



2011 Agribusiness Symposium

Panel Discussion on Food Safety, FSMA and Global Initiatives

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Eric Graves ABC Research Corporation

Michael Robert Ziegler Agricultural Resource Management





Christine L. Weingart

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Ms. Weingart provides tax and business counsel to business owners, including corporations, LLCs and partnerships, on all types of business matters. These matters include formation, termination and reorganizations of businesses.

Key Practice Areas

Corporate
Tax

Primary Industries

Agribusiness
Healthcare and Life Sciences

Professional and Civic Activities

- American Bar Association, Tax Section – Member
- The Florida Bar - Member
 - Tax Section
 - Young Lawyer's Division
- Orange County Bar Association - Member
- Central Florida Association of Women Lawyers - Member
- Leadership Orlando (current)

Charitable and Pro Bono Service

- Florida 4-H Foundation
 - Board Member
 - Treasurer
- Howard Phillips Center for Children and Families - Community Leadership Council, Board Member

Education

Master of Laws (LL.M.) in Taxation: University of Florida Levin College of Law, Gainesville, Florida, 2007

Juris Doctorate: University of Florida Levin College of Law, Gainesville, Florida, *cum laude*, 2006

Bachelor of Arts Degree in Sociology: University of Florida, Gainesville, Florida, *cum laude*, 2003

Bar Admissions

Florida

Recognition & Awards

Book Award: Taxation of Gratuitous Transfers – University of Florida Levin College of Law, 2006

Speaking Engagements

FIRPTA Update/Refresher and Withholding Requirements on International Wire Transfers, co-presented with Jonathan D. Wallace. Discussion of Foreign Investment in Real Property Tax Act of 1980 (FIRPTA) income tax withholding requirements together with other tax withholding requirements on international wire transfers and related ethical issues. Presented to the Central Florida Real Estate Council, June 7, 2011.

Legal and Tax Issues of Carbon Credit Trading, co-presented with Michael D. Minton, AF&PA General Counsels Committee Meeting, Jacksonville, Florida, May 2010.

Legal and Tax Issues of Carbon Credit Trading, co-presented with Michael D. Minton, University of Florida, Gainesville, Florida, February 1, 2009.

Publications

FIRPTA Update/Refresher and Withholding Requirements on International Wire Transfers, co-authored with Jonathan D. Wallace, June 7, 2011

Tax Tips for Agribusiness, co-authored with Richard I. Withers, February 3, 2011

Deferral of Gain Resulting from Condemnations of Real Property, co-authored with Charles H. Egerton, *Journals of Passthrough Entities*, November 2010

Year End Estate and Tax Planning and a Discussion of Pending Tax Rate Increases, co-authored with Eric N. Bonnett, November 2010

Impact of Pending Potential Tax Rate Increases, October 29, 2010

Hot Topics and Current Developments in Circular 230, June 2010

Legal and Tax Issues of Carbon Credit Trading, co-authored with Michael D. Minton, AF&PA General Counsels Committee Meeting, May 2010

Unwinding an S Corporation Leveraged ESOP: A Case Study of a Casualty of the Great Recession, co-authored with Charles H. Egerton, *Journals of Passthrough Entities*, March 2010

Farm and Ranch Lands Protection Program, co-authored with Dennis G. Corrick and Laura M. Young, January 2010

Considering the Tax Consequences of Carbon Credits, co-authored with Charles H. Egerton, July 27, 2009

Biofuel Tax Incentives Revisited: The Stimulus Bill Stimulating Renewable Energy, co-authored with Michael D. Minton, April 2009

Developing Strategies for Developers with Infrastructure Development Bond Responsibilities in a Down Market, co-authored with Charles H. Egerton, March 20, 2009

American Recovery and Reinvestment Act of 2009, March 2009

Biofuel Tax Incentives in Florida Agriculture: Are We Serious About Energy Independence?, co-authored with Michael D. Minton, February 2009

Mitigating Tax Consequences for the Mitigation Banker, co-authored with Charles H. Egerton, December 1, 2008

Year End Estate and Tax Planning and Discussion of Anticipated Tax Policy Under President-Elect Obama, co-authored with Mark Terrell, November 2008

