

250-RICR-40-00-2

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 40 – AGRICULTURE AND RESOURCE MARKETING

SUBCHAPTER 00 - MARKETING AND FOOD SAFETY

PART 2 – Produce Safety

2.1 Authority and Purpose

2.1.1 Authority

These Regulations are promulgated pursuant to the authority conferred by R.I. Gen. Laws §§ 2-1-9 and 2-1-10, and are established to implement and enforce the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (Produce Safety Rule) under the FDA Food Safety Modernization Act, Pub. Laws 111-353, as it pertains to commercial growers of fruits and vegetables.

2.1.2 Purpose

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), incorporated below at § 2.2 of this Part.

2.1.3 Applicability

The terms and provisions of These Regulations shall be liberally construed to permit the Rhode Island Department of Environmental Management (DEM) to effectuate the purposes of state law, goals, and policies.

2.1.4 Scope

These Regulations apply to every person who grows, harvests, packages and/or holds produce on-farm in Rhode Island, whether or not for profit. Inspections apply to any field, building, storehouse, warehouse, cold-storage plant, packing house, stockyard, or any other building or place on-farm where farm products are produced, kept, stored or offered for sale.

2.2 Incorporated Materials

These Regulations hereby adopt and incorporate the FDA Food Safety Modernization Act Final Rule on Produce Safety 21 C.F.R. § 112 (2016) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with These Regulations.

2.3 Definitions

A. For the purposes of these Regulations, the following terms shall have the following meaning:

1. "C.F.R." means the Code of Federal Regulations.
2. "FDA" means the U.S. Food and Drug Administration.
3. "Law" means any applicable federal, state or local statute, ordinances and regulations.
4. "Person" means any individual, partnership, corporation, association or other legal entity.
5. "Produce" means any fruit or vegetable (including mixes of intact fruits and vegetables) and includes mushrooms, sprouts (irrespective of seed source), peanuts, tree nuts, and herbs. Produce does not include food grains meaning the small, hard fruits or seeds of arable crops, or the crops bearing these fruits or seeds, that are primarily grown and processed for use as meal, flour, baked goods, cereals, and oils rather than for direct consumption as small, hard fruits or seeds (including cereal grains, pseudo cereals, oilseeds, and other plants used in the same fashion).
6. "R.I. Gen. Laws" means the General Laws of Rhode Island, as amended.
7. "DEM" means the Rhode Island Department of Environmental Management.
8. "These Regulations" means all parts of the Produce Safety Rule codified as 250-RICR-40-00-2.

2.4 Severability

If any provision of These Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions

or application of These Regulations which can be given effect, and to this end the provisions of These Regulations are declared to be severable.