit and vegetable operations are at risk for food safety hazards given that many products do not have an actual kill (such as cooking) or elimination step to remove biological, chemical, or physical hazards from consumption. Reduction steps are reactive based on perceived hazards. Preventing foodborne illness in the United States was aided by the 2011 enactment of the Food Safety Modernization Act (FSMA). The Committee recognizes that the six rules encompassing the law seek to provide consumer protection and assist the American producer/manufacturer. However, the lack of continued funding, education resources, appropriate research, and stakeholder collaboration may impede FSMA's ultimate goals.

Good Agricultural Practices (GAPs), Good Handling Practices (GHPs), Good Manufacturing Practices (GMPs), Hazard Analysis for Critical Control Points (HACCP) and Food Safety Plans with preventive controls (FSP) have had limited success because these efforts must be combined with following areas:

- ✓ accurate and appropriate research for irrigation and post-harvest water;
- ✓ interactive resources and detailed training for all levels of the supply chain both foreign and domestic;
- ✓ regional producer stakeholder working groups to address variances in production and manufacturing;
- ✓ continual process improvement input regarding recalls and outbreaks;
- ✓ and development of group subject matter/technical expertise from fruit and vegetable industry operations.

All FSMA-required and proposed education trainings listed above are costly, infrequent and typically in-person for all or some of the requirements. To improve supply chain understanding and compliance, these trainings should be made available online and in-person. USDA and FDA should work with FSMA curriculum administrators (Produce Safety Alliance and Food Safety Preventive Control Alliance) to increase the number and type of educational opportunities while also providing greater appropriations to land-grant universities for delivery of live, interactive webinars and online recorded food safety training opportunities.

**USDA Feedback:** The USDA National Organic Program (NOP) oversees the administration and enforcement of the USDA organic regulations, which govern the production and processing of organic products in the United States. In 2018, the NOP launched the Organic Integrity Learning Center, which is designed to provide training to organic professionals. There are currently more than 120+ lessons in the learning center, with more than 8,000 registered users. The NOP provides ongoing support for the center through its appropriated budget and adds courses based on feedback from the organic community.



The NOP has not received a request for food safety training for the center, as FSMA is outside the scope of the NOP regulations, however, based on this group's feedback, NOP will consider engaging in this type of training development in the future.

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### **FOOD SAFETY | *Third-Party Audits***

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**Recommendation:** We recommend the Agriculture Secretary require all potential USDA produce vendors and their suppliers (foreign and domestic) be certified via either a GFSI recognized as equivalent or benchmarked food safety audit scheme without specifying that the USDA GAP audit is the only permissible audit accepted.

**Background:** Third-party audit food safety and organic certification for farms and facilities is now the standard for marketing fresh fruits and vegetables. These audits allow the USDA and FDA to remotely surveil domestic and foreign entities by reviewing audit documentation against published food law. Costs vary based on type of third-party audit chosen, dates requested, auditor availability and travel. These costs are often overly burdensome to auditees but are required for market entry. Increased and sustained funding is needed through the Specialty Crops Block Grant Program to encourage producers to obtain certification and comply with industry standards and laws.

Improving the security and safety of fresh fruit and vegetable supply chain does not end with farmers and the facilities that pack and process their products. These producers put costly efforts into maintaining product safety and traceability only to have their product co-mingled with other products (e.g., foreign and domestic watermelons in the same bin, foreign and domestic specialty peppers in the same bag) at the retailer, processor, re-packers, or distributor. Retailers, processors, re-packers and distributors should be required to demonstrate their food safety programs maintain the integrity of fresh fruit and vegetable products supplied. Reuse of original packaging for alternate purposes other than showcasing the original product is the source of much concern, along with allowing entities to pack both foreign and domestic product into the same package.

**USDA Feedback:** USDA agrees to reevaluate quality assurance requirements across all products purchased for nutrition assistance and food aid programs. While the FVIAC recommendation is for fresh produce, GFSI certification can also apply to processed products and every sector of agricultural production. A proposed change to accept third party audits or inspections must be analyzed across all products purchased.

