RIDEM Division of Agriculture

Rhode Island Produce Safety Program

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Overview

• What is FSMA?
• Basis for agency transfer
• Food safety aligns with Division of Agriculture’s values
• External driving forces for produce safety
• Produce Safety Rule breakdown
• RI’s Produce Safety Program
• Trainings and Outreach
What Is FSMA?

Food Safety Modernization Act (FSMA)

➢ Signed into law in 2011
➢ First comprehensive federal food safety law in over 70 years

Need for a National Food Safety Regulation:

➢ Annual CDC data shows:
  ➢ 48 million sick
  ➢ 128,000 hospitalized
  ➢ 3,000 deaths
➢ Cause: foodborne disease

➢ Preventable public health burden
➢ Uniform standards across the industry
Food Safety Modernization Act (FSMA)

- President Obama signed into law on Jan. 4, 2011
- **Responsibility of FDA to implement**
  - Enables FDA to better protect public health by strengthening the food safety system.
- Involves FDA partnership with state and local authorities
- Based on prevention and risk-based food safety standards
- Provides FDA with enforcement authorities
  - Achieve higher rates of compliance
- Holds imported foods to the same standards as domestic food
Food Safety Modernization Act (FSMA)

Contains 7 major Rules:

4. Foreign Supplier Verification Programs (FSVP) for Importers of Food for Humans and Animals (2015)
7. Mitigation Strategies to Protect Food Against Intentional Adulteration (2016)
FDA Compliance Date Extensions

Compliance Date Extensions for Four of FSMA Rules:

1. Preventive Controls for Human Food*
2. Preventive Controls for Food for Animals*
3. Produce Safety Final Rule – Agricultural Water, earliest compliance date January 26, 2022
4. Foreign Supplier Verification Programs (FSVP)*

*For all other rules, provisions concerning written customer assurances are extended 2 years from original compliance date

- E.g. Manufacturer must obtain written assurance from customer that food will be processed according to applicable food safety requirements
FDA’s Produce Safety rule establishes, *for the first time*, science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption.

- Effective January 26, 2016.
- First time produce is regulated and inspected on farms.
• RI Department of Health (RIDOH) was the grantee agency for FY17 and FY18

• RI Legislation in 2017 transferred authority to RIDEM

• FDA Cooperative Agreement transferred from the RIDOH to the RIDEM—Division of Agriculture, effective **July 1 2018** (FY19 – FY21).
List of Programs and Services

- Produce Safety
- Good Agricultural Practices
- Animal Health and Welfare
- Marketing and Promotion
- LASA and Farm Viability Grants
- Farm Energy Grants
- Pesticide Regulation
- Wetlands Permitting
- Composting Registration

- Organic Certification
- Farmland Designation
- Agricultural and Consumer Protection Standards
- Consumer Protection
- Invasive Pest and Disease Monitoring
- Mosquito Abatement
- Saltmarsh Restoration Projects
Produce Safety Education & Training

RI Good Agricultural Practices (GAP)

- Program established by RIDEM/URI over a decade ago
- Voluntary certification program
- Audited annually
- Focuses on food safety practices during growing, harvesting, processing and transporting produce
- RI GAP program Key Components:
  - Application of manure
  - Irrigation water
  - Worker hygiene practices
  - Sanitation practices
- Currently 29 farms certified
An actionable vision for food in Rhode Island

building a food system that benefits our families, communities, businesses, and economy.
Northeast Economic Engine
Agriculture, Forest Products and Commercial Fishing

A recent study by Farm Credit East

**STUDY HIGHLIGHTS**

Impacts of agriculture, commercial fishing, forestry and related businesses in eight Northeast states

<table>
<thead>
<tr>
<th>STATE</th>
<th>ECONOMIC IMPACT ($ BILLION)²</th>
<th>NUMBER OF FARMS³</th>
<th>ACRES IN FARMLAND⁴</th>
<th>JOBS SUPPORTED</th>
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<tbody>
<tr>
<td>CONNECTICUT</td>
<td>4.8</td>
<td>5,977</td>
<td>436,539</td>
<td>25,405</td>
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<td>MAINE</td>
<td>13.9</td>
<td>8,173</td>
<td>1,454,104</td>
<td>79,011</td>
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<td>MASSACHUSETTS</td>
<td>12.7</td>
<td>7,755</td>
<td>523,517</td>
<td>60,760</td>
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<td>NEW HAMPSHIRE</td>
<td>3.1</td>
<td>4,391</td>
<td>474,065</td>
<td>18,773</td>
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<tr>
<td>NEW JERSEY</td>
<td>12.8</td>
<td>9,071</td>
<td>715,057</td>
<td>58,006</td>
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<td>NEW YORK</td>
<td>48.2</td>
<td>35,537</td>
<td>7,183,576</td>
<td>197,745</td>
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<tr>
<td>RHODE ISLAND</td>
<td>1.1</td>
<td>1,243</td>
<td>69,589</td>
<td>6,591</td>
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<tr>
<td>VERMONT</td>
<td>6.6</td>
<td>7,338</td>
<td>1,251,713</td>
<td>36,994</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>103.4²</strong></td>
<td><strong>79,485</strong></td>
<td><strong>12,108,160</strong></td>
<td><strong>483,375</strong></td>
</tr>
</tbody>
</table>

