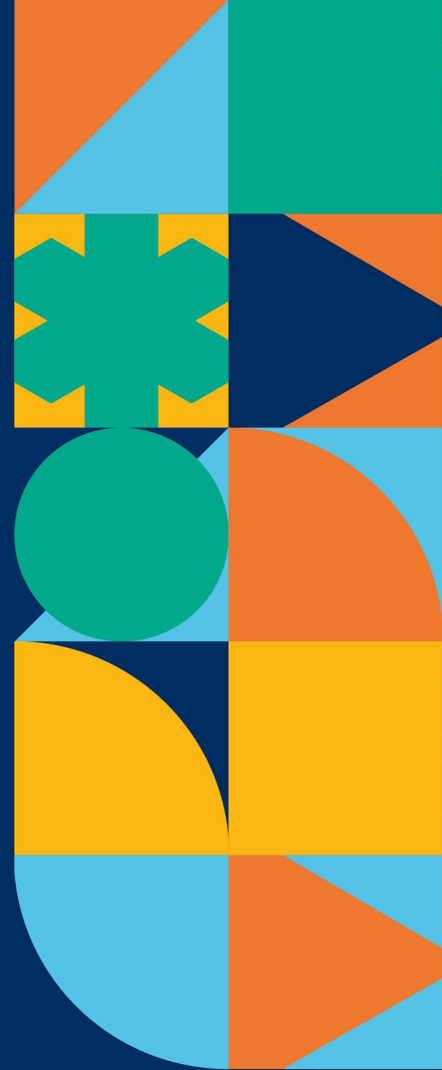


# Regulatory Alignment Study

## Produce Safety Program (PSP) Workshop



# Agenda

- Regulatory Alignment Study Objectives and Upcoming Milestones
- Workshop Objectives
- Approach to Regulatory Alignment
- Proposed Regulatory Pathways by Focus Area
  - Data and Information Sharing
  - Efficiencies
  - Effectiveness
  - Equity
- Wrap-Up and Next Steps



# Regulatory Alignment Study Objectives



Evaluate state regulatory requirements within the areas of water quality and food safety for the agricultural community and identify protections to public health and the environment.



Conduct listening sessions to gather input from the agricultural community relating to their experiences with the reporting requirements and process in these areas.



Convene the agricultural community and regulators to review and map existing regulatory pathways for water quality and food safety to identify opportunities to improve efficiency and information sharing.



Identify and prepare implementation plans for recommended process improvements to streamline reporting requirements.



Provide recommendations to CDFA, CalEPA, and the Water Boards for technological enhancements to streamline regulatory administrative and reporting processes for the agricultural community.

# Upcoming Study Milestones

- The input gathered through these workshops will be instrumental in shaping our final recommendations and remaining study milestones:

Milestones	Identify Process Improvements & Implementation Steps	Evaluate & Recommend Technological Enhancements	Present Solutions & Recommend Implementation Plans
Timeline	Summer 2024	Fall 2024	2025
Activities	<ul style="list-style-type: none"><li>Synthesize feedback from workshops</li><li>Identify and prepare recommended process improvements</li><li>Identify and prepare implementation plans for process improvements</li></ul>	<ul style="list-style-type: none"><li>Identify and document opportunities for potential technological enhancements</li><li>Identify core technological solution requirements</li><li>Conduct benchmarking and market research on potential solutions</li></ul>	<ul style="list-style-type: none"><li>Develop final report detailing solutions and regulatory alignment recommendations</li><li>Present final report to CDFA, CalEPA, Water Boards, and interested parties</li><li>Develop detailed implementation plan to implement recommended process improvements and related technological solutions</li></ul>
Outcomes	<ul style="list-style-type: none"><li>Public update on workshop outcomes</li><li>Development of process improvements and implementation plans to support regulatory alignment</li></ul>	<ul style="list-style-type: none"><li>Identification of potential technological enhancements to support regulatory alignment</li></ul>	<ul style="list-style-type: none"><li>Release of Final Regulatory Alignment Report</li><li>Release of Final Implementation Plan</li></ul>

# Workshop Objectives

To inform the further development of the proposals, the goal of the workshops is to receive input on the following topics:

- **Effectiveness of Proposals** in meeting regulatory alignment goals. This includes assessing the practicality and potential impact of each proposal.
- **Implementation Challenges and Opportunities** that might arise during the implementation of these proposals. It is crucial to understand the feasibility of each proposal from various perspectives.
- **Unaddressed Needs or Gaps** not currently addressed in the proposals within the scope of the project. This input is vital for assuring the proposals are comprehensive.
- **Equity and Inclusivity** and how the proposals impact different groups within the agricultural community, especially small-scale, and socially disadvantaged growers and disadvantaged community members.
- **Suggestions for Improvement** of the proposals to better meet the needs of all are highly encouraged.