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### **FOOD SAFETY | *Agricultural Water Standard***

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**Recommendation:** We recommend the Agriculture Secretary directly request that the Food and Drug Administration (FDA) Commissioner publish the Food Safety Modernization Act (FSMA) Produce Safety Rule "Agricultural Water Standards" as soon as possible so that domestic and foreign operations can safeguard the American public. Specifically, prior to April 5, 2022,



producers need FDA to publish compliance date extensions, formal risk assessment resource tool kit (e.g., checklist with questions, expectations and guidance and decision trees) and required qualifications to perform, evaluate and verify a water source risk assessment.

**Background:** The FDA has yet to publish updated FSMA Produce Safety Rule Agricultural Water Standard guidance for domestic and foreign farmers to review, train their personnel, and employ for pre- and post-harvest water quality. Farm production and facility manufacturing water sources vary regionally and internationally. Many producers depend on open water sources (e.g., canals, rivers, lakes, tail-water) for the volume of water needed to adequately produce fruit and vegetable crops. Furthermore, producers send their product to facilities whose wash and cooling water can come from well, municipal, or a combination thereof. With ever-increasing imports, domestic producers and importers need guidance published to strengthen domestic and international water standards and protect consumers. Without it, farmers and packers using compromised water sources will continue to endanger our industry and the American public. The FDA Food Safety Modernization Act (FSMA) can protect the American public from foodborne hazards and strengthen the American fruit and vegetable industry.

**USDA Feedback:** In February 2022, the U.S. Food and Drug Administration (FDA) held [two virtual public meetings](#) on the released proposed rule “[Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water](#).” In July 2022, the U.S. Food and Drug Administration (FDA) [issued a supplemental notice of proposed rulemaking](#) to extend the compliance dates for the pre-harvest agricultural water provisions as outlined in the recent 2021 [agricultural water proposed rule](#). Comments are due September 19, 2022. The 2021 agricultural water proposed rule, if finalized, will require farms to conduct annual systems-based agricultural water assessments to determine and guide appropriate measures to minimize potential risks associated with pre-harvest agricultural water.

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## FOOD SAFETY | *Imported Foods*

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**Recommendation:** We recommend the Agriculture Secretary provide additional/increased funding at all points of entry for pest and disease inspection, sampling and evaluation and multi-residue limit (MRL) pesticide screening for imported fresh fruits and vegetables.

**Background:** Imported foods must meet the same safety standards as food produced in the United States. The U.S. agricultural market sees a significant volume of imported fresh and processed fruits and vegetables. Considering the consumption of imported products and domestic producers bringing the same products to market, the U.S. Department of Agriculture (USDA) and Food and Drug Administration (FDA) have a duty to protect the consumers and producers from undue harm caused by imported fruits and vegetables.

The FDA Food Safety Modernization Act (FSMA) mandates requiring an increase in the number of facility inspections and an increase in the number of FDA inspectors have not kept pace with targets set by Congress, according to Congressional Research Service report titled “U.S. Food and Agricultural



Imports: Safeguards and Selected Issues.” Given that foodborne illness along with pest and disease pressure is constantly evolving, random sampling is a necessary tool that should be employed.

FSMA mandated the FDA conduct more than 3,276 foreign-supplier inspections by end of FY2019, but the agency only conducted 1,747. Unfortunately, most inspections for imported fruits and vegetables are not performed prior to entry or at the borders by federal agencies. Critical enforcement activities must increase to support greater compliance with FSMA Foreign Supplier Verification Programs (FSVP).

**USDA Feedback:** The [Foreign Supplier Verification Programs \(FSVP\)](#) is managed via the Food and Drug Administration (FDA). The regulation on FSVP (21 CFR part 1, subpart L (sections 1.500-1.514)) applies to U.S. importers of food. However, importers may request information from their foreign suppliers or others to meet their FSVP requirements. This recommendation has been shared with the USDA Liaison to FDA on Produce Safety Issues to share with FDA counterparts.

