



## Day 2, Wednesday, Feb. 6<sup>th</sup>, 2019

9:00am: Buyer Workgroup Meeting

### **Discussion based on surveys and what we wish to tackle in this workgroup**

- Common survey response themes (below): In the northeast there are some states that have state specific audits, other states are moving in that direction...
- There's the question of "we have these audits, who's going to accept them and are they going to work?"
- On the other hand, buyers are adjusting to multiple audits, are these audits reliable? Do we have to comply with FSMA?
- Now, we have a mix of buyers and growers. Growers must know what they need to do to be present in the market place. This comes with a cost. Even if the audits themselves do not have a cost, there is still audit preparedness costs. This also does not include buyer expectation costs.
- The survey also brought up concerns of the expression: "what goes on at retail is an unknown quantity", how is the produce handled once it is in retail? What if grimy customers put their dirty hands on produce? How are retailers to digest that list?
- We also should explore service delivery issues with the audit and inspection programs, Mass is currently trying to review and modify this. With OFRRs this may be confusing for growers. We may be prancing around the issues to not upset farmers. There is a major difference in an inspection and an audit, and auditors cannot give recommendations so for a small state with limited options, it is illogical for growers to pay directly for market access. We could discuss this. → GOAL for later discussion and actions
- How do we fit farm and wholesale aggregators into this? Now it seems like we are ignoring them. (decided to discuss RAP aggregators)
- In the new world with PSR can we explore the possibility of buyer flexibility in comparison to state-by-state basis? Buyer perspective on **inspection VS audits**. What if inspections are needed annually? Is this feasible? Mass is currently inspecting all farms annually. About 80% of large farms are to be inspected annually.
- We should clarify what we anticipate the outcome of an inspection to look like. Do we have similar expectations? If not, what are our differences in opinion?

### **Discussion of State by State Inspection and Audits**

- MD- Inspections are prioritized by large farms (1st tier) with the hope to hit as many as possible, after the inspections there is an observation document given, but there are no certificates awarded. With 40 first tier large farms, it

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## 2019 NECAFS Annual Conference Notes

Albany, New York, 02/04/19 through 02/06/19

- is maybe possible to inspect all of them, we will see what happens. 5 inspectors.
- MA- 53 farms currently in the state audit program. This past season ~100 farms large → small were inspected. This season all large farms will be audited, and the plan is to also inspect each farm that are to be audited. Mass does not see consistency in buyers, with the exception of Wegmans. Market access certificates are given after inspections. Hoping to transition onto PSR inspections. 350 covered farms. 5 inspectors.
  - NH- no present
  - DE- ~150 farms approx. 25 large. This year ~10 inspections will be done after prioritizing which farms. The farms will receive a certificate. They are absolutely NOT planning on inspecting all farms.
  - NJ- very large list of farms that are being prioritized. There is over 100 large farms. Prioritizing is based on commodities and existing audits. They will leave all inspection materials, however no certificates will be given. The FDA tells NJ who to inspect (only state) FDA CREDENTIAL
  - ME- no present
  - NY- Rolls PSR into food inspection program. Growers are given notice of inspection, A, B, C letter grade for farms. An inspection certificate will be mailed to growers at a later date 1500 farms covered after 3 years. There is probably more with market access. It is impossible to reach these farms every year. 5 inspectors.
  - VT- ~30 covered farms total as of today (likely to go up). 18 large farms will be inspected this year. There should be capacity to inspect all farms annually. Smaller farms in the state have participated in buyer requested inspections. Smaller farms that are not covered with buyer access may also receive inspections. Observation forms are given, but there is no scoring criteria or certificate. There are 2 inspectors
  - CT- ~20 farms with market access audit this year. Plans to register all farms. In the registration process, an initial inspection is required with documentation. In the following season, another inspection would be completed, granting registration and a market access certificate. This is plan is still being formulated, hoping to provide farms with annual inspections. Potential for 200-300 large farms. There are 3+ inspectors. (potential for 1-2 more)
  - RI- Hopeful to inspect all farms annually. There aren't a lot ~10 large farms. Expectations for no more than 50 farms total. There will be an observation form after inspection. market access certificates are given by staff other than inspectors (probably a different inspection). Annual inspection program with hopes for 25-50 farms/year. 2 inspectors.

