

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

MINUTES

Date: February 16, 2021

Time: 10:00 AM – 12:15 PM

Location: Microsoft Teams

DATCP Division: Food and Recreational Safety

Welcome and Introductions

Call to order: At 10:03, Wayne Geist called the meeting to order.

Open meeting notice:

This meeting is a public meeting subject to public records requests, that 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:

Sara Ecker, Ecker's Apples; Christopher Fasching, Wescot Agri Products, Inc.; Wayne Geist, Wisconsin Apple Growers Association and Bushel and a Peck Market; Hsing-Yi Hsieh, Festival Foods; Julie Keown-Bomar, Wisconsin Farmers Union; Steve Louis, Oakwood Fruit Farm; Jeffrey Mears, Wisconsin Tribal Conservation Advisory Council; Josh Rimmert, Alsum Produce; Lavern Zeiset, Zeiset Farm, Communities and Cultures Coordinator.

Non-voting members present include:

Joanna Kahvedjian, DATCP (*ex officio*); Kristin Krokowski, UW Extension (*ex officio*); Kevin Leroy, DATCP-USDA (*ex-officio*); Krystal Martin (*ex officio*); Amy Millard, DATCP (*ex officio*); Amanda Miller, DATCP (*ex officio*); Bridget Peck, DATCP (*ex-officio*); Troy Sprecker, DATCP (*ex officio*).

Voting members not present include:

Daniel Cornelius, Intertribal Agricultural Council; Jay Ellingson, Kwik Trip; Susan Quam, Wisconsin Restaurant Association.

Introduction of Guests: Shawn Bartholomew of Chippewa Valley Fresh.

Approval of Agenda: Steve Louis moved to approve the agenda. Jeffrey Mears seconded the motion. With no objections, the agenda was unanimously approved.

Consideration of minutes: Wayne called for a motion to approve the minutes of November 17, 2021. Hsing-Yi motioned to approve, and Lavern seconded it. Hearing no objections, the minutes were approved.

Membership Management

Call for Vice Chair Nominations

The council will elect a new vice chair at the next meeting on May 18, 2022 and that person will eventually take over as chair of the council.

New Member Recruitment Plans/Underserved Community

Krystal explained that the council currently has two openings and stated an intent to recruit new members from underserved communities as this aligns with the DATCP/Safe Wisconsin Produce (SWP) missions and was suggested by a subcommittee. A December 2021 Wisconsin State Journal article stated that some in the Hmong farming community feel that their community is disconnected from resources. Since the publishing of this article SWP has been working to connect with the Hmong community and has gained contacts from the Department of Agricultural Development (DAD). These two open seats provide an opportunity to connect with, and gain insight from, the Hmong community. Two possible candidates include Mai Zong Vue who is the board president of The Hmong Institute and Phil Yang, who is a grower and member of the Dane County Farmers' Market board. Wayne reminded that, per the by-laws, PSAC has 12 members and the current openings are for the Consumer Advocate and At-Large seats.

Shawn Bartholomew stated his desire to join PSAC as a representative of Chippewa Valley Fresh. He works with new and underserved growers, especially in the Hmong community in western Wisconsin, to educate them on the basics of food safety and how to build capacity and gain market access. He currently manages three acres of produce, high tunnels, and an indoor hydroponic and mushroom operation. Shawn formerly managed SWP and has been farming for 16 years.

Lavern stated his approval for nominating at least one candidate from the Hmong community and asked about the locations of each candidate. He stated that it would be nice to gain a member from the Hmong community in Wausau for more balanced representation. Wayne recommended we get more information and compile the candidates' information to disperse to all the members. Krystal clarified that we have not made a connection with these individuals yet and do not know if they are interested. If PSAC agrees with these recommendations, an invite to the next meeting will be arranged through DATCP staff.

Hsing-Yi suggested nominating someone who works at a food bank as they would be an important representative who serves underserved populations, especially from a consumer prospective. Wayne agreed and asked for members to bring forward any additional nominations. Wayne stated that the council will not be ready to vote on new members by next meeting. Before the next meeting DATCP/PSAC will need to reach out, make introductions, and have all candidates be a guest at the next meeting. Lavern stated that the council's purpose is to provide advice on produce safety and that purpose needs to be kept in mind throughout the nomination and election process. Wayne and Krystal agreed.

