



Education • Collaboration • Regulation

PRODUCE SAFETY UPDATES



Agenda

Overview of the Produce Safety Rule

Regulatory Authority and Changes

Registration and Exemption Application Process

Exemption Analysis Tool

Water Rule Updates

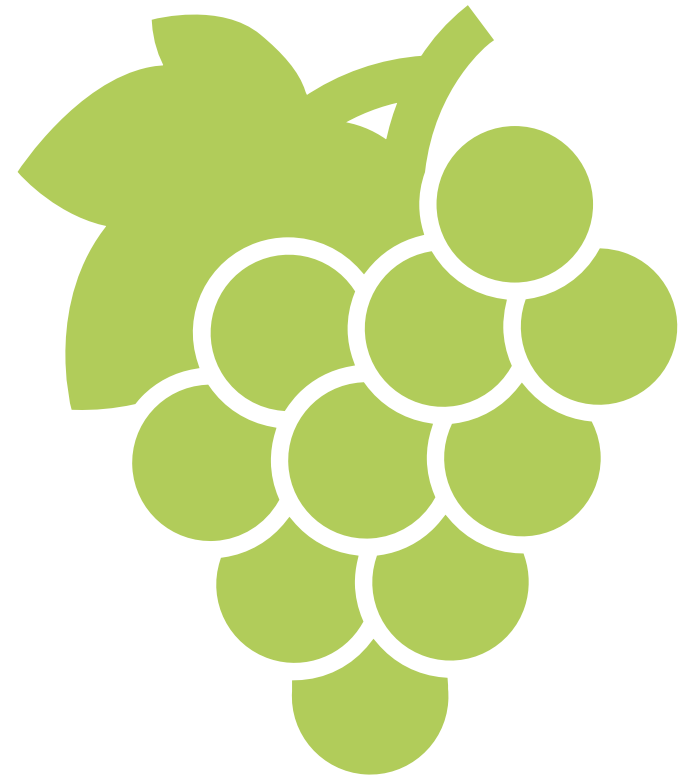
Training and Outreach Opportunities

Produce Safety Rule 101

The Basics

- Went into effect January 26, 2016
- 1 of 7 rules under the Food Safety Modernization Act
- The Produce Safety rule establishes, for the first time, science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption.
- First time there have been regulatory inspections on covered farms
- Covered Farms Include: Growers who produce more than \$25,000 annually of generally consumed raw produce

Inspections have started for all farms covered under this regulation.



Produce Safety Authority in DE



Primary authority: FDA

- Use FDA forms and procedures

Secondary Authority: DE Admin Code 302: Produce Safety Regulations

- Regulations went into effect in June 2019 and amended in August 2021
- Establish:
 - Authority to operate in DE under both FDA and State Authority
 - Inspections, Record Requests and Review
 - Mandatory Registration
 - Violation/Hearing Procedures and Penalties

Then and Now: Regulation Amendments

2019

DDA will require that all farms within Delaware that **grow** produce register with the Department of Agriculture



2021

DDA will require that all farms within Delaware that grow, *harvest, pack, or hold produce intended for human consumption and for sale*, register with the Department of Agriculture.

Registration Deadline: April 30th (Annually)

Registration is mandatory regardless of exemption status

Online Registration Portal is live

Online Registration Portal

New way to submit new registration, update existing information and apply for exemptions

Benefits:

- Automatic email communications (reminders, updates, etc)
- Provides option to fill out forms by paper
- Allows for the attachment of supplemental materials needed for exemptions



DE Produce Safety Grower Portal



If this is your first time here, please sign in by clicking on **My Account** button above and **Register as a New User**. You can then manage your business(s) and applications.

Welcome to the Delaware Department of Agriculture's (DDA) Produce Safety Rule Online Portal!

This portal will serve as a way for farms/businesses operating in Delaware to submit their annual registration, update information, and apply for exemptions (if eligible). More information on registration and exemptions can be found below.

Mandatory Registration Information

As of 2019, the Delaware Department of Agriculture has made it mandatory through State regulations ([Produce Safety Regulations 302 Del. Code. § 3.0](#)) that all farms within Delaware that grow, harvest, pack, or hold produce intended for human consumption and for sale, register with the Delaware Department of Agriculture by April 30th, annually.

This mandatory registration processes is intended to verify who is and who is not covered under the [Food Safety Modernization Act \(FSMA\): Produce Safety Rule \(21 CFR 112\)](#). This process allows us to provide valuable education, technical assistance, and compliance information to regulated farms and businesses, exclude farms that are not required to comply with the rule, and prioritize inspections.

