

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, Section § 42-35-2.6 of the General Laws of Rhode Island, following is a concise explanatory statement:

AGENCY: Department of Environmental Management

DIVISION: Agriculture

RULE IDENTIFIER: 250-RICR-40-00-2

RULE TITLE: Rhode Island Produce Safety Rule

REASON FOR RULEMAKING: The purpose of These Regulations is to adopt minimum safety standards for the growing, harvesting, packing and holding of produce for human consumption that are consistent with those established by the FDA pursuant to 21 C.F.R. § 112 (2016).

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: *(if any)*

TESTIMONY, COMMENTS AND OBJECTIONS: Twelve comments were received.

CHANGE TO TEXT OF THE RULE: Six minor changes to the proposed rule that were made to provide consistency and clarity within the proposed rule.

- Changing of language within Section 2.1.1 - Authority by substituting the word under with pursuant to.
- Changing of language within Section 2.1.2 - Purpose to remove “that are consistent with those” included the replacing of safety with science based and removal of certain text.
- Changing of language within Section 2.1.3 - Applicability to remove “be liberally constructed to” and include “federal and”.
- Changing of language within this Section 2.1.4 - Scope to change the first sentence to read “These Regulations, in accordance with Rhode Island General Law 2-1-10, apply to every person who grows, harvests, packages and/or holds produce for human consumption on-farm, whether or not for profit”.
- Changing of language within this Section 2.3 - Definitions to include the federal definition for produce for consistency.

REGULATORY ANALYSIS: N/A

DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD: