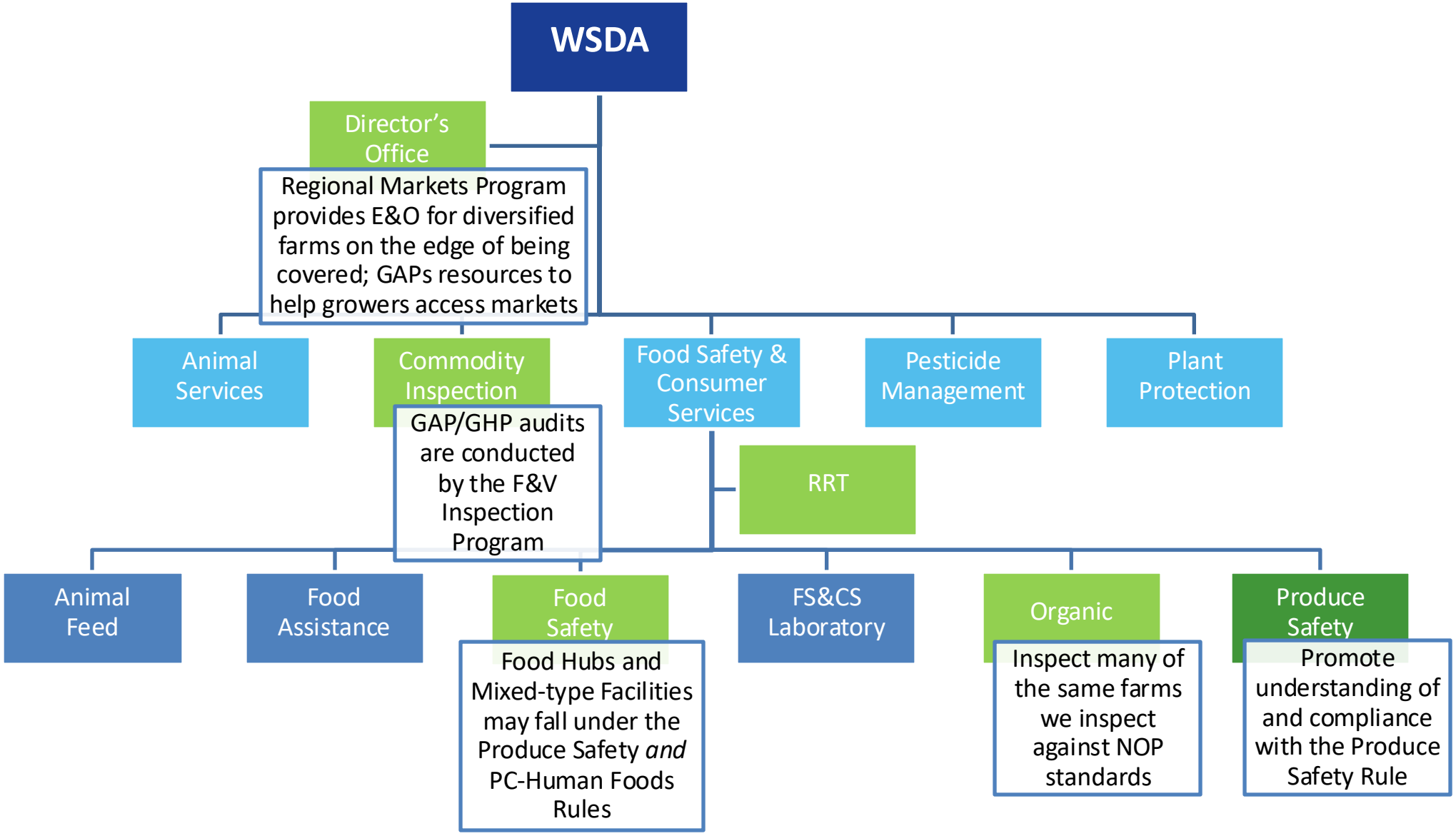
Washington State Department of Agriculture

