

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

MINUTES

Date: August 18, 2021

Time: 10:00 AM – 12:15 PM

Location: Microsoft Teams

DATCP Division: Food and Recreational Safety

Welcome and Introductions

Call to order: Wayne Geist called the meeting to order at 10:02 am.

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:

Hsing-Yi Hsieh, Festival Foods; Wayne Geist, Wisconsin Apple Growers Association and Bushel and a Peck Market; Josh Rimmert, Alsum Produce (in place of Derrick Smit); Jay Ellingson, Kwik Trip; Christopher Fasching, Wescot Agri Products, Inc.; Lavern Zeiset, Zeiset Farm, Communities and Cultures Coordinator; Susan Quam, Wisconsin Restaurant Association; Jerry Thompson, Wisconsin Tribal Conservation Advisory Council.

Non-voting members present include:

Kristin Krokowski, UW Extension (*ex officio*); Kevin Leroy, DATCP-USDA (*ex-officio*); Krystal Martin, DATCP (*ex-officio*); Michael Mosher, DATCP (*ex-officio*); Joanna Kahvedjian, DATCP (*ex officio*); Bridget Peck, DATCP (*ex-officio*); Caitlin Jeidy, DATCP (*ex officio*); Steve Ingham, DATCP (*ex officio*); Amy Millard, DATCP (*ex officio*). Troy Sprecker, DATCP (*ex officio*).

Voting members not present include:

Julie Keown-Bomar, Wisconsin Farmers Union; Sara Ecker, Ecker's Apples; Daniel Cornelius, Intertribal Agricultural Council; Steve Louis, Oakwood Fruit Farm.

Introduction of Guests: None.

Approval of Agenda: Jerry moved to approve the agenda. Lavern seconded the motion. With no objections, the motion was unanimously approved.

Consideration of minutes: Wayne called for motion to approve the minutes of May 19, 2021. Lavern motioned to approve, and Jerry seconded it. Hearing no objections, the minutes were approved.

Membership Management

Presentation on Standards and Guidelines of the Council

Joanna Kahvedjian provided an overview of the background, and need for standards to define practical functions and resulting updates to be brought into alignment in the council's Operational Guidelines. Additionally, Joanna stated that the Membership List distributed to the members now contains the upcoming term tracking and election dates. Members requested a copy of the slide deck and markup version of the guidelines be provided to them to review. In closing, Wayne restated that an actual vote on changes would not occur until the next meeting at the earliest and stressed the October 25th deadline for submitting any other changes. Jerry requested clarification about where actual member responsibilities are outlined and if there is a process for filling vacancies, noting the vacancy in the At Large position. Joanna responded that the members' responsibilities are stated in the Operational Guidelines, Welcome and Renewal Letters, specifically, and the guidelines provide that members can submit nominations to the Chair, who, in consultation with the DATCP representative, will present recommendations to PSAC for review and formal approval by vote. The standard procedures handbook is where a more detailed process, including the timeline and administrative roles, is outlined.

Agency Reports (DATCP)

Funding announcements – continued cooperative agreement for funding and federal authority; inspection coverage and additional Specialty Crop Block Grant for voluntary food safety audits approval pending

Krystal Martin introduced the federal notice of award for the FY2022-2026 project period, restating the goal of the new grant to prioritize food safety. The objectives of the award are spelled out in the 2021-2026 FSMA PSR Public Resource provided to members. In them is the new requirement to inspect 20% of covered farms per year, up from 10% in the previous award. Lavern asked how many staff were allocated to the task. The Safe Wisconsin Produce program provides for two inspectors to cover the task.

Krystal also updated that the Specialty Crop Block Grant is in final approval for award to the produce program. The grant would allow the produce program to audit farms not covered under the current award, and in effect, help small and exempt produce farms receive an audit to access a wider market. Assuming final approval is obtained, the grant will take effect in November with the goal of auditing 120 farms for compliance in one year's time. Kristin asked what we are providing to the growers upon completion of the audits. Troy stated that a state form would be developed and utilized to document what was inspected along with our findings. He added that our website would post the status of the audit to the general public that enables consumers and buyers to electronically verify if a farm has completed a voluntary food safety audit through our program. Lavern asked if the audits will still be done under FDA authority. Troy responded that, though the audit program is in alignment with the safety standards of the FSMA PSR, the audit would be separate and not conducted under the CAP grant or under FDA authority. Kristin expressed the fear factor that she will need to address with farmers and stated a need to allay concerns of Qualified Exempt farms that they may be audited and found with egregious conditions. Troy thanked her and committed to help her address that concern and fear.

Staffing plans, including a vacancy, maternity leave and cross-training

Krystal updated the members that one of our inspectors transitioned to the FDA and another one of our inspectors will be on maternity leave starting next month. To stay a few steps ahead and be quick in responding, we are cross training Mike Mosher, as well as acquiring technical training for Krystal. In addition, the recently-vacated position will be posted as a project-paid position for recruitment within the month.

Inspection Plan / Farm Inventory

Concerning our approach, our focus is to be present and be available to producers. Last year for reporting, we needed 15 total inspections and we exceeded our goal. This year, we need to inspect 20% (52) of our inventory. With those we have accomplished already, and Sep, Oct, and next spring to complete the remaining inspections, we are on track. We are also learning as we address complaints and outreach opportunities. We are aiming for an inventory of 260 covered farms for our funding; have plans in place to target verification of organic growers, and conduct on-site visits with folks who may not have been identified yet, to help them do the work of food safety.

Jerry asked how we know how many producers are out there, if we rely on the NASS database or maintain a state database. Krystal responded that although we look at the NASS data, we also have our own that we have collected ourselves and have been able to confirm. We utilize our inventory as our true data because it is what we know as the most accurate picture. Jerry mentioned possible producer funding concerns with maintaining organic status and that USDA may be considering options. Krystal thanked Jerry for the information.

