



CALIFORNIA
ASSOCIATION
of WINEGRAPE
GROWERS

February 27, 2019

RE: Advisory on Response to CDFA Produce Safety Letter and Questionnaire

Dear CAWG Grower Member:

I'm contacting you to clear up any confusion or questions you may have, as a winegrape grower, concerning a recent letter, dated February 11, and questionnaire the California Department of Food and Agriculture (CDFA) sent to many California growers.

CDFA is providing notice to California growers of certain requirements under the federal Produce Safety Rule, which is administered by the U.S. Food and Drug Administration (FDA). CDFA agreed to partner with FDA to conduct on-farm inspections and ensure grower compliance with the Produce Safety Rule. In a letter dated February 11, which is attached, CDFA is asking growers to fill out and return a questionnaire intended to assist the department in determining inspection priorities.

If you only grow wine-type grape varieties, then you need not fill out the entire questionnaire, as requested by CDFA. This was confirmed to me by CDFA officials.

CAWG worked hard to ensure winegrape growers are exempt from the Produce Safety Rule. Based on our work, Congress passed legislation specifically exempting growers of grape varieties that are grown, harvested and used solely for wine and receive commercial processing. This month, President Trump signed into law language that appears on page 106, Sec 758, of a conference report that accompanied H.J. Res 31. The specific language appears below:

SEC. 758. None of the funds made available by this or any other Act may be used to enforce the final rule promulgated by the Food and Drug Administration entitled "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption," and published on November 27, 2015, with respect to the regulation of the production, distribution, sale, or receipt of grape varieties that are grown, harvested and used solely for wine and receive commercial processing that adequately reduces the presence of microorganisms of public health significance.

CDFA staff confirmed for me that growers of winegrapes need only provide their name, farm name, work phone, cell phone, email and a list of winegrape varieties produced. Also, I suggest you include on the questionnaire a simple statement that you are a winegrape grower. However, if you grow any commodities other than winegrapes, you are strongly encouraged to complete the questionnaire in full and return promptly to CDFA.

It is very important to understand that if you grow any commodity other than winegrapes, you do not qualify for the winegrape exemption. If you grow grape varieties, like Thompson Seedless, recognized as having commercial use as table or raisin grapes or processed into juice, then you do not qualify for the winegrape exemption. That is why it's important you disclose to CDFA which grape varieties you produce.

I've been informed by CDFA that if you have not yet received a letter and questionnaire from them, then you should expect to receive a letter soon. CDFA is still in the process of mailing letters to California growers.

Again, I encourage you to respond to CDFA's request for information about your operation. However, if you only produce winegrape varieties, as described previously, then rest assured you may simply provide CDFA your basic contact information and a list of winegrape varieties.

Sincerely,

A handwritten signature in black ink that reads "John Aguirre". The signature is written in a cursive style with a large, stylized initial "J" and "A".

John Aguirre, President
California Association of
Winegrape Growers



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

February 11, 2019

Dear Sir or Madam,

As you are likely aware, the U.S. Food and Drug Administration (FDA), pursuant to the Food Safety Modernization Act (FSMA), developed the Produce Safety Rule (PSR) to regulate the production of nearly all fruits, nuts, and vegetables. The PSR establishes a set of practices that farmers must follow that are designed to minimize the potential of foodborne illnesses. Resulting from a very collaborative process, the California Department of Food and Agriculture (CDFA) has partnered with the FDA to conduct the on-farm inspections required by the PSR. CDFA has secured federal funding to carry out this function. Accordingly, CDFA launched the Produce Safety Program (PSP) in 2016. Since then, the PSP has funded grower trainings throughout the state and collaborated with County Agricultural Commissioners, state and local industry associations, and many commodity specific industry groups to inform and educate.

Implementation of the PSR is being phased in with large farms (average annual sales >\$500,000) required to be compliant beginning in January 2018 and inspections on large farms beginning in the spring of 2019. Small farms (>\$250,000 and <\$500,000 annual sales) and very small farms (>\$25,000 and <\$250,000 annual sales) are required to be compliant in January 2019 and January 2020, respectively.

To identify farms that are most likely required to comply with the PSR, we obtained limited public information from the CalAg Permits system, maintained by the California Agricultural Commissioners and Sealers Association (CACASA), and used by each county to collect Pesticide Use Reports and issue application permits. This information is limited to a business name and address and commodities and/or commodity categories grown. Based upon this information, you are receiving this letter because we have identified your operation (farm) as a large farm.

