

**DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION (DATCP)  
WISCONSIN PRODUCE SAFETY ADVISORY COUNCIL (PSAC) MEETING**

**MINUTES**

**Date:** November 16, 2022  
**Time:** 10:00 AM – 2:15 PM  
**Location:** Microsoft Teams

DATCP Division: Food and Recreational Safety

**Welcome and Introductions**

**Call to order:** At 10:06, Josh Rimmert called the meeting to order.

**Open meeting notice:**

This meeting is a public meeting subject to public records requests and information was posted inviting public comments. No public comment was received and members offered no objections to their comments being recorded.

**Introduction of members:**

**Voting members present include:**

Daniel Cornelius, UW-Wisconsin; Sara Ecker, Ecker's Apples; Wayne Geist, Wisconsin Apple Growers Association and Bushel and a Peck Market; Jenna LaChance, Organic Valley; Jeffrey Mears, Wisconsin Tribal Conservation Advisory Council; Josh Rimmert, Alsum Produce; Lavern Zeiset, Zeiset Farm, Communities and Cultures Coordinator.

**Voting members not present include:**

Jay Ellingson, Kwik Trip; Christopher Fasching, Wescot Agri Products, Inc.; Brandi Grayson, Supporting Healthy Black Agriculture/Urban Triage Inc; Hsing-Yi Hsieh, Festival Foods; Steve Louis, Oakwood Fruit Farm; Susan Quam, Wisconsin Restaurant Association.

**Non-voting members present include:**

Kristin Krokowski, UW Extension (*ex officio*); Joanna Kahvedjian, DATCP (*ex officio*); Joe Meyer, DATCP (*ex officio*); Amy Millard, DATCP (*ex officio*); Krystal Martin, DATCP (*ex officio*); Amanda Miller, DATCP (*ex officio*); Bridget Peck, DATCP (*ex-officio*); Troy Sprecker, DATCP (*ex officio*), Eleazar Wawa, DATCP (*ex officio*).

**Introduction of Guests:** No guests were present.

**Approval of Agenda:** Wayne moved to approve the agenda. Jeff seconded the motion. With no objections, the agenda was unanimously approved.

**Consideration of minutes:** Josh called for a motion to approve the minutes of August 17, 2022. Wayne motioned to approve, and Sara seconded it. Hearing no objections, the minutes were approved.

## **Membership Management**

### **Open Nominations**

There were no nominations for the open position on the council. Joanna urged the council to share the opening widely, with an emphasis on getting a nomination from someone an underserved community, such as the Hmong community.

### **Required Training**

All advisory council members were reminded to take a training on Wisconsin Public Records Law due by November 30, 2023.

### **Strategic Planning Subcommittee Lead Vacancy**

The Strategic Planning Subcommittee lead vacancy had not yet been filled.

## **Agency Reports (DATCP)**

### **Food and Drug Administration (FDA) Updates**

The Proposed Agricultural Water Rule was discussed with a focus on how to educate growers on a complex rule and the upcoming compliance dates—large covered farms must comply with post-harvest requirements in January 2023. Most large farms will be able to quickly comply with the new regulation, while small farms will need more education. Wayne stated that the removal of water testing requirements in the proposed rule was a positive for growers and that water testing and knowing how to mitigate possibly contaminated water is challenging. Lavern stated that the water risk assessment for pre-harvest water will be the area that needs most education and that growers using surface water will be the highest risk. A new water module will be trained once the rule is finalized and possibilities to educate already trained growers were discussed including a collaboration between DATCP and UW Extension to create a training on water and water risk assessments. Sara added that it is hard for growers to know where to find information on the water rule and changes to the law. As the rule is currently proposed there has not been much information released. Once it is finalized, more information will be released.

Starting in 2023 all initial inspections will be completed as a routine inspection, meaning that they will be more regulatory in nature and any significant violations of the rule will be written on inspections. Many council members stated that it is now the time for this to happen and this may provide more guidance to growers. This will also be more in alignment with third-party and other state agency inspections. Troy stated that some at National Association of State Departments of Agriculture (NASDA) think this change will be most unfair to small farms that are most in need of education because their initial inspections are happening later. Wayne added that education has been happening for 7 years and new farms will not know the difference between the educational initial inspections and regulatory initial inspections. Dan stated that small growers may be hindered by this change, and asked how they will be educated. Krystal responded that Safe Wisconsin Produce (SWP) is a small team of five, so educating all growers is a challenge, but the SWP website, newsletter to growers, and on-site visits are used to reach growers. When reaching out to specific communities SWP has tried to identify a leader in that community that can help ease entry into that community.

A member (Dan Cornelius) of the council left the meeting, so a quorum was not present going forward.

### **Staffing Update**

Eleazar Wawa joined the team a few months ago as a Sustainability Specialist with a focus on looking at how this program will function in the future. Mike Mosher accepted a position outside of SWP, so the outreach position is currently open and posted for applicants. The new position is posted with an increased field component as compared to the previous position. Joe Meyer started as the Division Administrator for the Division of Food and Recreation Business a few months ago.

