

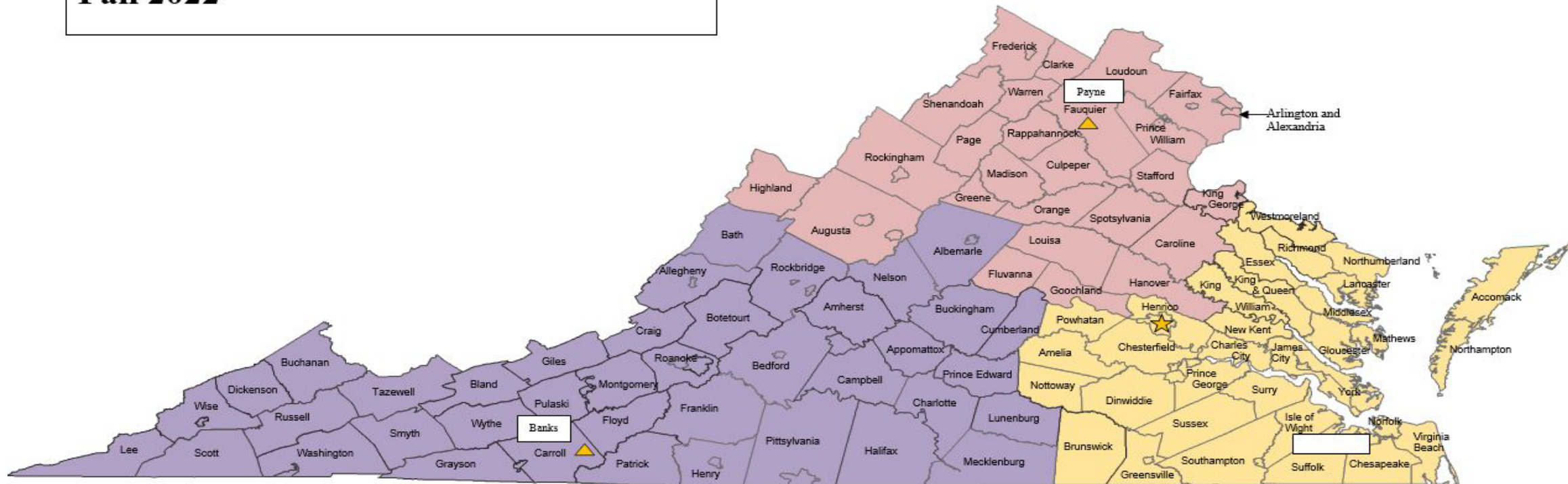


*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

PRODUCE SAFETY PROGRAM

VDACS Produce Safety Program

VDACS Produce Safety Territory Map Fall 2022



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Six Key Requirements

- Agricultural water
- Biological soil amendments
- Sprouts
- Domesticated and wild animals
- Worker training and health/hygiene
- Equipment, tools and buildings

Our goal is educate farmers while we regulate to gain voluntary compliance with the Produce Safety Law.

Inspections



- Inspections of large covered farms began on May 1, 2019.
 - Main commodities observed: tomatoes, leafy greens, cucumbers, peppers, apples, cantaloupe and cabbage.
- Inspections of small covered farms began on June 5, 2020 (delayed because of COVID-19).
- Inspections of very small covered farms began on May 1, 2021.

- A total of 96 inspections were completed in FY22.
- To date, only 1 farm was observed with egregious conditions or serious violations.
 - That farm received a letter of warning and a follow-up inspection 30 days later determined that the issue had been corrected.

Top 3 observations (mostly technical demerits):

- **Record keeping (not being done, not being reviewed by supervisor, not in proper format § 112.161)**
- **Pest control in buildings (not being done or not adequate § 112.128)**
- **Inadequate or lack of training (management, PSA, and employee training § 112.21, 112.22)**

What To Expect Of A Produce Inspection?

Preparing For Inspection – Be Proactive!

- Consider contacting your local Virginia Extension Agent to ask about receiving a free On Farm Readiness Review (OFRR).
- An agent and yourself will conduct a mock run through of a produce inspection. This can help determine your readiness for inspection and help fix any potential violations.
- If determined to be under inspection, a date and time will be scheduled with the operator. Inspection is completed during harvesting.