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## LABOR and PRODUCTION | *Crop Insurance*

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**Recommendation:** We recommend the Agriculture Secretary direct the Risk Management Agency (RMA) to:

- A. Enhance education efforts surrounding the Whole Farm Revenue Protection (WFRP) crop insurance product for both producers and crop insurance agents to enhance participation and simplify the reporting requirements necessary for participation in the program.
- B. Reevaluate the \$8,500,000 revenue coverage limit; adjust the limit to correspond with current inflation rates; and be adjusted annually to correspond with annual inflationary rates.
- C. Develop a product similar to the Whole Farm Revenue Protection (WFRP) crop insurance product that can service operators that exceed the \$8,500,000 revenue coverage limit.
- D. Undertake a study to determine an appropriate limit that will capture larger organizations.
- E. Develop a product similar to the Whole Farm Revenue Protection (WFRP) crop insurance product for a Beginning Farmer or Rancher that does not have 3 years of experience or for a non-qualifying Beginning Farmer or Rancher that does not have 5 years of experience.

**Background:** Insurance options for specialty crops are inconsistent in the quality of coverage that is available. However, the Whole Farm Revenue Protection (WFRP) product has the potential of providing business continuity coverage for many types of operations, provided that it is promoted and continues to be simplified. One of the most frequent comments on the program is challenging the reporting requirements, particularly among the size of operations that meet the revenue limitation of \$8,500,000. Some of these challenges include, but are not limited to, the extensive detailed records needed for the case of audit and determining specialty crop pricing for vertically integrated companies. Participation in this program may be practically limited because few operations that do not exceed the



revenue limit have the administrative support and resources needed to adhere to the documentation and compliance requirements.

With the inconsistent coverage available for specialty crops, the WFRP product offers potential protection and business continuity for operations that have a revenue less than \$8,500,000. This excludes a large segment of the operations that exceed this earning threshold. Given the current documentation requirements, participation in this program is limited because few operations do not exceed the revenue limit have the administrative support to adhere to the documentation and compliance requirements. Additionally, there continues to be consolidation throughout the industry driving the revenue numbers higher, excluding these operations from taking advantage of protection program that could provide business continuity through challenging growing seasons.

With the inconsistent coverage available for specialty crops, beginning operators are the most at risk of failing due to a single challenging growing year and the WFRP program would provide an excellent opportunity for business continuity in the face of challenging year, provided the program could be tailored to allow for the participation of a beginning operator. Considerations should be made that administrative support and resources needed to adhere to the documentation and compliance requirements is likely limited for beginning operators.

***USDA Feedback:*** The Risk Management Agency (RMA) has already implemented or is in the process of implementing program solutions and services that address many of the recommendations.

Regarding recommendation A – RMA continually conducts outreach and education surrounding WFRP for various stakeholders, including producer, producer group representatives, and insurance industry representatives. Additionally, RMA has recently invested millions in funding for risk management training and educational tools aimed at underserved farmers, including specialty crop producers. This education covers risk management options such as WFRP and the recently implemented Micro Farm policy. Also, RMA has recently implemented changes to WFRP to decrease reporting requirements for producers who direct market production. The change allows producers to report two or more direct marketed commodities as a combined single commodity with a combined expected revenue for all the commodities, greatly streamlining reporting. RMA will be making further efforts to reduce reporting requirements for future crop years.

Recommendations B, C, and D all appear to be related to the \$8.5 million coverage limit. Therefore, this response applies to all 3 recommendations. RMA is actively working to address these recommendations concerning the WFRP insurance coverage limit. However, details of these efforts cannot be shared at this time until they are reviewed and approved by the Federal Crop Insurance Corporation Board of Directors.

Regarding recommendation E – RMA has already implemented provisions for Beginning Farmer or Ranchers to make WFRP more accessible to producers. Such producers can currently qualify with fewer than 5 years of tax records. RMA has assessed these provisions and is not prepared to accept less than 3 years of experience for Beginning Farmers or Ranchers for program integrity purposes.



***Recommendations:***

- We recommend the Agriculture Secretary stress the dire need for agricultural workforce, supply chain, and land use when collaborating with the Departments of Labor, Transportation and Energy so the U.S. retains and optimizes our food independence, particularly within the fruit and vegetable sector.
- To secure a reliable, low-cost food supply for all citizens – we recommend the Agriculture Secretary focus on streamlining processes and procedures when working with other federal agencies that oversee impacting regulations.