Produce Safety Update

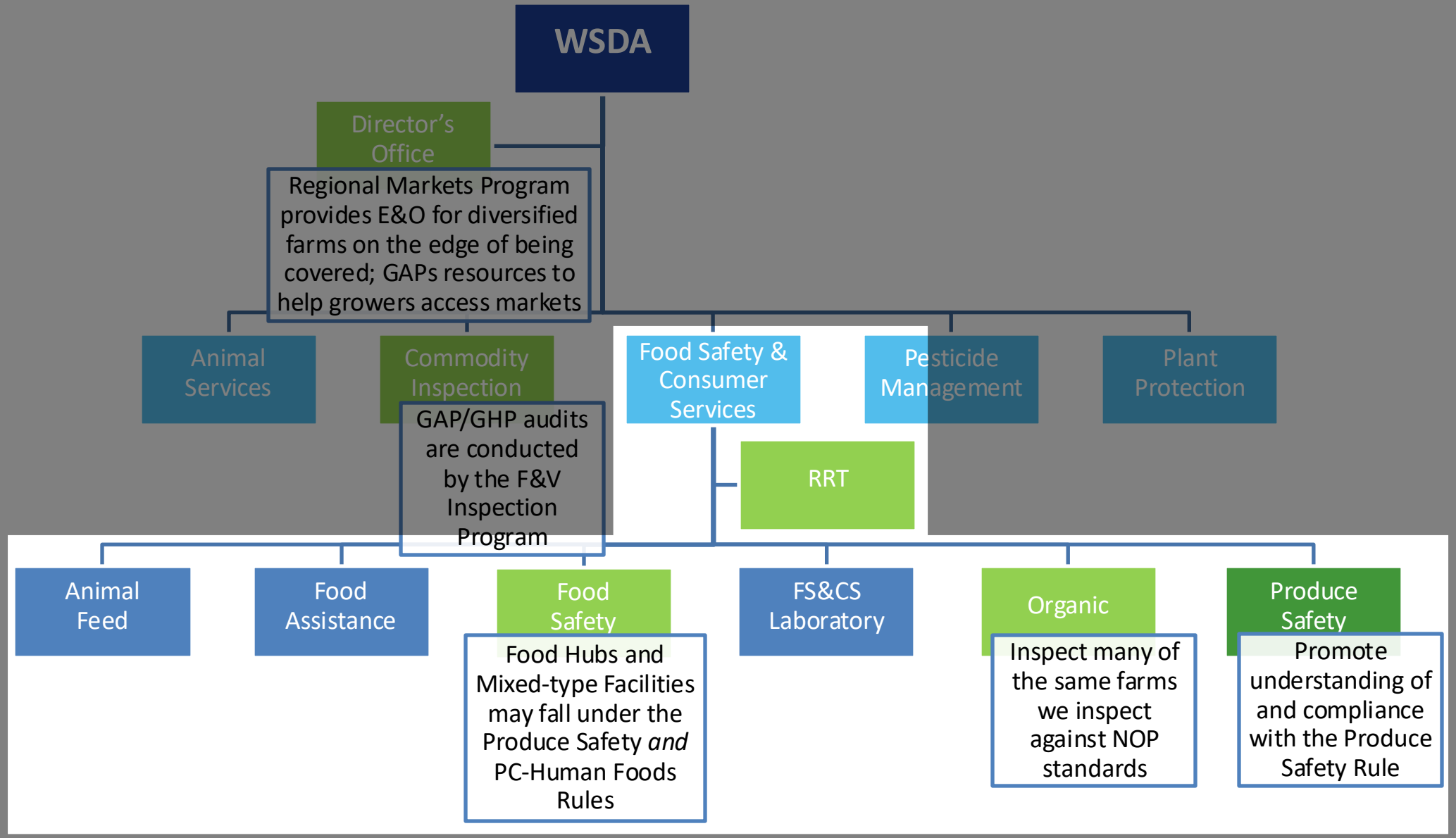
WSWRA Annual Conference
December 2, 2022

Connie Fisk, PhD
WSDA Produce Safety Program Manager

Washington State Department of Agriculture



Washington State Department of Agriculture



Luisa Castro, PhD, Assistant Director for FS&CS

- Moved into the AD role in October 2022
- Most recently served as the division's Policy and Performance Administrator
- 20+ years of project management in higher education and cooperative extension, with water being an integral focus of much of her work
- Assistant Water Quality Coordinator for Region IX (SW US and Pacific Islands), May 2003-June 2013
- Water issues, both quality and quantity, will continue be an important focus in her new role

