



# Implementation of the FDA Produce Safety Rule: Wisconsin Update

Information current as of November 11, 2016

## What is the Produce Safety Rule (PSR)? What does it involve?

- It is the US Food and Drug Administration's (FDA) final rule formally entitled "Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption".
- Produce covered includes fruits, vegetables, nuts, and mushrooms typically consumed raw.
- Activities that we associate with a produce grower or packer are likely to be subject to the Produce Safety Rule, while activities associated with a processing facility are generally under another FDA rule.
- It includes requirements for training, agricultural water and its testing, use of manures as fertilizer, preventing crop contamination by domesticated and wild animals; and construction, maintenance, and cleaning of equipment, tools, and buildings.
- It promotes understanding of microbiological hazards, and the planning and implementation of control steps.

## When will compliance be required? When will the first inspections happen?

- The first compliance date is January 26, 2018 for the larger farms fully covered by the rule.
- Covered farms that are smaller and aren't eligible for a qualified exemption must comply one or two years later.
- The first inspections probably will not happen until later in 2018.

## Who will enforce the rule?

- Most of the work of enforcing the Produce Safety Rule in Wisconsin will be done by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).
- Before we do our first inspection, DATCP has to develop a produce safety regulatory system.
- DATCP expects to do their first inspections in the 2018 growing season and be fully enforcing the rule in the 2020 growing season.

## How will growers and packers know what to expect during an inspection?

- Many growers and packers will have to put a greater emphasis on documentation (written planning and recordkeeping) than they have before.
- DATCP will be working with grower groups, UW-Extension, and other entities to provide education, outreach and technical assistance starting in 2017.
- "On-Farm Advisory Reviews" will be held at cooperating farms for interested growers and packers. DATCP personnel will evaluate the farm operations as if they were doing an inspection, providing explanations of what they are looking at, and why. Any deficiencies noted will be explained, but no regulatory action will be taken.

## What should growers and packers do to get ready? Three helpful steps.

- 1) Determine if you will be subject to the rule. The FDA has published a flow chart to help:  
<http://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472499.pdf>
- 2) If you are likely to be subject to the Produce Safety Rule, or are eligible for the qualified exemption from the rule, please contact DATCP to be put on the “farm inventory”. This inventory will be used in planning education, outreach, and technical assistance activities like the On-Farm Advisory Reviews.
  - a. Please tell us your name, location, business name, mailing address, phone and e-mail
  - b. Indicate crops and whether you will be fully covered or under the qualified exemption (if known)
  - c. Mail to: WDATCP-DFRS, Attention: Produce Safety Regulatory Program, P.O. Box 8911, Madison, WI 53708-8911, or
  - d. E-mail to: [datcpproducesafety@wisconsin.gov](mailto:datcpproducesafety@wisconsin.gov).
- 3) Obtain training for key personnel. Grower training information can be found at the Produce Safety Alliance website: <http://producesafetyalliance.cornell.edu/training/grower-training-courses>