

## CONCISE EXPLANATORY STATEMENT

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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: PRODUCE SAFETY RULE**

**REASON FOR RULEMAKING:**

The Department of Environmental Management, Division of Agriculture (RIDEM) has proposed amendments to this regulation in order to administer and enforce the Produce Safety Rule in Rhode Island. These amendments add content to conform to new federal produce safety requirements including, but not limited to: Registration of Produce Farms, on farm produce safety inspections, provisions for adulterated and misbranded produce, enforcement and compliance of produce safety standards. A summary of substantive changes between current and proposed regulation by section is as follows:

- The definitions in Section 2.3 have been expanded upon to include terms FY2020 amendments.
- Section 2.4 has been added to require covered farms to have a record keeping and coding system for identifying produce that goes into public commerce.
- Section 2.5 has been added to require produce farms to register annually with the Department.
- Section 2.6 has been added to clarify the requirements for records kept under the Produce Safety Rule.
- Section 2.7 has been added to prohibit adulterated or misbranded produce from entering commerce in Rhode Island.
- Section 2.8 has been added to clarify requirements for records to be kept under the Produce Safety Rule.
- Section 2.9 has been added set forth clear procedures for the compliance and enforcement of the produce Safety Rule in Rhode Island.
- Section 2.10 has been added to include a process for hearings and dispute resolution in the event of recall, embargo, destruction or stop sale of produce on a Rhode Island farm.

- Section 2.11 has been added to include penalties in accordance with FY2020 amendments.
- Section 2.12 has been added to set forth clear procedures for all risks to public health, safety or welfare.
- Section 2.13 has been added to consolidate language from the current regulation regarding inspections, audits and penalties in addition to including updates consistent with the FY2020 statutory amendments. Specific grounds for the discipline of a licensee or cardholder were added consistent with other DBR licensing schemes.
- The Severability section was removed as it was nonregulatory language.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE:**

*(if any)*

**TESTIMONY, COMMENTS AND OBJECTIONS:** The Department received no comments related to the proposed amendments.

**CHANGE TO TEXT OF THE RULE:** No changes were made from the rule that was sent out to public notice.

**REGULATORY ANALYSIS:**

The Department has conducted a cost benefit analysis and determined that there will be a net benefit attained by the proposed regulations referenced above.

**DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD:**