The WSDA Produce Safety Team

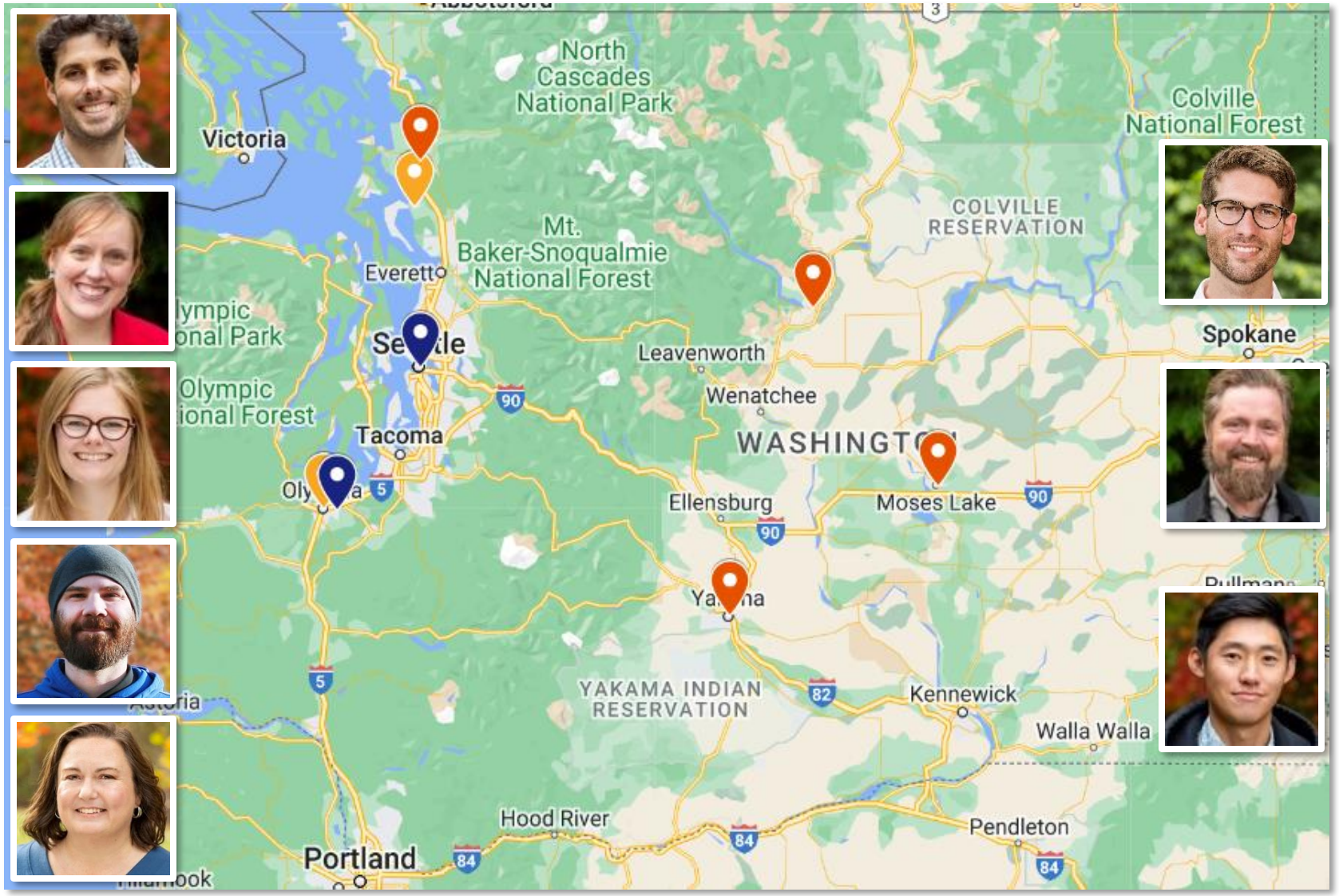
Travis Alexander
Inspector

Leah Grewal
Inspection
Admin Coordinator

Karen Ullman
Assistant Prog Mgr,
Ed & Out Coordinator

Bradley Guise
Administrative
Assistant

Connie Fisk
Program Manager



Jerrid Higgins
Inspection
Supervisor

Thane Tupper
Inspector

Evan Low
Inspector

WSDA Produce Safety Program Goals

Goal 1:	Conduct ongoing program assessments and planning that are essential to sustainable implementation of the PSP.
Goal 2:	Maintain foundational resources necessary to implement a sustainable PSP.
Goal 3:	Routinely provide **education, outreach, and technical assistance** opportunities to the Washington produce industry.
Goal 4:	Conduct ongoing quality control of **farm inventory** in order to maintain a complete and accurate database of Washington produce farms.
Goal 5:	Ensure PSP's **inspection** regulatory program focuses on quality and national consistency.
Goal 6:	Coordinate implementation of a quality **compliance and enforcement** program for the regulated produce industry.
Goal 7:	Strengthen PSP's **event response planning** infrastructure to build upon existing systems for detecting, investigating, mitigating, and analyzing produce-related outbreaks.

Education, Outreach, and Technical Assistance

- PSA Grower Trainings reaching ~2,750 residents
- Presentations to growers and industry groups and at state, regional, and national conferences
- Numerous posters, podcasts, and fact sheets
- On-Farm Readiness Reviews