What To Expect Of A Produce Inspection?

Preparing For Inspection

- Ensure all necessary records are easily accessible:
 - Employees training
 - Cleaning and Sanitizing
 - Biological Soil Amendment Treatment (if applicable)
 - Ag Water Assessment (**effective 2023**)
- Existing records used for other audits are acceptable. Electronic and handwritten records are allowed.
- Most general records must be kept for 2 years, except sales and water records.
- Records must:
 - Be signed or initialed by the person performing the task
 - Include date, farm name, location, actual values, or observations
 - Be reviewed and signed with date by supervisor or responsible party

What To Expect Of A Produce Inspection?

Day Of Inspection

- VDACS inspectors will ask to speak to the owner or person in charge, introduce themselves, and explain why they are there.
- Will ask what activities, such as growing, harvesting, packing, and/or holding are occurring for the day. This will help the inspector decide where to start.
- The inspector will need to observe farm operations but may also ask about farming practices or operations they cannot observe during the inspection.
- You can anticipate questions about employee training, health and hygiene practices, animal management, tools and equipment, biological soil amendments of animal origin, and agricultural water. They will take notes and review farm records.

What To Expect Of A Produce Inspection?

Day Of Inspection - Part 2

- The inspector will review any observations and regulatory findings with you.
- Any corrections made to identified violations during the inspection will be documented on the report. If the violation cannot be corrected during the inspection, the inspector will work with you to determine a reasonable time frame for the corrective actions and the future preventive measures.
- The inspector will answer questions you may have, then issue an Inspection Report to document the visit.

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES



Does Your Farm Grow Fruits and Vegetables?

*Register Your Farm with
the Produce Safety Program*

Visit ProduceSafety.VDACS.Virginia.gov to Register!

Register your farm with the VDACS Produce Safety Program

All farms within Virginia that grow, harvest, pack or hold produce intended for human consumption and for sale will need to register their business with the Virginia Department of Agriculture and Consumer Services (VDACS) Produce Safety Program.

Register Here

ProduceSafety.VDACS.Virginia.gov

- Create a free, secure account and register your farm.
- Update data elements currently on file with VDACS by annually verifying your farm.
- Print out a registration certificate to use to help market your products locally.
- Get enrolled automatically in the new VA Grown marketing program.
- Apply for an exemption from inspection if eligible.
- Receive up-to-date information about the Food and Drug Administration (FDA) Produce Safety Rule, new water requirements, educational and training resources, periodic newsletters and guidance.

Learn more about the FDA Produce Safety Rule

www.VAProduceSafety.com



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102 Governor St., Richmond, VA 23219 | VDACS.Virginia.gov

Produce Safety Rule

CERTIFICATE OF REGISTRATION

[Farm Name]

Registered with the Virginia Department of Agriculture and Consumer Services (VDACS)

Issue Date: November 1, 2021



Erik Bungo
Produce Safety Program Supervisor



*VIRGINIA DEPARTMENT
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Funding for this project was made possible, in part, by the Food and Drug Administration through grant PAR-16-137. The views expressed in written materials or publications and by speakers and moderators do not necessarily reflect the official policies of the Department of Health and Human Services; nor does any mention of trade names, commercial practices, or organization imply endorsement by the United States Government.

Produce Safety Rule

CERTIFICATE OF EXEMPTION

[Farm Name]

Qualified Exempt

Issue Date: November 1, 2021

Expiration Date: November 1, 2022



Erik Bungo
Produce Safety Program Supervisor



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Subpart E – Ag Water





***NEW* FDA Proposes Compliance Date Extension for Pre-Harvest Agricultural Water Requirements**

- Compliance dates for **pre-harvest** agricultural water requirements for covered produce other than sprouts
 - 9 months after the effective date of a final rule for all other businesses;
 - 1 year and 9 months after the effective date of a final rule for small businesses; and
 - 2 years and 9 months after the effective date of a final rule for very small businesses.
- Compliance dates for **harvest and post-harvest** agricultural water requirements
 - January 26, 2023, for all other businesses;
 - January 26, 2024, for small businesses; and
 - January 26, 2025, for very small businesses.

SUPPLEMENTAL MATERIAL

WHO IS COVERED?

- All covered farms, conducting covered activities on covered produce, using agricultural water during harvest and post-harvest activities.