Outreach and Education Update, including trainings planned, ginseng growers and fact sheets developed

Mike shared that the produce program will be hosting a public grower training on October 18th in Kingston, Wisconsin, at the Dalton Auction House. DATCP will cover the cost for the training material, but the certificate cost is \$35 per participant. We will also host a training at the Northeast Wisconsin Technical College in January, at a date to be determined. Currently, both trainings are planned to be in person.

Ginseng is under consideration to be moved to the Rarely Consumed Raw list FDA publishes or could be given enforcement discretion. If you hear rumors of DATCP inspecting ginseng farms, we are not. We have reached out to them because they are considered covered farms, but the likelihood of them becoming inspected is low based on risk prioritization.

Mike presented the new fact sheets that The North East Center to Advance Food Safety (NECAFS) released that provide legal definitions for commonly asked questions within the rule. He plans to share these with growers at outreach events and trainings. Additionally, he highlighted the Food Safety Clearinghouse website that NECAFS manages (foodsafetyclearinghouse.org) as a valuable resource for finding documents produced nationally on FSMA Produce Safety Rule or Preventative Controls - Human Food Rule. Mike will provide the links to this group and Bridget Peck will deliver a print version of the fact sheets to Lavern.

Presentation on the DATCP Rulemaking process

Caitlin Jeidy provided an overview of procedures and timeline from developing a scope statement to promulgation of a rule. This process is lengthy and includes a 30-month maximum between approval of a scope statement and submission of a rule to the Legislature. Lavern asked if all rules go through public comment. Caitlin confirmed they do. Jerry asked if we have to go through this process now that we have this new grant. Steve Ingham answered that the new grant is for the purpose of continuing inspection under federal authority rather than state. We could choose to do inspections under state authority in the future. If so, rulemaking is a necessary sub-step under the process for obtaining state authority, as outlined in the Public Resource provided to members prior to the meeting.

Member Updates/Issues/Further Discussion

Wayne Geist noted that members had not met or conducted any business between meetings. He then transitioned into a break out activity to convene the subcommittees during the meeting and charged the groups to develop priorities in light of the purpose and goals of the new project ahead. The subcommittees divided into their groups and returned to share a brief overview of what they discussed.

Strategic Planning Subcommittee

Wayne stated that though the strategic planning has wrapped up for the initial goal, this group can work on the plan beyond five years. Additionally, this group could be looking at the deliverables of the five-year agreement: are we doing them, have they been met, how can we do them better in the future or present this better in the future not only to the FDA, but possibly on our own. This group would have the nuts and bolts of how we met the objectives.

Compliance subcommittee

Krystal presented that the group expressed a lack of action and motivation for meeting in the past and recognized that focus on voluntary compliance is really important, large-scale across the board. There is a need to highlight the differences between voluntary and required. The committee discussed the particular concerns surrounding audits: voluntary audits will be requested causing fewer hurdles with scheduling; the role and limits of buyers in encouraging it, given liability issues; and considered that the project could cross over into education and outreach.

Kristin added – now that DATCP is doing all of the grower trainings, UW Extension has been putting together a GAPs program training about understanding where safety problems come from and the critical thought process for how to prevent and mitigate them. She has also been working with growers to make sure they have a solid understanding of the science behind the produce safety rule. The training is geared toward helping growers understand produce safety and apply it so that they output a safer product.

Statute and Rules Subcommittee

Wayne presented that the original focus of this subcommittee had been on a rule and statutes. This session focused on getting a broader understanding of all of the governance options available. Chris is on an advisory council in MN and will see what he can learn in comparison with Wisconsin. Additionally, the group identified a need to review, define clearly and message to growers an understanding of exemption status: how it is gotten and lost to be able to address growers' fears of losing it. Finally, this group might reach out to review if variances are an avenue to recommend pursuing with ginseng or other crops.

Education and Outreach Subcommittee

Mike Mosher presented for the group, noting that last year's difficulties were an impediment to success. The group recognized a need for more targeted trainings and more communicators in key communities: over 700 growers have been trained; 200 covered farms require it, but inspectors are finding there are still farms that do not have anyone with AFDO grower training certificates. Some causes of this could be that folks attending trainings do not necessarily need it and others have been avoiding it. Key communicators can help us with outreach and support. Lavern asked how we decided Kingston needs more. Mike stated that he was there in person and spoke with William Beechy who helped locate the senior center there and get the word out. He added, we have wonderful key communicators in the Amish community but we have a need for key communicators in the English grower community.

Jerry noted that producers may be wary to identify themselves to NASS or other entities that will have them on a list.

Wayne asked if there are any further updates. None were presented.

Summary of Action Items, Person/s Responsible

Review of 2021 PSAC meeting dates, tentatively: 11/17/2021, we will have to wait to see if there will be in person meetings.

Jerry asked if there is any need for trainers, Jerry updated that he discussed the resource document with his staff and is considering assisting DATCP by WITCAC having a certified trainer on staff who could coordinate trainings and help find the local producers. Mike will help Jerry identify a Train the Trainer course and suggested that it would be great if there is someone who would like to be the spokes-person. Jerry would like to talk to Kristin more about GAPs and food safety training workshops.

Susan noted that she will not be able to attend any other meetings this year.

Subcommittee priorities have been outlined, Wayne to task groups with specific deliverables.

DATCP will send out a copy of the slides and mark up of Guidelines recommendations for review and additions as well as the links for the NECAFS resource.

The deadline to send the Operational Guidelines updates to Joanna is October 25th, 2021

Adjourn

Lavern motioned to adjourn the meeting and Jerry seconded the motion. The meeting was adjourned at 12:15 pm.