

Cultivating Cumberland

March - 2018 VOL. 23, ISSUE 3



Inside this issue:

WPS Updates	1
On Farm Food Safety website	2
FSMA Communications	2
Board seeks SADC members	3
Fair Agricultural Reporting Method Act	3
Soil Health Field Day	4
USDA Farmers Survey	5
EPA Pesticide Program Updates	5
FDA Microbiological Surveillance Sampling	6-7
Plant & Pest Advisory	8
Pre-Season Farm Labor Meetings	9
Calendar of Events	10-11
Regularly Scheduled Meetings	12
Website information	13

Attachments:

Produce Safety Rule on the Internet
Quick Guide for WPS changes
Rutgers Impact Statement 2017

Worker Protection Standard (WPS) Updates

Updated WPS information is available at: pesticideresources.org

The following items are available on the website to download/purchase:

- “How to Comply” manual—Manual with the information that Owners and Employers need to know
- WPS Posters: 2 sizes available 11x17 & 22x34, English & Spanish. Under the WPS, specific information must be available to agricultural workers and pesticide handlers at all times during their working hours.
- Worker/handler training materials—Under the newly revised WPS, training materials must be EPA approved when officially training workers, handlers and trainers.
- Materials for Training Trainers
- WPS Handouts
- WPS Respiratory protection guide.

The website has a “frequently asked questions” section to speed up finding the answers to your questions. There is also a “Worker Protection Standard Compliance Assistance Library” that is a collection of educational resources to help people on farms, orchards, forests and other agricultural establishments comply with the Worker Protection Standard.

Attached to this newsletter is a copy of the “Quick Reference Guide to WPS”. The guide summarizes the maximum requirements under the revised WPS. It does not include exemptions and exceptions that may allow you to do less.

Rutgers Cooperative Extension of Cumberland County has a sample copy of the new WPS Poster hanging on the Agricultural bulletin board.

Rutgers On-Farm Food Safety Team

The Rutgers On-Farm Food Safety Team launched a new food safety website:

www.onfarmfoodsafety.rutgers.edu

Visit the website for up-to-date information on FSMA - Produce Safety Rule, Good Agriculture Practices and USDA Third Party Audits/GAPs and Harmonized.

Contact our team if you have additional questions:

Wesley Kline, RCE Cumberland County, 291 Morton Ave., Millville, NJ 856-451-2800 x1

Meredith Melendez, RCE Mercer County, 930 Spruce St., Trenton, NJ 609-989-6830

Links to Recent FDA Communications Regarding the FSMA Produce Safety Rule

1. **What to Expect Now That Larger Farms Must Comply with
the FSMA Produce Safety Rule,
A Conversation with Samir Assar – 02-01-2018**

<https://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm594712.htm>

2. **FDA, USDA Announce Formal Agreement to
Bolster Coordination and Collaboration – 01-30-2018**

<https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm594424.htm>

3. **FDA Announces Enforcement Discretion
Policy for Certain FSMA Regulations**

01-04-2018

<https://www.fda.gov/Food/NewsEvents/ConstituentUpdates/ucm590667.htm>

4. **Standards for the Growing, Harvesting, Packing, and
Holding of Produce for Human Consumption
Extension of Compliance Dates for Subpart E – 09-13-2017**

<https://www.federalregister.gov/documents/2017/09/13/2017-19434/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption-extension>

5. **Dr. Scott Gottlieb's Speech to the 2017 NASDA Annual Meeting – 09-12-2017**

<https://www.fda.gov/NewsEvents/Speeches/ucm575499.htm>

Board seeks SADC Members

Douglas H. Fisher, Secretary of Agriculture

On behalf of the State Board of Agriculture, I am informing you that the Board is looking for candidates interested in serving as farmer members on the State Agriculture Development Committee (SADC). The State Board of Agriculture recommends to the Governor potential candidates to be considered for appointment. At this time, the Board is in search of candidates to fill farmer positions when available. A full term on the Committee is four years.

Interested candidates must be actively engaged in farming. Members of the SADC are required to prepare for and attend monthly meetings (typically the fourth Thursday of the month) and may be asked to serve on a subcommittee as well.

Anyone who would like to serve as a farmer member on the SADC should submit a letter of interest and resume to the State Board of Agriculture no later than March 9, 2018 for consideration. Send interest letters with resume to: Secretary Douglas H. Fisher, Department of Agriculture, PO Box 330, Trenton, NJ 08625.

Fair Agricultural Reporting Method Act Introduction

Federal Note: The National Association of State Departments of Agriculture (NASDA) today applauded the introduction of the Fair Agricultural Reporting Method Act (FARM Act), S. 2421, which would clarify that farmers and ranchers are not required to report livestock manure data under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), a law intended to regulate toxic Superfund sites. Dr. Barbara P. Glenn, NASDA CEO, underscored the importance of this timely action given the ongoing uncertainty among producers caused by conflicting court decisions. "It was never the intent of Congress to regulate animal agriculture operations under the Superfund law. We applaud this commonsense, bipartisan effort by these Senators to restore certainty for farmers under CERCLA. The farms and ranches producing our food and fiber should not be regulated as toxic Superfund sites. We urge the Senate to swiftly act on this bill before new reporting requirements begin on May 1."

State Note: Producers with 7 or fewer animal units (1 AU = 1,000 pounds of animal weight or the combined weight of smaller species) are encouraged to file a plan but are not required to do so. Producers with 8 to 299 total animal units are required to develop a "self certified" Animal Waste Management Plan (AWMP). Forms can be found on-line or at a local Rutgers Cooperative Extension service office. Producers with 8 to 299 total animal units having densities >1 AU/acre must have their plan reviewed by a conservation professional to ensure conformance with the NJ Field Office Technical Guide (USDA-NRCS). These higher density operations must submit these plans to their local Soil Conservation District office for review. The self-certified AWMP's (not the higher density plans) must be filed at the local Rutgers Cooperative Extension office and checked for completeness. This process is confidential to the producer with only a declaration number maintained for filing of the plans.