Register for a 2023 PSA Grower Training

- January 27 – Spokane (English)
- March 14 – Port Hadlock (English)
- March 16 – Mt. Vernon (English)
- March 30 – Wenatchee (Spanish)
- March 31 – Wenatchee (English)
- April 14 – Vancouver (English)

https://agr.wa.gov/producesafety → TRAININGS

- PSA TTT January 31-February 2 – Vancouver, WA

Posters Available for Download and Ordering

Farm Walks Podcast

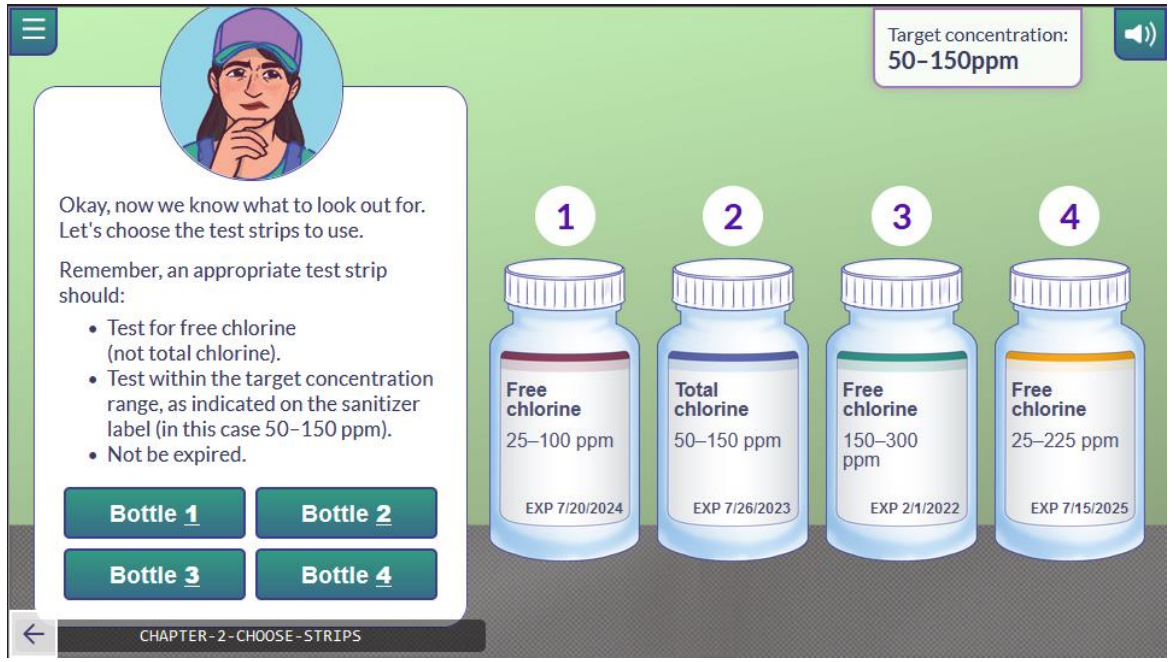
www.farmwalks.org

Val Wall of Whitehorse Meadows Farm

Haley and Zach of Dharma Ridge Farm

Osman Amador of Amador Farms