New Tax Treatment of Certain Employer-Owned Life Insurance, February 2008

Tax Incentives for Individuals, February 2008



Eric Graves
CEO
ABC Research Corporation

Mr. Graves purchased ABC Research Corporation in April 2011. Mr. Graves has served as the CEO of ABC Research Corporation since January 2008. During 2010 the company revenues increased 42% over 2009. Mr. Graves joined ABC in February 2007 as the COO. He has been a member of the Board of Directors since 2004. Prior to joining ABC, Mr. Graves has worked in the corporate world as an executive with Air Liquide and BOC, both European multinational companies. He has also owned and operated several small to medium sized businesses serving a variety of customers. Mr. Graves graduated from Northwestern University in 1986 with a 3.95 GPA. He earned his MBA for the University of Chicago Booth School of Business in 1989.

Michael Robert Ziegler

Resume (21 September 2011)

Born: Winter Haven, Florida, Jan. 1940

Grew up in Davenport, FL and Gainesville, FL

Married with 2 grown sons

Education

B.S. in Business Administration (1968), Florida Atlantic University, Boca Raton, FL

M.B.A. 1969, University of Florida, Gainesville

M. Ag. 1973, University of Florida, Gainesville

Doctoral studies in Plant Pathology 1977-78, University of Florida

Employment

General Manager, private citrus corporations 1973-1999

Certified Crop Adviser—1997-present

President and CEO, Agricultural Resource Management—1975-present—

Citrus production consulting: organic and conventional

Trained in third-party certification: GlobalG.A.P., SQF

Overview

FDA Food Safety Modernization Act



Food Safety Modernization Act

“I thank the President and members of Congress for recognizing that the burden that foodborne illness places on the American people is too great, and for taking this action.”

*Margaret A. Hamburg, M.D.,
Commissioner of Food and Drugs*



Agenda

- The public health imperative
- Why is the law needed?
- Provisions of the law and their significance
- Implementation



The Public Health Imperative

- Foodborne illness is a significant burden
 - About 48 million (1 in 6 Americans) get sick each year
 - 128,000 are hospitalized
 - 3,000 die
- Immune-compromised individuals more susceptible
 - Infants and children, pregnant women, older individuals, those on chemotherapy
- Foodborne illness is not just a stomach ache—it can cause life-long chronic disease
 - Arthritis, kidney failure



Why is the law needed?

- Globalization
 - 15 percent of U.S. food supply is imported
- Food supply more high-tech and complex
 - More foods in the marketplace
 - New hazards in foods not previously seen
- Shifting demographics
 - Growing population (about 30%) of individuals are especially “at risk” for foodborne illness