What's the Difference?

Pre-Harvest

- Overhead sprinkler
- Spray, microspray
- Surface and subsurface drip
- Furrow
- Flood
- Seepage/subirrigation
- Pesticide, herbicide, crop sprays and mixes
- Etc.

Harvest/Post-Harvest

- Dump tanks/flumes
- Water used for ice
- Cooling water
- Wash water
- Hand washing water
- Food contact surfaces, wash water
- Food contact equipment/utensils wash water
- Etc.

Different irrigation methods may present different risks based on the extent to which the irrigation water is directly applied to the harvestable portion of the crop.

Requirements for Harvest and Post-harvest Agricultural Water



(Covered produce, Non-sprout)

- Safe and of Adequate Sanitary Quality for its intended use (112.41)
- Inspections and Maintenance (112.42)
- Microbial requirements of no detectable generic *E. coli* per 100 ml agricultural water (112.44(a/b))
- Measures (112.45(a))
- Treatment (112.46)
- Who May Test (112.47)
- Post-harvest water management requirements (112.44(d))
- Records (112.50)
- Test methods (112.151)

Red CFR citations
are proposed and
not yet final until
final water rule is
published.



Safe and Adequate + Microbial Requirements + Untreated Ground Water

- Water must be safe and of adequate sanitary quality for its intended use
 - Growers are required to produce safe product
 - Includes ensuring that water is safe for its intended use
- No detectable generic *E. coli* per 100 ml of agricultural water
- Untreated ground water must be tested 4x per year initially, then 1x per year if meeting no detectable generic *E. coli* per 100 ml

For any application of produce production, harvest and post-harvest activities. See 112.41

Initial year. If fail or exceed limits, corrective actions are needed. See 112.44(a/b)



INSPECTIONS AND MAINTENANCE

- Inspection of water system under farm's control must be conducted at beginning of growing season, as appropriate, and at least once annually.
- Includes water sources, distribution systems, facilities, and equipment

§112.42(a)

SUBPART E

DEFINITIONS Cont'd

- Water distribution system means a system to carry water from its primary source to its point of use, including pipes, sprinklers, irrigation canals, pumps, valves, storage tanks, reservoirs, meters, and fittings.



Photo courtesy of USDA/NRCS

§112.3

Corrective Measures



- Required when water does not meet safe and adequate requirements or numerical requirements
- Immediately discontinue use upon findings
- In order to resume use, you must:
 - Reinspect the system as it is under your control and make repairs OR
 - Treat the water to ensure it meets the numerical requirements under treatment provisions