***Background:*** The COVID-19 Pandemic highlighted the cracks in the agricultural supply chain in our country. First and foremost, the fruit and vegetable industry is in desperate need of access to labor for harvesting, handling, packing and distributing fruits and vegetables around our country so that we can assure that the grocery store shelves are stocked with the food necessary to maintain the health of our nation’s citizens. This involves streamlining the H-2A visa process and reducing the costs and complexity of implementing an H-2A visa program on the farm. Additionally, under current rules, the H-2A visa program is not able to be accessed by produce handlers, packers or distributors; a modification to the H-2A rules to provide these stakeholders access to this program to secure labor along the entire supply chain but alternatively, the prioritization and cost reduction of H2B visas for produce handling, packing and distributing would also be helpful for these parts of the fruit and vegetable supply chain. Similarly, our country relies on the trucking industry to move a significant amount of goods throughout our country, especially perishable fresh and frozen fruits and vegetables. Priority needs to be place on moving perishable food product through the supply chain in our country.

The Department of Energy is included in this list because agriculture, and in particular, fruit and vegetable production, are competing outside of the agricultural industry with other sectors for farmland, driving up costs and increasing domestic reliance on Fruit and Vegetable imports. It was reported by Agri-Pulse that a minimum of 50,000 acres of farmland in California come out of production each year due to development and other concerns. In Pennsylvania, farmers are being approached by solar companies who are offering a minimum of four times the typical rental prices to take farmland out of production and install solar panels; these rates are possible for the solar companies due to grants and subsidies. Although this advisory board supports the commitment to renewable energy and energy independence, we do not support this coming at the expense of our food security and independence

***USDA Feedback:*** In April 2021, President Biden signed an Executive Order establishing the White House Task Force on Worker Organizing and Empowerment. Chaired by Vice-President Kamala Harris and Vice-Chaired by Secretary Marty Walsh, the Task Force will include more than twenty cabinet members and heads of other federal agencies who will take a whole-of-government approach to empower workers. Agriculture Secretary Tom Vilsack, Labor Secretary Marty Walsh, and Energy Secretary Jennifer Granholm are among the Task Force members. Furthermore, AMS will share these





recommendations with via the Farmworkers USDA Workgroup, which is led by Assistant Secretary for Administration Oscar Gonzales.

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## **LABOR and PRODUCTION | COVID Impact on Produce Industry**

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**Recommendation:** We recommend the USDA Agricultural Marketing Service partner with the produce industry to conduct a study to assess the impact of COVID on the produce industry. The impact assessment should be similar to the [Local and Regional Food Systems Response to COVID](#) project led by the AMS Transportation & Marketing Program, whereas 17 partners or Coordinating Organization Communities of Practice (COPCOs) produced [sector snapshots](#).

**Background:** The COVID-19 pandemic, and associated public health mandates, caused unprecedented shifts and disruptions for local and regional food systems (LRFS). Impacts on farm enterprises, value chain stakeholders, market channels, and food system infrastructure were both vast and varied, requiring rapid adaptation by all involved. These changes, which happened suddenly in March and April of 2020, prompted the USDA to convene a project team to examine COVID-19 impacts to local food systems across the U.S. The USDA Agricultural Marketing Service partnered with three universities and 17 organizations representing different market channels (i.e. farmers markets, restaurants, independent grocery stores), specialty products (i.e. niche meat, regional grains), or socially disadvantaged communities (i.e. black farmers, tribal communities) to create a multidisciplinary project team. The project's purpose was to analyze the impacts of the pandemic in real time, collect and share emerging resources, provide COVID-related technical assistance, and facilitate collaborative stakeholder relationships within and between sectors. The fruit and vegetable industry would benefit from a similar impact assessment that focuses on the product industry.