Soil Health Field Day at Turkey Creek Farm

New Jersey Audubon is now accepting applications for the Healthy Land and Waters Grants to cost-share on farmland projects that improve soil and water quality in southern New Jersey. Funds are competitive and based on geographic eligibility. New Jersey Audubon can provide advice and project planning help to implement best management practices on production land, and can also redirect your application to a federal or state agency that may have funding available. Considering trying cover crops, reduced tillage management, enhancing field and stream borders, enhancing wild-life or pollinator habitat? Healthy Land and Waters Grants could reduce your financial risk in altering your management! New Jersey Audubon works closely with the Natural Resource Conservation Service (NRCS) to ensure planning the best project for your farmland.

To learn more about this program and other funding opportunities, and how to rebuild and protect the soils on your production land, consider joining us at our **Soil Health Field Day** on March 22nd!

Morning education sessions include a wealth of information from local farmers and experts in the field.

- Cover crop mixes for South Jersey and how they can fix your soils
- A scientific review of cover crops and reduced tillage improvements to soil health
- Local pollutants and how to keep them out of your water source
- New Jersey Audubon's Healthy Land and Waters Grant, how to apply and what we can do
- NRCS programs and how they can help you help your land
- Field tour of multi-species cover crop trials and field soils investigation with NRCS soil scientists

No-till equipment will be on display, vendors will be present, and opportunities to talk with specialists as well as local farmers who are implementing these practices. Applications for New Jersey Audubon's Healthy Land and Waters Grant and USDA programs will be available on site.

Thursday, March 22nd, 2018
10:00 am to 3:00 pm (Lunch will be provided)
Turkey Creek Farm, 56 Friesburg Road, Bridgeton NJ 08318

This event is free but registration is required
contact Danielle Bara at 609-400-3840 or danielle.bara@njudubon.org by March 16th

If you are unable to join us for our event on March 22nd, applications can be mailed to you or picked up at your local USDA service center. Priority will be given to applications received by April 1st.

For more information or to apply please contact:

Kristen Meistrell - Office: 609-400-3843
Email: Kristen.Meistrell@njudubon.org

Brittany Dobrzynski - Office: 609-400-3826
Email: brittany.dobrzynski@njudubon.org

USDA to Survey Farmers Planting Intentions For 2018

As the 2018 crop production season begins, the U.S. Department of Agriculture's National Agricultural Statistics Service (NASS) will contact producers nationwide to determine their plans for the upcoming growing season.

"Each year, the agriculture industry eagerly awaits USDA's *Prospective Plantings* report, which provides the first survey-based estimates of U.S. farmers' planting intentions for the year," said NASS' Northeastern Regional Director King Whetstone. "The March Agricultural Survey provides the factual data that underpins these projections, making it one of the most important surveys we conduct each year."

NASS will mail the survey questionnaire in February, asking producers to provide information about the types of crops they intend to plant in 2018, how many acres they intend to plant, and the amounts of grain and oilseed they store on their farms. NASS encourages producers to respond online or by mail. Those producers who do not respond by the deadline may be contacted for a telephone or personal interview.

NASS safeguards the privacy of all respondents and publishes only aggregate data, ensuring that no individual operation or producer can be identified.

Survey results will be published in the *Prospective Plantings* and *quarterly Grain Stocks* report to be released on March 29, 2018. These and all NASS reports are available online at www.nass.usda.gov/Publications. For more information call the NASS Northeastern Regional Field Office at 1-800-498-1518.

EPA Pesticide Program Updates

February 20, 2018

Register for the Spray Drift Management Webinar

On March 15, 2018, at 11:30 a.m. to 1:00 p.m. ET, EPA will offer a *Strategies for Managing Pesticide Spray Drift Webinar*. This webinar is tailored for growers, pesticide applicators, and other interested stakeholders who work with pesticides and pesticide application equipment.

[Pesticide spray drift](#) is the movement of pesticide dust or droplets through the -- air at the time of application or soon after - to any site other than the area intended. Spray drift can affect people's health, damage nearby crops, and pose a risk to non-target organisms. This webinar will focus on strategies for reducing pesticide spray drift.

Our presenter will be Greg Kruger, PhD., Weed Science and Application Technology Specialist with the University of Nebraska at Lincoln.

[Please register here in advance for the webinar.](#)

<https://register.gotowebinar.com/register/1526938365731023875>

Food and Drug Administration Microbiological Surveillance Sampling

From 1996 to 2015 the FDA reported nine outbreaks linked to basil, parsley, and cilantro, which resulted in 2,699 illnesses and 84 hospitalizations. Four of the outbreaks were linked to basil, three to cilantro and two to parsley. Of those same nine outbreaks, seven were attributed to *Cyclospora cayetanensis*; one was attributed to *E. coli O157:H7* and one was attributed to *Shigella sonnei*. The FDA is seeking to obtain baseline estimates of the prevalence of Salmonella and Shiga toxin-producing *E. coli* (STEC) in cilantro, basil and parsley. FDA will also test for *Cyclospora cayetanensis* during the summer months when *Cyclospora* related illnesses typically occur.

When will the FDA collect samples?

The FDA began collecting samples of these commodities in October 2017 and plans to continue its collection until it has met its target of 1,600 samples. The sample collections are anticipated to take 18 months. Sampling will occur primarily Monday through Thursday, throughout the year.

Where will the samples be collected from?

The FDA will collect samples of imported fresh cilantro, parsley and basil from ports of entry, importer warehouses, or other storage facilities where foreign goods are cleared for entry into the country, and domestic samples from packers (including post-harvest products in packinghouses on farms), wholesalers, distributors/warehouses and retail locations. Retail samples will be collected from dealer storage (i.e., prior to consumer handling).

What exactly do you plan to collect?

For fresh herbs, the FDA plans to collect fresh, raw parsley, cilantro and basil. The agency does not plan to collect frozen, chopped, or dried herbs, or fresh herbs indicated as intended for processing.

What will the FDA test for?

The FDA is testing both fresh herbs (cilantro, basil and parsley) for *Salmonella*. The agency also plans to test fresh herbs for Shiga toxin producing *E. coli*. The agency will conduct whole genome sequence testing on any samples that test positive to obtain the genetic 'fingerprint' of the pathogen and will add this information to the databases used to match human illnesses with potential food sources. The agency also intends to test for *Cyclospora cayetanensis* during the summer months, when *Cyclospora*-related illnesses typically occur.

Will the FDA provide pre-notification to facilities where it plans to conduct sampling?

