



Education • Collaboration • Regulation

PRODUCE SAFETY UPDATES



Agenda

The Produce Safety Rule

Annual Registration & Online Registration Portal

Exemption Eligibility

Training, Outreach & Education Opportunities

Water Rule

Cost-Share opportunities

Produce Safety Rule 101: The Basics

- Went into effect January 26, 2016
- 1 of 7 rules under the Food Safety Modernization Act (FSMA)
- Established for the first time, science-based minimum standards for the safe growing, harvesting, packing and holding of fruits and vegetables grown for human consumption
- Established the first regulatory inspections on covered farms

Produce Safety Authority in Delaware

FDA

- Inspectional authority
- FDA Forms and inspectional procedures

Delaware Administrative Code 302

- Provides the authority to conduct inspections on Delaware farms, request and review records and facilities
- Mandatory farm registration
- Contains provisions for violation hearing procedures

Inspectional Frequency- Annually

Annual Registration

All Farms within Delaware that grow, harvest, pack, or hold produce intended for human consumption and for sale, must register with the Delaware Department of Agriculture annually

- Registration deadline: April 30th
- Registration is mandatory regardless of exemption status under the rule

Online Registration Portal

Within the portal


- Submit a new registration
- Update information
- Apply for exemptions

Benefits


- Information from the previous year will autofill
- Automatic emails for reminders and updates
- Allows users to upload required supplemental materials

Registration Portal

DE Produce Safety Grower Portal

[Sign In](#) 

[Home](#)



If this is your first time here, please sign in by clicking on **Sign In** button above and **Register as New User**. You can then manage your business(es) and applications in your **Dashboard**.

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 process 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 year, we are asking farms to return their exemption applications at the same time as their mandatory registration (on an annual basis). Exemptions, regardless of the awarded date, will expire on April 30th of the following year the exemption was awarded.


We have provided a link to an interactive exemption decision tool within the portal, which will assist farms in determining their exemption eligibility and requirements.

To use this portal, please sign in or create an account below by clicking **Apply Online**. Mail forms will also be accepted. Mail forms may be downloaded by clicking **Apply by Mail**.

If you have any questions or concerns, please reach out to [Delaware Produce Safety Team](#) at DE.ProduceSafety@delaware.gov or 302-698-4500.

Thank you,

Delaware's Produce Safety Team



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"Funding for this web based platform 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 & Human Services; nor does any mention of trade names, commercial practices, or organization imply endorsement by the United States Government."

[Apply Online](#) [Apply by Mail](#)

Select your business

DDA Test Farm

+ New Business

MAIN BUSINESS

DDA Test Farm

⚠ Re-Apply now

BUSINESS APPLICATIONS

📄 Registration

⚠ Needs attention

📄 Exemption

Current application

✔ Renewed 🕒 Expires: Apr 30, 2024

🔄 Renew registration

Date of Submission	Application	Status	Status Date
12/14/2023	Produce Safety Grower Registration 3F6D0B827	Application Approved	12/14/2023

Administrative Comments:

(12/14/2023) Application Approved
(12/14/2023) Submitted for review
(12/14/2023) Application started

Previous applications

Date of Submission	Application	Status	Status Date
12/05/2023	Produce Safety Grower Registration 3F65A9792	Application Approved	12/05/2023

Administrative Comments:

Select your business

DDA Test Farm

+ New Business

MAIN BUSINESS

DDA Test Farm
Re-Apply now

BUSINESS APPLICATIONS

Registration

Exemption

Application for Produce Safety Rule Exemption

+ Apply for Exemption

Date Submitted	Status Date	Status	Valid Until	Certificate
05/02/2023	05/02/2023	Approved - Exempt (Under 25k)	04/30/2024	Download
02/28/2022	04/30/2023	Expired	04/30/2023	