**USDA Feedback:** The Agricultural Marketing Service (AMS) is always open to new approaches and opportunities to partner with the ag industry. Through the American Rescue Plan – which is designed to provide direct relief from the economic setbacks and health effects of the COVID-19 pandemic – AMS' [Local Food Purchase Assistance Cooperative Agreement Program](#) will award up to \$400 million through non-competitive cooperative agreements with state and tribal governments to support local, regional, and underserved producers through the purchase of food produced within the state or within 400 miles of delivery destination. AMS is collaborating with industry through the [Pandemic Response and Safety \(PRS\) Grant](#) program and the [Seafood Processors Pandemic Response and Safety Block Grant](#) program - to support agricultural stakeholders who haven't yet received substantial federal financial assistance in responding to the COVID-19 crisis. AMS is also providing a one-time direct relief payment of \$600 – via the [Farm and Food Workers Relief Program \(FFWR\)](#) – to qualifying frontline farm, grocery, and meatpacking workers for expenses incurred due to the COVID-19 pandemic.



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## CLIMATE and INFRASTRUCTURE | *Fund Green Technologies*

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**Recommendation:** We recommend the Agriculture Secretary provide increased funding for the procurement and fielding of environmentally preferable green technologies directly related to the growing, harvesting, processing, and packing of agricultural commodities.

**Background:** Considerable private and public funding goes to the research and development of new technologies. However, there are technologies available that are unused or underutilized which could enable producers to reduce their environmental impact until the next generation of ‘green’ technologies is available to the market. In the absence of specific market demands, there are often no economic incentives necessary to encourage producer capital investment in new technologies where existing less environmentally friendly technologies are already in place or require less initial investment. Availability of such moneys would, in certain cases, sway industry decision makers to invest in the environmentally preferable options that are available to the industry.

In addition to the potentially positive environmental trends this would encourage, such funding would be economically advantageous to the American farmer. By providing additional funding enabling more American farmers to afford conversion to newer, likely more efficient, production technologies – the USDA would positively impact the competitiveness of American agricultural products in the marketplace. The ability to out compete foreign producers is likely the best means to improve the durability of national food system.

**USDA Feedback:** USDA supports the advancement of sustainable agricultural and food systems by holistic, science-based, data-driven decision-making and innovative solutions. In mid- 2022, USDA announced the [Partnerships for Climate-Smart Commodities](#) – which provides up to \$1 billion for pilot projects that create market opportunities for commodities produced using climate-smart practices. The projects must focus on the on-farm, on-ranch, or forest production of climate-smart commodities and associated reductions of greenhouse gas emissions and/or carbon sequestration. USDA is actively engaged in a whole-of-government effort to combat the climate crisis and conserve and protect our Nation’s lands, biodiversity and natural resources including our soil, air and water.

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## CLIMATE and INFRASTRUCTURE | *Adopt Phrase ‘Food Infrastructure’*

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**Recommendation:** We recommend the Agriculture Secretary move quickly to adopt the phrase *Food Infrastructure* to bring continued focus to sustainable agriculture policy and funding opportunities in the broader context of Federal infrastructure programs.

**Background:** The current national focus around the sustainability of the agricultural food system relies on a strong and durable infrastructure that is supported by physical, fiscal, policy, and organizational structures. The current conversation around infrastructure has connections and connotations to roads, highways, and other structural elements. Given this focus, it is important to specify and highlight food as a critical area when working toward policies and funding within the USDA and other federal



departments. By incorporating the simple yet powerful word of **food** to the topic of infrastructure, it allows for a more specific and purposeful terminology to help resonate and provide clarity among the many constituents. There are qualifiers being added today within other areas of the infrastructure conversation and this recommendation will serve to differentiate as policymakers are grappling and negotiating funding. The terminology will help highlight the nexus with other infrastructure areas of focus such as alternative energy sources (e.g., solar) which have unique and critically important set of standards and security concerns that require specificity in policy development.

**USDA Feedback:** USDA understands the importance of building more sustainable, resilient, and inclusive U.S. food systems. When developing policies, USDA considers past experiences, current conditions, evolving complex goals, demands of U.S food systems, and stakeholder input. In September 2021, USDA released the [Pathways to More Sustainable, Resilient, and Inclusive U.S. Food Systems](#) (PDF, 316 KB) which provides a stocktaking of the Administration’s vision and actions to deliver on three overarching food systems priorities: food security and healthy diets for all; climate change mitigation and adaptation; and inclusive and equitable food systems.

