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USDA Plan to "Pasteurize" Almonds Has Consumers Going Nuts Mandate Would Require Use of Chemical Fumigant or Heat Treatment on "Raw" Almonds

CORNUCOPIA, WI: Small-scale farmers, retailers, and consumers are renewing their call to the USDA to reassess the plan to “pasteurize” all California almonds with a toxic fumigant or high-temperature sterilization process. All domestic almonds will be mandated to have the treatments by early next year. The plan was quietly developed by the USDA in response to outbreaks of Salmonella in 2001 and 2004 that were traced to raw almonds.

“The almond ‘pasteurization’ plan will have many harmful impacts on consumers and the agricultural community,” said Will Fantle, research director for The Cornucopia Institute, a Wisconsin-based farm policy research group. “Only 18 public comments from the entire U.S.—and all from almond industry insiders—were received on the proposal. The logic behind both the necessity and safety of the treatments processes has not been fully or adequately analyzed—as well as the economic costs to small-scale growers and the loss of consumer choices.”

Last Wednesday, the California Almond Board suddenly requested that USDA delay the treatment mandate until March, 2008—it had been scheduled to take effect on September 1. “We support this request for a delay,” said Fantle, “but a delay, due to the industry being unprepared, isn’t enough. The USDA must also re-open the rule for public review and comment so that those who have been shut out of the decision-making process can have input into any almond treatment plan.”

Although foodborne illnesses have garnered headlines in recent years, including contamination of California-grown spinach and lettuce, raw produce and nuts are not inherently risky foods. Contamination occurs when livestock manure or other fecal matter is inadvertently transferred to food through contaminated water, soil, or transportation and handling equipment. Raw foods can also be infected by poor employee hygiene and sanitation practices either on the farm or in processing facilities.

“All fresh foods carry some chance of risk,” notes Bruce Lampinen, a scientist at University of California, Davis, who studies almonds, “but there is no more risk now than there was thirty years ago.”

And the fear in the farming community is that this will competitively injure smaller sustainable and organic growers. “This will put American farmers at a distinct disadvantage in the U.S. and abroad,” says organic almond farmer Mark McAfee. Fumigated almonds are banned in the EU and many other countries. McAfee worries about the impact of the rule on his business. Seventy percent of California's crop is exported.

Several domestic companies that use California almonds are already investigating foreign sources for their needs. After buying almonds from local producers for over 25 years, Living Tree Community Foods, a Berkeley, CA-based natural foods supplier, will soon begin buying almonds from Italy and Spain. Dr. Jesse Schwartz, the president of the specialty retailer, believes the rule, if implemented, will be a travesty for American agriculture. “California almonds are the heritage of the American people,” he says, “they are superior in every way.”

Jason Mahon owns Premier Organics, a company that produces raw almond butter in Oakland, CA. Mahon is also looking to foreign suppliers and believes the rule is an unnecessary “fear-based decision of the Almond Board, that is clearly trying to protect itself from bad press and lawsuits.”

The equipment to meet the new USDA mandate is very expensive, ranging from \$500,000 to \$2,500,000. Farms can outsource the pasteurization process, but Hendrik Feenstra, a small-scale California handler of organic almonds, believes that to do so will still be prohibitively expensive for modest-sized growers and handlers. “Because pasteurization companies often charge a flat rate no matter the quantity of almonds, it could be four or five times more expensive for small-scale almond producers to pasteurize almonds than it will be for industrial-scale producers,” Feenstra says. And modest-size marketers are concerned that increased transportation costs will also add to their burden

Organic farmers also question the science behind the rule. They believe that the sustainable farming methods they use, such as mowing and mulching, rather than controlling weeds by chemical herbicide applications, naturally prevent the spread of harmful bacteria more effectively than treatment after the fact. According to almond grower Glenn Anderson, “An organic farming system fosters biodiversity and creates an environment where Salmonella cannot survive. This rule ignores the root causes of food contamination—the unnatural, dangerous, and unsustainable farming practices on industrial farms.”

An important segment of the agricultural community feels that requiring small-scale and organic farms to comply with this rule is unwarranted and premature, as Salmonella outbreaks have only been traced to a very large industrial farm, and there is currently no published research pinpointing the causes of the harmful bacteria. “With the costs involved, and the implications on trade, they are recklessly experimenting with the livelihood of farmers,” Fantle added.

Furthermore, there is a lack of evidence supporting the use of the chemical fumigant, propylene oxide (PPO), and steam as the only effective treatments to reduce risk of Salmonella. The most common method of sterilizing almonds is by PPO treatment, a genotoxic chemical recognized as a possible carcinogen that is banned in the European Union, Canada, Mexico, and most other countries. Many chemical-free and heat-free alternatives are being researched. “The Almond Board has not released any of the scientific research justifying their treatment choices,” asserts Eli Penberthy, a policy analyst at Cornucopia. “This rule should not be implemented until alternative technologies are thoroughly explored.”

The Cornucopia Institute also contends labeling treated almonds as “raw” is misleading and deceptive to consumers. “People choose to buy raw almonds for a variety of personal reasons,

including health, nutrition, and even religious beliefs,” Cornucopia’s Fantle said. “This rule denies them the right to control their food choices by making informed decisions in the marketplace.”

In fact, some strict vegetarians who consume only raw foods rely on almonds to provide as much as 30% of their caloric intake, believing that they are a nutritionally superior alternative to meat in the diet. “Raw almonds are increasingly popular for their health benefits,” said Goldie Caughlan, the Nutrition Education Manager at PCC Natural Markets in Seattle, who estimates that the co-op sells 28,000 pounds of raw almonds every year. She said customers are already confused and angered by the implications of the rule, and worries how it will affect sales.

Fantle charges that the rule could very well establish a precedent for more governmental control of fresh foods. Says Fantle, “If almonds require pasteurization, what foods will be next on the list of mandatory sterilization, heat treatment, and irradiation? Truly raw, untreated nuts, fruits, and vegetables might no longer be legally available in the marketplace.”

Public concern about the almond treatment plan has been growing. Over 1,000 comments opposing almond pasteurization have been submitted to the USDA since the plan was approved on March 31, and an online petition to stop the implementation of the rule has garnered over 15,000 signatures. (To learn more about the issue, go to www.cornucopia.org and click on the almond navigation button.)

The only exemption to the almond treatment regulations will be an allowance for growers to sell *truly* raw almonds directly to the public from farmstead stands. Unfortunately, this will give only a limited number of consumers in specific areas of California, the only state in the nation that produces almonds, access to untreated nuts.

Diets based on raw foods are integral to some religious denominations, such as Seventh-Day Adventism, so the rule poses a threat not only to consumer choice, but to religious freedom as well.