Exemptions

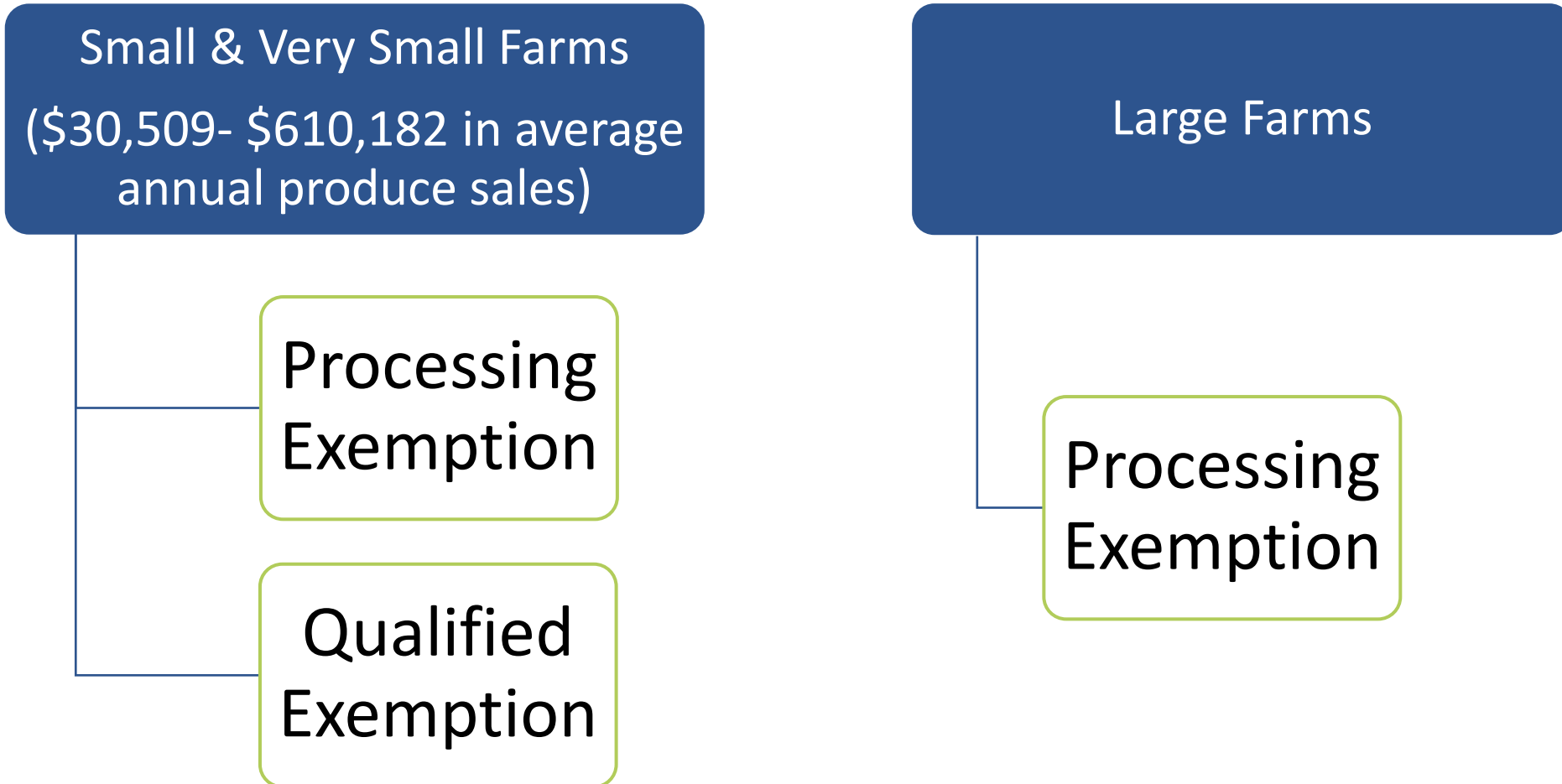
Basic Exemptions

- Generate less than \$25,000 in annual produce sales (\$30,509 adjusted for inflation)
- Only grow rarely consumed raw produce
- Produce is only for personal consumption