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## CONSUMPTION | *Increase Consumption for Fresh Fruits and Vegetables*

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**Recommendation:** To directly address the under-consumption of fruits and vegetables in Americans’ diets – we recommend the Agriculture Secretary increase the amount and variety of fruit and vegetable purchases in USDA Foods and Section 32 (i.e., DoD Fresh and the Fresh Fruit and Vegetable Program) and pilot adding a fruit and vegetable benefit to Summer EBT for kids.

**Background:** Currently, only 1:10 Americans meet USDA recommendations for fresh fruit and vegetable consumption. Despite the Dietary Guidelines recommending that half the plate be fruits and vegetables, only 15 percent of USDA purchases is allocated to fresh fruits and vegetables, spread among a relatively narrow variety of produce. One of the most seamless ways to increase access within existing programs is to increase fresh fruit and vegetable purchases for distribution and pay a fair market price that considers factors other than lowest-cost bid. Additionally, the summer EBT program which USDA has prioritized through the Build Back Better plan aims to address childhood hunger when schools are out of session. Current data indicates that school meals are often the healthiest meal that children will eat, with the inclusion of fruits and vegetables being a critical factor in their healthfulness. In order to ensure that kids continue to have access to produce when they rely on a retail setting without the institutional buying power of schools, a fruit and vegetable benefit (similar to WIC) should be added to summer EBT benefits.

**USDA Feedback:** The Food and Nutrition Service (FNS) would like to clarify that the Fresh Fruit and Vegetable Program is one of the nutrition assistance programs administered by the USDA; however, it is distinct from the USDA Food Programs and purchases made under Section 32. FNS would also like to clarify that while only 1:10 Americans meet the vegetable intake recommendation, 1:5 meet the fruit



intake recommendation. These statistics apply to consumption of all fruits and vegetable, not just fresh fruits and vegetables.

USDA is committed to providing program participants with a wide variety of nutritious foods that align with the Dietary Guidelines for Americans through USDA Foods. This includes items on the Foods Available Lists (FALs) for USDA Foods Programs, as well as Section 32 purchases and the wide variety of fresh produce options offered through the USDA Department of Defense Fresh Fruit and Vegetable Program (USDA DoD Fresh) for schools and Indian Tribal Organizations (ITOs). USDA offers a variety of fruits and vegetables on the FALs for USDA Foods Programs including fresh, canned, frozen, and dried options. In Fiscal Year 2021, 18% of USDA Foods purchases were fresh produce, with about 44% of the funds spent on fruits and vegetables in any form. When looking at the data by volume, about 24% of the pounds purchased through USDA Foods were fresh produce and 59% were fruits and vegetables in any form. USDA DoD Fresh provides schools with the opportunity to use their USDA Foods entitlement or Summer Food Service Program dollars to place orders for many different types and varieties of produce, all grown in the United States. School districts can choose between different package sizes, whole or pre-cut options, and incorporate locally grown produce when in season. The latest [comprehensive assessment of USDA DoD Fresh purchases in school year 2018](#) shows that schools ordered about 100 different types and varieties of fresh vegetables and 70 different types and varieties of fresh fruit through this program, in addition to the options offered through the USDA FAL and Section 32 bonus purchases.

Regarding the recommendation that a fruit and vegetable benefit like the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) cash-value voucher for fruits and vegetables be added the Summer EBT benefit, FNS would like to clarify that the summer EBT benefit can be used for any eligible food at Supplemental Nutrition Assistance Program (SNAP) authorized vendors, which includes SNAP-authorized farmers' markets. Participants can therefore already use the Summer EBT benefit for fruits and vegetables.

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## CONSUMPTION | *Data Collection on FFVP Schools*

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**Recommendation:** We recommend the USDA Food Nutrition Service create a database that includes names of schools that participate in the program, including total amount of funding provided to each school, number of students served, and percentage of students in school who qualify for free or reduced-price meals.

