

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

**MINUTES**

**Date:** August 21, 2024

**Time:** 9:30 AM – 12:00 PM

**Location:** Microsoft Teams

DATCP Division: Food and Recreational Safety

**Welcome and Introductions**

**Call to order:** At 9:34 Steve 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.

**Introduction of voting members**

**Present:** Josh Rimmert, Alsum Produce; Jenna LaChance, Organic Valley; Hsing-Yi Hsieh, Festival Foods; Wayne Geist, Wisconsin Apple Growers Association and Bushel and a Peck Market; Susan Quam, Wisconsin Restaurant Association; Steve Louis, Oakwood Fruit Farm; Jay Ellingson, Kwik Trip; Stephanie Teclaw, RPF.

**Not present:** Venice Williams, Executive Director of Alices Gardens, Fondy Urban Farms and Food Center; Lavern Zeiset, Zeiset Farm, Communities and Cultures Coordinator; Sara Ecker, Ecker's Apples; Felix Giboney for Brandi Grayson, Supporting Healthy Black Agriculture/Urban Triage Inc; Daniel Cornelius, Intertribal Agricultural Council; Jeffrey Mears, Wisconsin Tribal Conservation Advisory Council

**Ex-officio (non-voting) members**

**Present:** Joanna Kahvedjian, DATCP; Troy Sprecker, DATCP; Jill Cholewa, DATCP; Adam Brock, DATCP; Lisa Wipfli, DATCP; Krystal Martin, DATCP.

**Not present:** Keven Leroy, DATCP

**Introduction of Guests**

Ryan Bennet, DATCP, BFRB, Manufactured Food Section, and council nominee Joe Ferguson, Ferguson's Orchard.

**Quorum:** Joanna verified that a majority of members are present to establish a quorum.

Steve requested that Joe introduce himself as a prospective member of the council. From a Galesville background in hands-on packing, Joe purchased orchards and expanded into six different commercial orchards and four retail stores, raising over 400,000 apples trees. Joe is looking to get more involved as regulations progress to benefit his farm and region. He is president of the Wisconsin Apple Growers Association and interested to learn and be involved.

Approval of the agenda as presented: Steve called for a motion. Josh made a motion, and Jay seconded it. The motion carried.

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Steve called for a motion to approve the minutes of May 15, 2024. Jenna motioned and Josh seconded the motion. With none opposed, the motion carried.

Upon request, Joanna responded that she did not receive anything for public comment.

## **Membership Management**

Steve reported that seven members are ineligible to run again. They will term out at the November meeting and encouraged members to reach out to individuals in their organizations to keep the representation distribution we currently have. Hsing-Yi asked if we want people from the same organization. Krystal noted if we lose from certain sectors, we lose input. With Hsing-Yi in the grocery business, it would be nice to have somebody to replace from the same organization. Hsing-Yi can nominate someone from the Festival food safety team. She can also try to reach out to competitors and partners.

*Status of Acceptance as an Official Council:* Krystal reported that this is where the complication comes in. Some members, those involved in the Retail council, are familiar with this concept. The goal of the restructuring of the council is that they are calibrated in the same way. To do so, they must be signed off by the secretary. There is a little more behind the scenes, but the intent remains the same: to provide input and feedback to DATCP. The Retail Food Safety Advisory Committee has led the charge with this transition. From the administrative side, the committee has been signed off as an official DATCP council and has policies and procedures in place and approved making them the lead council in the division for others to emulate. Because the Produce council is well on its way with Guidelines and Terms and Voting, the hope is that it is next. Ryan is one of the lead people in DATCP DFRS, along with Joanna, to partner with our Retail group. The hope is that acceptance could still be obtained this year. With the acceptance, once approved, the council will start fresh, and terms will reset. Those of you who are going to term out, can consider nominating again in service of your stakeholder groups, officers included. For those who have contributed and are ready to be done. Thank you. To those who would like to continue, there will be opportunity.

