

November 10, 2011

Don Fox
Acting Director and General Counsel
Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington DC 20005-3917

RE: RIN 3209-AA04
(Proposed Amendments Limiting Gifts from Registered Lobbyists and Lobbying Organizations)

Dear Mr. Fox:

Thank you for the opportunity to comment on proposed rule RIN 3209-AA04, which would restrict all Executive Branch employees of the federal government from using certain exceptions to gifts from registered lobbyists and lobbying organizations, including invitations to widely attended gatherings. As a member of the American Society of Association Executives (ASAE), United Fresh Produce Association has joined ASAE's comments on this proposed rule and appreciates the opportunity to add to ASAE's remarks.

Founded in 1904, United Fresh is the pre-eminent trade association for the produce industry, managing critical public policy issues, shaping legislative and regulatory action, providing scientific and technical leadership in food safety, quality assurance, nutrition and health and developing education programs and business opportunities for members to better meet consumer needs for increased consumption of fresh produce. United Fresh represents the interests of member companies from small family businesses to the largest international corporations throughout the global fresh produce supply chain, including growers, shippers, fresh-cut processors, wholesalers, distributors, retailers, foodservice operators, industry suppliers and allied associations.

We are certainly supportive of efforts to ensure the highest ethical standards for employees of the Executive Branch. We recognize the American people need to be sure that the federal government is pursuing meaningful, ethical requirements of employees in the Executive Branch that bring greater transparency to government activities and a higher level of service to the American public. We generally understand the Office of Government Ethics' intention to limit exceptions to ethics rules that have been used to provide gifts, such as invitations to events that are purely social and where official business is not conducted. However, in proposing the new rules regarding widely attended events, we believe OGE has crafted exceptions to these rules that would prevent government employees from participating in meaningful educational opportunities that benefit both industry and government and that are regularly provided by trade associations.

We believe that OGE is correct in asserting that federal employees should be able to attend events free of charge that “provide a legitimate educational or professional benefit” that helps a federal agency fulfill its mission. However, in elaborating on the types of organizations that sponsor educational and professional development activities that employees could attend, OGE pointedly excludes trade associations. OGE’s reasoning for not including trade associations in the allowable widely attended gathering exception is that “education and development of members of a profession or discipline” is not the “primary concern of such associations.” While it is true that United Fresh, like many other trade associations, engages in advocacy activities, our overarching mission is to provide our members with the educational programs and resources needed for their professional success. Education and information-sharing about best practices, technical developments, economic trends and evolving government policies impacting marketplace conditions is a core benefit of trade association membership. For example, in the area of education and development, United Fresh devotes considerable time and resources to an ongoing leadership program to help rising professionals in the produce industry with training and education that contributes to their professional development, but also helps them make impactful contributions to the industry as a whole. We work with industry partners to develop broadly-implemented solutions to pressing produce concerns such as food safety standards and providing healthy eating alternatives to our nation’s schoolchildren. We also work with industry partners on the educational components of our conferences to address critical issues such regional food systems and feeding programs for children. Our industry initiatives on developing new produce traceability standards have been cited by FDA officials as a model effort.

In addition, United Fresh’s educational programs that we hold are key opportunities for government employees to have a greater substantive understanding of our industry and the consumers we serve. United Fresh’s annual convention, Washington Public Policy Conference and other programs in our broader programming portfolio always include a significant substantive, educational component that allows attendees to gain valuable insights about the produce industry, from the technical aspects of crop production to changing consumer demands. These activities are not merely social events, but rather an opportunity to gain valuable knowledge and insight into current issues affecting the produce industry. There is a tremendous nexus between the interests of the government and the interests of the produce industry in a number of critical areas such as nutrition, food safety, labor and trade, among others. That nexus plays a vital role in the food security of all Americans, as well as the ability to increase access to healthy, nutritious food to underserved populations.

We believe the proposed language regarding widely attended gatherings would undermine the efforts of trade associations like United Fresh to share critical information and knowledge that can make a real difference in the ability of association member companies to start new business ventures, create jobs, contribute to their communities and serve American consumers. To impede communications between federal regulators and those representing industry by removing the opportunity for government employees to participate in meaningful educational dialogue is of great concern to us and the greater trade association community.

United Fresh Produce Association urges OGE to revise its proposed exceptions to allow federal employees to attend substantive educational programs and events held by trade associations. Thank you for your consideration of these remarks. If you have any questions, please do not hesitate to contact Julie Manes, United Fresh Produce Association Director of Government Relations at (202) 303-3404 or jmanes@unitedfresh.org.

Sincerely,

A handwritten signature in black ink that reads "Julie Manes". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Julie Manes
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