Per standard FDA practice, the agency will not provide pre-notification to firms prior to collecting samples, except if the sample collection is to occur at a packinghouse located on a farm. (All fresh herb sample collection is to occur after the produce has been harvested.) When a member of the FDA field staff is planning to collect fresh herb samples from an on-farm packinghouse, the agency employee will call the farm at least 24 hours in advance to notify the owners or operators. Sampling is a routine and critical activity that the FDA is authorized to conduct as part of its charge to ensure the safety of the food supply.

What happens when the FDA finds a positive sample?

The FDA has the authority to take action when a sample tests positive for a pathogen. This can include placing a firm on import alert, overseeing a recall, or issuing public warnings. In all cases, the FDA will communicate with the responsible entity and carry out follow-up activities, such as further sampling or inspection, as necessary.

Will the FDA publish the test results? If so, how often?

The FDA plans to publish the test results on a quarterly basis.

What is the FDA doing to minimize the impact of its sampling on trade and commerce?

The FDA is sensitive to the concerns of both domestic firms and importers and will provide analytical results to importers as soon as they are available. Domestic firms that indicate they will hold a sampled lot pending the receipt of analytical results also will receive the results as soon as they are available. For perishable products, initial results are typically available three to five business days after the laboratory’s receipt of the samples. Samples that initially appear positive typically take an additional six to eight days to confirm, depending on the pathogen.

Results as of 1/1/2018

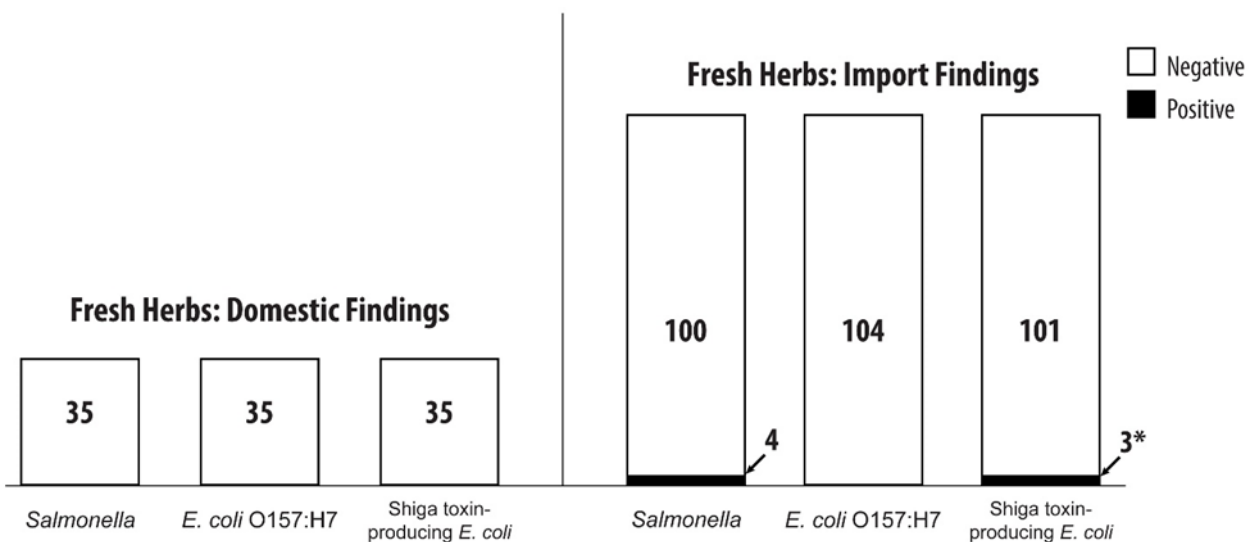
The FDA began collecting and testing fresh herbs (cilantro, parsley and basil) in October 2017. This is anticipated to last about 18 months. The information that follows presents the laboratory results through December 31, 2017 as interim figures subject to potential revision. The FDA will publish summary reports of its results (to include final figures and breakdowns of its findings) once the assignments have been completed.

The sampling design for each food represents what U.S. consumers are likely to find in the marketplace with respect to product origin (i.e., domestic vs. import). Accordingly, the FDA has considered the volume of the target food that is imported and produced domestically, and which countries produce and export the food to the United States. The FDA may adjust the number of samples to be collected or the collection timeline based on factors that the agency may encounter during the assignments.

In the event that samples are found to be positive for microbial hazards, the FDA will consider regulatory and enforcement options, which include: encouraging a voluntary recall, ordering a mandatory recall, ordering administrative detention to prevent food from being distributed, issuing public warnings to alert consumers to the potential danger, and in the case of imported products, refusing their entry into the country and subjecting future shipments to an import alert. The agency will detail any enforcement action it takes in its summary report(s).

Fresh Herbs Results as of 1/1/2018

The FDA plans to collect 1,600 fresh herbs samples (761 domestic, and 839 of international origin) under this assignment. As of January 1, 2018, the agency had collected 35 domestic samples (4.6 percent) and 104 import samples (12.4 percent) of the totals. The following figures summarize the interim sampling results. As the testing is still underway, no conclusions can be drawn at this time.



** Upon further characterization, the bacteria were determined to be incapable of causing severe illness.*

Rutgers University | New Jersey Agricultural Experiment Station | Pesticide User Responsibility

PLANT & PEST ADVISORY

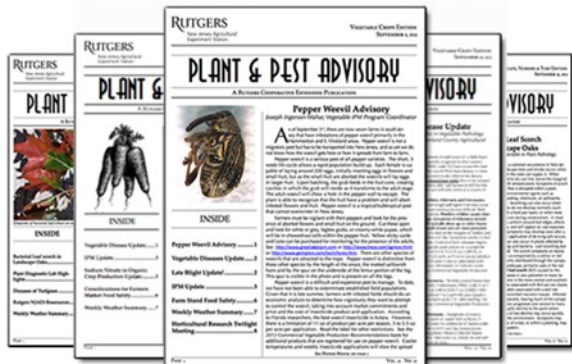
Rutgers Cooperative Extension

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The Plant & Pest Advisory provides seasonal updates focusing on insects, diseases, and weeds of importance to NJ Commercial Growers.

Recommendations on this site are for commercial operators and are NOT for home gardener use.

RECENT POSTS

- > [US Food & Drug Administration Announces Microbiological Surveillance Sampling for Fresh Herbs \(Cilantro, Basil & Parsley\) to Continue Through 2018](#)
- > [New Rutgers On-Farm Food Safety Website!](#)
- > [NJ DEP Annual Ag Water Use Reports Due 2/28](#)
- > [New Rutgers On-Farm Food Safety Website!](#)
- > [Still Time to Register for North Jersey Commercial Vegetable and/or Tree Fruit Meetings](#)
- > [Central NJ Turf and Ornamental Institute Educational Event](#)
- > [Fungicide resistance management guidelines for cucurbit powdery and downy mildew control in 2018](#)
- > [Robots in the Field – Online Videos Illustrate Automation from Seedling Production through Harvesting](#)
- > [Rectangles of Melting Snow](#)
- > [South Jersey Commercial Tree Fruit Growers Meeting](#)

News from the Plant and Pest Advisory can be delivered to you by Email or RSS.

- To subscribe visit: <http://plant-pest-advisory.rutgers.edu>
- Email subscribers receive notification in their inbox one day after posts are published.
- RSS subscribers have access to posts within one hour of publishing.
- Editions available: Vegetable Crops Edition, Fruit Crops Edition, and Landscape, Ornamentals, Nursery & Turf Edition

Note: If you thought you were subscribed to receive food safety updates in the past but have been wondering why you haven't been receiving any news, please go to your subscription page and change from "Food Safety" to "Commercial Agriculture Updates".



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2018 PRE-SEASON FARM LABOR MEETINGS

Sponsored by NJ Farm Bureau and Rutgers NJAES Cooperative Extension

- **Atlantic County Extension Office** **March 28 7-9pm**
6260 Old Harding Highway Mays Landing NJ 08360
- **Cumberland County Extension Office** **March 22 7-9pm**
291 Morton Ave Ext Center , Millville NJ

These meeting will consist of presentations on regulations pertaining to farm labor. The presenters will be from the Department of Labor, NJ DEP Pesticide Control Program, and NJFB. The topics discussed will be as follows. This will be an opportunity to ask any questions you may have going into the growing season.

Update on the new EPA Worker Protection Standards. Make sure you are prepared.

- Worker Protection Standards *Overview of new EPA WPS rules*-NJ DEP Bureau of Pesticide Control
- Federal Labor Regulations Update & Overview of MSPA, FLSA and transportation -US Dept. of Labor
- NJ Labor Regulations Update & Overview Wage and Hour and Child Labor -NJ Dept. of Labor
- Farm Bureau update on immigration and Motor Vehicle regulations

1 Core Point for pesticide license will be given for the meetings

For additional information contact: **Ben Casella**
New Jersey Farm Bureau
609-393-7163

Calendar of Important Events

📅 Indicates the newly added event since last calendar

March 2018

March 7-8

Ecological Landscape Alliance 14th Annual Conference & Eco-Marketplace, UMass Murray D. Lincoln Campus Center, Amherst, MA. For more information call 617-436-5838 or visit: www.ecolandscaping.org

March 8

Park Management and Liability, Ext. Conf. Center, 18 Ag Extension Way, New Brunswick, NJ; 9am-3:30pm; \$195 by 2/22; \$210 after. Continental breakfast & lunch provided. For info contact Joe Canzano 848-932-7317

March 12-13

Landscape Lighting: Design and LED Technology, Extension Conference Center, 18 Ag Extension Way, New Brunswick, NJ; Day 1 9am-3:30pm; Day 2 9am-12pm; \$395 by 2/26; \$430 after. Continental breakfast and lunch provided. For more information contact Joe Canzano 848-932-7317

March 14

FSMA—Produce Rule Training for Blueberry Growers, Philip E. Marucci Center for Blueberry and Cranberry Research, 125a Lake Oswego, Chatsworth, NJ; \$50 with lunch included; 9am-4pm. To register visit: <https://rutgersonfarmfoodsafety.eventbrite.com> or call Tammy Commander 856-451-2800 x1.

March 19

Introduction to Pruning Techniques, Holly House, 130 Log Cabin Rd., New Brunswick, NJ; 9am-3:30pm; \$195 by 3/5; \$210 after. Continental breakfast & lunch provided. For info contact Joe Canzano 848-932-7317

March 20-21

Managing Turfgrass and Landscape Weeds, State Operator Training Center, 18 Ag Extension Way, New Brunswick, NJ; 9am-3:30pm; \$395 by 3/6; \$430 after. Pesticide credits: CORE-2 units; 1A-8 units; 2-6 units; 3A-16units; 3B-18 units; 9 & 3C-4 units; 6B-9 units; 8B-17 units; 10 & PP2-5 units. Continental Breakfast and lunch provided. For information contact Joe Canzano 848-932-7317

📅 **March 20**

Pesticides, Rutgers Cooperative Extension Cumberland County, 291 Morton Ave., Millville, NJ; 9am-noon; \$20. Pesticide credits: categories 1A, 3A & PP2 = 3 credits each and 6 CORE credits. For more information or to register contact Tammy Commander 856-451-2800 x1.

📅 **March 22**

Soil Health Field Day at Turkey Creek Farm, Turkey Creek Farm, 56 Friesburg Road, Bridgeton, NJ. Event is free but registration is required. To register contact Danielle Bara 609-400-3840 or email: Danielle.bara@njaudubon.org. Registration required by March 16th.

📅 **March 27**

Tick & Mosquito Borne Diseases, Rutgers Cooperative Extension Cumberland County, 291 Morton Ave., Millville, NJ; 9am-noon; \$20. Pesticide credits: 6 credits for category 7A. For more information or to register contact Tammy Commander 856-451-2800 x1.

April 2018

📅 **April 3**

Turf Pest Management, Rutgers Cooperative Extension, Cumberland County, 291 Morton Avenue, Millville, NJ; 9am-noon; \$20. Pesticide credits: 6 credits each for categories 13, 3B & PP2. For more information or to register contact Tammy Commander 856-451-2800 x1.

