

**State of Rhode Island  
Department of Administration  
Office of Management and Budget**

Fiscal Note for Proposed Administrative Rules (R.I.G.L. § 22-12-1.1)

**Name of Administrative Rule:** 250-RICR-40-00-2 Produce Safety Rule

<b>FISCAL IMPACT</b>					
<i>State Revenues</i>		<i>State Expenditures</i>		<i>City/Town Expenditures</i>	
FY 2026	\$ 0.00	FY 2026	\$ 0.00	FY 2026	\$ 0.00
FY 2027	\$ 0.00	FY 2027	\$ 0.00	FY 2027	\$ 0.00
FY 2028	\$ 0.00	FY 2028	\$ 0.00	FY 2028	\$ 0.00

**Summary of Policy Change:**

Rhode Island Department of Environmental Management is proposing to amend the existing state Produce Safety Regulations to adopt the updated federal Food and Drug Administration Produce Safety Rule, Subpart E – Agricultural Water. This should be prefaced by stating the definition of Agricultural Water will not be changed, just the process to which it will be found acceptable. The amendments include the following:

Replace the prior microbial water quality criteria with the new pre-harvest agricultural water assessment framework. The framework of the assessment includes a risk-based assessment that should incorporate architecture, practices, crop characteristics, environmental conditions, adjacent land use, and overall relevant factors followed by testing under certain circumstances. This will incorporate federal corrective action requirements as well as agricultural water system inspection standards

Annual testing of Agricultural Water for Microbial content and technical assistance will still be performed through the Rhode Island Department of Environmental Management Division of Agriculture and Forestry.

Clarify agricultural water definitions, including distinctions between pre-harvest, harvest, and post-harvest uses.

Include non-substantive edits such as improved section formatting, updated terminology, and correction of typographical inconsistencies.

These amendments ensure Rhode Island’s produce safety regulations remain consistent with federal standards required for continued participation in the national Produce Safety Program.

**Summary of State Fiscal Impact:**

No adverse fiscal impact. The RIDEM Division of Agriculture currently administers the Produce Safety Program using federal cooperative agreement resources. Implementation of the updated Subpart E requirements will not require additional program restructuring. All required compliance oversight activities can be absorbed within existing program operations.

**City or Town Impact:**

No adverse municipal fiscal impacts. The proposed amendments apply only to produce growers and are expected to reduce compliance costs relative to the prior water-testing-based framework. The Municipalities should not be affected as the standard and definition of Adequate has not changed through federal regulation.

**Reviewed/Approved by CFO:** \_\_\_\_\_ **Dated:** \_\_\_\_\_