

Produce Safety Rule Pre-Harvest Agricultural Water Requirements: Setting the Stage

January 14, 2025



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How did we get here?

- **2015:** FDA publishes Produce Safety Rule (PSR) requiring 5 tests at or near harvest for every water source. Broader produce industry pushback on costs and burdens this created begins immediately.
- **Summer 2017:** The beginning of a series of *E. coli* outbreaks linked with leafy greens over several years. The vector was assumed to be water, which had been rigorously tested and met the threshold set in the PSR.
- **September 2017:** FDA announces it will postpone enforcement of the agricultural water provisions and engage in rulemaking to revise the requirements.
- **2021:** FDA releases proposed rule that moves away from a testing protocol toward an agricultural risk assessment.
- **May 6, 2024:** FDA publishes the final rule, which is largely unchanged from what was proposed.
- **April 7, 2025:** Most farms required to comply with these provisions.



(Seemingly unrelated – but important – point)

Following leafy greens outbreaks, California and Arizona LGMA's revised their standards to require all surface water that comes into contact with the leaves within 21 days of harvest to be treated.





Why does this matter?

Because FDA has historically imposed what is required for the highest risk scenarios on all produce growers.





The good news...

This time, FDA chose to take a risk-based approach instead that only requires growers to take mitigation measures (like water treatment) if the situation warrants it.





What does this mean?

FDA recognized that apples are different than leafy greens – and that different watersheds pose different risks.

Bottom line: While what you hear today may sound overwhelming, with the exception of rare cases where legitimate risks to consumers exist, PNW tree fruit growers should not be required to take extreme mitigation measures.



The bad news

- There will be a lot of work in the initial year to conduct the agricultural water risk assessments – after that, it will be about assessing changes.*
- Water testing will likely still be required by private audit schemes – and may be a valuable tool in supporting your risk assessment.
- A lot more is open to grower and inspector interpretation of vague terms like “reasonably likely.”**



****There will be a lot of work in the initial year to conduct the agricultural water risk assessments:***

- Much of the required information will be the same industry wide (which we will give you today)
- Other information will be consistent throughout the region (like environmental conditions) and watersheds (like all the Yakima River Basin irrigation districts, or all of the Columbia Basin Project)
- **For what is left:** We will help with the questions to ask



*****A lot more is open to grower and inspector interpretation of vague terms like “reasonably likely”:***

- This is a tradeoff for certainty that would require costly mitigation (i.e., water treatment)
 - If you want certainty: treating water to regulatory standard will eliminate need for assessment
 - Can fall back to testing protocol from 2015 regulation
- Pre-work with regulators for a systems approach
 - Comments
 - International Fresh Produce Association Guidance



Recommendation for today:

- Keep in mind that our commodities, growing and handling process, environmental conditions, and water quality (in most cases) puts us in a good place for this risk-based regulatory approach.
- Try not to get overwhelmed.
- Lean on the support available from extension and industry associations.
- Remember: This is about science, but also common sense – sometimes the answer is as simple as a fence.

Thank You

Any questions?

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