Interactive Cleaning and Sanitizing Online Learning Modules



farmsanitizing.nmsu.edu

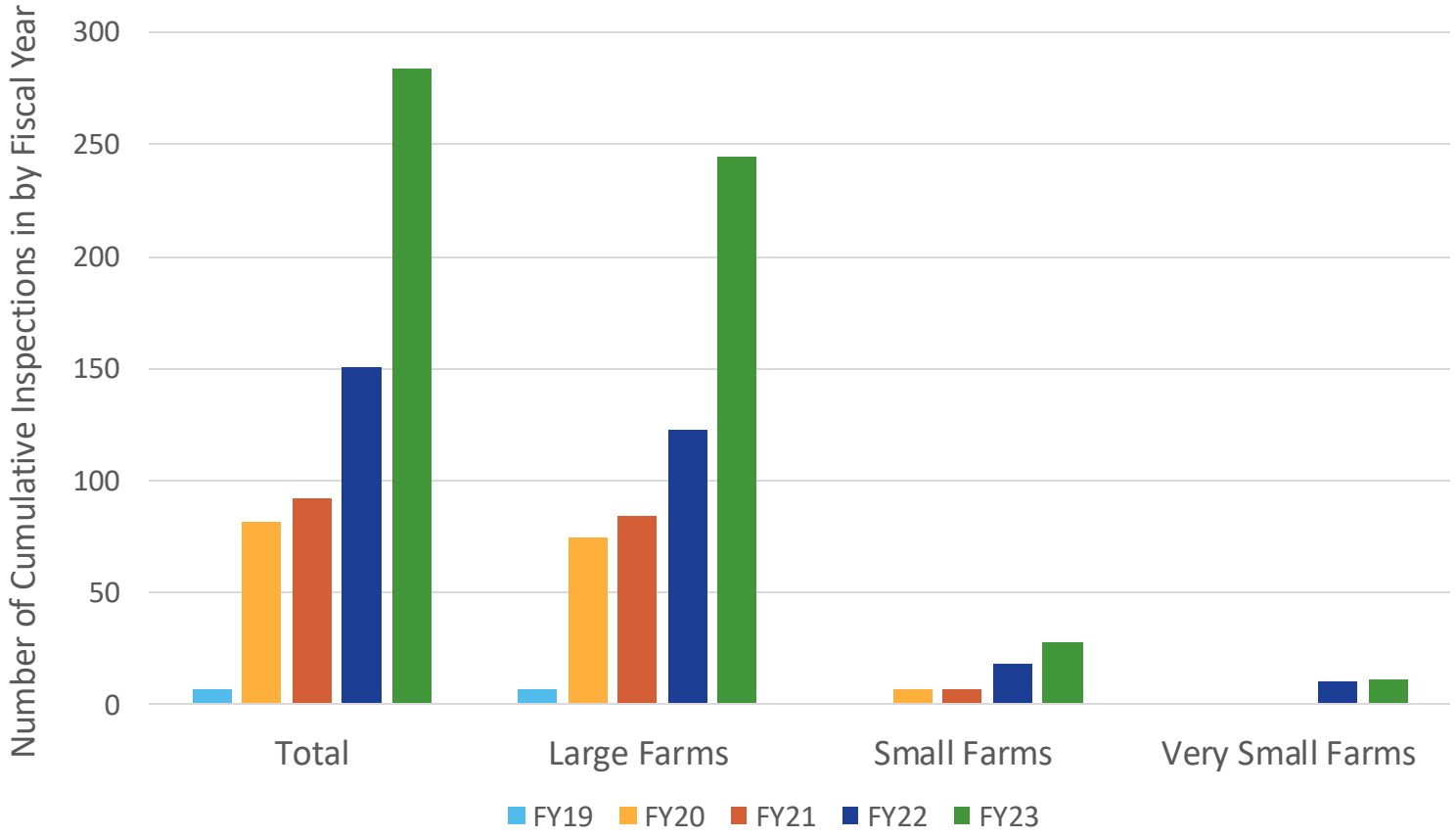
Produce Farm Inventory

Large Covered Farms (>$500K)	436
Small Covered Farms (>$250K-500K)	144
Very Small Covered Farms (>$25K-250K)	252
Current Total Covered Farms	**832**

Farms w/ Produce Sales ≤$25K	224
ONLY Rarely Consumed Raw	53
ONLY Commercial Processing Exempt	101
Qualified Exempt Farms	131

Source of photo: WSDA on flickr, https://www.flickr.com/photos/wsdagov/

Produce Farm Inspections by Year



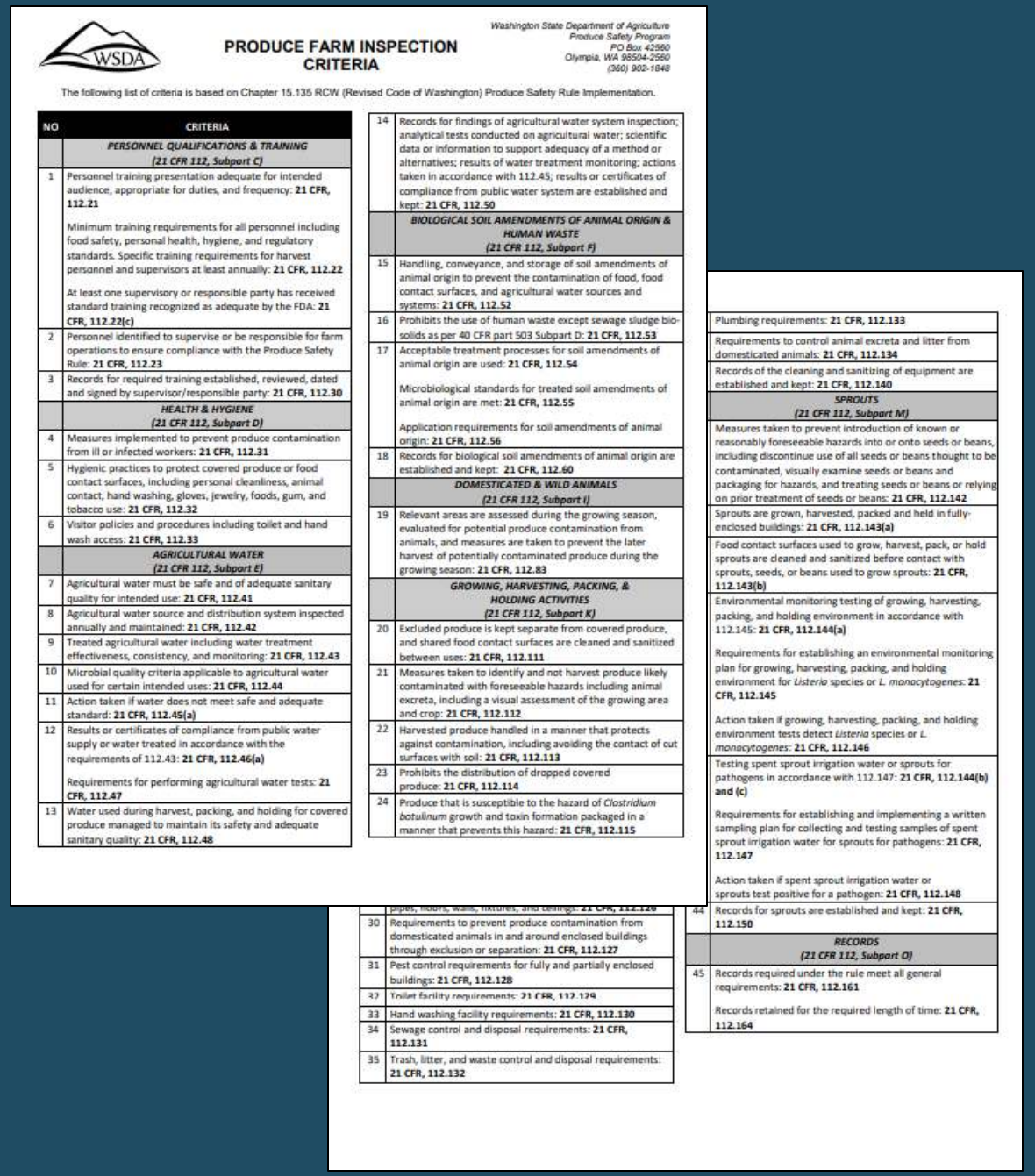
20% of 832 verified farms
= 166 inspections/year

