



## Produce Safety Educator's Monthly Call #18

April 25, 2016

2 PM EST

### Meeting Summary

**Total Attendance: 69**

**Meeting recording available at:**

<https://cornell.webex.com/cornell/lr.php?RCID=290409895b1fe2bc511b324798655084>

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## Agenda

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### Agenda, Monday April 25, 2016, 2PM EDT:

- 2:00 PM: Welcome
- 2:05 PM: State Implementation of the FSMA Produce Safety Rule: Background, Vision, & Current Efforts  
Bob Ehart, Senior Policy & Science Advisor, NASDA  
Art Johnstone, Produce Safety Project Manager, NASDA
- 2:40 PM: Questions & Discussion
- 2:50 PM: Produce Safety Alliance Updates
- 3:00 PM: Adjourn

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## Discussion

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### I. Introductions

- **Bob Ehart**, Senior Policy & Science Advisor, NASDA
- **Art Johnstone**, Produce Safety Project Manager, NASDA

### II. NASDA Overview – Bob & Art

- NASDA is in their 100<sup>th</sup> year this year.
- Primary role: eye and ears of the state secretaries, directors, and commissioners of all 50 states and 4 territories, to work with legislation and regulation that is going on in Washington, D.C.
- All state departments of agriculture are different. "If you know one state depart of ag, you know one."
- Basis of most people's reference to food safety is through the existence of the manufactured food programs, this also the greatest piece of information informing Congress and those lobbying Congress to change the existing law and modernize food safety.
  - 31 states have manufactured food programs at state health departments
  - 19 states have manufactured food programs in ag departments

# Produce Safety

## A L L I A N C E

- 47 states have feed control programs, in other three states this is located at Land Grant Universities, emphasis on label guarantee, but now linked into food safety through concerns over adulteration.
- No state currently had authority over produce, with some exceptions (TGAPs in Florida, etc.).
- NASDA & FSMA Efforts
  - Conscious decision to comment on all 7 Rules.
  - Submitted about 250 pages to the docket for Produce Safety.
  - Recognize the need to figure out how the states fit into produce safety.
  - 11 chapters for creating a state wide program are in development.
  - Ties into FDA released funding announcement for states, due date June 2016.
  - April 15 intent to apply, \$19 million dollars, 47 states and one territory submitted intents to apply.
- NASDA looked at what could complement what was going on in regulatory structure. Education program is something everyone has to take, some may be suitable for GAPs certification, but may not be suitable for FSMA standards.
- Obvious new program dimension exists – this an opportunity for inspectors to learn what people are doing on farms and to share prevention information with others while also looking at value of educational programs.
- NASDA began to look for how could states create an ‘On Farm Readiness Review’.
- Voluntary program, value in NASDA being able to go to farms and take a look at what is going on, determine whether practices can be improved, or whether there are better ways to do things – to benefit the entire broader educational opportunity associated with the program.
- On Farm Readiness Program Development
  - Visited NJ, FL, NC, and MI and tapped into the staff there to help assist with draft assessment tools.
  - State level seemed to work fine, but want to determine how this works at a national level.
  - FDA’s contribution – citable list for compliance purposes.
  - Would like farms to have education opportunity prior to coming on the farm.
  - Trying to come up with a checklist and eliminate as many confusing items as possible.
  - Will begin assessing the tool in August 2016.
  - Other opportunities with new monies to do some additional work.

### III. Discussion & Questions

- Adrianna Vargo - Who would carry out the assessments?
  - Bob: Question of whether it is an audit or inspection is a good observation. Currently looking at it as a combined activity, FDA has said they want to be involved to begin with but questions as to whether they will be able to continue

when compliance comes into play. It is clearly something Extension can be a major player in. Also set up to be something the state department of ag. could do as well – it's likely to be a hybrid. Setting it up to be a self-assessment that could be done by the farmer themselves.