Covered Farms

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

Exemption Eligibility



Qualified Exemption

Eligible Farms: Those between \$25,000 (\$30,509) - \$500,000 (\$610,182) 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 (\$610,182 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

All produce must receive commercial processing that adequately reduces the presence of microorganisms of public health significance

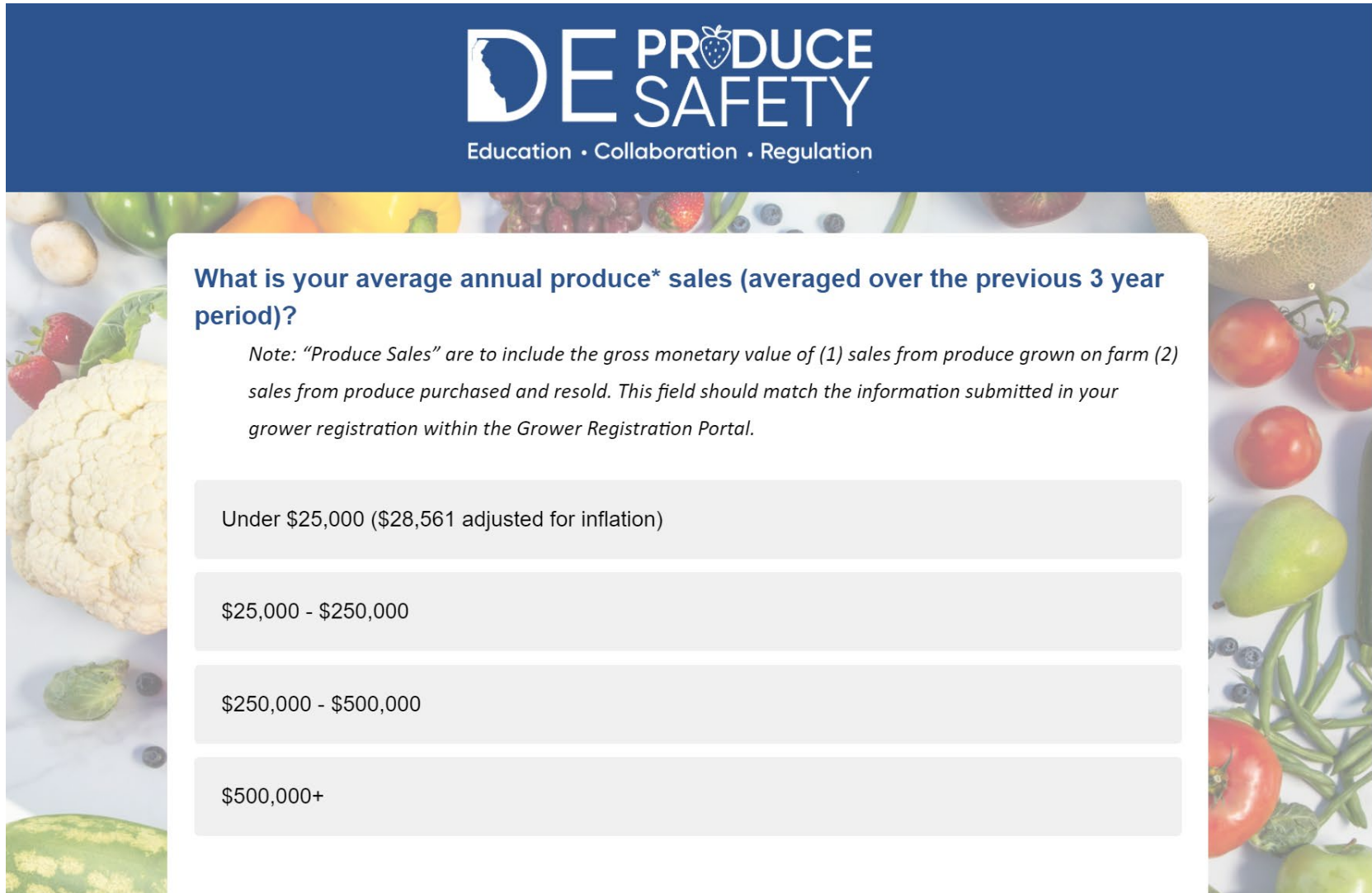


If a farm grows both processing and non-processing produce, the farm may still be subject to an inspection