### **Inspection Program**

Amanda updated the council on the FDA guidance that SWP uses to prioritize which farms to inspect—initial inspections, farm size, and commodities. For the current reporting period, 46 of the 56 required inspections have been completed—including 42 initial, three routine, and one for-cause inspection. The most common issues found on farms were record keeping, cleaning and sanitizing (incorrect concentration or not done), and working training. Ginseng farms were inspected for the first time this season. Krystal explained that ginseng applied for the rarely consumed raw classification under the Produce Safety Rule (PSR), but the FDA stated earlier this year that ginseng farms must be inspected. The FDA onion assignment was also completed this season, with no salmonella found. There has not been any indication that this assignment will be required again next year. Next year initial inspections will continue for ginseng and newly found farms, but routine inspections will become more common. Kristin shared that the National Pesticide Information Center is a good resource to use for sanitizer information.

SWP had a for-cause inspection, an accelerated re-inspection, and a complaint response this season. When issues are found on farm, it is complex for the program to respond appropriately because of funding and authority. During an outbreak the Department of Health Services collects the data, points to the source, and then DATCP utilizes that information to connect with the program that has authority for that food product. For the shell pea outbreak, DATCP inspected quickly. Under current funding, only Krystal had authority to respond at the state level to the shell pea outbreak because her position is partially state funded. A joint inspection with the FDA gave minimal findings during the inspection and product samplings were collected with mixed results. Kristin stated that many farmers think that the outbreak was handled slowly or inappropriately and that regulatory actions weren't severe enough. She asked how information can be given to the public about how the situation was handled without throwing the grower under the bus. The best way is through a public records request. There will be published pieces about the pea outbreak presented nationally by Jim Beix as well.

Krystal described the scenario for the accelerated re-inspection completed this season. The initial inspection found concerns on the farm, but nothing strong enough to be written as an egregious concern. Program staff went back for an educational follow-up, but the FDA stated that this was the inappropriate response. The FDA then approved an accelerated re-inspection, which was completed. This scenario exemplified how the complex authority for the program caused delays and prevented concerns on farm from being handled quickly and appropriately.

Selling deer apples is a common practice on many orchards, however this season program staff observed deer apples being sold for human consumption. If the grower is advertising appropriately and does not

know this is happening, then the responsibility is on the buyer. However some growers know that these deer apples are being consumed by humans. Damaged apples have an increased risk of containing the mycotoxin patulin, which cannot be killed by thermal processing. If produce is intentionally dropped as part of the harvest process as part of standard industry practice (such as almonds), then that is allowed under the rule. Shaking an apple tree and collecting the dropped apples is not standard practice, and is not allowed.

This season Bridget completed five inspections with an FDA Calibration Officer that encompassed the breadth of farms in the farm inventory. She received feedback about how our inspections are completed and will utilize that to calibrate the other inspectors in the program so SWP inspection practices align with those of other states. Wisconsin was one of the first states to receive calibration under this national calibration program.

### **Farm Inventory**

In the current FDA grant, SWP committed to verifying 20% of the farm inventory each year. There are currently 3900 farms in the farm inventory, however statistics received from the FDA estimate there are about 4600 produce farms in the state. Twenty percent of farms complete the annual voluntary survey, which account for the bulk of the program's verifications. As time goes on, it will be harder to verify farms that are unresponsive and to find new farms. SWP can gain new farms through the Good Agricultural Practices (GAP)/Primus list, On Farm Readiness Reviews (OFRR), and utilizing interagency strategies including a question about produce on dairy licenses and other programs submitting farm data for us. SWP will shift the annual survey to something more like a renewal this year for farms we know grow produce. Krystal asked the group if they think the estimated 4600 produce farms is accurate. Kristin thought it may be helpful to try and look at separate data to see if the 4600 estimate is accurate; conference attendance data, farmers market vendor lists, Farm Service Agency (FSA) data. A majority of council members think that the estimated 4600 produce farms is an accurate estimate. Lavern asked how beneficial the verification visits were. They were very effective and, hopefully, word of mouth will travel among the community and provide more survey responses. Additionally, a few farms have called because their buyers required them to be in contact with SWP. Forced cooperation from buyers will be a driving force going forward.

### **Outreach Updates**

SWP has a goal of connecting with 669 farms annually. This year staff visited more than 300 farms in-person in addition to numerous phone calls and emails. Upcoming conferences and grower trainings will lead to increased outreach. The program is on pace to hit the required number of farms via direct outreach.