Agency Reports (DATCP)

Variations and Exemptions

In response to a subcommittee request, Troy spoke on the topic of variances, specifically in regards to whether or not the ginseng proposal was made through that option or another. Variances are very specific, in regard to the produce and process, and are submitted by state regulatory agencies to the FDA. The Ginseng Board of Wisconsin submitted a request for ginseng to be added to the Rarely Consumed Raw (RCR) list during a public commenting period. Comments closed one year ago, but no response is yet available from FDA.

Produce Safety Registry and Audit Program

Krystal reported that there has been a funding change since the last PSAC meeting, but that the registry and audit program will still happen in 2022. The priorities set forth by the Specialty Crop Block Grant (SCBG) shifted too far from the priorities of SWP, so the SCBG funding was turned down. However, there has been a shift in assignment focus with the new 5 year Cooperative Agreement Program (CAP) grant. It calls for education and outreach to ‘exempt farms’, so SWP will be able to visit and provide outreach to non-covered farms under the CAP grant. Recent surveys sent out to growers, listed the registry and audit as services growers can voluntarily sign up for. Growers have already expressed interest in both. Partner agencies have also expressed interest in these services for their growers as well—farm-to-school, REAP.

The registry will be available on the SWP website, and Krystal walked through what information will be on the registry—including farm name, contact person, address, city, county, PSR status, visit type (audit, inspection), date, and result (no observations, observations/no follow-up, observations/follow-up, egregious). Even without an audit or inspection, farms can be added to the registry.

Kristin asked how the program has the authority to provide follow-up to voluntary audits. Krystal explained that the audit form references the Produce Safety Rule (PSR) and a follow-up would be educational. All audits are voluntary and SWP staff would work with growers on what follow-ups look like. However, if egregious conditions are found during an audit, enforcement action must be taken.

Hsing-Yi questioned if posting voluntary audit results will be helpful. Posting the results could be a detriment to people volunteering to receive an audit, and would actually turn people away. Julie agreed and said that we have talked about the registry for a long time, but have never talked about reporting the results. Posting this level of results, would be a disincentive and prevent people from volunteering for audits. Julie reiterated that this has never been discussed and expressed concerns that even a small violation would be marked as an ‘observation’. Lavern agreed that the results should not be made public and suggested we change the reported results to a simple yes or no. Buyers could then reach out to the program or the grower for specific results. Julie stated that she could not support this registry with how the results are currently listed.

Krystal asked if any DATCP members had any input regarding why the specific fields were chosen for the registry. Joanna explained that in our grant application we stated that the registry would allow access to the inspection paperwork. The initial plan was to make documents available to the public via the registry.

Kevin explained that other auditing programs have registries that only show farms that have passed an audit. Maybe SWP should follow that example and only show farms that have passed.

Julie stated that originally the council had discussed having a registry that showed growers PSR status, if they’ve passed an audit, and the steps that they’ve been taking towards produce safety—education, audit, inspection. This would provide a market benefit. The council was told that that was not allowed. The

focus needs to be on education and if results are posted people will be less excited about this. Having the registry list growers who volunteered for an audit would be good, but listing any compliance action/result reported would be a big mistake.

Lavern stated that we need to educate first before we go too far with this registry. Krystal replied that this is always our goal. Joanna added that we are allowing people to participate even if exempt—even just being on the registry shows that they are interested in food safety.

Julie continued to express concerns and stated she is thinking from the grower's point-of-view. Troy reminded that this project has evolved over time and that it must be accomplished under general outreach. He asked the group, if the result column was not there would the registry be acceptable? Hsing-Yi replied that removing result column would be a good start and then asked, what happens if a newspaper comes and asks for audit paperwork? Troy answered that the audit is an open record, so if there is a public records request we would have to provide that information. The paperwork is a benefit to the grower because it provides market access, but it is also an open record.

Kristin asked how GAP and organic certified audit results are conveyed. Bridget stated they are reported in different compliance levels on the GAP website. Lavern said that growers advertise their own GAP and organic certified results. If a buyer asks for results, growers present it. Lavern recommended that the results be kept private. Julie agreed with Lavern and stated that growers should have control and respond to the buyers how they choose. Julie expressed concern that the advisory council was not being listened to and recommended we go back and look at original comments on this topic from multiple years ago.