As we prepare to commence inspections this spring, and farmers, like you, prepare for the possibility of a regulatory food safety inspection for the first time ever, it is important to understand the goals and objectives of the PSP and the resource capacities of the Program. First, our core value is to educate, then regulate. The PSP's role is to educate California produce farmers on how to comply with the requirements of the PSR and then



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regulate farms to ensure that they are compliant. Our vision is safe produce through 100% compliance with the law. With over 25,000 farms producing crops that are covered by the PSR, of which more than 12,000 are identified as large farms, actual on-farm inspections will be conducted on a very small percentage of farms in any given year. As such, these inspections are to verify that farms are accurately following the PSR.

To provide efficiency and consistency, the FDA has provided states with a "*Prioritization Tool*." The tool weights certain information, either known or unknown, about a farm. Farm profiles with greater numerical totals may be given a higher priority for inspections. We have included a questionnaire for you to complete that seeks information to be used in this prioritization. It is very important that you complete the questionnaire as completely and accurately as possible. Please note, unknown data points are generally allocated the greatest numerical value, and thus increase the need for inspection of your farm.

Finally, if you have not already done so, we strongly encourage you to visit our website <https://www.cdfa.ca.gov/producesafety/>. There you will find a great deal of information and assistance to better understand the program requirements, including Frequently Asked Questions (FAQs), a blog page where we provide more in-depth information on specific topics, and a flow chart to best determine whether you are subject to this rule, or perhaps have a qualified exemption. We encourage you to sign up for the electronic newsletter where we issue updates directly to subscribers. You may also access the link for the farm questionnaire through the website. Questionnaires may be returned by email at producesafety@cdfa.ca.gov, or mailed to CDFA, Produce Safety Program, 1220 N Street, Sacramento, CA 95814.

Thank you for your time in reading this letter and for returning your completed questionnaire by March 15, 2019.

Sincerely,



Michelle D. Phillips, M.S.
Senior Environmental Scientist (Supervisor)



Produce Safety Program Grower Questionnaire

Please complete the following and return by March 15, 2019. You may email to: producesafety@cdfa.ca.gov or mail to: CDFA, Produce Safety Program, 1220 N Street, Sacramento, CA 95814.

Contact information of individual responsible for on-farm food safety compliance (please print):

Name _____ Farm Name _____

Work Phone _____ Cell Phone _____

E-Mail _____

Are your average annual sales greater than \$500,000? Y N

Has a responsible party completed the Produce Safety Alliance Grower Training? Y N

Has your company/farm developed an operational GAP/Food Safety Plan? Y N

Does your company/farm currently participate in a GAP/Food Safety Auditing Scheme? Y N If Y, please list all:

Please indicate farm activity (check all that apply):

Grow Harvest Pack Hold

Please indicate the water source(s) for your farm (check all that apply):

Surface Ground Municipal Unknown

Please indicate adjacent land use(s) (check all that apply):

Farming Open/Fallow Wild/Natural Livestock/Dairy Urban Poultry

While we have information regarding the types of products you grow, in many cases that information is broadly categorized, i.e., "Fruiting vegetable" which may be summer squash to tomato, or "Leaf/Stem Vegetable" which could be broccoli to kale. To assist us in narrowing those categories, please indicate the commodities grown on your farm (check all that apply):

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> Avocados | <input type="checkbox"/> Cherries | <input type="checkbox"/> Green Onions |
| <input type="checkbox"/> Melons | <input type="checkbox"/> Artichokes | <input type="checkbox"/> Leafy Greens (lettuce, spinach, chard, kale, etc.) |
| <input type="checkbox"/> Table Grapes | <input type="checkbox"/> Summer Squash | <input type="checkbox"/> Stem (Cole) Veg. (broccoli, cauliflower, brussels, etc.) |
| <input type="checkbox"/> Carrots | <input type="checkbox"/> Winter Squash | <input type="checkbox"/> Sweet Peppers |
| <input type="checkbox"/> Raisins | <input type="checkbox"/> Cucumbers | <input type="checkbox"/> Hot Peppers |
| <input type="checkbox"/> Tomatoes | <input type="checkbox"/> Dry Onions | |

Please list all commodities that will receive commercial processing: _____

