

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

**MINUTES**

**Date:** August 17, 2022

**Time:** 10:00 AM – 12:15 PM

**Location:** Microsoft Teams

DATCP Division: Food and Recreational Safety

**Welcome and Introductions**

**Call to order:** At 10:02AM, 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:**

Jay Ellingson, Kwik Trip; Wayne Geist, Wisconsin Apple Growers Association and Bushel and a Peck Market; Brandi Grayson, Supporting Healthy Black Agriculture/Urban Triage Inc; Hsing-Yi Hsieh, Festival Foods; Julie Keown-Bomar, Wisconsin Farmers Union; Jenna LaChance, Organic Valley; Steve Louis, Oakwood Fruit Farm; Jeffrey Mears, Wisconsin Tribal Conservation Advisory Council; Susan Quam, Wisconsin Restaurant Association; Josh Rimmert, Alsum Produce;

**Voting members not present include:**

Daniel Cornelius, Intertribal Agricultural Council; Christopher Fasching, Wescot Agri Products, Inc.; Lavern Zeiset, Zeiset Farm, Communities and Cultures Coordinator;

**Non-voting members present include:**

Michael Mosher, DATCP (*ex-officio*); Joanna Kahvedjian, DATCP (*ex officio*); Kevin LeRoy, DATCP (*ex officio*); Amy Millard, DATCP (*ex officio*); Troy Sprecker, DATCP (*ex officio*); Amanda Miller, DATCP (*ex officio*); Krystal Martin (*ex officio*); Bridget Peck, DATCP (*ex-officio*); Kristin Krokowski, UW-Madison Extension (*ex officio*)

**Introduction of Guests:** Angie Aimes training as delegate for Kwik Trip; Myana Cystrunk, Executive Assistant for Brandi Grayson

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

**Consideration of minutes:** Jay moved to approve the minutes for the May 18, 2022 meeting. Susan seconded it. With no objections, the minutes were unanimously approved.

## **Council Membership Management**

### **Term Renewals**

Josh reminded council members that renewals are coming up in November with numerous members approaching their final terms. Joanna has sent out an updated council list with terms identified; this was also reviewed during the meeting and it was identified that those approaching their final term include: Wayne, Lavern, Jay, Hsing-Yi, Susan, Josh, Dan and Julie. Members were reminded that terms are two-years in length with three consecutive terms allowed. The default at renewal is for members to transition to a next term if applicable.

### **New Member Welcome and Subcommittee Assignment**

Jenna and Brandi were invited to select a subcommittee to participate in. To assist, the new members wanted to hear the report out from this meeting and were instructed to visit the webpage for additional summaries of each group.

### **Operational Guidelines Review**

Review and updates of the Operational Guidelines is required to be completed by end of September.

## **Agency Reports (DATCP)**

### **Proposed Agricultural Water Rule-Compliance Date Comment Period**

Krystal provided the council with a background of the agricultural water changes in general and then explained the current call to action. Since the initial announcement of potential changes to the agricultural water rule there was a long comment period regarding the content during which DATCP representatives attended meetings, gave feedback and formally submitted to the docket. While nothing has been announced regarding the status of the rule, a secondary comment has opened specifically in regards to the compliance dates for the new rule is accepted. The Produce Safety Rule was initially paired with a set of delayed and staggered compliance dates to allow for adequate training and discussion. The first groups of farms required to be in full compliance were large farms set to be fully enforceable in January 2022. While the delay is now expired for those farms, FDA has issued enforcement discretion. FDA is looking to set new compliance dates for preharvest water as follows:

- 2 years and 9 months after the effective date of a final rule for very small businesses;
- 1 year and 9 months after the effective date of a final rule for small businesses; and
- 9 months after the effective date of a final rule for all other businesses.

With significantly fewer changes to the harvest and post-harvest water, FDA simply plans to continue enforcement discretion with firms as follows:

- January 26, 2025, for very small businesses;
- January 26, 2024, for small businesses; and
- January 26, 2023, for all other businesses.

Emphasis will continue to be educate before and while you regulate. That stated, Krystal encouraged members of the council to provide their own voices and to share this information with their respective stakeholder groups. The open comment period is open through September 19, 2022 and is an opportunity for farms to share if this is too much time, not enough time, not enough information to determine, etc. In the meantime, DATCP will participate in at least two meetings to share the program's thoughts and will continue writing to the docket.

Transitioning into the inspection report-out, Krystal moved to the topic of ginseng inspections which represent another big change to the program. Krystal explained that ginseng is a commodity unique to Wisconsin and as a group leading the charge in the handling of this crop, Safe Wisconsin Produce (SWP) has historically not conducted inspection but instead focused on education due to the low risk nature of this commodity. However, ginseng is still considered a vegetable and does not fall into the Rarely Consumed Raw list as desired by the Wisconsin Ginseng Board. In response to recent communications with FDA, the Safe Wisconsin Produce program must now be inspecting these firms. A meeting was held with DATCP ginseng specialists to inform them of the update. They have appreciated our willingness to work with them so far and are welcoming this transition. They have assisted with sharing this news further with the Board and influential growers.

