## FDA Proposed Rule: Water Compliance Dates

<table>
<thead>
<tr>
<th>Business Size</th>
<th>Compliance Dates For Most Produce</th>
<th>Proposed Water Related Compliance Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other businesses (&gt;$500K)</td>
<td>1/26/18</td>
<td>1/26/22</td>
</tr>
<tr>
<td>Small businesses (&gt;$250K-500K)</td>
<td>1/28/19</td>
<td>1/26/23</td>
</tr>
<tr>
<td>Very small businesses (&gt;$25K-250K)</td>
<td>1/27/20</td>
<td>1/26/24</td>
</tr>
</tbody>
</table>

- According to the Proposed Rule issued Sept. 2017, compliance dates for all agricultural water requirements **allow for an additional four years**.
- For example, ‘all other businesses’ would have until 2022 to begin taking their water samples.

Revised 10/28/17
FDA Water Compliance Date Extension

In September 2017, FDA published a Proposed Rule called *Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption; Extension of Compliance Dates for Subpart E.*

- If implemented, extends ALL provisions of Subpart E (Agricultural water) including the safe and sanitary quality requirement, the annual inspection requirement, and the postharvest water monitoring requirements.
- The reason given for this extension is “to address questions about the practical implementation of compliance with certain provisions and to consider how we might further reduce the regulatory burden or increase flexibility while continuing to achieve our regulatory objectives, in keeping with the Administration's policies.”
- Until more is known, the following water requirements outlined in this module are the Rule.

SUPPLEMENTAL MATERIAL
FDA Water Compliance Date Extension: What Growers Should Do in the Meantime

• Continue water testing
  – To better understand water quality
  – To meet buyer and audit requirements

• Develop water management strategies to identify and reduce risks such as conducting surveys of water sources

• If growers have never tested their water, they should start testing or at least consider the benefits
  – Test for quantified generic *E. coli*
  – Test before using the water
  – Test during frequent use periods

SUPPLEMENTAL MATERIAL
FDA Fact Sheet: Equivalent Water Testing Methodologies

Equivalent methods to EPA Method 1603 (membrane filtration with modified mTEC), include:

- Membrane filtration methods (colony forming units, or CFU)
  - mTEC agar (EPA 2010, APHA 2012, ASTM 2000)
  - mColiBlue ampules (Hach method 10029)
  - mEndo followed by NA-MUG agar (APHA 1997)
  - MI agar (EPA 2012)

- Most Probable Number (MPN) methods
  - Colilert (using Quantitray 2000 tray)
  - Colilert 18 (using Quantitray 2000 tray)