Jay shared his perspective as a member of the Retail advisory and Food Safety Advisory council. He thinks participating on the council is great for industry, the council, and people of Wisconsin. Jay believes continuity is valuable to impart knowledge from the past few years' experience during the former division administration for example. Jay has been deeply involved with FDA on Traceability and that is a huge factor and where this program is going from a business standpoint, for both protection of public health and challenges for businesses. Continuity is a challenge. Hsing-Yi shared that it takes some time to establish a council. In FSAC, all members reapplied to be on the council to get that vision moving forward. Regardless of the time it takes to gain acceptance of the council, the term endings are in November, so we need to talk about it. Jenna asked if those who are not terming out will have to reapply. The answer is yes. Steve reiterated that the biggest challenge is with the terms ending where they are. Steve shared that Joanna's position expires in January. That will also change the structures of how in between meetings are run so the members of the council as a group will have to pick up some of the slack on agenda items and providing input to the council. As rules are applied in the industry it will be less education and more industry related advice. That will affect how some of the subcommittees and meetings have been conducted because currently the council is in reactionary mode to how they are getting rolled out but expect to switch to proactive as enforcement becomes standardized.

Joanna shared that the press release was issued to open up recruitment to the council on a rolling basis and will present nominations as they are presented.

*Leadership meetings:* If you see a meeting posted outside of a non-council meeting, everyone is invited to attend but know that you will not be required to attend those meetings. They will be primarily discussion-based. Adam

assured the members that the council is not going away and how much he values the council and is an advocate of the council's work.

## Agency Reports (DATCP)

### Program Administration Update

Krystal reported the program is preparing for imminent changes with staffing resources shifting and council structure reorganizing. Up until last year, the program has been entirely project based, apart from Krystal's position which transitioned two years ago, with project positions entirely funded by FDA. At one point, Safe Wisconsin Produce (SWP) had quite a few inspectors with more PPAs and an Outreach and Education position. DATCP looked to Ohio, which has Produce as part of their Manufactured Foods (MF) program, for direction to move the program to where it is now as part of MF. With the transition, the program lost project staff when there was only a short amount of time left on their contracts. Joanna and Jill are the last two 100% dedicated positions in Produce which expire in January. DATCP had not been set up to meet the requirements of FDA with these modifications and changes considered, and so have begun to use MF staff to meet part of our goals. They are signed off doing independent inspections. We also have one MF Technical Specialist answering the obscure questions to interpret and dig into the preamble and get to the bottom of what we are trying to address. Now with Lisa being a produce inspector who transitioned to MF, she will continue to do produce work, but also be doing warehouses and food processing plants. SWP is looking to get a Limited Term Employee, equating to about six months' worth of effort spread throughout a year. It is a little over 1,000 hours over six months and is getting approval to fill that position to fill Joanna's role in inventory, FDA reporting, Council facilitation, etc. DATCP is working a plan and trying to be as flexible as possible in continuing to work with FDA. SWP completed the report for last year, due September first, showing that the program completed its commitments, including substantial efforts toward inventory. The program is right in line with other states in terms of accomplishing inventory development and has a call in October to go over this status with FDA. SWP did get the award for this coming grant year to move forward to do the work for the next 9-10 months.

### *Agricultural Water Rule*

Hopefully all on the Compliance subcommittee are more familiar, but this portion of the rule is very complicated. DATCP is finding that systems on farms are just as complicated. A couple of things SWP is working on is participating in trainings on water. SWP's Technical Specialist is in North Carolina participating in a National Association of State Departments of Agriculture (NASDA) training. Things inspectors are seeing are single pass batch water and various pieces of equipment. DATCP voiced to FDA that we need a lot more training on preharvest water if we are going to start enforcing the water rule. DATCP began a sampling assignment over three months in fall and three in the spring to collect 120 water samples at the farms the program is inspecting. DATCP is sampling for E. coli, the same as the produce safety rule requires including water off of wash tables, drip line, and other irrigation systems, sources and distribution. Of the samples DATCP collected so far including water from a well, wash table, rainwater holding tank, from end of a drip line and ditch; it is finding both expected and unexpected results. Jenna asked if a water test comes back unsafe, what happens to that farm? DATCP will be in communication with the farm. Samples of this group are not a direct link to contaminated produce. DATCP does have an expectation that the farm will take measures to ensure a safe water source. One sample did come back positive, and when the farm applied the log and interval, the single day was enough for corrective action for that water. However, one of the water samples of a rainwater collection revealed unexpectedly unsafe water quality.