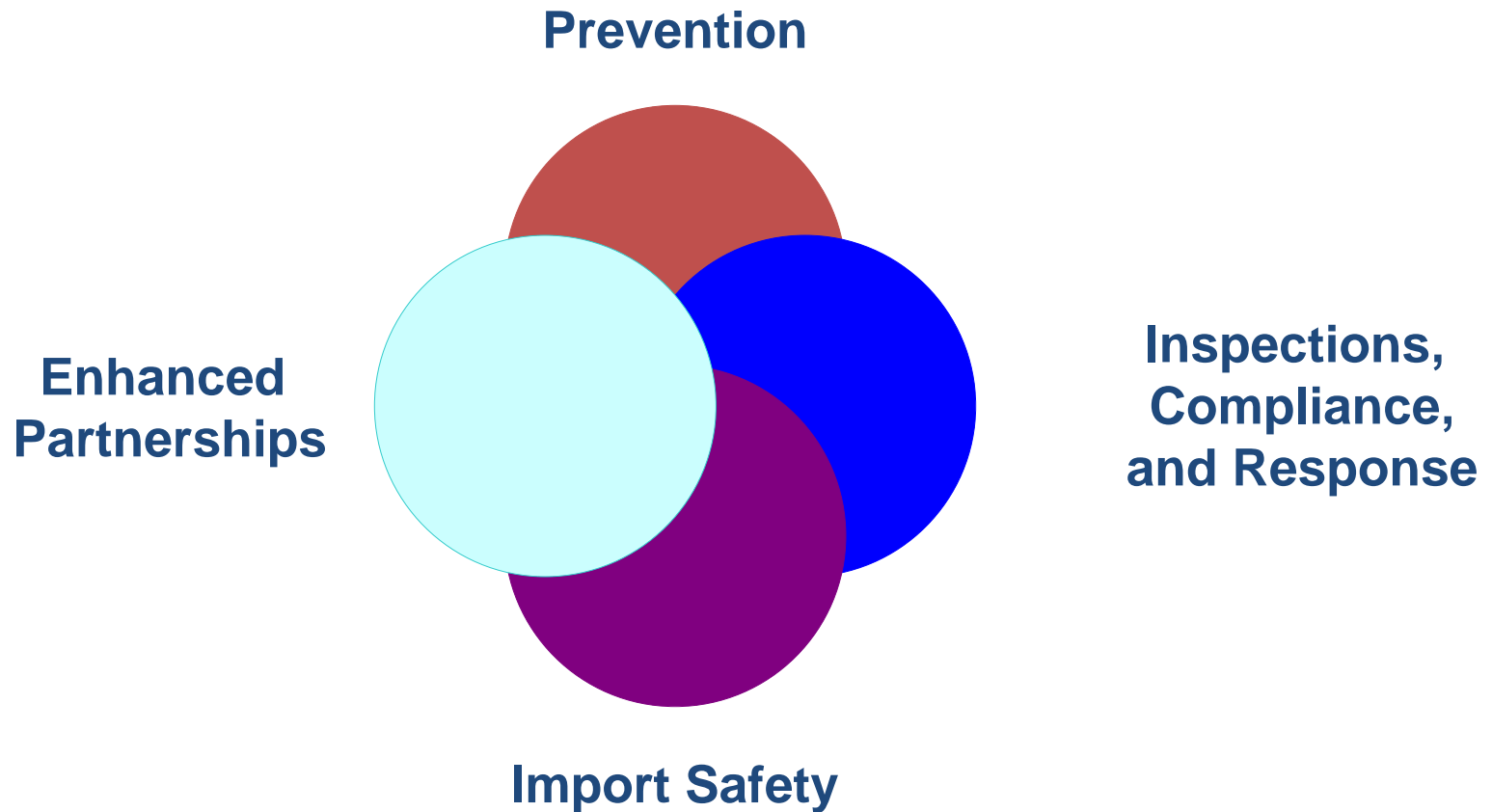


What's so historic about the law?

- Involves creation of a new food safety system
- Broad prevention mandate and accountability
- New system of import oversight
- Emphasizes partnerships
- Emphasizes farm-to-table responsibility
- Developed through broad coalition



Main Themes of the Legislation



Prevention: The cornerstone

- Comprehensive preventive controls for food and feed facilities
 - Prevention is not new, but Congress has given FDA explicit authority to use the tool more broadly
 - Strengthens accountability for prevention
- Produce safety standards
- Intentional adulteration standards
- Transportation



Inspection, Compliance, and Response

- Mandated inspection frequency
 - More inspections, but with preventive controls in place, we can consider new ways to inspect
- New tools
 - Mandatory recall
 - Expanded records access
 - Expanded administrative detention
 - Suspension of registration
 - Enhanced product tracing
 - Third party laboratory testing



Import Safety: Most groundbreaking shift

- Importers now responsible for ensuring that their foreign suppliers have adequate preventive controls in place
- FDA can rely on third parties to certify that foreign food facilities meet U.S. requirements
- Can require mandatory certification for high-risk foods
- Voluntary qualified importer program--expedited review
- Can deny entry if FDA access for inspection is denied
- Requires food from abroad to be as safe as domestic



Enhanced Partnerships: Vital to Success

- Reliance on inspections by other agencies that meet standards
- State/local and international capacity building
- Improve foodborne illness surveillance
- National agriculture and food defense strategy
- Consortium of laboratory networks
- Easier to find recall information