Processing Exemption Requirements

- Documents accompanying the produce must disclose that the food is ***“Not processed to adequately reduce the presence of microorganisms of public health significance”***
 - This can be found on weight tickets, placards, stickers, or other documents found with the produce (in the truck)
- Obtain an annual written assurance from the processor that an established procedure is followed that adequately reduces the presence of microorganisms of public health significance

Tool: DDA Exemption Determination



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

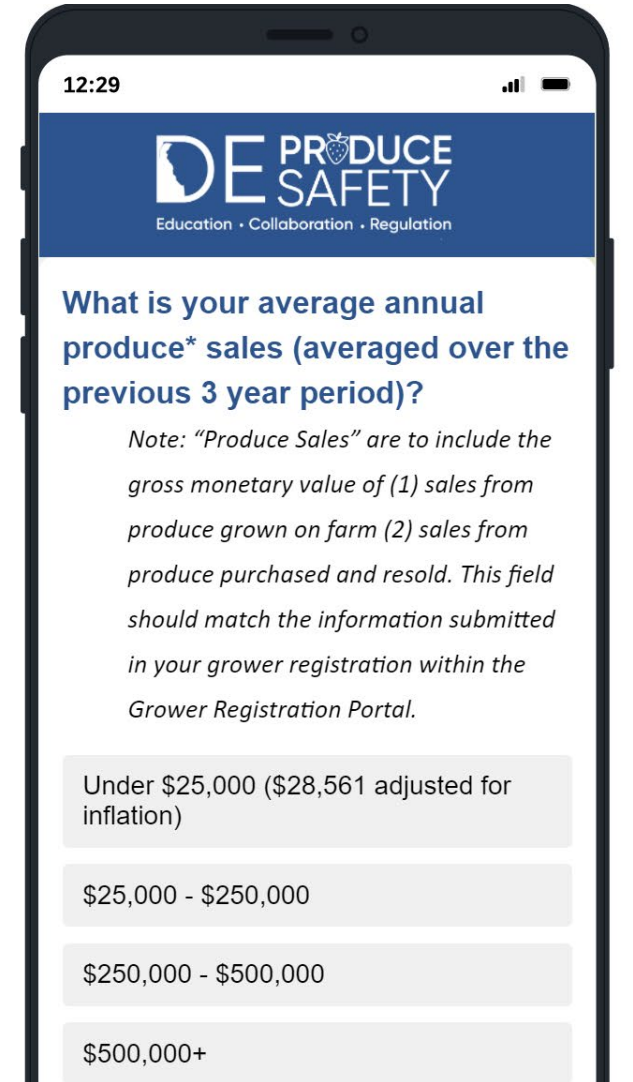
Note: "Produce Sales" are to include the gross monetary value of (1) sales from produce grown on farm (2) sales from produce purchased and resold. This field should match the information submitted in your grower registration within the Grower Registration Portal.

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

\$25,000 - \$250,000

\$250,000 - \$500,000

\$500,000+



12:29

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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

Registration Certificate

- Awarded to all registered farms
- You may need this for farmers' market participation



Exemption Certificate

- Awarded for ALL exempt farms based on their exemption type
- Registration and exemptions expire April 30th each year

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.