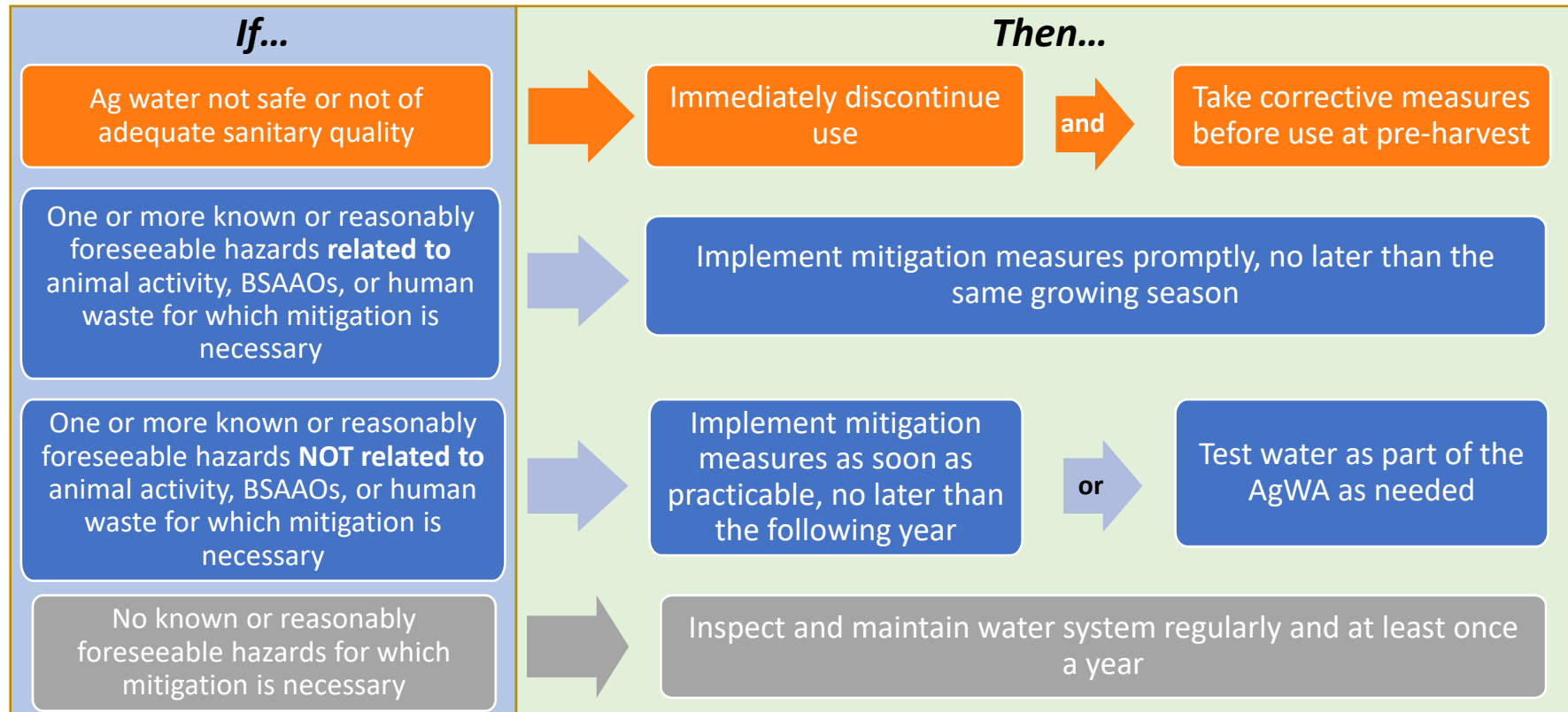
See 112.45(a)

See 112.46



Agricultural Water Assessment

- *Outcomes: Farms would use the outcomes of the AgWA to determine corrective or mitigation measures*



SUPPLEMENTAL MATERIAL



Treatment

- Treatment must be effective to make the water safe and of adequate sanitary quality for its intended use and/or meet numerical requirements
- Treatment must be delivered in a manner....
- Treatment must be monitored...

See 112.46

to make the water safe and of adequate sanitary quality for its intended use.



Produce Safety
ALLIANCE

Who May Collect Samples and How



- You or an entity on your behalf
- Third-party
- Samples must be collected aseptically and representative of use

See 112.47 and 112.151



Records

- Inspections and maintenance conducted
- Documentation of analytical testing
- Certificates of compliance from public water systems
- Documentation of corrections taken under 112.45(a)
- Scientific support to justify treatment parameters
- Documentation of treatment monitoring
- Analytical methods used in lieu of what is outlined in codified

See 112.50



INSPECTION APPROACH Cont'd

- Harvest and Post-Harvest Ag Water:
 - Educate Before and While We Regulate
 - During the first year on large farms after enforcement discretion ends (2023-2024)
 - Prepare growers for implementing these provisions prior to routine inspections verifying compliance.
 - States may elect to provide OFRRs, on-farm visits, and technical assistance to farms of all sizes during this time

First year grace period (for each tier of covered farms) to help educate farmers and help them come into compliance.

In Summary...(for harvest and post-harvest water)

- Start thinking or actually conduct a water assessment
 - FDA online tool or paper-based tool
- Water assessment will determine hazards and risks
- In addition to the assessment, your farm must do an annual water systems inspection, keep records, etc.
- If using municipal water, copy of record needed
- If using untreated ground water, 4x samples initially, then once annually
- Untreated surface water must not be used (because of high microbial profile)(separate requirements when used in pre-harvest)

- https://www.fda.gov/food/food-safety-modernization-act-fsma/fsma-proposed-rule-agricultural-water?utm_medium=email&utm_source=govdelivery

- FDA Ag water fact sheet

- <https://www.fda.gov/media/154334/download>

- Harvest and Post Harvest water fact sheet (new Jan 2023)