74 in FY20
11 in FY21
58 in FY22
134 in FY23, so far

Source of photo: WSDA on flickr, https://www.flickr.com/photos/wsdagov/

Inspection Process

- Schedule inspection
- Collect basic farm details, answer questions, email resources
- Conduct on-site inspection
  - Observe harvest, packing, holding, and other pertinent facilities
  - Discuss observations and corrections with grower
  - Educate before and while we regulate



WSDA

PRODUCE FARM INSPECTION CRITERIA

Washington State Department of Agriculture
Produce Safety Program
PO Box 42560
Olympia, WA 98504-2560
(360) 902-1848

The following list of criteria is based on Chapter 15.135 RCW (Revised Code of Washington) Produce Safety Rule Implementation.

NO	CRITERIA
	PERSONNEL QUALIFICATIONS & TRAINING (21 CFR 112, Subpart C)
1	Personnel training presentation adequate for intended audience, appropriate for duties, and frequency: **21 CFR, 112.21** Minimum training requirements for all personnel including food safety, personal health, hygiene, and regulatory standards. Specific training requirements for harvest personnel and supervisors at least annually: **21 CFR, 112.22** At least one supervisory or responsible party has received standard training recognized as adequate by the FDA: **21 CFR, 112.22(c)**
2	Personnel identified to supervise or be responsible for farm operations to ensure compliance with the Produce Safety Rule: **21 CFR, 112.23**
3	Records for required training established, reviewed, dated and signed by supervisor/responsible party: **21 CFR, 112.30**
	HEALTH & HYGIENE (21 CFR 112, Subpart D)
4	Measures implemented to prevent produce contamination from ill or infected workers: **21 CFR, 112.31**
5	Hygienic practices to protect covered produce or food contact surfaces, including personal cleanliness, animal contact, hand washing, gloves, jewelry, foods, gum, and tobacco use: **21 CFR, 112.32**
6	Visitor policies and procedures including toilet and hand wash access: **21 CFR, 112.33**
	AGRICULTURAL WATER (21 CFR 112, Subpart E)
7	Agricultural water must be safe and of adequate sanitary quality for intended use: **21 CFR, 112.41**
8	Agricultural water source and distribution system inspected annually and maintained: **21 CFR, 112.42**
9	Treated agricultural water including water treatment effectiveness, consistency, and monitoring: **21 CFR, 112.43**
10	Microbial quality criteria applicable to agricultural water used for certain intended uses: **21 CFR, 112.44**
11	Action taken if water does not meet safe and adequate standard: **21 CFR, 112.45(a)**
12	Results or certificates of compliance from public water supply or water treated in accordance with the requirements of 112.43: **21 CFR, 112.46(a)** Requirements for performing agricultural water tests: **21 CFR, 112.47**
13	Water used during harvest, packing, and holding for covered produce managed to maintain its safety and adequate sanitary quality: **21 CFR, 112.48**
14	Records for findings of agricultural water system inspection; analytical tests conducted on agricultural water; scientific data or information to support adequacy of a method or alternatives; results of water treatment monitoring; actions taken in accordance with 112.45; results or certificates of compliance from public water system are established and kept: **21 CFR, 112.50**
	BIOLOGICAL SOIL AMENDMENTS OF ANIMAL ORIGIN & HUMAN WASTE (21 CFR 112, Subpart F)
15	Handling, conveyance, and storage of soil amendments of animal origin to prevent the contamination of food, food contact surfaces, and agricultural water sources and systems: **21 CFR, 112.52**
16	Prohibits the use of human waste except sewage sludge bio-solids as per 40 CFR part 503 Subpart D: **21 CFR, 112.53**
17	Acceptable treatment processes for soil amendments of animal origin are used: **21 CFR, 112.54** Microbiological standards for treated soil amendments of animal origin are met: **21 CFR, 112.55** Application requirements for soil amendments of animal origin: **21 CFR, 112.56**
18	Records for biological soil amendments of animal origin are established and kept: **21 CFR, 112.60**
	DOMESTICATED & WILD ANIMALS (21 CFR 112, Subpart I)
19	Relevant areas are assessed during the growing season, evaluated for potential produce contamination from animals, and measures are taken to prevent the later harvest of potentially contaminated produce during the growing season: **21 CFR, 112.83**