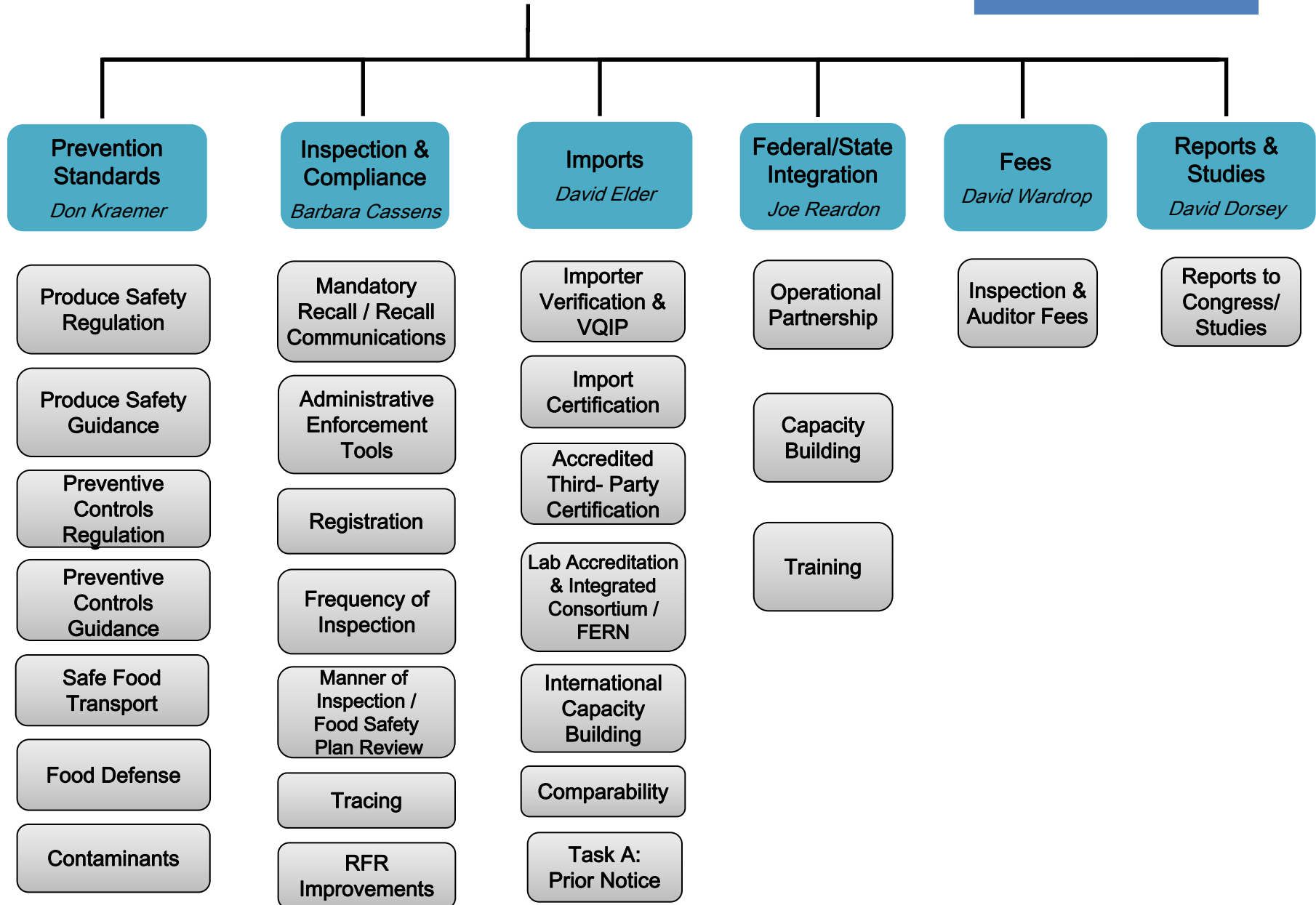
Implementation Approach

- Implementation already underway
- Coalition needed
- Transparency a priority
- Focus on public health protection
- Engage with stakeholders to help determine reasonable and practical ways to implement provisions



