

# Q&A Almonds



with  
**TIM BIRMINGHAM**

## On the safe side: The almond industry keeps exceeding safety expectations

Congress passed the Food Safety Modernization Act (FSMA) in January 2011, and when the part of FSMA known as the Produce Safety Rule was finalized in 2016, it caught the attention of California's almond industry. In establishing for the first time "science-based minimum standards for the safe growing, harvesting, packing and holding of fruits and vegetables grown for human consumption, per an FDA statement, the rule would directly affect how almond growers and handlers do their jobs every day.

The Almond Board of California (ABC) was several steps ahead and worked closely with the almond growers to prepare for the new regulations, ahead of the compliance dates. As Tim Birmingham, director of quality assurance and industry services at ABC, put it, "We've been talking about FSMA and produce safety since President Obama signed the law in 2011 — when the rules were drafted, when the final rules came out and when the compliance dates were in sight." All along the way, we were working to help prepare almonds growers and processors.

We sat down with Birmingham to discuss the current landscape of the Produce Safety Rule and why the FDA exercised enforcement discretion in which almonds are not needed to comply with the requirements.

**Q** What would the Produce Safety Rule have required of California almond growers and processors?

**BIRMINGHAM** | Produce safety focuses on good agricultural practices. We've been implementing about good practices as an industry for more than a decade now. Those practices focus on worker health and hygiene, the use of biological soil amendments, cleaning and sanitation of equipment and tools, what to do about wild animals, the quality of water used for irrigation and the management of equipment involved in that.

**Q** How would the Produce Safety Rule have changed things for the almond industry?

**BIRMINGHAM** | The rule changed the game by requiring that we do these things and imposing nuances around how they are done as well as additional regulatory oversight. With our mandatory pasteurization program, we were already managing the elements that the rule would have impacted and ensuring the safety of almonds. In a way the rule would have placed additional burden on almond growers with no added food safety benefit.

**Q** Before FDA issued its enforcement discretion, were you already acting as if the almond industry would have to comply?

**BIRMINGHAM** | Yes. We'd been working hard on compliance before the deadlines to get growers trained and up to speed. That's where a lot of our focus has been over the past year and a half.

We held 14 different produce-safety training workshops from February 2018 through our last in March 2019. We had more than 500 growers participate in those workshops to get ready for produce-safety compliance. However, a day after we finished our last workshop, the FDA came out with the enforcement discretion that they're not going to hold almonds accountable to the requirements of the Produce Safety Rule, thus validating the food safety controls already in place.

**Q** What changed the FDA's opinion on almonds?

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**BIRMINGHAM** | We have a strong relationship with the scientific experts and advisors at the FDA, both on produce safety and in preventive controls, and they were very aware of the existing programs we had already put in place. Over the years we have hosted a number of tours and meetings to highlight food safety practices in place at the grower, huller/sheller level, including pasteurization.

**Q** Do you still think all the advance training was worthwhile?

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**BIRMINGHAM** | It's always important and helpful to meet with growers and talk about their role in food safety. Ultimately, we're in the right place with this enforcement discretion and the FDA did make it clear that they can come back at any time should anything change in terms of safety. As such, it is important that growers keep their foot on the gas in regards to food safety.

**Q** It's an interesting coincidence that the guidance almost coincides with another "win" for the California almond industry—the GMA Food Safety Award. Tell us about that.

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**BIRMINGHAM** | The GMA Food Safety Award is given out every year through the International Association of Food Protection and sponsored by the Grocery Manufacturers Association. It honors an individual, group or organization for "preeminence in and outstanding contributions to the field of food safety."

The Almond Board has been a pioneer in low-moisture food safety since the early 2000's. We've done a lot of research to understand how to control potential pathogens, and we've developed a lot of protocols and guidelines around how to validate processes and protect the integrity of almonds. The Industry has embraced these practices.

If you look at our history through the workshops we've held with growers and handlers, the annual conference and safety symposium we've done for the past two decades, our participation in special food safety working groups—all of this factored into our receiving the award.

And the guidelines and resources we produce aren't just for the almond industry. They're for low-moisture foods in general. So, they have very wide reach across sectors, which this award also recognizes.