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- PA- no present

### **Buyer Challenges and Expectations**

- Wegmans- Comes down to relationships so there is flexibility, with a changing landscape, states have different programs. Wegmans will try to adapt with each state's regulations and what is available. As long as there is confidence with what the states are doing, they are fine with what regulations are in place. However, they do request annual audits (w documentation) and verification. They reimburse for auditing to help manage food safety costs. Growers are provided annually with a list of all accepted forms of verification testing.
- Hannaford- definitely expecting some kind of annual certification to prove safe practices. There must be a passing, "safe to operate" certificate or documentation of some kind. Again, relationships with farms are very important so there is a wide variety of inspections and auditing accepted. There is a reimbursement process for food safety auditing. Growers are provided annually with a list of all accepted forms of verification testing.
- Q: are there different expectations for local or nationwide growers/ buyers?
- A: (Hannaford) 80% of local growers are directly to stores. Stores are provided with a list of approved local growers. It is maybe possible a farm is missed and local stores decide to buy from a non-listed grower. This grower must have an annual proof of safe practice as well, corporate will then take the necessary steps to get these farms to standard.
- A: (Wegmans) Very similar. Nobody is supplying produce without food safety passing documentation. If there is not annual documentation, that grower is immediately taken off the buyer list. There is no store level purchasing, everything is purchased at a corporate level. For local growers, 1<sup>st</sup> year is standard gap audit to allow for adaptation of practices. 2<sup>nd</sup> year is a harmonized gap audit or equivalent. There is a very specific list of produce permissible to be purchased from aggregators. If this is the case, the certifications from each farm must be obtained before any purchase.

### **Discussion on Audit Acceptability**

- There are always issues. For example, recall and deathly outbreaks have been known to occur days after an audit with a 95 rating. 3<sup>rd</sup> party audit system is broken. There is conflict with regulatory framework
- It is frustrating to see large retailers that do not provide annual audits. This is unfair to farmers who maintain audit approval practices and stress about keeping their practices up to the high standards of retailers that require annual documentation.

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- States who use services with farms, there could be mistaken terminology with is what is in compliance. If growers are “in compliance” it could possibly place the low on the priority list for state inspection and auditing.
- We are in a unique phase with new resources & new schools of thought with inspection and audits. Produce is new to inspections and audits in comparison to the rest of the food industry. We have to ask ourselves, is produce different? If so, why? We must also be aware of outliers in the trends of state regulations for on farm audits and inspects.

#### **Discussion on “What would make our food safer?”**

- We know audits (cantaloupe outbreak) do not always work
- Grower perspective: the reason there are audits and inspections are to consistently raise the bar. However, accidents happen! Minimizing risk does not mean NO risk. Basically there is a zero tolerance game. If there is one mistake, people could die. In that sense, why is the grower still liable for the produce once it leaves their care/ enters retail? How have these regulations changed over time?
- Audits and inspections are simply confirmation in snapshots of time. It is not day-in-day-out. We need a way to confirm ongoing food safe practices. There is also no way to confirm that an audit or inspected did actually prevent an outbreak. Improvements through the relationship occur between grower, buyer, and state regulations. If the farms are consistently improving and being inspected, there is constant growth in their food safe efforts.
- The growers will ask “why do I have to do this when I haven’t in the past and nothing bad happened” Perhaps as an effort to ensure ongoing food safety practices, raising knowledge and awareness of growers in food safety and potential hazards could be beneficial. If they knew the specifics of the potential risks, they may be more willing/ adamant about food safety practices. We cannot confirm they are handling produce properly other than the one day of inspection or auditing.
- With regard to other food and produce, education and knowledge will in fact make things safer. Auditing stores is not enough. Outreach can provide buyers and growers on the recent problems in the last 1, 2, 5 or 10 years. This information can signal what to look for and how to prevent potential issues. This a is great resource for the consistent improvement of practices.
- Worker comp rates and insurance costs are through the roof, and it made growers and businesses pay much more attention to safety due to the high cost associated with this. Now, consumers are pushing for safe food, so citations being public knowledge would urge farmers to avoid citations and outbreaks at all cost from a PR and cost standpoint.

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- PSA training: workers are frontlines of defense. How can we ensure line workers are being well informed on practices, regulations and hygiene?
- Getting better regional labeling on crops and agriculture products maybe help the burden of produce outbreaks. TRACEABILITY
- Perhaps more outbreaks can signal outbreak investigations, allowing for more data. More data leads to preventive actions that going forward will be for the greater good. Obviously, nobody wants more foodborne outbreaks. However, we must keep a positive attitude when addressing foodborne outbreaks.
- Lori feels we are just now getting to the realization that we had with every other food group (seafood, PC), the facts made today remind Lori of back when people said “this will go away” about HACCP and PC. So it is reassuring that one-day, PSA will be well understood and well implemented. The resources and record keeping are on the trend to improve and provide insight on what to do next.
- It is reassuring to see the strong network for education and regulation between regulators and growers. The back end of this is being able to follow up with strong technical assistance with a strong resource of solutions for growers.

