

WHAT TO EXPECT DURING A PRODUCE SAFETY RULE INSPECTION



agriculture.vermont.gov/produceprogram

PRODUCE FARM INSPECTIONS

As part of its mission to ensure food safety, the Vermont Agency of Agriculture, Food and Markets (VAAFAM) will conduct routine inspections of produce farms subject to the Food Safety Modernization Act (FSMA) Produce Safety Rule (PSR) 21 C.F.R. § 112 and 6 V.S.A. §§ 851–857. Inspections may also be conducted in response to a consumer complaint or public health hazard, such as a foodborne illness outbreak. This document provides an overview of VAAFAM produce safety inspections, what you can expect during an on-farm inspection, and when inspections will begin.

INITIAL INSPECTIONS

VAAFAM recognizes that some requirements of the PSR are complex and may take time to implement on farms. We are committed to an educational approach to regulating, and we work closely with Extension specialists and other service providers to share resources on produce safety best practices and ways to achieve compliance with the PSR. With this in mind, the initial inspection will be primarily educational.

ON-FARM READINESS REVIEWS

We encourage farms to request an On-Farm Readiness Review (OFRR) prior to inspection. An OFRR is a free, non-regulatory assessment of a farm's readiness to meet PSR requirements conducted by VAAFAM and the University of Vermont Extension Produce Safety Team. Learn more at agriculture.vermont.gov/produceprogram/OFRR.

SCHEDULING AN INSPECTION

For most inspections, VAAFAM inspection staff will call ahead to schedule an inspection during the farm's growing season. During the call the inspector may ask questions to confirm whether your farm is subject to the PSR, such as:

- Whether your farm grows, harvests, packs, or holds produce
- The size of your farm in terms of annual produce sales and/or food sales to determine possible eligibility for an exemption*

If your farm is eligible for an exemption, the inspector may ask for supporting documentation in order to make a final determination.

If your farm is covered by the PSR, the inspector will schedule an inspection at a time during the growing season when the person in charge of produce safety, such as the business owner or farm manager, is available. The inspector will ask if your farm has any biosecurity protocols or visitor policies and if there is any additional information the inspector should be aware of in advance.

*EXEMPTIONS & EXCLUSIONS

Farms eligible for a qualified exemption under 21 C.F.R. § 112.5 are subject to modified PSR requirements, including labeling and records requirements, and will not undergo routine inspections unless the qualified exemption is withdrawn. View PSR coverage and exemptions/exclusions at go.usa.gov/xmbg7.

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DAY OF THE INSPECTION

On the day of the inspection the inspector will introduce themselves as a VAAFMM employee on arrival. The inspector will ask to speak to the person in charge of produce safety, who should be available for the duration of the inspection. The inspection will consist of an initial interview with the person in charge, a walk-through assessment of farm operations, and an exit interview.

INITIAL INTERVIEW

The inspector will discuss the scope of the inspection, activities to be observed, and an estimated time for completion. The inspector may ask what harvesting, washing, and/or packing activities are being performed that day and will let the person in charge know what records need to be reviewed.

WALK-THROUGH ASSESSMENT

This assessment of farm activities subject to the PSR may include observation of production areas; harvest, washing and packing activities; equipment, tools, and buildings used for covered activities; bathroom and handwashing facilities; manure and composting locations; and agricultural water systems. The inspector will work with the person in charge to coordinate times to observe specific activities during the walk-through. The inspector will take notes and may take pictures as necessary to document their observations. Throughout the walk-through the inspector will explain what is being looked at and why. Please don't hesitate to ask questions at any point during the inspection.

EXIT INTERVIEW

After completing the walk-through assessment, the inspector may discuss notable findings (referred to as "observations") with the person in charge. The inspector may provide informational resources or suggest service providers to assist the farm with achieving compliance. If corrective actions are taken during the inspection, the inspector will verify and document those corrections. If an observation cannot be corrected during the inspection, the inspector will establish a reasonable timeframe for implementing corrective actions, which may include a follow-up inspection. During the exit interview, you will have the opportunity to ask questions, and the inspector will provide an inspection observations form documenting observations made during the inspection. You may also contact the inspector if you have questions or concerns after the inspection.

UNANNOUNCED INSPECTIONS

An unannounced inspection may be conducted under certain circumstances, such as:

- If a farm is unresponsive or is unwilling to schedule an inspection;
- When an unannounced inspection may assist in assessing compliance;
- If a farm has a history of non-compliance; or,
- In response to a consumer complaint or public health hazard.

QUESTIONS ABOUT INSPECTIONS?

Contact Tucker Diego
tucker.diego@vermont.gov
(802) 622-4412



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ROUTINE INSPECTION TIMELINE

Routine inspections for farms with greater than \$500,000 in average annual produce sales will begin spring 2019.

FARM SIZE ANNUAL PRODUCE SALES†	COMPLIANCE DATES ALL SUBPARTS EXCEPT AGRICULTURAL WATER	AGRICULTURAL WATER COMPLIANCE DATES‡	ROUTINE INSPECTIONS BEGIN
LARGE >\$500K	1/26/2018	1/26/2022	Spring 2019
SMALL \$250K to \$500K	1/28/2019	1/26/2023	2020
VERY SMALL \$25K to \$250K	1/27/2020	1/26/2024	2021

† AVERAGE ANNUAL PRODUCE SALES

Annual produce sales averaged over the previous three years and adjusted for inflation using 2011 as the baseline year. Find current inflation adjusted cut offs at go.usa.gov/xQDqZ.

‡ AGRICULTURAL WATER REQUIREMENTS

The U.S. Food and Drug Administration (FDA) extended compliance dates for PSR agricultural water requirements on March 13, 2019. As of March 18, 2019, the compliance dates for Produce Safety Rule agricultural water provisions (subpart E), for covered produce *other than sprouts*, are delayed to January 26, 2024, for very small businesses, January 26, 2023, for small businesses, and January 26, 2022, for all other businesses. Visit go.usa.gov/xmTQD for more information.

Note: Farms with less than \$25,000 in average annual produce sales are not subject to the PSR. View PSR coverage and exemptions/exclusions at go.usa.gov/xmbg7.

URLs are case-sensitive.

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QUESTIONS ABOUT THE PRODUCE SAFETY RULE?

Contact the Vermont Produce Program
AGR.FSMA@vermont.gov
 (802) 522-3132



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