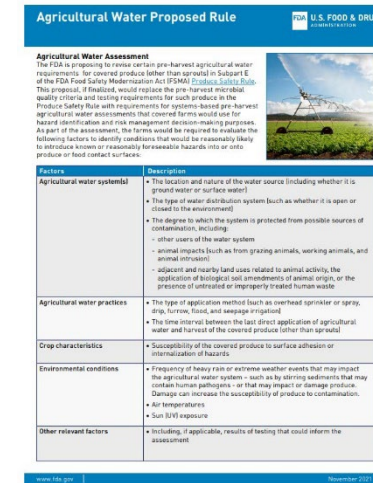
- <https://www.fda.gov/media/164540/download>

- FDA Ag water assessment builder (online)

- <https://agwaterassessment.fda.gov/>

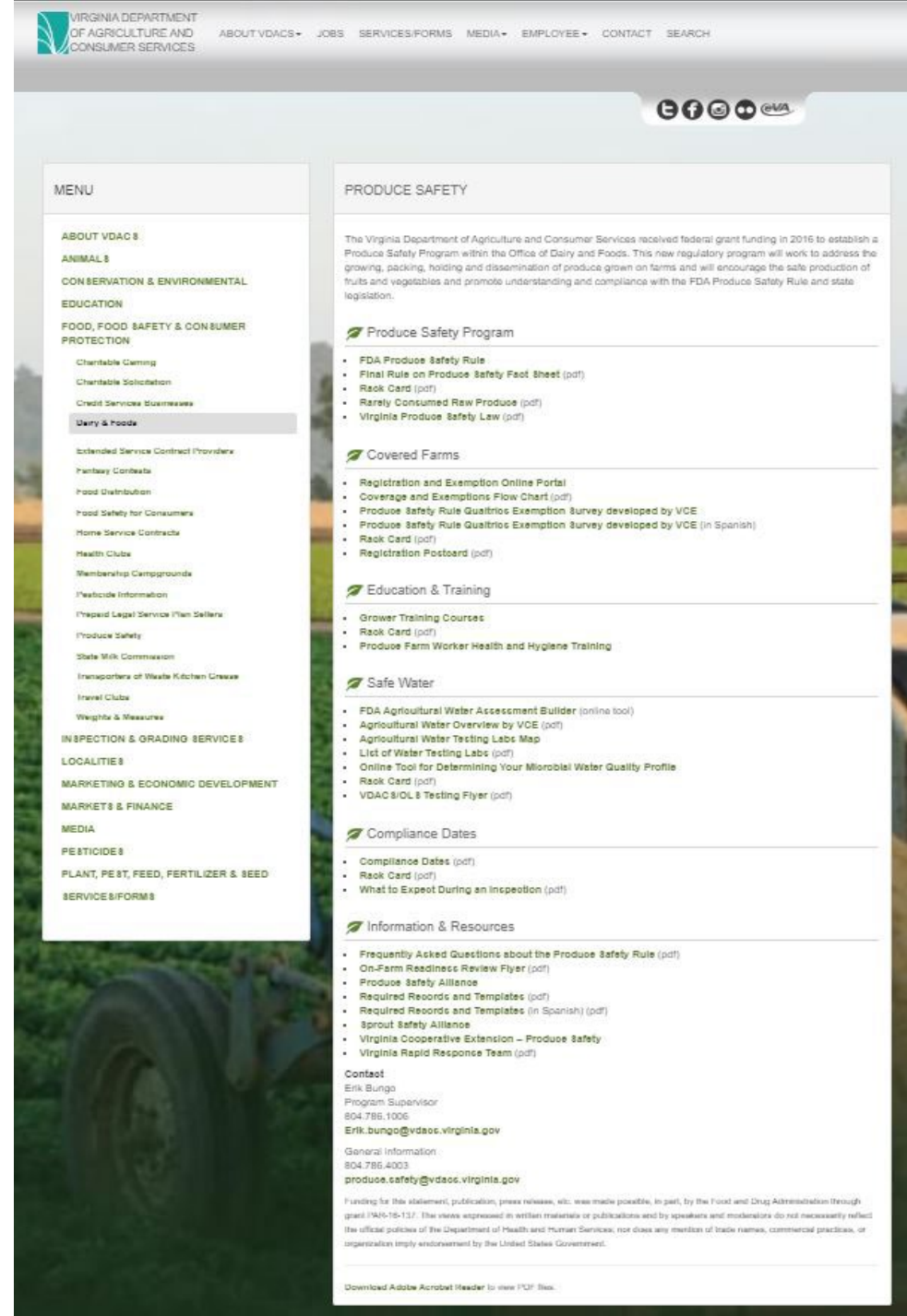
- FDA Ag water assessment builder (paper, 33 pages)(also available in Spanish)

