

**RHODE ISLAND GOVERNMENT REGISTER
AMENDED PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Produce Safety Rule

Rule Identifier: 250-RICR-40-00-2

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 04/27/2020

Hearing Date: 05/18/2020

End of Public Comment: 05/27/2020

Authority for this Rulemaking:

R.I. Gen. Laws Chapters 46-9 and 46-9.1

R.I. Gen. Laws Chapter 42-35

Summary of Rulemaking Action:

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.

PUBLIC HEARING TO CONSIDER THE PROPOSED REGULATION SHALL BE HELD ON MAY 18, 2020 at 2:00 pm. DUE TO THE ONGOING COVID-19 EMERGENCY, THIS HEARING WILL BE CONDUCTED SOLELY VIA TELECONFERENCE AS A "VIRTUAL PUBLIC HEARING" CONSISTENT WITH THE GOVERNOR'S EXECUTIVE ORDER #20-25. MEMBERS OF THE PUBLIC WHO WISH TO PARTICIPATE AND/OR COMMENT ARE ENCOURAGED TO JOIN THE TELECONFERENCE AT THE SCHEDULED DATE AND TIME BY DIALING THE FOLLOWING NUMBER: 1-888-282-9577. UPON DIALING IN, PLEASE ENTER THE FOLLOWING PASSCODE TO JOIN THE HEARING: 3432494 AT WHICH TIME ALL PERSONS INTERESTED THEREIN WILL BE HEARD.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until May 27, 2020 by contacting the appropriate party at the address listed below:

Ananda Fraser
 Department of Environmental Management
 RI Produce Safety, Division of Agriculture
 235 Promenade Street, 3rd Floor
 Providence, RI 02908

Ananda.Fraser@dem.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on May 18, 2020 at 2:00 pm at DIALING THE FOLLOWING NUMBER: 1-888-282-9577, PASSCODE TO JOIN THE HEARING: 3432494 , VIRTUAL PUBLIC HEARING , Providence, RI 02908 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-5300 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:

The Department has conducted a cost benefit analysis and determined that there will be a net benefit attained by the proposed regulations referenced above. However, the public hearing is being conducted to solicit comment on the proposals and to allow public input from small businesses or any stakeholders, which may believe that that may be adversely affected. For full regulatory analysis or supporting documentation see agency contact person above.

For full regulatory analysis or supporting documentation see agency contact person above.