Commercial fishing and agriculture create more than $1 billion in economic activity

- With 1,243 farms and 69,589 acres in farmland, agriculture is a key part of the Ocean State’s economy and working landscape.
- Greenhouse and nursery production is the largest farm production sector in Rhode Island, with a $46.9 million impact.
- Altogether, agriculture and related processing generated $439 million in direct sales, $999 million in impact and supported 2,983 jobs.
- Rhode Island’s large commercial fishing industry generated $184 million in direct sales, $266 million in economic impact and 2,668 jobs.
Average Direct Market Sales per Farm

New England States Rankings

- **Connecticut**, $27,072 per farm, 1<sup>st</sup>
- **Massachusetts**, $25,356 per farm, 2<sup>nd</sup>
- **Rhode Island**, $25,270 per farm, 3<sup>rd</sup>
- **New Hampshire**, $13,615 per farm, 5<sup>th</sup>
- **Vermont**, $15,541 per farm, 8<sup>th</sup>
- **Maine**, $10,803 per farm, 12<sup>th</sup>

2012 USDA Census of Agriculture
**Food Miles**

*Food miles* is a term which refers to the distance food is transported from the time of its production until it reaches the consumer.

- National average **1300 – 1600** miles from farm to consumer
- CA produces 55-60% of all produce in the US
Produce Safety is Market Driven

**Wegmans Food Markets**
“The FDA [Food and Drug Administration] Food Safety Modernization Act has an exemption for small farms, but we believe that rigorous food safety standards should apply to all farms we work with.” - Bill Pool, Food Safety Manager

**Sid Wainer & Son®** follows all FSMA guidelines
“All partner farms are put through a vendor approval process. If they cannot meet food safety standards, Sid Wainer & Son® works with them to put the right processes in place to ensure that customers receive the safest quality food without breaking the cold chain.” – sidwainer.com
Pre-Cut Melon Outbreak
• Multistate outbreak of *Salmonella* Adelaide infections linked to pre-cut melon
  • Recall on fresh cut watermelon, honeydew melon, cantaloupe, and fruit medley products containing these melons
• Resulted in:
  • 77 cases in 9 states
  • 36 hospitalizations
  • No deaths

Romaine Lettuce Outbreak
• Multistate outbreak of *E. coli* O157:H7 due to romaine lettuce sourced from Yuma growing region
• Resulted in:
  • 210 people in 36 states ill
  • 96 hospitalizations
  • 5 deaths
• Traceback investigation found presence of outbreak E. coli strain in canal water in the Yuma growing region
Produce Safety Rule
The Produce Safety rule establishes, *for the first time*, science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption.

1. Agricultural Water
2. Biological Soil Amendments of Animal Origin
3. Domesticated and Wild Animals
4. Worker Training, Health and Hygiene
5. Equipment, Tools, Buildings and Sanitation
Produce Safety Rule Exemptions

FDA Coverage and Exemptions/Exclusions Flowchart, November 13, 2015

Does not apply to:
• Farms not performing covered activities
• Farms making ≤$25k

Farms must keep documentation to Support Exemption or Exclusion from the Produce Safety Rule.
The Produce Safety Rule applies to all produce EXCEPT:
- Rarely Consumed Raw
- On-farm consumption
- Commercially processed

Farms must keep documentation to Support Exemption or Exclusion from the Produce Safety Rule.

FDA Coverage and Exemptions/Exclusions Flowchart, November 13, 2015
Produce Safety Rule Exemptions

Eligible for Qualified Exemption if:
1. Average total food sales for previous 3 years falls between $25k - $500k
2. More than 50% of those sales go to “Qualified End-Users”

Farms must keep documentation to Support Exemption or Exclusion from the Produce Safety Rule.
Produce Safety Rule Exemptions

FDA gives explicit detail for growers to keep records to establish themselves as Qualified Exempt (§ 112.5)

“You must establish and keep adequate records necessary to demonstrate that your farm satisfies the criteria for a qualified exemption that are described in § 112.5, including a written record reflecting that you have performed an annual review and verification of your farm's continued eligibility for the qualified exemption.”

