

# Produce Safety ALLIANCE

## Produce Safety Educator's Monthly Call #3

November 18, 2013

2 PM EST

### Meeting Summary

**Total Attendance (Web & Call In): 51**

**Meeting recording available at:**

<https://cornell.webex.com/cornell/lsr.php?AT=pb&SP=EC&rID=18923997&rKey=7fd70ed0f5525a27>

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## Agenda

- Manure handling requirements as proposed in contrast with NOP standards.
- Consequences and 60 day timeline to comply when a grower's exemption is revoked
- Other areas that are generating discussion and confusion
- Discussion of educator concerns about motivating growers to attend trainings
- **Comment Period Extension: Comment period now ends Nov. 22, 2013**

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## Discussion

### I. Manure Handling:

- **Minimum Application Intervals for Untreated Amendments Such as Raw Manure**

Application Method	Minimum Application Interval
Does not contact produce during application and <b>minimizes</b> potential for contact after application	9 months
<b>Does not contact</b> produce during or after application	0 days

- In contrast to NOP standards: 90 days for crops not likely to be in contact/120 days for crops likely to contact
- What is the science behind this standard?
- 0 day interval causes confusion with growers. Some believe they can sidedress crops with raw manure because it will not contact the crop.
- **Does NOT contact:** No expected potential for this kind of added manure during application or any time there after, during the entirety of the growing season to come into any contact

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whatsoever with the edible portion. Not many (if any) current practices can achieve this, but innovation of the industry may come up with something in the future.

- Sidedressing, under almost every situation, will come into contact with produce, whether from direct contact or splash. This does not fall under the definition of ‘Does Not Contact’.
- **Question:** Can we separate warm blooded animal manure from fish/crustacean manure?
  - Anything that is biological (of animal origin) is considered a biological soil amendment and proposed standards as written would apply.
  - Aquaculture: generally not used as an actual soil amendment, used more as a water-type situation. Must look at water standards, but would be a case-by-case basis. If using in a hydroponic situation, then ag water standards apply. If using as a soil amendment situation (in field), then soil amendment standards would apply.
- **Question/Comment:** There may be a disconnect between those who are actually applying totally untreated manure and manure that has been treated with a validated process. Not many are applying raw manure close to harvest.
  - Aquaculture/aquaponic standards for NOP exempt fish from definition of ‘animal’.
  - FDA standard is more stringent than NOP guidelines. If you comply with FDA proposed rule, then you most certainly comply with NOP. They are not identical but not in conflict. You can meet FDA requirements and maintain organic certification.
  - Organic groups are most concerned with application intervals and their crop cycle. If a grower must wait 9 months, it would not work with grower rotations that they are using for weed control.
  - FDA is working on update of 1998 GAPs Guidance. Possible that guidance will provide additional information for people who are otherwise exempt from the produce rule. Guidance will have opportunity for comment. Effort is already under way.
  - FDA requests that growers define and explain what production methods are impacted by the current standards during the comment period.
- **Question:** Is vermicompost considered animal manure?
  - Yes, it would be. This would be an excellent opportunity to utilize an alternative method from two proposed composting methods (static and turned piles), but must have equivalent microbial reduction.
  - If a validated study exists, all growers need to do is have that data on hand to use an alternative process as long as it provides the same level of protection as the proposed composting methods.
- **Question:** The use of the terms ‘edible’, ‘harvestable’, and ‘covered produce’ seem to be used interchangeably. How do these differ?
  - Edible portion – historically used to define edible portion from stem or root portion. Some parts which are harvested are not necessarily eaten (e.g. banana peel, pineapple rind), so terminology ‘harvestable’ was adopted to describe portions which you harvest, even though they may not be eaten or simply discarded.

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- For example, agricultural water (production water) standards would apply from the time a tiny green tomato is on the vine all the way up until it is red and ready to harvest.
- Section 112.56 – applied in a manner that does not contact ‘covered produce’. Covered produce would refer to produce items that the harvestable portion is subject to the rule, but not produce that may go to further processing (kill step) which would not be subject to the rule.
- E.g. Field corn: the ear would be the harvestable portion, but field corn is not a covered produce item, so 112.56 does not apply to field corn.
- **Question:** Will manure and animal-based amendments be considered in the environmental impact statement?
  - Yes, it will. It will cover the entirety of the rule. An extension just went out for the scoping period for the Environmental Impact Statement – now due March 15<sup>th</sup>.

## II. Grower Exemptions

- **Question:** What are the consequences and 60 day timeline to comply when a grower’s exemption is revoked because of a food safety issue?
  - Lawyer was not present, so could not give exact basis for 60 day timeline. 60 days is not uncommon to ask someone to put in place Corrective Actions. Examples are given in preamble for removing exemptions, such as involvement in an outbreak, but anticipate that removing the exemption would be a very rare occurrence, where that is what is necessary to bring someone into coverage of the rule and operate under sanitary conditions. There are other mechanisms, which also include education. FDA does not expect to remove many exemptions. Currently working on communication piece because this provision has cause a lot of anxiety with growers – FDA will work to the best of their ability to clear up some of the confusion and concern.
  - If a grower is out of production when provisions kick in, the rule when it is final will only cover activities that you are doing currently and product that falls under the rule. If you are out of season and do not have workers or product, you can use the off-season to put measures in place, but this is one of the considerations that FDA will clarify.

## III. Educator Concerns & Engaging Growers

- Discussion with PSA educators in June 2013 indicated that states may not be prepared to educate and engage all the growers in their area for the produce rule.
- Collaborators have expressed concern that PSA 7 hour program is longer than their current state program. There is also concern that there may not be enough interest to get growers to training if they are not motivated by buyer requirements or legal ramifications.