Implementation Executive Committee

Strategic Communications
& Outreach Team –
Sharon Natanblut



But, many challenges

- Enormous workload
 - 50 new rules, guidance documents, reports in 3 years
- Tight deadlines
- Changes won't appear overnight
 - Building new system will be a long-range process
- Resources



Implementation Progress (as of Aug. 1, 2011)

- Updated list and more information can be found at <http://www.fda.gov/fsma>
- Fees (sec. 107)
- New dietary ingredients (sec. 113)
- Anti-smuggled food strategy (sec. 201)
- Registration of food Facilities (sec. 103)
- Prior Notice of imported food shipments (sec. 304)
- Administrative detention of food (sec. 207)
- Consumer-friendly web search for recalls (sec. 205)
- Guidance to Seafood Industry on food safety hazards (sec. 103)



Outreach

- Public Meetings
 - Preventive Controls
 - Inspection and Compliance
 - Comparability and Import Practices
 - Imports
- Numerous listening sessions, meetings, presentations
- FSMA web page has subscription service for immediate updates.



Rulemaking Process

- Rulemaking is open and public.
- Draft rules are published on <http://www.regulations.gov>.
- Time is allowed for public comment, and FDA is required to consider significant comments during the rulemaking process.
- Check <http://www.fda.gov/fsma> to find out what is open for comment.



Snapshots of sections of the FSMA homepage found at <http://www.fda.gov/fsma>

What's New

How to Participate

Main Topics

- Draft Guidance for Industry: Dietary Supplements: New Dietary Ingredient Notifications and Related Issues
July 2011
- FDA Meeting FSMA Food Safety Goals
A Consumer Update on the implementation of FSMA in the first six months.
July 5, 2011
- FDA Progress Report on Implementing the Food Safety Modernization Act: May – July 2011
July 5, 2011
- Anti-Smuggled Food Strategy Fact Sheet
July 3, 2011

More on What's New...

U.S. Department of Health & Human Services

FDA U.S. Food and Drug Administration

A-Z Index Search

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Food

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Food Safety

Food Safety Modernization Act (FSMA)

About FSMA

Full Text of the Law

Implementation and Progress

Dockets Open for Comment

Meetings, Hearings, and Workshops

Press Releases

Speeches and Statements

Videos, Webinars, and Interviews

Frequently Asked Questions

Translations of Key FSMA Resources

Resources for You

[FDA Implementation Timeline](#)

[Recalls, Market Withdrawals, & Safety Alerts](#)

The New FDA Food Safety Modernization Act (FSMA)

The FDA Food Safety Modernization Act (FSMA) was signed into law by President Obama on January 4th, 2011. It aims to ensure the U.S. food supply is safe by shifting the focus of federal regulators from responding to contamination to preventing it.
[Get FSMA Updates by E-mail](#)

FDA Meeting National Food Safety Goals!

View the [Progress Report on Implementing the FDA Food Safety Modernization Act](#) for more details on actions taken in the six months since President Obama signed the FSMA into law.


Anti-Smuggling Strategy

A joint anti-smuggling strategy developed with the Department of Health and Human Services and the Department of Homeland Security is released. [More >](#)

FSMA Blog Posts

The US and Mexico Share Approaches on Food Safety

by Michael R. Taylor
Deputy Commissioner for Foods




In June, I had the opportunity to lead a delegation of food safety officials from the Food and Drug Administration to meet with our Mexican counterparts. The trip was part of a larger, proactive strategy to reach out to stakeholders, both domestic and foreign, to explain the background and implementation strategies for the new Food Safety Modernization Act (FSMA) and importantly, to listen to issues raised by stakeholders. [MORE>](#)

For more blog postings, visit the [FSMA Blog](#) page.

Consumer Corner

Featured Item

Safer Fruits and Vegetables: FDA Aims to Set Production Standards



Recently Posted Consumer Updates

FDA Meeting FSMA Food Safety Goals

Fish Hazards and Controls

Food Bill Aims to Improve Safety

More Consumer Updates related to FSMA...

FDA FOOD SAFETY
MODERNIZATION ACT

For more information



- Web site is at <http://www.fda.gov/fsma>
- Subscription feature available
- Send questions to FSMA@fda.hhs.gov