Exemption Information

The Delaware Department of Agriculture is also awarding exemption certifications by exemption type as outlined in the [Produce Safety Rule](#). Since farm information changes from year to

Registration Portal

[Back](#)

Dashboard

[My Account](#)

A

Select your business

DDA Garden, ▼

DDA Garden, [REDACTED] - zz000017
2320 S. DuPont Highway, Dover DE 19709

[Registrations](#)[Exemptions](#)Status: **Expired!**

Applications for Registration

[Options](#)[Renew Registration](#)

Date of Submission	Application	Status	Status Date	Actions
10/15/2021	Produce Safety Grower Registration	Application Expired	10/15/2021	

Administrative Comments:

(10/15/2021) Application Expired
(10/15/2021) Renewed
(10/15/2021) Submitted for review
(10/15/2021) Application started

Previous applications

Date of Submission	Application	Status	Status Date	Actions
08/16/2021	Produce Safety Grower Registration	Application Expired	08/16/2021	

Administrative Comments:

(08/16/2021) Application Expired



Dashboard

My A

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DDA Garden [REDACTED] - zz000017
2320 S. DuPont Highway, Dover DE 19709

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Application for Produce Safety Rule Exemption

Apply for Exemption

Date Submitted	Status Date	Status	Valid Until	Certificate
10/04/2021	10/04/2021	Expired	10/04/2021	
08/16/2021	08/16/2021	Expired	08/16/2021	
08/16/2021	08/16/2021	Rejected	N/A	
Comments:	sr			