Under the Produce Safety Rule farms are considered “covered” unless this documentation is provided.
<table>
<thead>
<tr>
<th>Business Size</th>
<th>Compliance Dates for Sprouts</th>
<th>Compliance Dates For Most Produce</th>
<th>Routine Regulatory Inspections</th>
<th>Water-Related Compliance Dates</th>
<th>Compliance Date for Qualified Exemption Labeling Requirement</th>
<th>Compliance Date for Retention of Records Supporting a Qualified Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other businesses (&gt;=$500,000)</td>
<td>1/26/2017</td>
<td>1/26/2018</td>
<td>Spring 2019</td>
<td>1/26/2022</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very small businesses (&lt;$250,000)</td>
<td>1/28/2019</td>
<td>1/27/2020</td>
<td>Spring 2021</td>
<td>1/26/2024</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Produce Safety Rule Compliance Dates

• Compliance dates based on **farm size**
  • Average annual monetary value of produce the farm sold during the previous 3-year period
  • Assessed on a rolling basis

• **Upcoming Compliance Dates***:
  • **January 26, 2018**: Large Farms
  • **January 28, 2019**: Small Farms
  • **January 27, 2020**: Very Small Farms

* Does not include sprouts (which have additional requirements and earlier compliance dates)
RI Produce Program
Cooperative Agreement with FDA

This means:

• Program monitoring by FDA
• FDA can take any necessary action to ensure compliance under this cooperative agreement
• FDA retains the right to conduct assessments, progress reports, on-site visits, and audits
• FDA requires the promulgation of state regulations for the Produce Safety Rule
  • RI is in the process of establishing this Regulatory Authority
  • Authority remains with the FDA until State regulations are in place
# New England Farm Data

- 2012 NASS Survey Data for New England

<table>
<thead>
<tr>
<th>State</th>
<th>Estimated Total Number of Farms</th>
<th>Estimated Number of Produce Farms</th>
<th>Estimated Number of Covered Farms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rhode Island</td>
<td>1,243</td>
<td>310</td>
<td>+/- 31</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>4,391</td>
<td>880</td>
<td>100</td>
</tr>
<tr>
<td>Vermont</td>
<td>7,338</td>
<td>1,144</td>
<td>143</td>
</tr>
<tr>
<td>Connecticut</td>
<td>5,977</td>
<td>1,227</td>
<td>193</td>
</tr>
<tr>
<td>Maine</td>
<td>8,175</td>
<td>2,218</td>
<td>343</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>7,755</td>
<td>2,217</td>
<td>396</td>
</tr>
</tbody>
</table>

RIDEM Division of Agriculture
Rhode Island Farm Data

• 2012 NASS Survey Data for Rhode Island

<table>
<thead>
<tr>
<th>Total Number of Farms</th>
<th>Total Number of Produce Farms</th>
<th>Total Number of Covered Farms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,243</td>
<td>310</td>
<td>31</td>
</tr>
</tbody>
</table>

• 2018 RI Farm Survey Data

• **Survey Response:**
  • 30% of produce farms responded
Purpose:

• Update Division of Agriculture’s Farm Inventory
• Provide accurate picture of RI’s agricultural community
• Utilize to disseminate regular outreach material
• Determine farm coverage under the Produce Safety Rule.

• **Inventory Data will be submitted in aggregate format to FDA upon request**

• **All information is confidential**
PSA Grower Training Course

- At least one responsible party per farm must receive FDA approved produce safety training §112.22(c)
- Covers PSR key requirements
- URI Cooperative Extension has two PSA Lead Trainers
  - 3 courses to date; ~40 growers attended
  - Additional courses offered bi-annually
  - Next offerings will take place December 2018 and March 2019.
On-Farm Readiness Review (OFRR)

- Non-regulatory, confidential, and free assessment of farm’s readiness for the Produce Safety Rule
  - On-farm Q&A with Produce Safety Staff
- All visits are scheduled in advance
- OFRRs are currently being offered in 46 States throughout the US.
- Regional
  - ~300 completed
- Rhode Island
  - 8 completed in 2018