REGULARLY SCHEDULED MEETINGS

✓ Indicates meeting will be held at RCE of Cumberland County

<p style="text-align: center;">✓</p> <p style="text-align: center;">Pesticide Certification Exam Schedule—Cumberland County 291 Morton Avenue Millville, NJ 08332 (Between Rosenhayn & Carmel)</p> <p style="text-align: center;"><u>2018</u></p> <p style="text-align: center;">Mar 15 Apr 19 May 17 Sep 20 Oct 18</p> <p style="text-align: center;">To Register call 609-984-6614 For directions call 856-451-2800</p> <p style="text-align: center;">*****</p>	<p style="text-align: center;">Cumberland County Agriculture Development Board County Administration Bldg. Freeholder Room 164 W. Broad Street Bridgeton, NJ 08332</p> <p style="text-align: center;"><u>2018</u></p> <p style="text-align: center;">Mar 13 Apr 10 May 8 June 12 Jul 10 Aug 14 Sept 11 Oct 9 Nov 13 Dec 11</p> <p style="text-align: center;">Reg. Meetings start at 7 p.m. Information call 856-453-2211</p> <p style="text-align: center;">*****</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">Cumberland County Board Of Agriculture 291 Morton Avenue Millville, NJ 08332 (Between Rosenhayn & Carmel) 7 pm meetings <u>2018</u></p> <p style="text-align: center;">Mar 15 Apr 19 May 17 Sept 20 Oct 18 Nov 15 Dec 20</p> <p style="text-align: center;">For info call Hillary Barile, President 856-453-1192</p> <p style="text-align: center;">*****</p>
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**Cumberland County Improvement Authority (CCIA)
Pesticide Container Recycling**
9:00 a.m. to 12 Noon
Cumberland County Solid Waste Complex
169 Jesse's Bridge Rd. (located off Route 55 Exit 29)
Deerfield Township, New Jersey

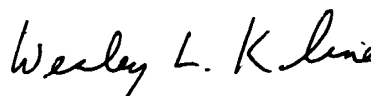
Questions? Call Division of Ag & Natural Resources, NJ Dept. of Ag 609-292-2242

Program in Cumberland County suspended until further notice.

Sincerely,



Salvatore S. Mangiafico, Ph.D.
County Agent II/Associate Professor
Environmental & Resource Management
Internet: Mangiafico@njaes.rutgers.edu



Wesley L. Kline, Ph.D.
County Agent II/Associate Professor
Vegetable & Herb Production
Internet: wkline@njaes.rutgers.edu

Pesticide User Responsibility: Use pesticides safely and follow instructions on labels. The user is responsible for the proper use of pesticides, residues on crops, storage and disposal, as well as damages caused by drift.

Use of Trade Names: Trade names are used in this publication with the understanding that no discrimination is intended and no endorsement is implied. In some instances the compound may be sold un-

Have you visited the Cumberland County website for the Present and/or past issues of "Cultivating Cumberland"? It's a great resource for information and dates.....

<http://Cumberland.njaes.rutgers.edu/>

Public Notification and Non-discrimination Statement

Rutgers Cooperative Extension is an equal opportunity program provider and employer. Contact your local Extension Office for information regarding special needs or accommodations. Contact the State Extension Director's Office if you have concerns related to discrimination, 848-932-3584.

Cooperative Extension of Cumberland County



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Finding the Produce Safety Rule on the Internet

1. Where is the best place to find the Produce Safety Final Rule, issued on November 27, 2015?
(Official Title: Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption – Code of Federal Regulations [CFR] Title 21 Part 112)

Federal Register Notice: 80 Fed. Reg. 74353-74672: The Final Rule Federal Register Notice includes the Produce Safety Final Rule as originally published on November 27, 2015, and includes an extensive preamble that contains background information and FDA responses to public comments submitted in response to the initial and supplemental Produce Safety Rule proposals.

The PDF version of the Produce Safety Rule as published in the Federal Register Notice is 216 pages long. The portion commonly known as the “Preamble” makes up the majority of these pages (Table of Contents I Background through XXX References, Pages 1 - 195). The remainder of this document is commonly called the “codified text of the rule” or the “codified” (Pages 196-216).

An easy to find link to the Federal Register Notice version is available on FDA’s “FSMA Final Rule on Produce Safety” Webpage: <http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334114.htm>

On you have accessed the link referenced above (and pictured below), clicking on either of the two locations identified below will take you to the Federal Register Notice version of the Produce Safety Rule on the Federal Register website.

FDA U.S. FOOD & DRUG ADMINISTRATION

Home Food Drugs Medical Devices Radiation-Emitting Products Vaccines, Blood & Biologics Animal & Veterinary Cosmetics Tobacco Products

Food > Guidance & Regulation > Food Safety Modernization Act (FSMA)

Food Safety Modernization Act (FSMA)

- The Law, Rules & Guidance
- Fact Sheets & Presentations
- Frequently Asked Questions on FSMA
- FDA Actions and Meetings
- FSMA Training
- Contact FDA About FSMA

FSMA Final Rule on Produce Safety

SHARE TWEET LINKEDIN PIN IT EMAIL PRINT

Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption

[Produce Safety Standards under the FSMA Main Page](#)

View the Final Rule Contents in the Federal Register Notice
Below is a fact sheet provided by FDA.

In this fact sheet:

- [Introduction](#)
- [Key Requirements](#)
- [Exemptions](#)
- [Variances](#)
- [Compliance Dates](#)
- [Environmental Impact Statement](#)
- [Assistance to Industry](#)

About the Final Rule

- [Federal Register Notice](#)
- [Docket Folder FDA-2011-N-0921](#)
- [Questions & Answers](#)
- [Coverage and Exemptions/Exclusions Flowchart \(Color PDF: 95KB\)](#)
- [Coverage and Exemptions/Exclusions Flowchart \(Black & White PDF: 67KB\)](#)
- [How Did FDA Establish Requirements for Water Quality and Testing of Irrigation Water?](#)

2. **Where can I find the most up-to-date version of the Produce Safety Rule? (Official Title: Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption – Code of Federal Regulations [CFR] Title 21 Part 112)**

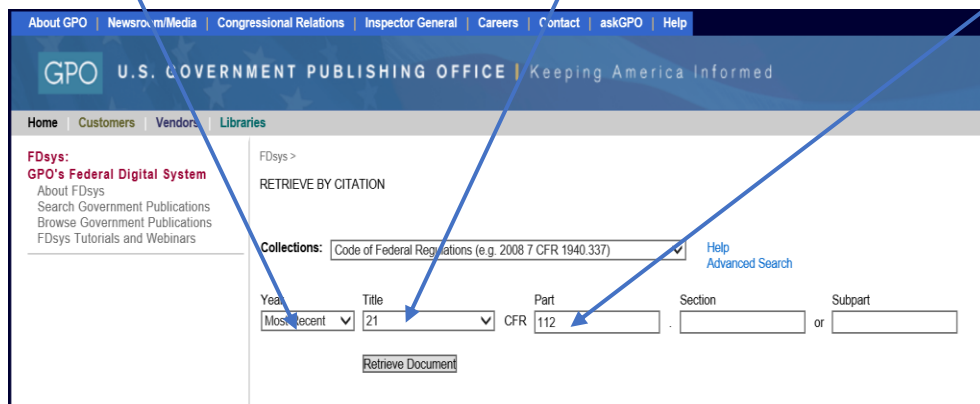
21 CFR Part 112 – Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption: While the Federal Register Notice for the Produce Safety Rule includes the codified language, there have been some technical changes to the Rule since it was first issued in November 2015. The best place to access the most current version of the rule is from the US Government Publishing Office website: <https://www.gpo.gov/fdsys/search/submitcitation.action?publication=CFR>

This version prints in approximately 39 pages, and contains only the codified portion of the Produce Safety Rule.