Exemption Type Review/Recap

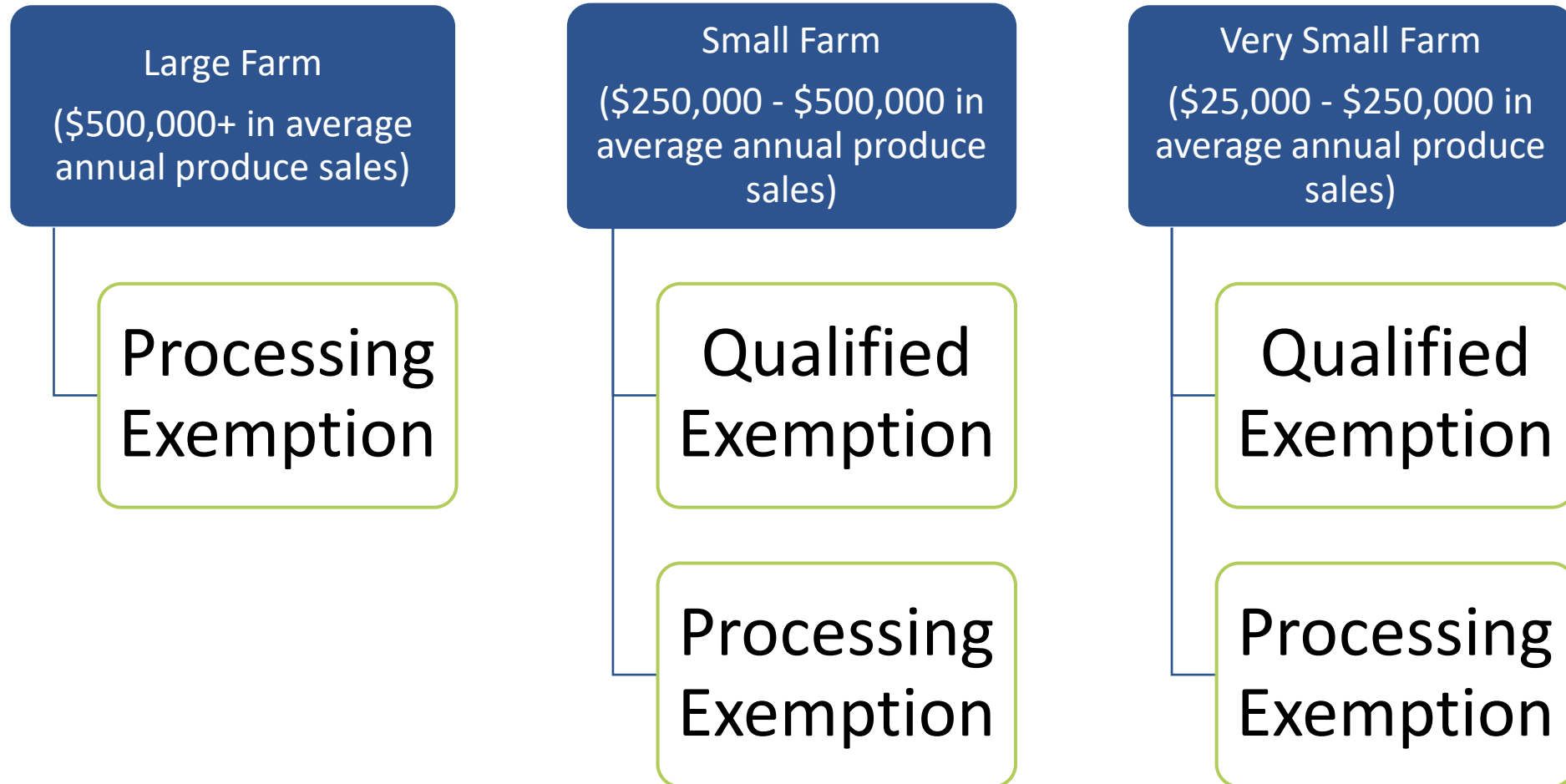
Exempt

- Only grow produce considered Rarely Consumed Raw
- Produce is grown only for personal consumption
- Under \$25,000 in average annual produce sales

Covered

- Large Farms (\$500,000+ in average annual produce sales)
- Small Farms (\$250,000 - \$500,000 in average annual produce sales)
- Very Small Farms (\$25,000 - \$250,000 in average annual produce sales)

Exemptions Recap: “Covered Farms”



Qualified Exemption

Eligible Farms: Those between \$25,000 - \$500,000 in average annual produce sales

**Both requirements
must be met**

A. During the previous 3-year period, annual food* sales are less than \$500,000 (adjusted for inflation)

B. 51% or more of your annual food sales are to qualified end-users

a. Qualified End- User:

i. The consumer of the food

ii. Restaurant or Retail food establishment located in Delaware

iii. Restaurant or Retail Food Establishment that is located no more than 275 miles from the farm that produced the food

*The term "food" is defined as (1) items that could be used for food or drink for man or other animals (i.e. meat, eggs, grains), (2) chewing gum, and (3) articles used for components of any such article.