**Background:** The Fresh Fruit and Vegetable Program (FFVP) was authorized in the 2002 Farm Bill and provides a fruit and vegetable snack to elementary school students outside the traditional school lunch and breakfast program. Due to its success and popularity, Congress has continued to support the program, expanding it nationwide in 2008. Despite being a federally funded program there is currently no publicly available data collection at USDA indicating which schools participate in the program.



**USDA Feedback:** To implement this recommendation, FNS would have to establish an information collection through a regulation, which would involve consideration of the burden placed on State agencies and school food authorities to collect this information relative to the utility and intended use of the data collected. Additional reporting requirements are burdensome for State agencies and school food authorities, and it is not clear how access to this school-level data would result in increased consumption of fruits and vegetables. This information could be added to routine studies conducted by FNS to get updated numbers instead of establishing additional reporting requirements.

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## CONSUMPTION | *Buy American Requirement*

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**Recommendation:** We recommend the USDA provide additional and clearer guidance to schools, including standardized templates to ensure that schools feel empowered to make purchasing decisions in the best interest of their students' nutrition needs that guarantees a wide variety of produce during the school year.

**Background:** USDA's Buy American requirement for school nutrition programs requires that unprocessed commodities be U.S. grown or produced and that processed commodities be made up of 51% or more domestic product. The two exceptions to the rule are for products that are not available domestically in sufficient amounts or when, through a competitive bid process, the cost of the domestic product is significantly higher than the non-domestic product. Exceptions must be documented. Uncertainty remains for many school nutrition professionals around how USDA may interpret and define the exceptions and documentation, leading to challenges at the procurement level. Additionally, many well-intentioned Members of Congress push for an even stricter interpretation of Buy American without fully appreciating the consequences on providing students with year-round access to a wide variety of fresh fruits and vegetables.

**USDA Feedback:** FNS understands the importance of the Buy American requirement in the School Meals programs. On August 4, 2021, FNS published a Notice: Request for Information (RFI) from stakeholders, including local operators, State Administrators, industry and producers, about the Buy American provision in the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). The purpose of the RFI was to help FNS gather feedback from a variety of stakeholders on how the Buy American provision and guidance were currently being implemented, changes FNS should make to current regulations, and guidance and feedback on how FNS can better support local operators as they strive to purchase domestic foods and food products. The feedback that FNS received from that RFI will be taken into account in the development of a proposed rule expected to be published in January 2023.

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## CONSUMPTION | *American Grown Campaign*

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**Recommendation:** We recommend the Agriculture Secretary either develop or support an "American Grown" campaign similar those backed by U.S. State Agriculture Departments – for example the Go Texan Campaign, or Californian Grown, or Georgia Grown. The purpose of an



American Grown campaign would be to help promote, support, and bring attention to American grown fresh produce and producers, utilizing media ads, social media, and enrollment in a program where the licensed use of a “USA Grown” sticker or label could be utilized.

**Background:** U.S. grown fruit and vegetable acreage has been declining for decades. USDA figures have shown that imports of fresh produce have risen drastically during the same time. This is due to several reasons including increased demand for a wider variety of fruits and vegetables that cannot always be produced domestically. However, U.S. producers are at a massive disadvantage when it comes to the cost and availability of labor compared to other countries. Unless growers begin to receive a higher margin for their products, cheaper imports will continue to push out domestic production.

**USDA Feedback:** The Biden-Harris Administration understands the importance of supporting American businesses which is why they worked to increase American-made content in federal purchases and bolster critical supply chains. Specific to agriculture, the USDA has a range of existing services that could be utilized to support, market, and promote American grown commodities. One primary option is [Country of Origin Labeling \(COOL\)](#) – which is a labeling law that requires retailers, such as full-line grocery stores, supermarkets and club warehouse stores, to notify their customers with information regarding the source of certain foods. For example, such COOL stickers could be utilized to indicate when a commodity is a “Product of the United States/North America.” Furthermore, various U.S. states have established renown campaigns that advertise/promote their state-grown products (i.e., the Jersey Grown; California Grown; Michigan Grown Michigan Great; or Fresh from Florida).