From the site link referenced above (and pictured below), select “Code of Federal Regulations...” in the “Collections” drop down list:



Next, select “Most Recent” in the “Year” drop down list; “21” in the “Title” drop down list; type “112” in the “Part” box:



This will bring up a PDF of the most recent version of the Rule, updated April 1 each year. Previous year’s editions can also be found through this site.

Duties for ALL Employers

QUICK REFERENCE GUIDE TO THE WORKER PROTECTION STANDARD (WPS) AS REVISED IN 2015

The WPS is a federal regulation designed to protect agricultural workers (people employed in the production of agricultural plants) and pesticide handlers (people mixing, loading, or applying pesticides or doing certain tasks involving direct contact with pesticides). Each section links to the Code of Federal Regulations ([40 CFR Part 170](#)) for more information on the revised WPS. (www.ecfr.gov)

The guide summarizes the maximum requirements under the revised WPS. It does not include exemptions and exceptions that may allow you to do less. See the referenced sections below.

Exemptions (general) [170.303 \(b\)](#) and [170.601](#)

Exceptions for **workers** [170.401 \(b\)](#) and [170.409 \(a\)\(2\)](#)

Exceptions for early-entry **workers** during a restricted-entry interval [170.603](#)

Exceptions for **handlers** [170.501 \(b\)](#)

Exceptions to PPE required on pesticide labels [170.607](#)

Employer Responsibilities for Supervisors and Labor Contractors

Employers must provide sufficient information to supervisors and/or labor contractors to ensure compliance with the revised WPS. Specify:

- The tasks supervisors/labor contractors must do, and
- The information they must provide to workers/handlers.

Employers are liable for a penalty under FIFRA if a supervisor or labor contractor acting for them fails to comply with the revised WPS requirements. [170.309 \(d\)](#), [170.313 \(d\)](#), [170.317 \(c\)](#)

These requirements apply to agricultural employers and commercial pesticide handler employers except the pesticide safety, application and hazard information requirements apply only to agricultural employers.

Anti-Retaliation

Employers must not retaliate against a worker or handler who attempts to comply with the WPS, files a complaint, or provides information in an investigation of alleged WPS noncompliance. [170.315](#)

Minimum Age Requirements

1. Ensure that early-entry workers and all handlers are at least 18 years old. [170.309 \(c\)](#) and [170.313 \(c\)](#)

Pesticide Safety, Application and Hazard Information

An agricultural employer must display or make certain information available on the establishment. Commercial pesticide handler employers do not have to comply with information display requirements.

1. Display or make available all of the information listed in #2 together in an easily accessible ("central") location on the agricultural establishment. [170.311 \(a\)\(5\)](#) and [170.311 \(b\)\(2\)](#)
2. The information includes:
 - EPA WPS safety poster or equivalent information, which must include some additional information by January 2, 2018, and must be kept current. [170.311 \(a\)](#)
 - Application information that includes:
 - o Product name, EPA registration number, and active ingredient
 - o Crop or site treated, location and description of the treated area
 - o Date, start and end times of the application, and duration of restricted-entry interval (REI). [170.311 \(b\)\(1\)](#)
 - A copy of the safety data sheet (SDS) for the formulated product for each WPS-labeled pesticide applied. [170.309](#) and [170.311](#)
3. In addition, display the EPA WPS safety poster (or equivalent) where decontamination supplies are located at permanent sites and where decontamination supplies are provided for 11 or more workers. [170.311 \(a\)\(5\)](#)
4. Allow workers and handlers unrestricted access to all of the information and keep all of the displayed information current and legible. [170.311 \(a\)\(6\)-\(7\)](#) and [170.311 \(b\)\(3\)-\(4\)](#)
5. Display the EPA WPS safety poster or equivalent information before an application takes place and for 30 days after the REI expires. [170.309 \(h\)](#)
6. Display the SDS and application information within 24 hours of the application and before workers enter treated areas. This information must be displayed for 30 days after the REI expires and kept in records on the agricultural establishment until 2 years after the REI expires. [170.309 \(h\)&\(i\)](#) and [170.311 \(b\)\(5\)-\(6\)](#)
7. Provide the SDS and application information upon request of a worker, handler, designated representative or medical personnel, within 15 days. [170.311 \(b\)\(7\)-\(9\)](#)

Pesticide Safety Training

Ensure that **workers** are trained before performing tasks in a pesticide treated area (REI in effect within the last 30 days). [170.401 \(a\)](#) Ensure that **handlers** are trained before performing any handler activity. [170.501 \(a\)](#) There is no grace period for worker or handler training.