Krystal said that she was not present at original conversations, but had been using the grant application as guidance for how to form the registry. It was her understanding that the group had agreed with what was outlined in the application. She expressed surprise at the responses to the registry and reiterated that the council's advice is often referenced. There seems to have been a major disconnect.

Hsing-Yi stated that the grant application was based on creating a sticker or something that growers wanted to share. Since that is not an option, and there is now no grant, maybe this needs to be rethought. Troy stated that as projects progress, details are learned, and then compromises are made. That has happened here, so SWP and the council have to decide if the scope of this project still fits within the SWP goals. Troy continued that the current project status should be evaluated without disregarding all that has been learned up to this point. He added that, technically, no funding has been given for this. Troy reiterated that SWP is not disregarding the advice of the council.

Steve Louis said that he does a GAP audit and that the level of information reported depends on what buyers are requesting. To get listed on the website you have to pass the audit. If you do not pass the audit, then you do not get on the USDA website. Steve said that the group has been talking about a couple different things—a voluntary program and certifications. Should they be listed on separate pages because these are different? To have these two separate groups listed together on the registry could be misleading.

Krystal stated that the registry will be re-evaluated, but that this project cannot be punted down the road too far. The council's input is valued and has been used as a guide throughout this process. Growers are already interested in the audits and the registry and they cannot be ignored either. SWP will regroup and try to get a draft together quickly, taking all of these comments into account.

Wayne suggested we call a special meeting before the next scheduled PSAC meeting. This would give SWP time to reorganize and propose something new. Julie and Lavern agreed to this idea. Wayne will

create an email chain for everyone to express their thoughts in writing before the meeting. Kristin ended this topic by stating that growers need to know that their audit records are open to public records requests.

Staffing Updates

Amanda Miller joined the team in November as the southern inspector. Amanda has spent many years working in the agricultural sector in agronomy, seed corn research, and most recently working for the DATCP Hemp Program. She will have all necessary training complete by April and will be able to complete joint and then independent inspections by the early part of field season. All staff have been cross-training and will be qualified to complete OFRRs.

Inspection Plan

Bridget and Amanda have already been creating an inspection plan for the upcoming field season. Ginseng was discussed, as it is still a covered commodity, but DATCP has de-prioritized inspecting ginseng farms because ginseng is not a priority commodity and is lower risk. The Ginseng Growers Association has asked us to do a presentation for them this spring about SWP resources and outreach. Leafy greens are a priority commodity for inspection and in this year's assignment the Food and Drug Administration (FDA) added cabbage to its definition of leafy greens. Inspectors will be taking this into account as they plan inspections.

Farm Inventory and Outreach Update

Mike has been busy with trainings and conferences. Recent conferences include the Fresh Fruits and Vegetables Conference, Wisconsin Potato and Vegetable Growers Association (WPVGA) Conference, and MOSES is coming up next week. Current trainings include a Thursday evening series and an opportunity for the WPVGA on March 2. We are also working with DAD and Wisconsin Farmers Union on Hmong community outreach opportunities.

Joanna gave an update on the farm inventory stating that verification efforts have been redoubled. The annual survey was sent a few weeks ago, earlier than in years past. There has been a particular focus on reaching farms that we have not heard from or farms that we do not have enough information to verify their status. Overall about 600 responses have been received so far, with a 25% click rate for the online survey notification.

Website Updates and Proposed Agricultural Water Rule

The resources contained within the reading list given to all new members can be found on the website. Also on the main page there is a section that lists all new announcements. It currently shows an announcement for the FDA Proposed Water Rule meeting for the February, 25, 2022 at 7:45a-3:45p. The North Central Regional Webinar about the proposed water rule on Wednesday, March 2 at 12-1p. All comments on the proposed water rule are due by April 5—this can be done online or by written submission.

Lavern asked if DATCP submitted any comments or questions on the FDA meeting on February 14th. Krystal responded that questions were not submitted specifically for the 14th, but that DATCP submitted 23 questions to an earlier FDA internal meeting. Those questions, along with additional comments, were then submitted to the docket. DATCP has also put out a formal action item request to the National Association of State Departments of Agriculture (NASDA) asking for a physical water assessment tool to be published at the same time the digital tool is released.