<table>
<thead>
<tr>
<th>State</th>
<th>OFRRs in 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>8</td>
</tr>
<tr>
<td>Maine</td>
<td>40+</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>100</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>14</td>
</tr>
<tr>
<td>New Jersey</td>
<td>100</td>
</tr>
<tr>
<td>Vermont</td>
<td>30</td>
</tr>
</tbody>
</table>
DEM Agricultural Water Testing Program

- Voluntary, free water tests to monitor water quality
- Includes:
  - 2 tests per growing season
  - Surface and groundwater sources
  - Test for generic E. Coli
  - Samples processed at RI Department of Health Laboratory
- Objective:
  - Educate growers on water sampling techniques
  - Strengthen water quality monitoring practices
  - Reduce financial burden of water testing
- 33 Farms have utilized the service for approx. 50 tests
Outreach – Information Materials

- RI Produce Safety Info Binders
- Pocket PSR
- Fact Sheets for OFRRs and Qualified Exemptions
- FDA Fact Sheets

- New Materials Being Developed
  - Worker Training for the Produce Safety Rule
  - On-Farm Produce Safety Posters and Signage
  - E-Newsletter
  - Multi-lingual resources
Outreach – Off Season Meetings

• Upcoming Workshop Topics
  • Post-Harvest Activities under the Produce Safety Rule by Chris Callahan of UVM on November 13 2018.
  • Produce Safety Rule for Buyers
  • Funding Opportunities for RI Growers
  • Interstate alignment for Produce Safety (MA and CT)

• Upcoming Grower Meetings
  • Produce Safety Staff attend/ will attend NOFA/RI, RI Ag Council, Farm Bureau, Fruit and Berry Growers Assoc., Young Farmers Network
  • Division of Agriculture will sponsor grower meetings in the coming months.
Outreach – Upcoming Workshop

Save the Date! Planning for Postharvest Facilities: Washing, Packing and Storage
Tuesday, Nov. 13 | 8:00-11:00 AM | URI Coastal Institute Auditorium

SPEAKER: CHRIS CALLAHAN, EXTENSION ASSOCIATE PROFESSOR OF AGRICULTURAL ENGINEERING, UNIVERSITY OF VERMONT

RIDEM Division of Agriculture
Outreach – Regular Meetings

• Outreach to date:
  • Farmers Markets – Produce Staff attended State Sponsored Farmers Markets as well as Farm Fresh Markets.

• Ag Community Meetings – In 2018 Produce Program Staff have attended 13 different agriculture community meetings or events.

• Voluntary Farm Visit – Produce Program staff have conducted 18 educational farm visits. (Not including OFRRs)
# Outreach – Past Workshops and Meetings

- RI Women in Ag pre-planning meeting 2/15/2018
- NOFA/RI Annual Winter Conference for Organic Farm, Garden and Livestock 3/4/2018
- Wildlife Pest Management and Sweet corn 3/5/2018
- Women in Agriculture Conference 3/6/2018
- Food to Institution Event 3/7/2018
- Rhode Island Agricultural Council Meeting 3/15/2018
- RI Fruit Grower Association Annual Meeting 3/22/2018
- Rhode Island Agriculture Day 5/30/2018
- Voluntary Farm Visit 6/11/2018
- Voluntary Farm Visit 6/12/2018
- Voluntary Farm Visit 6/14/2018
- Produce Safety/GAP Training 6/27 – 6/28/2018
- Farmers Market 7/13/2018
- Voluntary Farm Visit 7/13/2018
- Produce Safety Advisory Committee Meeting 7/16/2018
- Produce Buyer Meeting 7/17/2018
- Voluntary Farm Visit 7/20/2018
- RI Farm Bureau - OFRR outreach 7/23/2018
- On-Farm Readiness Review 7/24/2018
- On-Farm Readiness Review 8/7/2018
- On-Farm Readiness Review 8/16/2018
- Young Farmers Network Meeting 8/22/2018
- Farmers Market Visit 8/24/2018
- On-Farm Readiness Review 8/28/2018
- Farmers Market Visit 8/30/2018
- Farmers Market Visit 8/31/2018
- On-Farm Readiness Review 9/5/2018
- On-Farm Readiness Review 9/6/2018
- GAP Advisory Meeting 9/7/2018
- On-Farm Readiness Review 9/26/2018
- Voluntary Farm Visit 10/2/2018
Outreach - Web Resources

• RI Produce Safety Website
  www.dem.ri.gov/producesafety

• URI Cooperative Extension - Food Safety Website
  https://web.uri.edu/foodsafety/

• Produce Safety Alliance Website
  https://producesafetyalliance.cornell.edu/

• FDA’s Produce Safety Network

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