### **Inspection Program**

Amanda continued the discussion of inspections by introducing herself to the council and reiterating the staffing situation for the program. She then provided quantitative detail regarding the results of last year and the status of this year. In the first year of the current grant, SWP completed 51/52 inspections and is currently at 19/56 inspections for year two. The most common observations this year include record keeping (i.e. having appropriate records, elements of a record and completing the records), harvesting dropped covered produce and the reuse of single-use containers/boxes. She explained that these 19 inspections with their finding nearly wrap up initial inspections, minus only ginseng and a few cooperatives. She highlighted that we continue to search for more covered farms through onsite verifications and although slow, it has proved successful. In addition to routine work, the inspection team also completed a for-cause joint inspection with FDA.

Kristin Krokowski asked if the recent shelled-pea outbreak was connected to the same farm having had issues in the past. Amanda confirmed that it was the same. SWP further explained that we have been informed of at least 15 cases with numerous hospitalization, and have been in communication with the farm to prevent further problems. The farm was first visited with the purpose of putting product on hold; while there were no peas in storage the owners understood that any peas harvested in moving forward could be placed on a holding order and decided to voluntarily disc in their field. After this is when our program went back for the joint investigation. Our concern and reason for the accelerated visit was that there may be a bigger problem that is affecting other products. Our investigation calmed those fears and suggested strongly that it is peas, specially their sanitation practices combined with the equipment they are using to shell the product. Their sanitizer concentration was approximately 10% what it needs to be. The misunderstanding of utilizing the same sanitizer for water treatment and sanitizing food contact surfaces is one we see frequently and is something to continue to watch. While there are a few sanitizers that are believed to be appropriate for both activities at the same concentration, this is not always the case. Kristin was also curious about the process of taking away exemptions. Krystal clarified that this is already a covered farm but also mentioned that historically our program has seen FDA avoiding that

action on all ends. They strongly encourage education and cooperation first and at length. While Kristin believes this may alleviate some fears she agrees that it may not always be best to avoid this action and in some cases it may be warranted.

Amanda concluded the inspection overview with a statement regarding SWP's involvement in the national calibration pilot program, in which Bridget will serve as our state's calibration officer and with then work with Wisconsin staff to ensure consistency and accuracy in the inspectional process.

### **Farm Inventory**

Joanna explained to the council that we have rigorous goals that require various strategies and considerations. She highlighted SWP's use of the Field Maps application with positive feedback provided by Hsing-Yi and Susan and explained that we are in communication with FDA about sales records review. This would be utilized sparingly but in instances where we know for certain that we are being deceived. She also highlighted that the survey season is nearing a close and as a result of it and other verification efforts, the Safe Wisconsin Produce Registry now includes 18 covered operations, 32 sales exempt operations, 42 qualified exempt operations and 12 commodity exempt operations. This aligns with what would be expected and confirms that there is a want for equal resources for exempt farms in the state. Joanna mentioned that through increased buyer education we could see these numbers as well as our covered numbers in general increase over time.

Steve then chimed in asking if the 27% response rate the program has received on surveys is high or low relative to previous years and other programs. Krystal indicated that via communications with the Division's Public Information Officer, we know that this is on the high end. Our newsletters and various other communications have been even more successful, up to a 50% read-rate.

### **Outreach Update**

Mike provided an update of the program's education and outreach efforts, noting that 27 distinct outreach events have occurred since the last meeting, which aligns with the slowest outreach time of year. These events include: Farm Tech Days, a Wisconsin Apple Grower's field day, multiple Hmong workshops and auction house visits. Over 200 farms have been reached through those events, many as onsite farm visits. These commonly result in products being distributed as well as OFRRs and Audits being scheduled. Mike mentioned that additional events are coming up with a final Hmong workshop scheduled in Milwaukee, a presentation at WEHA and sponsoring/exhibiting at various winter conferences. As we continue to push this objective, we are also working to clean up our reports for FDA with more defined outreach "types" and more consistent/singular location tracking [versus a SharePoint/HealthSpace conglomerate needed for year 1].

### **Website Updates**

Joanna shared with the council that SWP is now receiving and reviewing analytics regarding the produce website on a quarterly basis. The data includes information for the primary pages, specifically number of views, number of unique views, time spent on page and bounce rates. The information dates back to 2020; however, we intend to focus on more of the recent data as we have made major changes in the past year and want to know how those changes are engaging the public/growing community. Krystal mentioned that some of the analytics already show positive changes such a large increase in views to the PSAC page; Steve complimented that statement by indicating his own appreciation of the recent updates.