Upcoming training opportunities

Water Systems Workshop

- Joint workshop FDA/ DDA
- Delaware State Fairgrounds- Harrington, DE
- February 14
- Pesticide credit available

Small Farms Workshop

- Joint workshop DDA/ Chesapeake Ag Innovation Center- Produce Safety Project
- Food Bank of Delaware- Newark, DE
- March 7

Produce Safety Alliance Grower Training (PSA)

- At least one supervisor or responsible party from each covered farm must complete this training
- This training is open to everyone, regardless of coverage status
- One-time, all-day course
- Certificate awarded upon completion
 - UD extension is offering one on January 26th - contact bjones@udel.edu to register
 - Additional courses are available online through Cornell University
 - <https://cals.cornell.edu/produce-safety-alliance>

Farm visits

On Farm Educational or Technical visits

- We will come to your farm to discuss produce safety topics that you may need help with

On Farm Readiness Reviews

- On farm risk assessment
 - Voluntary
 - Confidential
 - Free
 - Non-regulatory

Harvest and post-harvest Water

Water must be safe and of adequate sanitary quality for its intended use

- No detectable generic E. coli per 100 ml sample

Farms must inspect and maintain water systems that are under their control

- At least annually

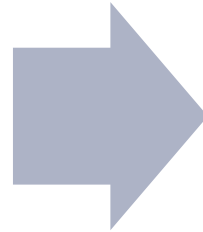
Maintain records of water sanitation & Inspections/ Maintenance

Harvest and Post Harvest Water

- Enforcement Discretion
 - Has ended for Large Farms
 - \$500,000+
 - Ending Jan. 26, 2024, for small farms
 - \$250,000-\$500,000
 - Ending January 26, 2025, for very small farms
 - \$30,509-\$250,000

Preharvest Water

The proposed regulatory update has not been finalized



Remove the pre-harvest microbial quality criteria

- Replace with a systems-based preharvest agricultural water assessments

Water Considerations

- Avoid obvious contamination sources
 - Cracks or opening
 - Standing water/ pooling water around the well
 - Backflow prevention
- Adjacent land use
 - Animals

Attend our water systems workshop February 14th

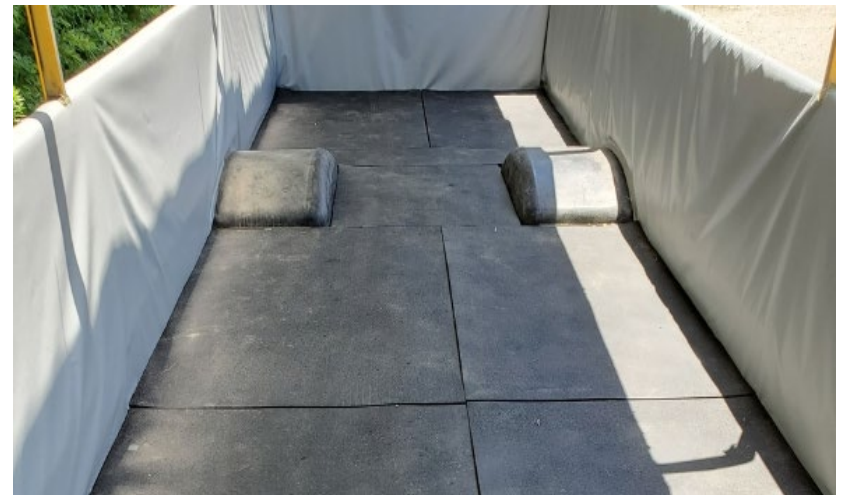
Cost Share Opportunities

- Water Testing

- Up to 90% of the cost of water testing
 - Generic E. coli
- Samples must be tested between September 30, 2023- September 30, 2025
- Up to \$500 per farm, per year

- Watermelon Bus Liners

- Up to 90% of total cost Up to \$2,500 with foam padding, or \$1,500 without foam padding
- Up to 3 buses per year, per farm
- Includes purchasing vinyl liner and rubber stall mats
- Applications must be turned into DDA by September 1, 2025



To Do List:

Register your farm by April 30

Apply for an exemption if eligible

If you are fully covered- prepare for your annual inspection

Contact us for educational visits or an On Farm Readiness Review

Contact us



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