1. Train workers and handlers annually. [170.401 \(a\)](#) and [170.501 \(a\)](#)
2. Present training using EPA-approved materials either orally from written materials or audio-visually. After January 2, 2018, the training must cover additional topics. [170.401 \(c\)](#) and [170.501 \(c\)](#)
3. Trainers must be certified applicators or have completed an EPA-approved train-the-trainer program or be designated by the State or Tribal pesticide enforcement agency. [170.401 \(c\)\(4\)](#) and [170.501 \(c\)\(4\)](#)
4. Training must be delivered in a manner the employees can understand, and the trainer must be present and respond to questions. [170.401 \(c\)\(1\)](#) and [170.501 \(c\)\(1\)](#)
5. Maintain training records on the establishment for two years from the training date for each worker and handler required to be trained on the agricultural establishment. [170.401 \(d\)](#) and [170.501 \(d\)](#)

Continued on next column

Separate from the pesticide safety training, employers must tell workers and handlers where to find the following on the worksite: EPA WPS safety poster (or equivalent), application information, SDSs and decontamination supplies. [170.403](#) and [170.503 \(b\)](#)

Decontamination Supplies

1. Establish accessible decontamination supplies located together within 1/4 mile of all **workers** (when required [170.411 \(c\)](#)) and **handlers**. [170.411](#) and [170.509](#)
 - 1 gallon of water per worker and 3 gallons of water per handler at the beginning of each work period for routine and emergency decontamination,
 - Plenty of soap and single-use towels, Note: hand sanitizers and wet towelettes are insufficient. [170.411 \(b\)\(2\)](#) and [170.509 \(b\)\(2\)](#)
 - A clean coverall (or other clean change of clothes) for handlers
2. Provide water that is safe and cool enough for washing, eye-flushing, and drinking. Do not use water that is also used for mixing pesticides unless steps are taken to ensure safety. [170.411 \(b\)\(1\)](#)
3. Provide **handlers** with decontamination supplies where personal protective equipment (PPE) is removed at the end of a task. [170.509 \(a\)](#)
4. Provide **handlers** with decontamination supplies at each mixing and loading site. [170.509 \(c\)\(1\)](#)
5. When a product requires protective eyewear for **handlers**, and/or when using a closed system under pressure, provide the following in mixing and loading areas: a system that can deliver gently running water at 0.4 gallons per minute for at least 15 minutes or 6 gallons of water in containers suitable for providing a gentle eye-flush for about 15 minutes. [170.509 \(d\)\(1\)](#)
6. When applying a product that requires protective eyewear, provide 1 pint of water per **handler** in portable containers that are immediately available to each handler. [170.509 \(d\)\(2\)](#)
7. Do not put **worker** decontamination supplies in areas being treated or under an REI. [170.411 \(d\)](#)
8. For **handlers**, decontamination supplies must be kept outside the treated area, or any area under an REI, unless they are protected from contamination in closed containers. [170.509 \(c\)\(1\)&\(3\)](#)

Employer Information Exchange

1. Before any application, commercial pesticide handler employers must make sure the owner/operator of an agricultural establishment where a pesticide will be applied, is aware of:
 - Location and description of area to be treated,
 - Date of application, estimated start time and estimated end time of the application,
 - Product name, EPA registration number, active ingredient(s), and REI,
 - Whether the product label requires both oral warnings and treated area posting,
 - All other safety requirements on labeling for workers or other people. [170.313 \(i\)](#)
2. Owners/operators of agricultural establishments must make sure any commercial pesticide handler employer they hire is aware of:
 - Specific location and description of any treated areas where an REI is in effect that the commercial handler may be in or walk within 1/4 mile of, and,
 - Restrictions on entering those areas. [170.309 \(k\)](#)

The commercial pesticide employer must pass this information along to the handler doing the work. [170.313 \(h\)](#)

Emergency Assistance

If there is reason to believe a worker or handler has been exposed to pesticides, during or within 72 hours of employment, and needs emergency medical treatment, employers must do the following:

1. Promptly make transportation available to an appropriate emergency medical facility.
2. Promptly provide to the treating medical personnel, information related to each pesticide product to which the person may have been exposed:
 - Safety Data Sheet
 - Product name, EPA registration number, and active ingredient(s).
 - Description of how the pesticide was used on the agricultural establishment.
 - Circumstances that could have resulted in exposure to the pesticide. [170.309 \(f\)](#)

Additional Duties for Worker Employers

These requirements apply to agricultural employers who employ workers.

Restrictions During Applications [170.405 \(a\)-\(b\)](#)

During pesticide applications, keep workers and everyone other than appropriately trained and equipped handlers out of the treated area (for all types of applications) and out of:

- The application exclusion zone (AEZ) for outdoor production, or
- A specified area that varies by the type of application until the ventilation criteria are met for enclosed space production.

Restricted-Entry Intervals (REIs) [170.309 \(l\)](#) and [170.407](#)

Do not direct or allow any worker to enter or remain in the treated area until the REI has expired and all posted warning signs are removed or covered. Read the exceptions in [170.603](#).

Notice About Applications [170.409 \(a\)](#)

1. Orally warn workers and post treated areas if required by the pesticide labeling.
2. If not, post warning signs if the REI is **greater than**:
 - 48 hours for outdoor production or
 - 4 hours for enclosed space production.
3. For all other applications, **either** orally warn workers or post warning signs.

Posted Warning Signs [170.409 \(b\)](#)

1. Post legible 14" x 16" WPS-design warning signs no more than 24 hours prior to an application; keep posted during REI; remove or cover before workers enter and within 3 days after the end of the REI. [170.409 \(b\)\(1\)-\(3\)](#)
2. Post signs so they can be seen at all reasonably expected entrances to treated areas. [170.409 \(b\)\(3\)\(ii\)](#)
3. Warning signs can be smaller than 14" x 16" under certain conditions. All warning signs must meet specific requirements. [170.409 \(b\)](#)

Oral Warnings [170.409 \(c\)](#)

1. Before each application, tell workers who are on the establishment (in a manner they can understand):
 - Location and description of treated area,
 - Date and times entry is restricted
 - AEZ, REI, and not to enter during REI.
2. Workers who enter the establishment after application starts must receive the same warning at the start of their work period.

Additional Agricultural Employer Duties

Before allowing persons not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, provide the following information:

- The equipment may be contaminated with pesticides.
- The potentially harmful effects of pesticide exposure.
- How to handle equipment to limit exposure to pesticides.
- How to wash themselves and/or their clothes to remove and prevent exposure to pesticide residues. [170.309 \(g\)](#) and [170.313 \(l\)](#)

Additional Duties for Handler Employers

These requirements apply to commercial pesticide handler employers and agricultural employers who employ handlers.

Application Restrictions and Monitoring [170.505](#)

1. Do not allow handlers to apply a pesticide so that it contacts, directly or through drift, anyone other than appropriately trained and equipped handlers.
2. Handlers must suspend applications when anyone other than appropriately trained and equipped handlers enter the application exclusion zone (AEZ). This goes into effect on January 2, 2018. [170.505 \(b\)](#)
3. When anyone is handling a highly toxic pesticide with a skull and crossbones, maintain sight or voice contact every two hours.
4. Make sure a trained handler equipped with labeling-specific PPE maintains constant voice or visual contact with any handler in an enclosed-space production site (e.g., greenhouses, high tunnels, indoor grow houses) while applying a fumigant.