Lavern expressed concern about educating growers on the risk assessment, specifically about adjacent land use and water sources. A majority of small growers use drip irrigation which reduces risk immediately but not completely. Bridget agreed that there is very little overhead irrigation on covered commodities and verified that the call in number for the next FDA meeting is the same as for the previous meeting.

Member Updates and Issues/Further Discussion

Education and Outreach Subcommittee

Hsing-Yi stated that at their meeting Mike updated the group on the recent changes in grant funding and what DATCP has been doing. The subcommittee advocated for everyone to reach out to new groups. They continue to support the registry, if changes are made, and would like more outreach that is produce safety oriented and less rule oriented. The current one page draft they reviewed was too regulatory oriented. Hsing-Yi advised that documents need to be understandable, and the reading-level taken into account. SWP needs to talk in general about why produce safety is important. Jeffrey provided a great seatbelt analogy to illustrate a step-by-step model—education brings a portion of people on board, then passing a law brings more, and finally enforcement of the law brings almost all people on board. Lavern added that this is a good analogy to remember, and that 100% acceptance is not possible.

Strategic Planning Subcommittee

Julie provided an overview of the committee's meeting on February 4th. The group discussed major updates on registry, strategic objectives, and the withdrawal of the SCBG. Exempt-growers must be reached and the group asked about possibly doing a press-release or creating a flyer to reach exempt-growers. The group also advocated obtaining on-farm outreach materials from other programs, like checklists, and maintaining cultural awareness and competence in trainings and outreach.

Compliance Subcommittee

Josh reported that at their meeting the group discussed the importance of making sure all growers are getting a start on food safety, even if it's a small step. Most buyers will not accept the audits as proof of compliance because they want to see annual audits and audit scores. Current program funding only allows 52 inspections per year, so this is restrictive. Large buyers are difficult to influence. An on-farm audit is a good stepping stone for growers, even if they eventually move on to GAP.

Statute and Rules Subcommittee

Wayne and Troy attended. Troy provided a quick update on the subcommittee for rules and statutes meeting last week—as there were one two in attendance, there was no quorum. There are currently some misunderstandings about ginseng and the proposed agricultural water rule. The SWP website was cited as a good source of information. Wayne stated that some growers do not understand the difference between produce sales and food sales, which may be leading to inaccurate survey results. There was also discussion on obtaining grant funding to help with agricultural water testing for growers, but Troy does not think the Specialty Crop Block Grant (SCBG) could be that source.

Further Discussion

Prompted by a question from Lavern, Josh said that large buyers want to see annual inspections and the entire audit report—providing pass/fail results will not be enough. Hsing-Yi asked about resource restrictions—are we creating too much demand for what DATCP has the capacity to do?

Wayne summarized the previously mentioned concerns about the registry and added that buyers want to see results and it's ultimately the buyer that is responsible for food safety, which is why this information is being requested by the buyer through the grower.

Julie stated that there are hundreds of farms that are exempt and many of them have great produce safety practices and want to go through an audit. The audits and registry need to be inclusive and provide an opportunity for all growers, big and small.

Both Hsing-Yi and Lavern both brought up concerns that there needs to be a sequential rollout of the registry/audit and more education. Wayne replied that education is a must, but that is what SWP has been doing for several years.

After continued discussion about next steps, Wayne summarized that if the visit type column is amended and results column is dropped that may be good enough for this season. However next steps need to be figured out and taken quickly. Per Hsing-Yi's suggestion, the grant application and old minutes will be looked at and a new plan formulated. The registry will be prioritized for the upcoming season.

Summary of Action Items, Person/s Responsible

Submit nominations for open council seats to Wayne. Notify SWP of any groups who are seeking a PSA training. Review past communication (minutes and SCBG application) and prepare for special meeting. Wayne will schedule a special meeting to focus on the registry and audits. If there are any further nominations, please reach out to Wayne.

Adjourn

Lavern motioned and Josh seconded the motioned to adjourn. With none opposed, the motion carried and the meeting was adjourned at 12:14.