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

### **Education and Outreach Subcommittee**

Hsing Yi provided a report out for the education and outreach subcommittee who has continually asked for more guidance from DATCP. While the group has struggled to create its own path, they have continuously felt a need to amplify education outside of growers (e.g. consumers, buyers, retailers, etc.) and had a very engaging meeting this quarter. The group discussed drive-bys as a technique utilized for those without internet and/or phone access and discussed additional ways to avoid a resource/contact limitations due to that situation. The group proposed having council member [and team member] bios included in the newsletters, along with contact details. The group also discussed the expansion they would like to see through the creation of a brochure or tri-fold specifically for consumers. Jeff and Mike jumped in-to highlight that a desire for more produce-safety regulation/activities will be most effective if consumer driven or bottom-up.

### **Strategic Planning Subcommittee**

Julie Introduced the Strategic Planning meeting topic which was a presentation on outreach to Hmong growers by MN. In the meeting were Alex Cortes of MN Dept of Ag, Annalisa Holtberg with extension and Emily Herbst, Produce Safety Manager. They talked about their approach holistically and that they have the benefit of HAFA and HAF both established groups of Hmong American growers. They did a lot of work and took a lot of time to reach these groups, promote and honor those groups including employing funding efforts and learning to understand the diversity and differences within the communities. They talked about some tools they employed such as videos they created during COVID.

They emphasized experiential learning, and that receiving the English grower training manuals were perceived as reaching equity with the information available to other groups. One key to success was having farmer-led facilitation (i.e. having farmer trainers at each training speaking from their own experience).

Dan added to the conversation by speaking on the local approach within the food system. He noted that major grants are available out there to promote food security and due to their involvement with a food boxes program Hmong and/or native growers need an expansion to produce training.

Kristin, wanted to let the Council know of Extension's efforts with the Hmong communities so that we do not duplicate. Extension has been awarded two grants and has been doing focus groups/interviews/building connections to get to know needs and best practices with Hmong groups. The group is a couple of years into the process and does watch for produce safety inquiries. Julie asked if Extension has the support to do this without grant funding; Kristin replied that they do not but through the funding they have 10-12 individuals involved and also have someone in the group who speaks Hmong. Kristin, noted that he serves as a reality check for their programming and while they have a start, they need to get to the point where they can maximize their potential.

### **Compliance Subcommittee**

Krystal provided a brief summary of the compliance group's discussion, which primarily focused on coverage and what it means for various groups (e.g. ginseng growers, large farms receiving second inspections, etc.). SWP inspectors are showing up for many inspections only to find out that the farm is actually claiming one or more exemptions. Why is this occurring? Is there confusion or avoidance in place? The group agreed that there is probably a little bit of both. The SWP group needs to get to the bottom of what specific areas may be causing confusion and/or competing information. To do so, this subcommittee recommends making this as clear and straightforward as possible. Things need to be simplified. This may include pairing the annual survey with a cover letter listing top 10 mistakes to watch for or highlighting the major changes from past years. For those intentionally avoiding inspections, the program would like to have the ability to check sales records but currently is not authorized to do so. This committee supported the idea that they would like our program to have the right to ask for more details when it is worth it. Further this group spoke to alleviating the fears of those having second inspections through transparency, being open and talking through the "why". The final discussion was cooperative structuring and whether farms involved are covered or exempt. SWP is seeing some groups of growers that have a misunderstanding of what their sales are. They have the understanding that they are direct to consumer. The subcommittee overwhelmingly supported the stance that these are wholesalers and should be regulated as such.

### **Statute and Rules Subcommittee**

Once again the meeting of this group was comprised of only Wayne and Troy who spoke on the Water Rule as well as the LTE for the program and his focus on program sustainability. In addition to providing this brief report-out, Wayne also circled back to the new members and their subcommittee selection by encouraging one, if not both, to join this group. With a quick discussion of skills and viewpoints, it was determined that Jenna would indeed join this group with her wide range of positions, including: buyer, consumer and grower advocate. Myana spoke on behalf of Brandi and suggested that outreach may be best. That stated, Joanna and Krystal encouraged her to also review the Strategic Planning group's efforts before making a final decision.

Josh concluded the subcommittee report out by suggesting joint subcommittee meetings on an annual basis allowing for greater back and forth and quicker results. Joanna has looked into the administrative elements of doing this and will continue to work with Josh to coordinate for January/February.

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

The next meeting is tentatively scheduled for November 16, 2022 and Josh recommends holding this meeting in person at the DATCP office. Wayne, Jenna and Hsing-Yi all agree that an in-person meeting would be very beneficial. Susan and Kristin also supports the idea but would encourage it to be 100% in-person and not a hybrid-style meeting.

At 11:46AM Josh called for a motion to adjourn. Wayne motioned and Jay seconded.