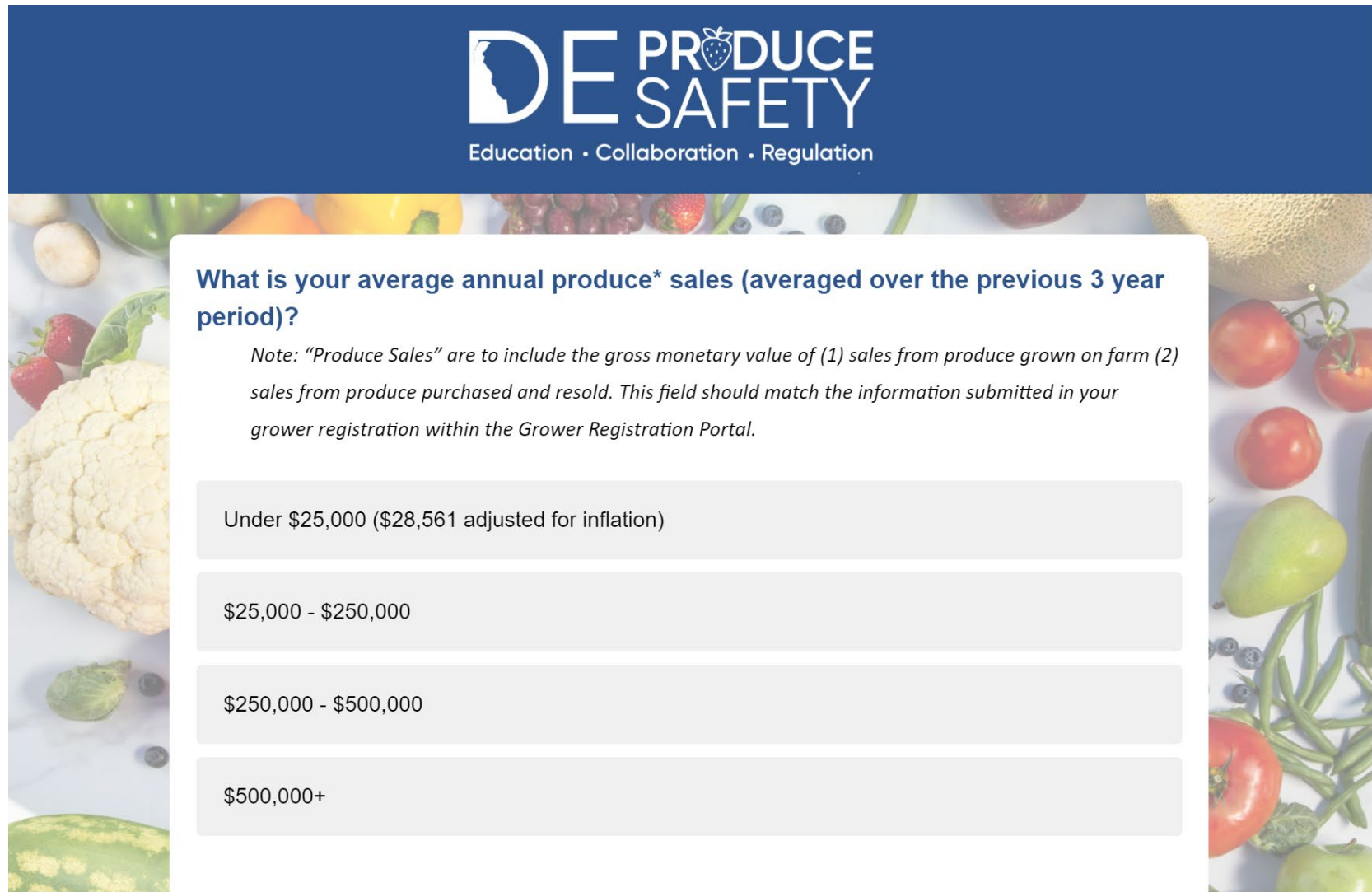
Processing Exemption



Covered farms are eligible when produce grown receives commercial processing that adequately reduces the presence of microorganisms of public health significance.

- **If eligible for this exemption, you must follow the modified requirements outlined in the rule.**

Tool: DDA Exemption Determination



The desktop screenshot shows a web interface with a blue header containing the 'DE PRODUCE SAFETY' logo and the tagline 'Education • Collaboration • Regulation'. Below the header is a background image of various fresh produce. The main content area is a white box with a blue question: 'What is your average annual produce* sales (averaged over the previous 3 year period)?'. A note below the question explains that 'Produce Sales' include gross monetary value from produce grown on farm or purchased and resold, and that the field should match grower registration information. Below the note are four light gray selection buttons: 'Under \$25,000 (\$28,561 adjusted for inflation)', '\$25,000 - \$250,000', '\$250,000 - \$500,000', and '\$500,000+'.

DE PRODUCE SAFETY
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What is your average annual produce* sales (averaged over the previous 3 year period)?

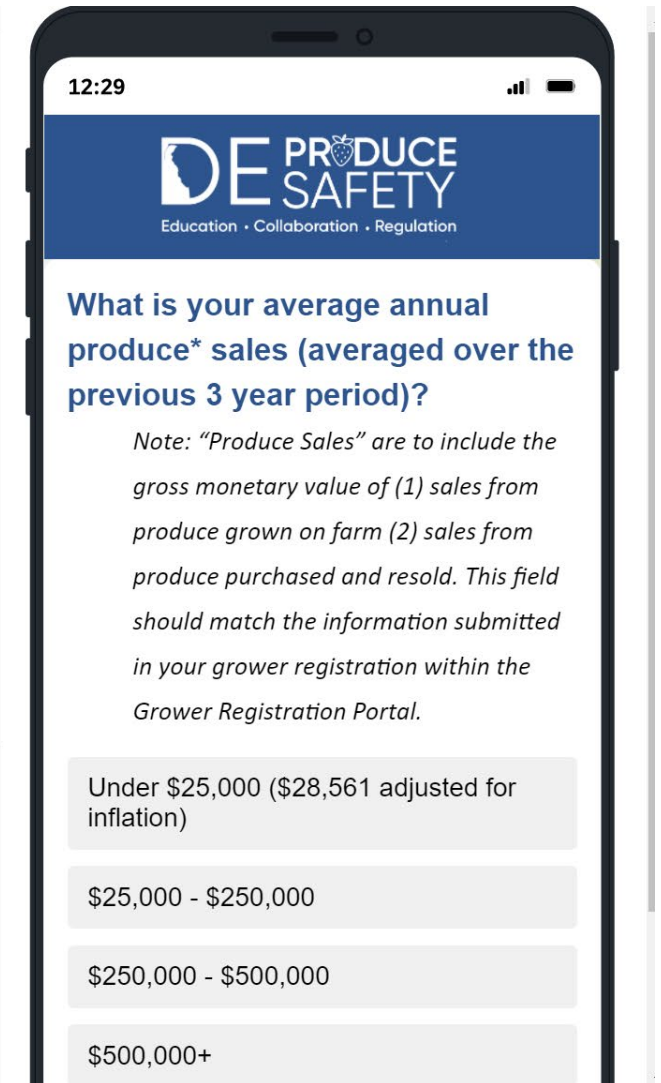
Note: "Produce Sales" are to include the gross monetary value of (1) sales from produce grown on farm (2) sales from produce purchased and resold. This field should match the information submitted in your grower registration within the Grower Registration Portal.