Steve asked if that will be part of continuing inspection. Krystal said anyone inspected from here through year four should expect sampling. Corey asked, with the preharvest rule being finalized, will there be any refresher content courses to farms who have already taken the grower training because, even if it is good for life, as content changes, how do farms stay on top of the changes? PSA is not requiring a supplemental course attached, but for

anyone taking the test from this point forward, the information in Module 5.1 has been adjusted. DATCP would still have to accept the certificate that the farm has. DATCP is continuing to utilize the [safeproduce.wi.gov](http://safeproduce.wi.gov) website, newsletter, and mailbox even after Jill's departure and hopes to use mail to streamline information to the masses. This council is important for that. Corey's group is vastly Amish, and he asked if DATCP has a list of farms who have taken training in the past to send them supplemental information? Produce Safety Alliance or DATCP could share this information. Trade groups could also be ways to share this updated information. Josh agreed that something coming from trade associations goes a long way, recommending sharing with Growing Wisconsin's between 6-800 people attending, and offering training courses and/or sessions in those grower groups. DATCP has experienced the most success connecting with growers at a single event through that event. Ryan Bennet added that one tool we have is Gov Delivery Alerts to push out alerts. Joanna shared that because produce growers can unsubscribe from the alerts, some may not be reached and noted that the MF program may have the ability to require licensed establishments to stay subscribed, which makes alerts a more reliable communication tool.

### **Inspection Update**

DATCP participated in a survey to understand where people are seeing problems, and where are they documented and discussed. SWP is getting in line with current issues and also seeing continued push back that inspections are voluntary with answers to notice of inspection in one case being "No thank you, we do not want to participate in an inspection." DATCP had to write a letter back. People are believing that if they say they are qualified exempt, that gets them out of an inspection. There are written modified requirements farms need to be keeping to be able to utilize that exemption. The program inspected someone that claimed qualified exemption but could not demonstrate they meet the requirements. SWP is going to farms which are trying to avoid the program now that it is nearing the last farms of the initial inspections and expects to complete them all by the end of the fiscal year. Corey asked what DATCP is seeing. Sanitizing equipment is a problem. Inspectors see the same chemical concentration for water treatment and sanitation. Farms are using such a low concentration that they have never sanitized their equipment or are using it so high that it should not contact produce. Inspectors have run into hand washing violations. Corey asked, if your fields were less than a quarter mile away from your farm, you do not need hand washing equipment? Krystal responded: It depends. On one where SWP wrote an observation, the station was a fifteen-minute walk and inspectors watched a child blow their nose and continue packing. Inspectors explained to the child that they need to stop and go to the handwashing station now. The need depends on what activities are taking place. The rule does not have a black and white distance, but stations must be adequate. Inspectors have seen hoses laying on the ground and instructed farms to pick them up to make sure handwashing is effective.

### **Outreach Update**

Jill is working hard on completing On Farm Readiness Reviews (OFRRs) this season considering that the program is discontinuing them as a service after Jill's position expires and the program has a commitment to be able to do any that were already requested. Jill will complete the highest number of OFRRs in a single season under this program. This summer, SWP had representation at Farm Technology Days, Apple Growers Field Day and NRCS Partnership for High Tunnels with Hmong growers who have voiced that they did not feel resources were available to them in an appropriate capacity. The big thing is getting out to farms that request it and making sure DATCP has the resources to do that.

Regarding Traceability: DATCP has established a working group dealing with the subject. Use this platform to talk about traceability.

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

### **State of the Industry**

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Steve reported for apple growers. Crops were good around the state. With a lot more water this year, the quality is good. The crop yield is average to above average, and 10 days to 2 weeks ahead of schedule. Farms are in full swing picking and packing.

Jenna shared that vegetables are in full swing. At Organic Valley, August is when work starts to really ramp up. August to October are key months. Summer crops of yellow straight neck, Brussels and beets are still rolling along. The rain stopped just in time which is a huge piece.

Steph at RPE shared, busy season is starting to ramp up. Harvest started, and RPE has farm audits in fall coming up in Sep-Oct. RPE is working on traceability as a big component right now. Grower partners who may lack technological capabilities need to step up. A customer imposed the requirement for Integrated Pest Management on the sustainability side so RPE is working through that.