# Development of the Regulatory Alignment Concept Paper

## Preliminary Evaluation of Regulatory Requirements

- **In-Depth Sessions with Program Staff:** Crowe conducted nearly 30 sessions with CDFA and Water Boards staff
- **Mapping Regulatory Requirements and Processes:** Crowe mapped 80 distinct processes across the programs in scope of the study

## Listening Sessions with Agricultural Community

- **Understanding Experiences and Opportunities:** The primary aim of these sessions was to gain insights and perspectives from the agricultural community and to identify streamlining opportunities
- **Ground-Level Insights:** These interactions provided a ground-level view of how regulations are implemented and experienced
- **Continued Engagement with Program Staff:** In addition to these listening sessions, Crowe conducted roughly 10 additional sessions with CDFA and Water Boards staff

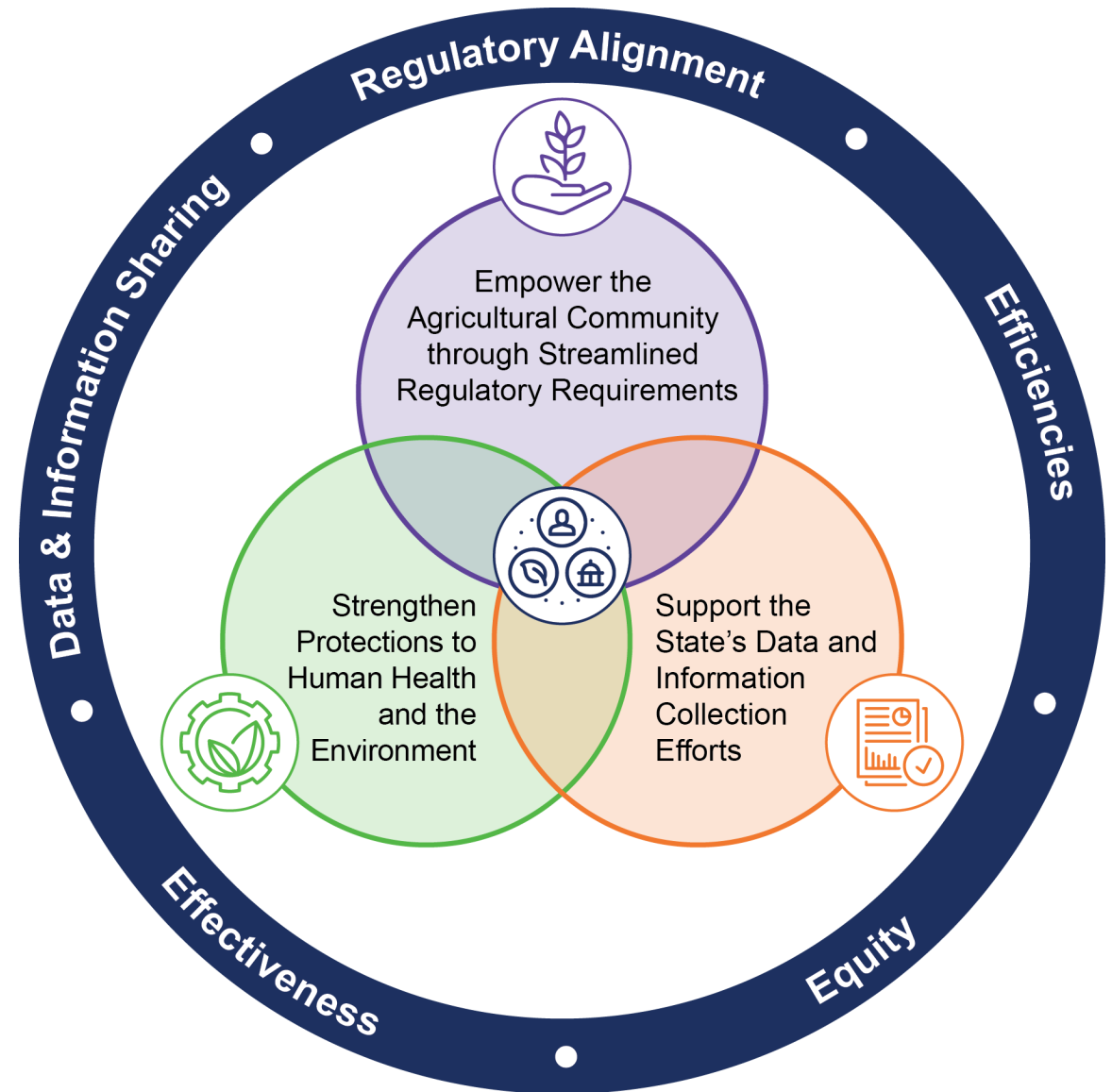
# Approach to Regulatory Alignment

- **Three Goals:**

1. Empower the Agricultural Community through Streamlined Regulatory Requirements
2. Support the State's Data and Information Collection Efforts
3. Strengthen Protections to Human Health and the Environment

- **Four Focus Areas:**

1. Data and Information Sharing
2. Efficiencies
3. Effectiveness
4. Equity



# Regulatory Alignment Focus Areas



## Data and Information Sharing

Opportunities to improve the exchange of selected data and information between state regulatory agencies and programs.



## Efficiencies

Opportunities to simplify and expedite regulatory administrative, reporting, and compliance processes.



## Effectiveness

Opportunities to measure regulatory performance objectives and goals.



## Equity

Opportunities to ensure the inclusion of socially disadvantaged communities, farmers and ranchers\* in the development, implementation, and enforcement of regulations.

\*As defined by the [Farmer Equity Act of 2017](#).



# Proposed PSP Regulatory Pathways

We identified 12 proposed regulatory pathways (RP's) for the Produce Safety Program (PSP):

- Three RPs related to data and information sharing
- Two RPs related to program efficiency
- Four RPs related to program effectiveness
- Three RPs related to equity

