"What Regulations Needed to Ensure Port Security"
From the Perspective of Shippers of Agricultural Produce

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Food safety and security are among the chief concerns of David Oppenheimer and Company. In 2002, the Seattle, WA-based organization brought over three billion individual pieces of fruit grown overseas and domestically into the North American marketplace. As such, Oppenheimer recognizes the serious responsibility it has to ensure that the produce it introduces into the American food supply is safe for public consumption and enjoyment.

Oppenheimer is a full-service produce marketer with 11 offices throughout North America and Chile. It represents thousands of growers from around the world, importing apples, pears, kiwifruit, apricots and berries from New Zealand; oranges, apples and pears from Japan; kiwifruit from Europe; oranges from Australia, mangoes from Mexico; and a range of fruits from Chile, to name a few.

Last year, Oppenheimer undertook a survey of its customers in effort to learn more about company performance and specific industry trends. Food safety and security emerged as the most critical issue on the minds of American retailers, most of whom believe this will be among the most critical areas of their business for the next half decade.

The company is involved in all aspects of the supply chain. Its direct relationships with growers enable Oppenheimer to ensure that the fruit it markets is grown and packed in the safest manner possible. And once the fruit has been harvested, Oppenheimer can

influence food safety and security during the voyage, discharge, storage, and ground transportation phases of the process.

Oppenheimer has long been cognizant of the importance of food safety. For example, it has standards in place to represent only growers who adhere to Hazard Analysis Critical Control Points (HACCP)-based growing practices. HACCP is a system for identifying potential points of contamination during production. In addition, Oppenheimer's quality assurance protocols are able to trace each pallet of fruit that enters its distribution system to the orchard where it was grown, so any concerns can be quickly and efficiently addressed.

The events of 9/11/01 changed the scope of "food safety" forever. Now, it not only encompasses hygienic growing, harvesting, packing, and shipping practices; it also focuses on protection from bio (or agri) terrorism at all aspects of the post-harvest chain.

Oppenheimer adheres to strict food security protocols which it put place in January, 2002. The protocols were developed to help ensure that imported products are safe from potential acts of terrorism as well as contamination from natural sources. Oppenheimer's confidence in its ability to provide safe, secure produce to the American market is so strong that the company brand now appears on a significant proportion of the product packaging The Oppenheimer policy concentrates on three key aspects of security:

1. **Employee Security**
2. **Equipment Security**
3. **Product Security**

Each of these areas are addressed at key points of the distribution chain, from vessel transportation from the country of origin straight through to transportation of product to American retailers and wholesalers (see flow chart, Appendix A). All facets of the operation have been evaluated with a view to ensuring the security of Oppenheimer product during all phases of the distribution process.

Critical areas include: Vessels at Sea, Vessels at Discharge, Stevedores, Pier Facilities, Trucking Companies, Produce Industry, Off Port Cold Storage.

1. **Employee Security:** The disciplines in this area ensure that the personnel who interact with the product along the chain are appropriate and have passed security requirements. Protocols include**:**
    - Background checks for ship crew and others as appropriate
    - Screening process undertaken for any temporary employees
    - Identification badges to be worn at all times by crew, stevedores, pier/off port storage staff and truck drivers, federal personnel
    - Truck drivers must hold TWIC cards, as per the pilot program developed by the Transport Security Administration to be implemented on the Delaware River and a West Coast location
    - Personal items belonging to personnel are subject to search and must be kept out of key areas on vessel, discharge and cool store areas.
    - Access limited to physical areas specific to each person's position
    - All personnel trained to be vigilant for signs of unusual behavior among peers
    - Any visitors to vessels, pier facilities and cold storage units must be accompanied by authorized personnel
    - Visitor logs must be meticulously maintained.