Josh shared that Alsum is starting potato harvest. The quality is average, maybe a little below average. Alsum had a lot of sitting water in low lying areas which affects quality. Yields are down over past years, but overall, still well. Harvesting is starting. With 320 acres in pumpkins this year, Alsum has a busy season ahead.

Hsing-Yi is jumping fully into traceability. It is more than technology on the retail side. Festival has a core team formed with department members and will be going through each one of the steps. Suppliers are going to be a huge piece of the work. Festival has put out a suppliers' survey and gradual roll out plan to ensure the changes affect as little of supply as possible. Festival had the pleasure of hosting a group of FDA officials, including the deputy commissioner, to talk about traceability in one of the stores. Hsing-Yi illustrated the volume of work giving the example of bagged salads: Festival needs to keep about 800,000 records just for that segment of the supply and that is just half of one traceability. Hopefully, the industry continues to evolve and share opportunities, wins, barriers etc.

## **Subcommittee Reports**

### *Education, Outreach and Strategic Planning*

Wayne reported that the group discussed similar ideas of what the council talked about today including information sharing and SWP's challenges with the farm Registry and how it will be able to be maintained with the lack of staffing, and how whether it is providing the service it is intended to provide informs revamping or getting rid of it. In talking how the summer field day went, it is very important. People see faces and develop connections with SWP. Jill conducted more On Farm Readiness visits this year than ever. Jill reiterated the group discussion on the topic of the Registry assessment was in follow up from our May meeting to discuss the value and statistics. Krystal reminded the council what the Registry is. It is a forward-facing webpage on our SWP website that stemmed from this council listing farms with audit or inspection type regulatory visits. The Registry was looking for resources that spanned beyond just covered farms. It has been up for a couple of years. I do think this does have value at this time, the direction is that it will be closed out in the future. In reviewing the number of people that have signed up, how many are audited by GAP, or inspected, when we take away those farms, the number of farms that may be getting something from it is minimal in ratio to the inventory size despite the service having been offered for multiple years now. In the next 6 months to a year, expect that it will be retired. Jenna asked if farms get a certificate once they go through an inspection. No, but they get an inspection report or documentation of the inspection. Joanna added that the Registry gives farms acknowledgement of how DATCP evaluated their status based on their survey results.

### *Compliance, Statute and Rules*

Steve continued to share how the group talked about how to reach farms if we have not reached them and what are the best avenues. In talking about concerns with Traceability, some of the concerns were that locations that have third party auditing have already had to deal with traceability, plus additional buyer-driven requirements. The

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confusion the different parts of industries have is going to be a big topic over the next year as those compliance dates are looming (2026). Individual issues and concerns in our industries include the water rule, and lack of Subpart E familiarization and need to demystify this issue. Steve shared that the many viewpoints and perspectives in the industry reiterates the need for membership representation to cover the expanse of the industry as the expectations and connection that buyers will have from growers increases.

### **Further Discussion**

Jill received the question to the SWP inbox; can I use windfall apples for food processing? In the Produce Safety Rule, you can. In Juice HACCP you cannot use dropped apples for food processing.

Troy shared that a potential facilitation piece for the council membership transition coming up could be to hold a special meeting in October where the council could discuss changes to our guidelines. Potential changes could be voted on in November to keep the continuity as Jay mentioned for those interested in staying on. Steve confirmed that everyone agrees around the same time as the subcommittees as a date for this meeting. The council would need a quorum. The officers will consult with DATCP to decide on a date to let everyone know sooner rather than later.

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

Subcommittee meetings October 15<sup>th</sup>.

Krystal encouraged the group to consider an in-person meeting. Josh, Adam, Jenna, Stephanie and Hsing-Yi and Susan agreed. The group discussed possible alternate dates for Jenna and Stephanie, and considering they would be able to still attend, settled upon keeping the original date of November 20<sup>th</sup> with the location to be determined.

Look out for the week after the subcommittee the week of October 21-25<sup>th</sup> week for a special meeting.

### **Adjourn**

At 11:37 Hsing-Yi motioned, Josh seconded the motion, and the meeting was adjourned.