**Regulatory Pathways (i.e., proposals):** Include considerations, options, tools and/or recommendations for improving, streamlining, and aligning the regulatory programs and requirements in scope of the study. They are not final recommendations.

For more detailed information, refer to Section 3 of the Concept Paper

# Workshop Discussion Questions

**Please keep the following discussion questions in mind when reviewing the regulatory pathways:**

- What are potential implementation benefits/opportunities?
- What are potential implementation challenges?
- Which regulatory pathway, within each focus area, is most important to you?
- Are there any unaddressed needs?

# PSP Proposed Regulatory Pathways

## *Data and Information Sharing*

**RP1**

Support Farm Verification through the Collection of Selected Data through Enhanced Coordination with Third Parties, CDFA Programs, and Water Boards' Water Quality Programs

**RP2**

Obtain and Use Shared Data from Relevant Entities to Prioritize Risk-Based Inspections Using the Produce Decision Analysis Tool (PDAT) Criteria

**RP3**

Obtain Compliance Information from Third-Party Auditors and Commodity Groups to Streamline Inspections

# Data and Information Sharing: Regulatory Pathway 1

**RP1: Support Farm Verification through the Collection of Selected Data through Enhanced Coordination with Third Parties, CDFA Programs, and Water Boards' Water Quality Programs**

## **Proposal Opportunities:**

- Conduct an initial analysis of underlying governance and regulations to determine the feasibility of collecting grower specific data and information from various entities that may be helpful in farm verification processes.

Based on the results of the option above:

- Coordinate with third party audits (e.g., GLOBALG.A.P., and PrimusGFS) to obtain lists of growers as a data input for an up-to-date Composite Farm List.
- Coordinate with commodity groups (e.g., Leafy Greens Marketing Agreement [LGMA]), and California Cantaloupe Advisory Board [CCAB]) to obtain lists of growers as a data input for an up-to-date Composite Farm List.
- Coordinate with ILRP Coalitions to obtain routine listings of enrollees as a data input for an up-to-date Composite Farm List.
- Coordinate with Water Boards staff to receive lists of wineries under the State Winery Order that may grow produce covered under PSR. This information could facilitate identification of more growers that could be added to the Composite Farm List.