- <https://agwater-prod-external-interface.s3.amazonaws.com/docs/AgWaterBuilder-Paperbased-July2022.pdf>



Webpage

- **www.VaProduceSafety.com**
- Provides links to various resources as well as federal and state law
 - Organized into categories
- Provides contact info for the new program



The screenshot shows the Virginia Department of Agriculture and Consumer Services website. The header includes the department's name and navigation links: ABOUT VDACS, JOBS, SERVICES/FORMS, MEDIA, EMPLOYEE, CONTACT, and SEARCH. Social media icons for Twitter, Facebook, Instagram, YouTube, and eVA are displayed. The main content area is divided into a left sidebar menu and a right main content area.

MENU

- ABOUT VDACS
- ANIMALS
- CONSERVATION & ENVIRONMENTAL
- EDUCATION
- FOOD, FOOD SAFETY & CONSUMER PROTECTION
 - Charitable Canning
 - Charitable Solicitation
 - Credit Services Businesses
 - Dairy & Poultry
 - Extended Service Contract Providers
 - Farmway Contracts
 - Food Distribution
 - Food Safety for Consumers
 - Home Service Contracts
 - Health Clubs
 - Membership Campgrounds
 - Pesticide Information
 - Prepaid Legal Service Plan Sellers
 - Produce Safety
 - State Milk Commission
 - Transporters of Waste Kitchen Grease
 - Travel Clubs
 - Weights & Measures
- INSPECTION & GRADING SERVICES
- LOCALITIES
- MARKETING & ECONOMIC DEVELOPMENT
- MARKETS & FINANCE
- MEDIA
- PESTICIDES
- PLANT, PEST, FEED, FERTILIZER & SEED
- SERVICES/FORMS

PRODUCE SAFETY

The Virginia Department of Agriculture and Consumer Services received federal grant funding in 2016 to establish a Produce Safety Program within the Office of Dairy and Foods. This new regulatory program will work to address the growing, packing, holding and dissemination of produce grown on farms and will encourage the safe production of fruits and vegetables and promote understanding and compliance with the FDA Produce Safety Rule and state legislation.

Produce Safety Program

- FDA Produce Safety Rule
- Final Rule on Produce Safety Fact Sheet (pdf)
- Rack Card (pdf)
- Rarely Consumed Raw Produce (pdf)
- Virginia Produce Safety Law (pdf)

Covered Farms

- Registration and Exemption Online Portal
- Coverage and Exemptions Flow Chart (pdf)
- Produce Safety Rule Qualtrics Exemption Survey developed by VCE
- Produce Safety Rule Qualtrics Exemption Survey developed by VCE (in Spanish)
- Rack Card (pdf)
- Registration Poster (pdf)

Education & Training

- Grower Training Courses
- Rack Card (pdf)
- Produce Farm Worker Health and Hygiene Training

Safe Water

- FDA Agricultural Water Assessment Builder (online tool)
- Agricultural Water Overview by VCE (pdf)
- Agricultural Water Testing Labs Map
- List of Water Testing Labs (pdf)
- Online Tool for Determining Your Microbial Water Quality Profile
- Rack Card (pdf)
- VDACS/OLIS Testing Flyer (pdf)

Compliance Dates

- Compliance Dates (pdf)
- Rack Card (pdf)
- What to Expect During an Inspection (pdf)

Information & Resources

- Frequently Asked Questions about the Produce Safety Rule (pdf)
- On-Farm Readiness Review Flyer (pdf)
- Produce Safety Alliance
- Required Records and Templates (pdf)
- Required Records and Templates (in Spanish) (pdf)
- Sprout Safety Alliance
- Virginia Cooperative Extension - Produce Safety
- Virginia Rapid Response Team (pdf)

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