

Chapter 15.135 RCW
PRODUCE SAFETY RULE IMPLEMENTATION

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RCW 15.135.010 Intent. The purpose of this chapter is to assist Washington produce farmers in implementation of the produce safety rule adopted by the United States food and drug administration pursuant to the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq., as amended by the federal food safety modernization act (P.L. 111-353). [2018 c 106 s 1.]

RCW 15.135.020 Federal law reference. A reference to a federal statute in this chapter means the statute and its implementing regulations existing on June 7, 2018, or as updated by the department by rule. [2018 c 106 s 2.]

RCW 15.135.030 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Farm" means the same as "farm" in 21 C.F.R. Sec. 112.
- (2) "Produce" means the same as "produce" in 21 C.F.R. Sec. 112.
- (3) "Produce safety rule" means the standards for the growing, harvesting, packing, and holding of produce for human consumption adopted by the United States food and drug administration as a final rule on November 27, 2015 (80 Federal Register 74353 et seq.) and codified in 21 C.F.R. Parts 11, 16, and 112. [2018 c 106 s 3.]

RCW 15.135.040 Federal cooperation program. The department may take actions necessary to cooperate in implementation of the produce safety rule including, but not limited to, entering into cooperative agreements with the United States food and drug administration, conducting the compliance verification activities under RCW 15.135.060, enforcing regulatory compliance, and accepting federal funding to carry out such activities. The department may cooperate with the United States food and drug administration in implementation of the produce safety rule only to the extent that the department receives federal funding for such activities. [2018 c 106 s 4.]

RCW 15.135.050 Voluntary compliance program. (1) The department may establish a voluntary program for farms exempt or partially exempt from the produce safety rule to verify that such farms comply with the rule. This includes, but is not limited to, conducting the compliance verification activities under RCW 15.135.060.

(2) Farms participating in the voluntary compliance program must bear the cost of the program. The director must periodically adopt, by rule, fees of no more than is necessary to defray costs of compliance verification activities and program administration. [2018 c 106 s 5.]

RCW 15.135.060 Compliance verification activities. The department may take the following actions to verify produce farm compliance with the produce safety rule.

(1) Maintain a database of produce farms that are covered by the produce safety rule, exempt from the rule, or eligible for a qualified exemption;

(2) In compliance with law and at reasonable times, enter produce farms solely for the purpose of this chapter to:

(a) Sample and test water for microbial water quality criteria;

(b) Inspect and sample biological soil amendments, storage areas, and fields for compliance with microbial criteria;

(c) Inspect application of biological soil amendments to evaluate contact or potential contact with produce;

(d) Inspect for the presence and management of domesticated and wild animals; and

(e) Inspect equipment, tools, and buildings for adequate sanitation; and

(3) Require and receive records and data submitted by produce farms to verify compliance with the produce safety rule. [2018 c 106 s 6.]

RCW 15.135.070 Department's existing authority. This chapter does not alter or impair the department's authority for regulating food in intrastate commerce under chapter 15.130 RCW. The department may use its authority for regulating food in intrastate commerce under chapter 15.130 RCW to carry out and enforce the provisions of this chapter. For the purposes of this chapter, farms subject to the produce safety rule are engaged in intrastate commerce of food. [2018 c 106 s 7.]

RCW 15.135.080 Rule making. (1) The department must adopt rules as necessary to implement the purpose and provisions of this chapter.

(2) By rule, the director may adopt a subsequent version of a federal statute or regulation referenced in this chapter. [2018 c 106 s 8.]

RCW 15.135.090 Disposition of funds. A produce safety account is hereby established in the agricultural local fund established in RCW 43.23.230. All moneys received under this chapter must be paid into the produce safety account and used solely to carry out the produce safety programs. [2018 c 106 s 9.]

RCW 15.135.100 Certain records not subject to public disclosure.

(1) Any information or record obtained directly from the federal government or from others under a contract with the federal government is exempt from public inspection and copying under chapter 42.56 RCW if the information or record is exempt from disclosure under federal law including, but not limited to, the federal freedom of information act.

(2) Any portion of a record obtained by the department pursuant to this chapter is exempt from public inspection and copying under chapter 42.56 RCW if it is personal financial information, proprietary data, or trade secrets and the person submitting the record to the department has designated the information as personal financial information, proprietary data, or trade secrets. [2018 c 106 s 10.]

RCW 15.135.900 Short title. This chapter may be known and cited as the produce safety rule implementation act. [2018 c 106 s 12.]