2. **Equipment Security:** Protocols in this area relate to the security of vessels, facilities and trucks. Requirements include:
    - Security personnel assigned to watch such key areas as gangways, waterside of vessels while docked, and areas where containers are stored. Patrols also required at potentially vulnerable times, like during discharge and truck loading, and at night.
    - Automated entry systems/alarmed exit doors in place

- Restricted access to sensitive areas, i.e. ship's bridge, chemical storage areas, etc.
- Physically secure perimeter (e.g. fences with razor wire) that are strictly patrolled.
- Posted signs advising that a restricted area is being entered and vehicles are subject to search
- Parking allowed in designated areas only
- All doors, gates, hatches and decks secured
- Any suspicious packages or signs of tampering with buildings must be reported to authorized person.

3. **Product Security**: Disciplines in this area are dedicated to the security of the actual product being transported. Key requirements are:
    - Regular inspections of refrigeration and air intake systems on vessel and in storage
    - Application of seals to hatch/decks, containers, and trucks. Log must be kept to show record of seals being broken, and explanation provided by person who broke the seal.
    - Facilities where product is stored must be locked during work breaks and at night.
    - Any evidence of tampering must be reported to authorized person.

Oppenheimer relies upon its staff, growers, and service providers (such as stevedores, cold storage facilities, and shipping lines) to implement its food safety and security requirements. The company makes adherence to these requirements mandatory as it contracts with these groups.

Cargo Identification and Screening

Oppenheimer contends that it is the responsibility of the country of export to establish a system that satisfies U.S. requirements, and that U.S. Federal Agencies will monitor these systems through such disciplines as the U.S. Customs 24-hour rule and other means.

All cargo *must* be identified by unique identification systems – bar code readable pallet numbers, bar-code readable individual case coding, and adherence to existing federal regulations. Oppenheimer believes that this should apply across all products and origins.

The U.S. Customs 24-hour rule (notification of shipment contents 24 hours prior to the loading) for break bulk vessels and containers presents some challenges for fresh produce. Unlike a manufactured product where the specifications are generally consistent, many factors (different sizing, pack types, varieties, maturity issues at harvest, etc.) come into play when dealing with fresh fruits and vegetables. Sometimes the actual product specifications are not known until immediately before the vessel is loaded. The North American produce industry would find a 24-hour rule *post* departure from the country of export could be more easily implemented.

Cargo screening on a random basis at the time of arrival in the U.S. is imperative to ensure compliance to any U.S. federal regulations. However, it should not be so onerous that it causes significant delays which may affect product integrity, and incur costs that have a negative impact on margins and returns to growers. Initiatives such as C-TPAT (of which Oppenheimer is a partner) allow importers (and their associated exporters) to show their proactive actions in minimizing the potential for contamination on the product, should allow the importer to be on a lower level of screenings/reward and penalty system.

Transportation Security

Anyone involved in any aspect (shipping, stevedoring, trucking, importing, storing, processing, etc.) of the transport system must have a federally-issued ID card – the opportunities for abuse of any other system are too great. Oppenheimer believes that the pilot program for the TWIC (Transportation Workers Identification Card), as proposed by

the TSA, is the correct process to ensure security of personnel and believes this is a significant step forward in ensuring food security during the ground transportation phase of the distribution process.

Background checks should be (and are required by Oppenheimer) part of the natural process for the hiring of personnel involved in any way in the handling, inspection, or transfer of any products – both domestic and imported.

Also, a system should be put in place for the advanced electronic screening for any person involved in the transfer of any fresh produce on an international or domestic basis. Such a system should include, but not be limited to, passenger and crew manifests as well as cargo information.

Transfer of products by any means should follow strict procedures were the product is sealed be any means (conventional seals, electronic locks which record any opening/closing of the seal lock, etc.).

Food Safety and Security in the Produce Industry

While American grocery industry is very dynamic, one constant theme across all levels is an overriding concern about food safety and security. A case in point: recently a top North American retailer issued a letter to all suppliers indicating that all product delivered to its warehouses must be transported in sealed trucks. Oppenheimer expects other retailers will soon follow suit. Also, the U.S. and Canadian Produce Marketing Associations are working together to create traceability practices that can be implemented across the North American produce trade and extend out to growers who export to this continent.

Thus, the produce industry, along with its retail partners, and service providers, and growers, are pooling their efforts to ensure the American food supply is protected from risk.

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