Under \$25,000 (\$28,561 adjusted for inflation)

\$25,000 - \$250,000

\$250,000 - \$500,000

\$500,000+



The mobile screenshot shows the same web interface as the desktop version, but scaled to fit a smartphone screen. It includes the same header, question, note, and selection buttons. The status bar at the top shows the time as 12:29 and signal strength.

12:29

DE PRODUCE SAFETY
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What is your average annual produce* sales (averaged over the previous 3 year period)?

Note: "Produce Sales" are to include the gross monetary value of (1) sales from produce grown on farm (2) sales from produce purchased and resold. This field should match the information submitted in your grower registration within the Grower Registration Portal.

Under \$25,000 (\$28,561 adjusted for inflation)

\$25,000 - \$250,000

\$250,000 - \$500,000

\$500,000+

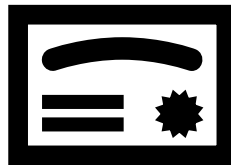
Will be available from within the Grower Portal

Exemption Certificates

- Awarded for ALL eligible registered farms based on their exemption types
- Issued annually and expire April 30th of the following year
- Once approved in the registration portal, the certificate will be automatically sent.
- Deadline for exemption applications: April 30th

Need an exemption for now?

Contact us: DE.ProduceSafety@delaware.gov



No. 2021- ____

Delaware Produce Safety Rule

CERTIFICATE OF EXEMPTION

Is hereby presented to

DDA's Farm

Expires: April 30, 2022



Andrea Jackson
Food Products Inspection Administrator



DELAWARE DEPARTMENT OF
AGRICULTURE



Michael T. Scuse
Secretary of Agriculture

Funding for this was made possible, in part, by the Food and Drug Administration through grant PAR-16-137. The views expressed in written materials or publications and by speakers and moderators do not necessarily reflect the official policies of the Department of Health and Human Services; nor does any mention of trade names, commercial practices, or organization imply endorsement by the United States Government.

Inspections: New Inspector

Justin Grimminger

- Joined DDA in September
- Farm Manager & Adjunct instructor at DTCC since 2019
- Hydroponics, field crops, high tunnels
- Farming family





“How often
will I be
Inspected?”

**Fully covered farms will receive
annual Inspections**

2022-2023: UD Cooperative Extension

MOU with University of Delaware Cooperative Extension:



- **Assists on On-Farm Readiness Reviews:**
 - Confidential, free, “risk-assessment” of growing facilities to prepare farmers for what to expect during a regulatory inspection and designed to help growers mitigate potential risk areas.
 - TEAM: Dr. Gordon Johnson, Dr. Kali Kniel, Jennifer Jones, Amanda Ziegler, Justin Grimminger and Andrea Jackson
 - Signup: DE.ProduceSafety@delaware.gov
- **Assists in delivering Produce Safety Alliance Grower Trainings**

Upcoming Training Opportunities

- Produce Safety Alliance Grower Training (PSA Training)
 - **Wednesday, January 25th**
 - University of Delaware Carvel Research and Education Center
 - Registration Required (Eventbrite)
 - If covered under the Produce Safety Rule, at least one person of supervisory authority **must take** a PSA Grower Training.
 - The training is open to everyone
 - One-time, all-day course
 - Certificate awarded upon completion of course



No Changes made to Harvest and Post Harvest Water



Safe and of adequate
sanitary quality for its
intended use

No detectable
generic E. coli per
100 ml



Farms must inspect &
Maintain water systems
that are under their
control

At least annually



Maintain records of water sanitation &
Inspections/ maintenance

Harvest and Post Harvest Water


Enforcement discretion ends:

- January 26, 2025, Very Small Farms
 - \$25,000 - \$250,000 in average annual produce sales
- January 26, 2024, Small Farms
 - \$250,000 - \$500,000 in average annual produce sales
- January 26, 2023, Large Farms
 - \$500,000+ in average annual produce sales





Pre-Harvest water

- The proposed regulatory update has not been finalized yet for covered produce (excluding sprouts)
 - Proposed rule
 - Would remove the pre-harvest microbial quality criteria and testing requirements, and Replace them with requirements for systems-based pre-harvest agricultural water assessments
- 

What to expect in 2023



**Register or update
your information by
April 30th**

Online registration



**Apply for an
Exemption (if
applicable)**



**If you're fully
covered: Prepare for
annual inspections**



PSA Grower Training



**On Farm Readiness
Reviews**



**Technical Assistance
opportunities**

QUESTIONS?

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