# Data and Information Sharing: RP2

## RP2: Obtain and Use Shared Data from Relevant Entities to Prioritize Risk-Based Inspections Using the Produce Decision Analysis Tool (PDAT) Criteria

### Proposal Opportunities:

- Conduct an initial analysis of underlying governance and regulations to determine the feasibility of sharing grower specific data and information from various entities to evaluate and prioritize inspections.

Based on the results of the opportunity above:

- Establish a data and information sharing and protections partnership between PSP and the CAF Program to catalog the location of all types of CAF facilities (e.g., cow dairies, poultry operations) and PSP farms on a single, unified, interactive, internal-only, geographic information system (GIS) map.
- Establish a partnership between third-party auditors (e.g., GLOBALG.A. P, PrimusGFS, and United States Department of Agriculture [USDA] Harmonized GAP Audit Program) to share growers' inspection outcomes and/or dates.
- Establish a partnership with commodity groups (e.g., LGMA and CCAB) to electronically transmit lists of growers' last inspection outcomes and/or dates.



# Data and Information Sharing: Regulatory Pathway 3

## RP3: Obtain Compliance Information from Third-Party Auditors and Commodity Groups to Streamline Inspections

### Proposal Opportunities:

- Conduct an initial analysis of underlying governance and regulations to determine the feasibility of collecting grower specific data and information from third-party auditors and commodity groups that may be helpful streamlining inspection activities.

Based on the results of RP3a:

- Obtain monthly lists of growers who have demonstrated compliance with third-party and commodity group audits to demonstrate full or partial PSR compliance.
- Allow growers to self-report and provide records and/or certifications related to passing an aligned audit as a replacement for a full PSR inspection.





# PSP Proposed Regulatory Pathways

## *Efficiencies*

**RP4**

Optimize the Farm Data Repository to Incorporate Available Data into a Robust Risk Prioritization Model

**RP5**

Enhance the Farm Data Repository with Additional Tools to Assist Growers in Understanding Their Status Under PSR and Streamline Current Data and Information Collection Activities

# Efficiencies: Regulatory Pathway 4

## RP4: Optimize the Farm Data Repository to Incorporate Available Data into a Robust Risk Prioritization Model

### Proposal Opportunities

In alignment with Phase 2 of the Farm Data Repository:

- Optimize the Farm Data Repository to produce a 'Risk Profile' for each farm. This risk prioritization model will be built around the CAP's ProduceDAT which establishes risk criteria (e.g., Priority Commodities, Adjacent Land Use, Approximate Farm Acreage, and PSA Grower Training Attendance).
- Optimize the Farm Data Repository to collect additional farm information that may inform the risk prioritization model. Information such as proximity to particular adjacent land activity, third-party audit results, and notices of produce recalls or outbreaks should be, and the Farm Data Repository regularly updated.



# Efficiencies: Regulatory Pathway 5

**RP5: Enhance the Farm Data Repository with Additional Tools to Assist Growers in Understanding Their Status Under PSR and Streamline Current Data and Information Collection Activities**

## Proposal Opportunities

- Develop a 'Coverage Tool' to be built on the Farm Data Repository and automatically share results with PSP staff.
- Develop an 'OFRR Request Tool' to be built on the Farm Data Repository to allow growers to request an OFRR and provide their contact information in a standard format.



# PSP Proposed Regulatory Pathways

## *Effectiveness*

**RP6**

Share Trends and Outcomes Resulting from Program Activities to Educate the Public on Food Safety Information

**RP7**

Assess Programmatic Activities through Robust Feedback Channels to Evaluate Program Performance and Educate Growers of Best Practices

**RP8**

Incentivize Growers to Engage with the Program to Promote Awareness and Trust in the Program

**RP9**

Establish Attainable Goals for Key Performance Indicators (KPIs) to Communicate Program Performance

# Effectiveness: Regulatory Pathway 6

## RP6: Share Trends and Outcomes Resulting from Program Activities to Educate the Public on Food Safety Information

### Proposal Opportunities

- Present historical and current data in an accessible dashboard on the PSP website to demonstrate program effectiveness through trend analysis.
- Create a working group with a robust communication channel for relevant food safety groups (e.g., PSP, CDPH, CDC, and FDA) to establish annual reports related to California-based produce recalls and foodborne illness outbreaks. These annual reports may highlight the benefits of the program.
- Compare inspection data from farms which participated in an OFRR versus those which did not to demonstrate ability of OFRR to correct poor agricultural practices and promote greater protection of public health. Demonstrating that poor agricultural practices are being corrected adheres to programmatic goals and objectives while also communicating program successes to the public.