Specific Instructions for Handlers

1. Before handlers do any handling task, inform them, in a manner they can understand, of all pesticide labeling instructions for safe use. [170.503 \(a\)\(1\)](#)
2. Ensure that the handler has access to product labeling during the entire handling task. [170.503 \(a\)\(2\)](#)

Equipment Safety

1. Inspect pesticide handling equipment before each day of use, and repair or replace as needed. [170.309 \(j\)](#) and [170.313 \(g\)](#)
2. Allow only appropriately trained and equipped handlers to repair, clean, or adjust pesticide equipment that contains pesticides or residues, unless they are not employed on the establishment. [170.309 \(g\)](#) and [170.507 \(a\)](#) See Additional Agricultural Employer Duties for information regarding non-employed persons.

Personal Protective Equipment (PPE) Handlers Must Use

1. Provide handlers with the PPE required by the pesticide labeling, and be sure it is: [170.507 \(b\)](#)
 - Clean and in operating condition, [170.507 \(b\)](#)
 - Worn and used according to the manufacturer's instructions, [170.507 \(c\)](#)
 - Inspected before each day of use, [170.507 \(c\)\(2\)](#)
 - Repaired or replaced as needed. [170.507 \(c\)\(2\)](#)
2. When a respirator is required by product labeling, provide handlers with:
 - A medical evaluation to ensure the handler is physically able to safely wear the respirator,
 - Training in respirator use, and
 - A fit test to ensure the respirator fits correctly.
 - Keep records on the establishment of these items for two years. [170.507 \(b\)\(10\)](#)
3. Take steps to avoid heat-related illness when labeling requires the use of PPE for a handler activity. [170.507 \(e\)](#)
4. Provide handlers a pesticide-free area for:
 - Storing personal clothing not in use,
 - Putting on PPE at start of task,
 - Taking off PPE at end of task. [170.507 \(d\)\(9\)](#)
5. Do not allow used PPE to be taken home. [170.507 \(d\)\(10\)](#)

Care of PPE

1. Store and wash used PPE separately from other clothing and laundry. [170.507 \(d\)\(3\)](#)
2. If PPE will be reused, clean it before each day of reuse, according to the instructions from the PPE manufacturer unless the pesticide labeling specifies other requirements. If there are no other instructions, wash in detergent and hot water. [170.507 \(d\)\(1\)](#)
3. Dry the clean PPE before storing. [170.507 \(d\)\(4\)](#)
4. Store clean PPE away from personal clothing and apart from pesticide-contaminated areas. [170.507 \(d\)\(5\)](#)

Replacing Respirator Purifying Elements

1. Replace particulate filters or filtering facepiece respirators when any following condition is met:
 - When breathing becomes difficult,
 - When the filter is damaged or torn,
 - When the respirator label or pesticide label requires it,
 - After 8 total hours of use, in the absence of any other instructions or indications of service life. [170.507 \(d\)\(6\)](#)
2. Replace vapor-removing cartridges/canisters when any following condition is met:
 - When odor/taste/irritation is noticed,
 - When the respirator label or pesticide label requires it (whichever is shorter),
 - When breathing resistance becomes excessive,
 - After 8 total hours of use, in the absence of any other instructions or indications of service life. [170.507 \(d\)\(7\)](#)

Disposal of PPE

1. Discard, do not clean, coveralls and other absorbent materials that are heavily contaminated with pesticide having a signal word "DANGER" or "WARNING." When discarding PPE, ensure that it is unusable as apparel or made unavailable for further use.
2. Follow federal, state, and local laws when disposing of PPE that cannot be cleaned correctly. [170.507 \(d\)\(2\)](#)

Instructions for People Who Clean PPE

[170.507 \(d\)\(8\)](#)

The handler employer must inform people who clean or launder PPE:

- That PPE may be contaminated with pesticides,
- Of the potential for harmful effects of exposure to pesticides,
- How to protect themselves when handling PPE,
- How to clean PPE correctly, and
- Decontamination procedures to follow after handling contaminated PPE.



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NJAES focuses on educational outreach and enrichment programming for youth in grades K-12, through 4-H clubs, special interest programs, school enrichment, and after-school child care education programs. It emphasizes science education and the expressive arts through a learn-by-doing approach to teach responsibility, community awareness, and character development. **Each year, 4-H Youth Development reaches more than 50,000 New Jersey youth. They are supported by over 2,000 adult volunteers, who each contribute more than 200 volunteer hours, valued at approximately \$11 million annually.**

Agriculture and Natural Resources

NJAES faculty and staff assist commercial farms and fisheries, governmental agencies, agribusinesses, and residents with information, field research, and consultation on various issues related to agriculture, fisheries and aquaculture, the environment, natural resources management, and integrated pest management. **Twenty years of research investment in fruit, vegetable, nursery, and aquaculture have created disease-resistant, drought-tolerant, and high-yield products (e.g., turf, cranberries, oysters, hazelnuts, and tomatoes). These products are used by New Jersey commercial producers, significantly enhancing New Jersey's food and agricultural system, which directly contributes more than \$126 billion annually to the state economy and employs more than 440,000 workers, or approximately 1 out of every 8 jobs.**

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NJAES emphasizes nutrition education, well-being, exercise, and fitness to improve quality of life and reduce health care costs. Its faculty and staff partner with schools, civic organizations, municipalities, state agencies, and families. **The New Jersey Agricultural Experiment Station helps to combat obesity and obesity-related illnesses, the health care and related costs of which have grown from \$2.2 billion in 2008 to a projected \$9.3 billion in 2018.**

Continuing Professional Education

Rutgers Cooperative Extension provides programs, classes, and certificates around a broad range of topics, including workforce development, turf management, beekeeping, food safety, and pest management. Our Youth Employment and Education Success Centers in Camden and Newark, and the Youth Success Network in Ocean County, connect adjudicated youth to school and employment opportunities. **Each year, more than 28,000 New Jersey residents take classes and attend other educational programs offered by the NJAES Office of Continuing Professional Education.**

For more information about the Rutgers New Jersey Agricultural Experiment Station, our research and extension programs and their impact on the people of New Jersey, visit njaes.rutgers.edu.

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