CONFIDENTIAL

LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H.778 **Name of Bill: An act relating to State enforcement of the federal Food Safety Modernization Act**

Agency/ Dept: Agency of Agriculture **Author of Bill Review: Abbey Willard; Shelley Mehlenbacher; Kristina Sweet**

Date of Bill Review:__ 4/18/2016_____ **Related Bills and Key Players _____**

Status of Bill: (check one): _____Upon Introduction _____ As passed by 1st body __X___As passed by both

Recommended Position:

__X___Support _____Oppose _____Remain Neutral _____Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*
The bill gives the Vermont Agency of Agriculture the authority to enforce the federal Food Safety Modernization Act (FSMA) Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (also known as the "Produce Safety Rule").

2. Is there a need for this bill? *Please explain why or why not.*
This bill is necessary for the Agency of Agriculture to be able to apply for U.S. Food & Drug Administration (FDA) funds to conduct produce safety inspections and other regulatory activities. Vermont produce growers have expressed their support for the Agency of Agriculture to be the primary regulatory presence for FSMA Produce Safety Rule enforcement on Vermont farms.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?
Fiscal: Authority allows Agency of Agriculture to apply for and receive FDA funds for enforcement of FSMA Produce Safety Rule.
Programmatic: Authority and pending federal funding allows Agency of Agriculture to build a state-level produce safety and market access program and promulgate rules to implement the federal requirements.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?
Fiscal: none.
Programmatic: The Vermont Department of Health is likely to support this bill, as implementation of the Produce Safety Rule is likely to have a positive impact on public health through a reduction in foodborne illness. Additionally, the establishment of a produce safety program will augment the Vermont Department of Health's Good Manufacturing Practices for Food program and compliance with FSMA Preventive Control for Human Food rule.

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5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (*for example, public, municipalities, organizations, business, regulated entities, etc)*

Fiscal: This bill will not have a direct financial impact on regulated entities, as produce growers required to comply with the Produce Safety Rule must do so regardless of the Agency of Agriculture's role.

Programmatic: Vermont produce growers have expressed their support for the development of a Vermont state produce safety and market access program, which this bill will allow. This bill will also allow for state-level program development and on-farm inspections as opposed to an FDA inspection presence on farms.

6. **Other Stakeholders:**

6.1 Who else is likely to support the proposal and why?

Many producers, producer associations, such as the Vermont Vegetable & Berry Growers Association, and other advocacy organizations like Farm Bureau and National Sustainable Agriculture Coalition, are supportive of the Vermont Agency of Agriculture having the authority to enforce the Produce rule. Vermont Department of Health and UVM Extension are supportive of this statutory authority for the Vermont Agency of Agriculture to inspect and regulate produce farms. Organizations in the middle of the supply chain – food hubs and food system support organizations, including NOFA-VT – are also supportive of the Vermont Agency of Agriculture's role in implementing a state-level produce safety program.

6.2 Who else is likely to oppose the proposal and why?

We have heard dissatisfaction from some produce growers that are not happy with the Produce Safety Rule and do not believe this level of federal oversight around produce safety is necessary. We have not heard dissatisfaction with the state's approach at this point.

7. **Rationale for recommendation:** *Justify recommendation stated above.*

We remain fully supportive of this bill as passed out of the Senate.

8. **Specific modifications that would be needed to recommend support of this bill**: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

None needed

9. **Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?**

No

Secretary/Commissioner has reviewed this document: Diane Bothfeld **Date:** 5/2/16

Diane Bothfeld
Deputy Secretary

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