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- **June 2013 Educator’s Meeting:**
  - **Q1 - Does your state or organization currently have a team of educators capable of delivering outreach and preparing farmers to comply with the proposed produce rule?**
    - 26 states represented
    - Yes: 33 respondents
    - No: 10 respondents
  - **Q2 - Does your state/area have a high proportion of small fruit and vegetable farmers in need of educational outreach related to the produce rule?**
    - Yes:** 42 respondents
    - No:** 1 respondent
  - **Follow-up to Q2: If yes, are they currently being served by any organization to help them understand and implement produce safety practices?**
    1. University Extension
    2. State Division/Dept. of Agriculture
    3. University/Dept. of Ag Collaborations
    4. Third-party auditing companies
    5. County sanitarians
    6. State websites, newsletters, grower self-access information
  
- **Question:** What is the best method to reach produce growers who will be needing this training? How will PSA manage this process to effectively reach all of these growers who will need trained?
  - PSA’s approach is building collaboration around the country through the general listserve and Educator’s Group. Within New York, the most effective way is to interface with country educators (with farmers on day-to-day basis) and with retailers (vested interest that they have suppliers trained).
  - Penn State: Same strategy. Published results in Journal of Food Control and Journal of Extension. Have worked with retailers since 2009. Lists of growers obtained from retailers. Growers are starting to burn out on this topic. Recruited educators to help tackle issue. Extension administrators need to know this is an important issue. Educators can now teach basic GAPs course by themselves. Now on-campus workshops focus on how to write a Harmonized GAPs plan. State department of agriculture partnerships help conduct mock audits. Educators may not be prepared to teach proposed standards; curriculum should not be based on what is proposed or what could change. FDA assumes Extension will handle all education, funding cuts are a large issue. People trust Extension rather than consultants or Department of Ag.
  - In addition to retailers, working through regional FMI affiliates and other grocery associations may be appropriate to contact to work with.

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- When AFDO takes role of supplying certificates and database of who has been trained – is that a resource that educators can use for continuous education module?
  - PSA will use these lists to contact growers for continuing education opportunities after they have attended the basic training. From focus groups, farmers wanted first interaction for training to be face-to-face. Online would be fine after first training, so there are more opportunities for delivery of continuing education.
- **Comment:** Teaching should be on comprehensive GAPs, not teaching on proposed regulations.
  - *Comment:* New version of GAPs only focuses on pathogens and biological risks. Consumer demand and employee safety demand chemical food safety risks be addressed. Residual pesticides are a consumer and food safety issue. We may not be serving the public correctly. Urge the bar to be held as high as can be – teach A behavior not C behavior.
  - *Follow-up comment submitted by e-mail:* I do not agree with the discussion about including pesticide education as part of the PSA training. Each state has been (or should have been training) on the pesticide issue for several years. There are very specific rules from EPA as to when workers need to be trained (within 8 days of hiring) and any grower including organic growers must have a pesticide license to purchase and apply pesticides. We have enough to do trying to bring growers along on microbial food safety.
  - *Comment:* Vermont is educating on basic GAPs practices. Agreement that pesticides should be included in GAPs education.
- **Comment:** Training length – bottom line is that if growers want knowledge they will come, or if they are being forced by a buyer, but if the regulation is an empty threat, they will not be motivated. They will stall. Right now, majority of growers are coming out because buyers are requiring audits. I do not see how we can do it any less than 2 days if including a plan writing day.
- **Question:** Does anyone have Harmonized GAPs education materials?
  - Penn State does Harmonized GAPs workshops. All the training materials are on their website or e-mail [lf15@psu.edu](mailto:lf15@psu.edu).
- **Question:** There seems to be a lot of confusion on CSA's bringing in product from another farm and complying with Preventive Controls Rules – they may be considered retail operations and may not have to register, but there are conflicting messages.
  - For CSA's and Farmer's Markets, FDA is reviewing their definition of 'retail'. Retail would be exempt from the regulation and would not fall under PC Rule. FDA is still deliberating and looks forward to reading the comments.

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- **Question:** If you have farmers who are trying to prepare value-added products such as jams or jellies and are preparing these products in their own home, how would registration be addressed for PC rule?
  - Rule as it is written: if you are preparing on your own farm for your own personal consumption, then you would be exempt. Acidified regulation – if they are preparing an acidified food, the process must be submitted to FDA. LACF/canned food group works on those issues. This is better addressed by the PC Alliance.
- **Question:** When do we, as PSA, start educating American farmers? Someone told me Cornell was given \$5 million to do education work. Is this true?
  - No, (we wish!) we did not receive \$5 million (we received \$1.15 million through the cooperative agreement), the PSA will work to distribute the money after Train-the-Trainer, as per the cooperative agreement, to 8 highest fresh fruit and vegetable production states. (NY, CA, OR, WA, MI, AZ, FL, and GA).
  - Have put in request for additional money to conduct trainings in other states. Funding was discussed in the October Educator’s meeting.

### Call Wrap Up:

- FDA Outreach Plan to Generate Comments - Update
  - Regional/State webinars
  - Two held in October, links to the recordings below:
    - Colorado State University Farm-to-Table Food Safety  
<http://farmtotable.colostate.edu/grower-resources.php>
    - Purdue University  
<https://gomeet.itap.purdue.edu/p86x4bdnt7y/>
- Future Produce Safety Educator Meeting Agendas: Let us know what you would like to talk about! Send us your ideas, concerns, comments and we will add it to the next monthly meeting.
- **Next meeting: Monday December 9<sup>th</sup>, 2013 at 2PM EST**