



Rhode Island Department of Environmental Management

Produce Safety Rule (FSMA) Adoption

The Produce Safety Rule establishes, for the first time, national science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption. The rule is part of the ongoing efforts to implement the Federal Food Safety Modernization Act. The final federal rule went into effect January 26, 2016 (FDA).

The Rhode Island Department of Environmental Management (RIDEM), through the Division of Agriculture, has entered into a Cooperative Agreement with the Food and Drug Administration (FDA) to implement the Produce Safety Rule. As stipulated through this agreement all recipient States must adopt the federal Produce Safety Rule in its entirety. The authority to promulgate this regulation was established by R.I. Gen. Laws §§ 2-1-9 and 2-1-10, as a result RIDEM will adopt by reference the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (Produce Safety Rule) under the FDA Food Safety Modernization Act. The FDA Food Safety Modernization Act Final Rule on Produce Safety 21 C.F.R. § 112 (2016) can be found at <https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption>

The Regulation is in a 30-day public comment period (ending January 28, 2019) where interested stakeholders can comment on the promulgation of this regulation. It is important to note that as this regulation serves to adopt a federal rule by reference, comments should directly pertain to the State's proposed regulation and not the FDA Produce Safety Rule.

The proposed regulation has been published on the RI Secretary of State Website <https://rules.sos.ri.gov/promulgations/part/250-40-00-2>. It has also been posted to the RIDEM website under Proposed Regulations www.dem.ri.gov/regulations.

Additional Information and Comments

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until January 28, 2019 by contacting the appropriate party at the address listed below:

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Public Hearing

A public hearing regarding the proposed regulation adoption will be held at DEM on January 23, 2019 at 2:30pm in Room 300, 235 Promenade Street. 3rd Floor, Providence, RI 02908.