- Art: We have through the whole process talked about how strong of a partner Extension will be. The way that FDA has given the money out will be through state agencies who can sub-contract with whoever they want – Extension or others. That decision on who will be involved is a state by state decision. It's not too early to begin having these discussions with your state partners.
- Londa Nwadike – GAPs certification versus FSMA?
  - Betsy: Based on the metrics we have seen for many of the GAPs audits, they do not currently align with FSMA. If an inspector showed up and the grower was GAPs certified, does not necessarily mean they would be in compliance right now. GAPs audits are not the same as inspections. In the on-farm readiness process, it is designed off of FSMA, not off of a GAPs audit. USDA is working to align the Harmonized Audit with FSMA – some audit companies may move in this direction, but this may not be available for some time.
  - Bob: The issue of audits vs. inspections is an unknown area at this point and desires to try to morph them together. We may not get there overnight. There is a great opportunity for education and continuing education to come out of this to help growers clearly understand requirements. It is important to make the distinction between requirements for market access and things that will actually help growers reduce food safety risks.
  - Michelle Danyluk: One thing that hasn't been mentioned that is important to mention on the Extension perspective is the ability to help the inspector or investigator get an idea of what kind of things exist out there on the farm. It's a tool for both growers and regulators to help familiarize them with on-farm practices.
- Ginger Nickerson – There is a difference between an audits and inspections. Can you articulate the primary differences?
  - Betsy: Audit is a voluntary experience, inspections may not be a voluntary experience. If you fail the audit, you may lose your market. The implications of not meeting regulatory standards are different than not getting a certificate that says 'You passed the audit'. I don't think we have seen any information on what happens if you don't meet the regulatory requirements yet. It is a different process.
  - Bob: (From the regulatory standpoint) Inspections can be as straight forward as 'you need to correct it', but there will be a record of it. Some farms may be visited annually, but it's not likely many because of funding limitations from Congress. Ultimately, if your conditions are considered egregious, you may end up with a monetary fine. NASDA has just kicked off a sub-group to talk about the inspection

process and dispute resolution. Much of it will be grey area and there may need to be a process in place so that state and federal regulators can have conversations about compliance and inspection issues.

- Eduardo Gutierrez-Rodriguez – Will the readiness review include farms that must comply with sections of the PC Rule as well?
  - Bob: There are discussion going on about the need to recognize that there are some other requirements when you fall into the PC Rule. Ownership may determine whether a packinghouse is considered a facility rather than a farm. It's an area that is grey, but there is an interest to see if the same inspection can be done, regardless of ownership. There is a definite need to pay attention to this topic. In discussions with United Fresh, if they can help to make sure the education and inspection pieces are pretty similar, then it takes the sting out of the happenstance that ownership matters rather than the risk to food safety.
  - Betsy: This concern has come up multiple times with the Regional Centers.
  - Michelle: There is no reason that the readiness review for the part of the operation that fell under the Produce Safety Rule couldn't go through the readiness review.
  - Betsy: From an Extension standpoint, anybody who has seen the on-farm assessment (Cornell), it could be a tool we use in Extension to get farmers to evaluate their own operations. Intent is to be a multi-use document.
  - Bob: If we don't recognize the value of readiness reviews and continuing education, then we are really not focused on a preventative approach to food safety. NASDA is very appreciative and open to new ideas for the best way we can assist. Extension is a critically important part to making this work.

#### IV. PSA Updates

- PSA will not be hosting any Train-the-Trainer or Grower Training Courses until September 2016.
- Currently working with FDA to align course materials with final regulations. PSA met with FDA Division of Produce Safety in a Face to Face Meeting in April to discuss edits and continue to move towards a final version.
- PSA was invited to the NASDA Produce Safety Implementation Meeting in March to deliver a preview of the PSA Grower Training Curriculum. 107 participants attended, primarily from state departments of health and ag, as well as FDA and USDA staff.
- Courses will be announced via the general listserv, once available.
- Trainer interview process and update webinar for attendees of the 2014/2015 TTT Courses will be available when the curriculum materials are complete.
- Questions – Will there be any pilots or previews before the fall?
  - Betsy: PSA would love to do pilots, but the time is limited. It all depends on when we can get through the review process with FDA. We can't commit to that right now, but we are hopeful.

## V. Call Wrap Up:

- **One last question – Susan Caime**

- Susan: We're thinking about training scenarios on the Produce Rule in the next 2-3 years for industry. For our industry stakeholders, what is the recommendation from PSA as far as the materials to train? Should we be considering only the standardized curriculum or more overarching materials which are specific for our region, or even beyond that?
- Betsy: The PSA curriculum is one way to satisfy the 112.22(c) training requirement. It is a one day training, with a lot of information for growers to fit into one day – this will not be the only education they will need. The on-farm readiness tool is another resource to help growers figure out where they fit in terms of compliance. The RCs are also working on region specific educational materials. The PSA is working on continuing education modules. A huge piece will be the FDA guidance for the Produce Safety Rule. Guidance has not yet been released. There are a lot of pieces moving at the exact same time. Hoping the NCC will enhance communication between all of these groups so we don't reinvent the wheel.
- FSMA Training Strategy also plays into the overall plan.  
<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm461513.htm>

- **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.

- **Tentative next meeting: May 23, 2016 - 2PM EST**

- Call-in information and agenda will be sent closer to the meeting date
- Thanks to everyone for taking time to participate in this call

- **Adjourned 3:06PM**