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From: Pamm Juker, Chief of Staff/FSMA Administrator  

On December 2, 2021 the Food and Drug Administration (FDA) released proposed changes to Subpart E (Agricultural Water) of the FSMA Produce Safety Rule. The proposed changes, if finalized, will replace the pre-harvest microbial quality criteria and testing requirements for covered produce with systems-based assessments for determining pre-harvest water quality. The current proposed rule does not include changes to harvest and post-harvest uses of agricultural water.

These changes are only proposed changes, not final, so changes in your current production practices are not required. The current proposed rule does not include a delay in the January 26th compliance dates for large farms, but a subsequent rule is currently under review to further delay compliance dates. In the meantime, FDA intends to use Enforcement Discretion for subpart E.

The proposed rule will be available for comment for 120 days beginning December 6th. Comments should be submitted to docket FDA-2021-N-0471 on Regulations.gov.

FDA also intends to hold virtual public meetings regarding this proposal in early 2022 and we will forward along that information to you as it becomes available.

Summary of the changes:
Covered farms must conduct pre-harvest agricultural water assessments once annually, and whenever a change occurs that contamination risks may be introduced to produce or food contact surfaces. As part of their pre-harvest agricultural water assessments, these farms would be required to evaluate certain factors that could impact produce safety.

Factors include:
- Agricultural water system
- Agricultural water practices
- Crop characteristics
- Environmental conditions
- Other relevant factors

To learn more about the proposed rule changes, visit FDA.gov to read all of the proposed requirements. An FDA fact sheet summarizing the proposed changes is attached.