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December 19, 2022

U.S. Department of Agriculture
Agricultural Marketing Service
Specialty Crops Program
1400 Independence Avenue SW
Room 1406-S, Stop 0244
Washington, DC 20250-0244

RE: Proposed Adjustments to Mango Board Representation
Federal Register Publication Date: 11/01/2022
Page: 65683-65687 (5 pages)
Doc. No. AMS-SC-21-0101
Document Number: 2022-23661
<https://www.regulations.gov/document/AMS-SC-21-0101-0001>

On behalf of the Fresh Produce Association of the Americas (FPAA), I am writing to submit comments on the Proposed Adjustments to the Mango Board Representation. The FPAA was the leading industry group that helped rally industry support in creating a National Mango Board, and as an association representing several U.S. importers of mangos, we are supportive of the National Mango Board and its continued success.

Since it was established on November 3, 2004, we have seen mango consumption rise significantly in the U.S. The National Mango Board states, "Since 2005, National Mango Board promotion programs have contributed to increasing consumption 93 percent in the U.S. to 3.63 pounds per capita in 2020, up from an average of 1.88 pounds at the start of the program." Those increases are substantial and have also resulted in a 152% percent increase in the value of imported mangos during the same time period.¹ These results speak to the ongoing success of the National Mango Board and USDA's leadership in promoting mango consumption.

Despite the growth, it remains that the mango industry supplying U.S. consumers remains an industry with a fairly limited pool of available industry members able to serve on the National Mango Board. This is especially true for countries with smaller percentages of market share in supply the U.S. that have the added challenge of being far enough from the U.S. to make regular board meeting attendance an added challenge. For this reason, the FPAA has concerns about both proposed changes to the composition of the National Mango Board.

¹ <https://www.mango.org/about-the-nmb/highlights/>



Additionally, mangoes from Mexico represents 62 percent of the supply in the U.S. market². As an organization representing U.S. importers of mangoes from Mexico, the FPAA is concerned that the proposed makeup would proportionally skew representation away from the county that comprises the bulk of imports. In this manner, the proposal would create an unrepresentative board.

The FPAA is also concerned that the proposed rule would place unnecessary restrictions on board representation which may impact the National Mango Board's ability to fill board seats and continue the already successful marketing programs. We trust in the process and discretion that the USDA has established since the inception of the National Mango Board. The USDA has balanced representation on the board resulting in appointees that have done a remarkable job increasing consumption.

Foreign Produce Board Allocation:

The first proposed change states, "This proposed action would allocate the seven foreign producer Board seats as follows: one to each of the top five exporting countries, based on mango volume exported to the United States; one additional seat allocated to the top exporting country; and one at-large seat allocated to a foreign producer from any country exporting mangos to the United States."

The FPAA supports broad participation on the National Mango Board. However, codifying seats for the top five countries could limit the National Mango Board's ability to fill all the seats of a country. This could especially impact countries supplying single digit volumes of mangos who could have trouble finding a qualified grower with the time and ability to commit to serve on the board. Also, finding one grower might be possible, but filling that seat each cycle when a member is termed out of the board, might prove to be the long-term challenge. The added drawback would be if the requirement not only resulted in empty seats but also prohibited a qualified grower from another country from serving because their country already had their quota of seats filled.

Implementing this change immediately would also remove current members of the board that were nominated and selected by the Secretary to serve on the National Mango Board for no reason other than to reallocate seats geographically, an action that punishes volunteer leaders that have dedicated the time and commitment to the National Mango Board.

In past boards, the USDA has done well to balance membership on the National Mango Board, and the FPAA believes the USDA Secretary would continue to be the best final decision maker in appointing foreign grower seats without the added complication of the proposed rule.

Affiliated Board Members:

Additionally, the proposal would change § 1206.31 paragraph (i) to read, "(i) No more than one member shall be employed by or be affiliated with a single or multiple corporations, companies, or partnerships or any other legal entities with common ownership, foreign or domestic." AS part of this proposal, § 1206.33 paragraph (d) would also change to read, "In the event that a Board member becomes employed or affiliated with another Board member's corporation, company, partnership or other legal entity during the Board member's term, such position shall automatically become vacant."

² <https://www.federalregister.gov/documents/2022/11/01/2022-23661/adjustments-to-mango-board-representation#:~:text=Table%201%E2%80%9494Annual,Agricultural%20Trade%20System>.



Since the board was established, there have been many instances where a board member was affiliated with the same company or companies as another board member. These representatives have participated and provided invaluable input from different areas of the business, which has benefited the National Mango Board. A foreign grower brings a different perspective and different expertise to the National Mango Board than an importer, for example.

This proposal could significantly impact the National Mango Board's ability to fill seats and keep seats filled. This proposal would be challenging given that board membership could be constantly fluctuating as companies and individuals change affiliation and evolve their businesses each year to do what is best for their specific company. Foreign growers often choose to work with new importers or to add multiple importers to handle their volume. Growers could be eligible and valuable members of the board, and the National Mango Board could lose that member simply because a grower decides to use an importer that may also have an employee on the board. At what point would a country run out of viable options for board nominees if people kept losing their seats due to this rule? In order to continue bringing together different aspects of the industry, the National Mango board should continue to encourage participation, with company association not being a limiting factor.

While the FPAA supports broad participation on the National Mango Board from all facets of the industry, at this time the association feels that the USDA has done an excellent job balancing the membership of the board without the added restrictions these proposals would cause. There is the very real fear that these proposals could result in more board vacancies, reluctance to serve on the board due to the possibility of losing a seat due to future affiliations, and hamper the National Mango Board's mission to increase consumption of fresh mangos in the United States.

We look forward to the continued success of the National Mango Board, and we are happy to answer any additional questions regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "LJ", with a long horizontal flourish extending to the right.

Lance Jungmeyer
President
Fresh Produce Association of the Americas