	GROWING, HARVESTING, PACKING, & HOLDING ACTIVITIES (21 CFR 112, Subpart K)
20	Excluded produce is kept separate from covered produce, and shared food contact surfaces are cleaned and sanitized between uses: **21 CFR, 112.111**
21	Measures taken to identify and not harvest produce likely contaminated with foreseeable hazards including animal excreta, including a visual assessment of the growing area and crop: **21 CFR, 112.112**
22	Harvested produce handled in a manner that protects against contamination, including avoiding the contact of cut surfaces with soil: **21 CFR, 112.113**
23	Prohibits the distribution of dropped covered produce: **21 CFR, 112.114**
24	Produce that is susceptible to the hazard of *Clostridium botulinum* growth and toxin formation packaged in a manner that prevents this hazard: **21 CFR, 112.115**
30	Requirements to prevent produce contamination from domesticated animals in and around enclosed buildings through exclusion or separation: **21 CFR, 112.127**
31	Pest control requirements for fully and partially enclosed buildings: **21 CFR, 112.128**
33	Hand washing facility requirements: **21 CFR, 112.130**
34	Sewage control and disposal requirements: **21 CFR, 112.131**
35	Trash, litter, and waste control and disposal requirements: **21 CFR, 112.132**
	Plumbing requirements: **21 CFR, 112.133**
	Requirements to control animal excreta and litter from domesticated animals: **21 CFR, 112.134**
	Records of the cleaning and sanitizing of equipment are established and kept: **21 CFR, 112.140**
	SPROUTS (21 CFR 112, Subpart M)
	Measures taken to prevent introduction of known or reasonably foreseeable hazards into or onto seeds or beans, including discontinue use of all seeds or beans thought to be contaminated, visually examine seeds or beans and packaging for hazards, and treating seeds or beans or relying on prior treatment of seeds or beans: **21 CFR, 112.142**
	Sprouts are grown, harvested, packed and held in fully-enclosed buildings: **21 CFR, 112.143(a)**
	Food contact surfaces used to grow, harvest, pack, or hold sprouts are cleaned and sanitized before contact with sprouts, seeds, or beans used to grow sprouts: **21 CFR, 112.143(b)**
	Environmental monitoring testing of growing, harvesting, packing, and holding environment in accordance with 112.145: **21 CFR, 112.144(a)** Requirements for establishing an environmental monitoring plan for growing, harvesting, packing, and holding environment for *Listeria* species or *L. monocytogenes*: **21 CFR, 112.145** Action taken if growing, harvesting, packing, and holding environment tests detect *Listeria* species or *L. monocytogenes*: **21 CFR, 112.146**
	Testing spent sprout irrigation water or sprouts for pathogens in accordance with 112.147: **21 CFR, 112.144(b) and (c)** Requirements for establishing and implementing a written sampling plan for collecting and testing samples of spent sprout irrigation water for sprouts for pathogens: **21 CFR, 112.147** Action taken if spent sprout irrigation water or sprouts test positive for a pathogen: **21 CFR, 112.148**
44	Records for sprouts are established and kept: **21 CFR, 112.150**
	RECORDS (21 CFR 112, Subpart O)
45	Records required under the rule meet all general requirements: **21 CFR, 112.161** Records retained for the required length of time: **21 CFR, 112.164**

Inspection Observations

- Seen so far:
  - Not yet attending a PSA Grower Training
  - Missing records; records missing required details
  - Worker training missing required topics
  - Insufficient cleaning and sanitizing of equipment
- **For the most part, WA farms are doing the right thing!**

Produce Safety
ALLIANCE

Supplemental Slides for Proposed Subpart E (Agricultural Water) Requirements

SUPPLEMENTAL MATERIAL

Version: 11/08/2022

Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water

- FDA released the proposed revisions to Subpart E – Agricultural Water on December 2, 2021
  - Docket FDA-2021-N-0471
  - https://www.regulations.gov/document/FDA-2021-N-0471-0001
- Proposed revisions move from testing as the primary metric for decision making to an Agricultural Water Assessment (AgWA) meant to look at the whole water system
- The expectation is for each grower to set their standards and understand why these standards are appropriate for their farm
  - Should be prepared to explain to inspectors