**Discussion of inspections vs audits: can we come to a consensus?**

- Some people see this as bad because it is new, the rest of the industry does both inspections and audits
- In another sense, others want to see inspections and audits joint to ensure all farms are able to get an annual review. There isn't enough resources to do both for each.
- There are some states that want to cover inspections and auditing independently, so we are in a stage of evolution when it comes to determining regulation and requirements.
- Other states/ regulators & growers want regulation and auditing to be national?
- Evolution of inspections may happen, what do we think it is going to look like? Regardless of regulation, we see growers still growing, buyers still buying and consumers still consuming! Most people are not being sick, regardless of this new way of thinking, growers still need to be in retail locations!
- Do we need to do things differently?
- We believe eventually this is going to be fine! But we can't improve until we understand what we're doing and why.

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- There are auditing programs that are not scientific based, how does this effect liability in outbreaks? Everything regulatory is supposed to be science based, however yet it is not there. We have a joint optimism about getting to this point eventually.
- Liability in this sense is irrelevant because whoever has the most money and best lawyers WIN. The farmer is going to get tagged and go out of business and they will eventually be forced to liquidate.
- Q: How to buyers feel about produce food safety at a store level? How do you deal w high risk situations such as people touching?
- A: (H) All employees are required to take an annual training for their area of employment (ex. deli, produce, etc.). There is record keeping, and (ex.) if produce is sliced, that temperature is taken ~4 hours. There are hand-washing expectations and storage conditions expectations. There are food safety practices in place with SOPs in high-risk areas, such as produce. There are signs present to ask patrons to refrain from touching and eating products. There is a constant challenge with service animals and other challenges such as that.
- (w) there are inspectors as well as food safety coordinators employed full time. The food safety issues are also always on their radar. Wegmans is constantly watching customers from surveillance to avoid adulteration. Dealing with the public always introduces more risks, and we are as vigilant as possible for being the first line of defense.

### **Discussion on how to transition discussion points into executable next steps**

- What did we learn that is of value?
  - - Did not know the crazy state variations that exist in inspection and auditing regulation.
  - - Hearing new perspectives on known topics is always beneficial.
  - - We need to access more buyer opinions and try to get them to NECAFS. Buyer contact info is not public!
- Sometimes buyers are not made aware that there are issues in their supply. They are satisfied with their programs, and do not see the need for a constant changing regulations and standards.
- Lets try to outreach to more buyers! Buyers also recognize the hardships in building a buyer network.
- Why don't retailers have to take safety regulation trainings? Is the food code enough? Food safety is not always made a priority to these retailers because they pass an inspection and believe it's enough.
- There is a lack of knowledge in the PSR with retailers and how they have to comply.

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- NYC area has many small retailers who do not have the resource of ability to adapt to these regulations, and they rely HEAVILY on distributors to ensure safe food practices. These distributors should be made aware that they are holding responsibility for these food safety risks.
- Some buyers do not care about FSMA exemption, and want small farms to adapt to new regulations, regardless of size.
- In a company, we are focusing on the buyers, meanwhile regulatory compliance employees need to have more stress for knowledge and obtaining supplemental education to further their understanding of risks and safe practices.
- State legislations may not supplement costs when the money runs out. State-by-state varies if practices will continue once money runs out.
- It was never expected that there would be revenue and resources to inspect all farms annually. About 20% was expected and those are the resources available.
- With the gov't shutdown, there was a concern from the public about the food supply regulation. Gov't or not, safe food is the only way to sustain our country. People will always eat, and if food is not always safe we will see major problems in our country. It's ridiculous to consider a stop in funding for safe food regulation after 5 years.

#### **Group Discussion on "Action Items"**

- Who is going to put together a new and updated "standard for food safety" perhaps annually
- Do we want to work on outreach to buyer networks?
  - Is there a way to put together a template and get these resources to the buyers? A half-day workshop? Reach out at a local level and connect buyers and growers.
- Make a working document for states to update with the regulations on inspection and auditing. Maybe 1-2 people from state will have editing access to this document. The document will be made public.
- Q:(H): we require annual certification or documentation of auditing. If they are not provided by state, how do we provide resources to these farms for 3<sup>rd</sup> party auditing services so we don't have to revoke market access from these growers?
  - Reach out to PMA to see where they are at in this process! ^
- Would it be beneficial to share information about state auditing and inspection reports without identifying states?
  - Keeping this document up to date with a date each time it is updated, this will prevent farmers from following out of date regulations.

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