## **Member Updates and Issues/Further Discussion**

### **State of the Industry**

Wayne stated the apple industry had a good year and that many growers in his region do not care about the FSMA PSR. Lavern stated that the produce markets were very strong with an increase in new buyers. A new larger buyer asked if the auction house had FSMA traceability in place, and confirmed that their system worked well. He stated that the auction house may add a FSMA requirement for all its growers. Jeff received a grant for tribes to work in conjunction with DATCP, some colleges, and a few other entities to provide a four day grower training in late spring of 2023. Sara echoed that apples had a good

season and that the Wisconsin Apple Growers Association lead will be retiring soon. Kristin stated that the Farmers Market Association could be an avenue for advertising jobs as it contacts all 300+ farmers markets in the state. Jenna stated that the vegetable season was fantastic. No large insect or disease issues this season, timely rain, a late frost, and good prices. Josh stated that potatoes went well. Not the best yields, but still good. Prices are fairly good. The Wisconsin Potato and Vegetable Growers Association conference will have both a GAP class and a water rule class.

### **Education and Outreach and Strategic Planning Joint Subcommittee**

Hsing-Yi, Jeff, and Joanna met and discussed SWP's current education and outreach strategies. Hsing-Yi suggested using a different messaging approach for different audiences. Social media for the program has not yet been utilized but will be done through DATCP's social media. The group also discussed how to reach underserved communities and the different food code being developed by some tribes. They discussed how to best utilize the subcommittee as a tool and voiced a desire to hear more voices at the subcommittee. The committee requested more guidance on what they should be focused.

### **Compliance Subcommittee**

Steve, Sara, Krystal, and Josh met and discussed the agricultural water rule and what happens when there is an issue on farm. The group focused on education being an important foundation of compliance and how SWP could promote education. Ideas included completing an OFRR/inspection within a community or creating an inspection video growers could view to lessen their fear of inspections.

### **Statute and Rules Subcommittee**

Wayne, Krystal, Chris, and Jenna met and discussed the PSR and hazards on farm, which stem from employees, practices, and trainings. They discussed the question, what are people's hesitations with this regulation. The FSMA PSR is a weak law and is not being utilized on farm. People understand the purpose and the why behind the law, but are being served by other services that set a higher standard for food safety, such as GAP

### **Future of SWP**

Krystal asked the group to think about 'Why do you need SWP?' Josh stated the biggest value of the program has been responding to issues on farm and educating growers. No matter what FDA has stated about the objectives of this program, it is the stepping stone into food safety for many farms. The infrequent inspections, only every 3-5 years, will prevent it from being a standard accepted by buyers. Troy asked who the target of education should be. Many agreed that growers who are new or exempt from the rule are the education target. Jenna added that Organic Valley has been very heavily educating their growers for 7 years and some growers still do not understand. Growers need to be educated over and over again as it takes a long time to learn. Organic Valley is a farmer owned cooperative so they have more resources and act as a hub for their growers to provide information. There was some pushback from their growers, until it started being required by markets.

Jenna asked if DATCP can educate or if it is industry's responsibility to comply with the rule and educate. Troy responded that FDA expects industry to educate and maintain their knowledge. Kristin said that because the rule is still changing, that expectation is unfair. Lavern said that he was uncertain if SWP was necessary. FSMA is law but is fairly weak, while third party audits are voluntary but more stringent. For new or smaller growers, third-party audits are more challenging. Wayne stated that education is important but that he doesn't think that a state statute is necessary. The biggest issue with

the program is the lack of yearly inspections. Krystal asked that if DATCP can do annual inspections, would Wisconsin buyers accept that. There was consensus that would not work because it's not a national standard.

Sara urged a focus on non-GAP certified growers and growers working with priority commodities for education. Group OFRR/inspections helped her gain knowledge of the PSR and provide a great method for educating. Sara asked how SWP could get funding for education if FDA removes that objective from the grant. Troy responded that if that happens, the only way this group could continue education would be through funding through the state. In order to receive that funding, legislation would need to be submitted and lobbied for. Other benefits of passed legislation include greater authority in responding to produce outbreaks and authority to respond to chemical adulteration from pesticide drift (the PSR only covers microbiological hazards).

### **Future of Subcommittees**

A few members have voiced that the subcommittees should be changed or their goals re-evaluated. Krystal stated that at the next meeting SWP will give a layout of the programs short- and long-term goals to help in this effort. Josh asked if joint subcommittee meetings could be utilized in the future. Joanna responded that the subcommittees, including joint-subcommittees, are not well attended, so fewer subcommittees may be beneficial. Many ideas were suggested including getting rid of the Strategic Planning Subcommittee, abolishing all subcommittees, and having breakouts for subcommittees during the quarterly meeting. Krystal recommended that the council forgo this quarter's subcommittee meetings and discuss at next quarters meeting—this was tabled due to a lack of quorum. Sara added that the point of being a member of the council is to be a sounding board, so even if the subcommittees are dissolved she recommended DATCP and other growers reach out to council members to voice their ideas.

In-person meetings were suggested during the off-season, with virtual meetings during the summer and fall. In-person meetings have led to increased conversation and are useful.

### **Summary of Action Items, Person/s Responsible**

SWP will create a plan showing short-term and long-term goals for the program to be reported at the next meeting.

Council members will ponder 'Why do you need DATCP for produce safety?' for the next meeting.

### **Adjourn**

The meeting ended at 2:19pm.