SUPPLEMENTAL MATERIAL

Agricultural Water Assessment

- *Growers would be required to evaluate these factors to identify conditions reasonably likely to introduce known or reasonably foreseeable hazards onto produce or food contact surfaces*

Ag Water system	• Source and location (surface, ground, municipal) • Water distribution system (open or closed) • Degree of protection from possible contamination including other users, animal impacts, and adjacent land uses
Ag Water practices	• Type of application method (overhead, drip, furrow, flood) • Time interval between last direct application and harvest
Crop characteristics	• Susceptibility to surface adhesion or internalization
Environmental Conditions	• Frequency of rain or extreme weather that might impact the agricultural water system or might damage produce • Air temperatures • Sun (UV) exposure
Other factors	• Includes results of testing

SUPPLEMENTAL MATERIAL

Agricultural Water Assessment

- *Outcomes: Farms would use the outcomes of the AgWA to determine corrective or mitigation measures*

If…	*Then…*		
Ag water not safe or not of adequate sanitary quality	Immediately discontinue use	and	Take corrective measures before use at pre-harvest
One or more known or reasonably foreseeable hazards **related to** animal activity, BSAAOs, or human waste for which mitigation is necessary	Implement mitigation measures promptly, no later than the same growing season		
One or more known or reasonably foreseeable hazards **NOT related to** animal activity, BSAAOs, or human waste for which mitigation is necessary	Implement mitigation measures as soon as practicable, no later than the following year	or	Test water as part of the AgWA as needed
No known or reasonably foreseeable hazards for which mitigation is necessary	Inspect and maintain water system regularly and at least once a year		

SUPPLEMENTAL MATERIAL

Agricultural Water Assessment

Corrective measures

- Re-inspecting the entire affected agricultural water system under the farm's control and, among other steps, making necessary changes OR
- Treating the water in accordance with the standards in FSMA PSR

Mitigation measures

- Making necessary changes such as repairs
- Increasing time interval: minimum 4 days between last direct application → harvest (microbial die-off)
- Increasing time interval for harvest → storage (microbial die-off)
- Changing water application method
- Treating water (PSR standards)
- Taking alternative mitigation measures supported by scientific information

SUPPLEMENTAL MATERIAL

Reassessment

- Conduct each year, **AND**
- Anytime there is a significant change in:
  - The agricultural water system(s)
  - Agricultural water practices
  - Crop characteristics
  - Environmental conditions
  - Other things likely to introduce a hazard
    - i.e. changing to a surface water source
- Evaluate: Impact of the changes, new hazards
- Record: Written determination of whether corrective or mitigation measures needed

SUPPLEMENTAL MATERIAL

Exemptions

Farms would be exempt from conducting a pre-harvest AgWA if the farm documents that the water:

- Meets certain harvest and postharvest agricultural water criteria
- Is received from a public water system or supply that meets established requirements (i.e. certificates of compliance, public system results), **OR**
- Is treated in accordance with standards outlined in FSMA PSR

SUPPLEMENTAL MATERIAL

Records

- Written records of the pre-harvest AgWA during initial assessment and reassessment, including:
  - Description of factors evaluated
  - Written determination of whether corrective or mitigation measures are needed
- Growers testing pre-harvest ag water as part of their assessment must maintain documentation related to sampling and testing procedures
- Supervisors must review and sign written pre-harvest AgWA and determinations

SUPPLEMENTAL MATERIAL

FDA Subpart E Compliance Dates

- FDA will begin enforcement for **harvest and post-harvest agricultural water** requirements

Business Size	Water Related Enforcement Dates
All other businesses (>$500K)	January 26, 2023
Small businesses (>$250K-500K)	January 26, 2024
Very small businesses (>$25K-250K)	January 26, 2025

SUPPLEMENTAL MATERIAL

Proposed FDA Subpart E Compliance Dates

- For **pre-harvest (production) agricultural water** requirements for covered produce other than sprouts

Business Size	Proposed Water Related Compliance Dates
All other businesses (>$500K)	9 months after the effective date
Small businesses (>$250K-500K)	1 year, 9 months after the effective date
Very small businesses (>$25K-250K)	2 years, 9 months after the effective date

SUPPLEMENTAL MATERIAL

Assessing Water Systems Now

- Growers currently testing their water may continue to do so
- If not testing, growers may consider starting to test to better understand their water quality

- Follow Good Agricultural Practices (GAPs) to protect and maintain water quality
- **Develop water management strategies, such as water system surveys, to identify and reduce risks**

Produce Safety ALLIANCE

Questions?

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https://agr.wa.gov/producesafety

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