# Effectiveness: Regulatory Pathway 7

## **RP7: Assess Programmatic Activities through Robust Feedback Channels to Evaluate Program Performance and Educate Growers of Best Practices**

### **Proposal Opportunities**

- Establish a 'Produce Safety Task Force' with all relevant agricultural entities (e.g., PSP, UCCE, Buyers/Shippers, CDFA Farm Equity Office, and commodity groups) to share information and feedback on program alignment with overall FSMA, PSR, and CAP goals.
- Provide an annual update or enhance current training materials to cover topics such as common observations, agricultural practices to avoid, and examples of "egregious conditions" based on annual inspection data. This can improve education by incorporating real practices observed in recent inspections.





# Effectiveness: Regulatory Pathway 8

## RP8: Incentivize Growers to Engage with the Program to Promote Awareness and Trust in the Program

### Proposal Opportunities

- Propose a mechanism to FDA to provide marketing materials (such as a program logo) for use on packaging when a grower demonstrates PSP compliance via the Farm Data Repository.
- Establish a 'Recognition Program' for individuals who are helping other growers in their community with produce safety compliance.



# Effectiveness: Regulatory Pathway 9

## RP9: Establish Attainable Goals for Key Performance Indicators (KPIs) to Communicate Program Performance

### Proposal Opportunities

- Allocate PSP resources strategically to evaluate progress towards KPI goals, and twice annually relay these advancements to the FDA, discussing potential adjustments as necessary.
- Measure additional KPIs to communicate progress on education, outreach, and outcomes from inspections internally to PSP staff and externally to FDA staff.



# PSP Proposed Regulatory Pathways

## *Equity*

**RP10**

Align Programmatic Outreach Activities with the Farmer Equity Act to Foster an All-Inclusive Approach to Program Implementation and Regulation

**RP11**

Develop an Inclusive Process for Scheduling Inspections for Small-Scale, Socially Disadvantaged Growers and those with Limited-English Proficiency to Make Processes More Manageable and Accessible

**RP12**

Evaluate the Ability to Coordinate Inspection Timelines with Other Relevant Audits or Inspection Entities to Reduce Time Impact of Inspections for Growers

# Equity: Regulatory Pathway 10

## RP10: Align Programmatic Outreach Activities with the Farmer Equity Act to Foster an All-Inclusive Approach to Program Implementation and Regulation

### Proposal Opportunities

- Provide additional outreach through various channels such as UCCE and committees at the Farm Equity Office (e.g., California Black, Indigenous, and People of Color [BIPOC] Producer and the Small-Scale Producer Advisory Committees).
- Expand capacity to support growers that self-identify as primarily non-English-speaking by providing funding support to expand direct technical assistance providers such as UCCE, and other non-profit groups to offer application assistance in multiple languages as well as simultaneous interpretation and/or translation in the languages spoken in the agricultural community.
- Provide inspection forms, resources, web-based data systems, and portals in multiple languages.
- Leverage existing Farm Equity Office committees (e.g., BIPOC Producer and the Small-Scale Producer Advisory Committees), in collaboration with the various community organizations, such as the National Network of Promotoras and Community Health Workers, to conduct periodic listening sessions or outreach in “small, disadvantaged communities” (DACs).
- Increase tailored outreach and education to DACs on best practices for safe food handling to reduce the risk of foodborne illnesses. Outreach and education should be provided by trusted local organizations in multiple languages and could include information on how to store, handle, and clean food.



# Equity: Regulatory Pathway 11

**RP11: Develop an Inclusive Process for Scheduling Inspections for Small-Scale, Socially Disadvantaged Growers and those with Limited-English Proficiency to Make Processes More Manageable and Accessible**

## Proposal Opportunities

- Track growers' preferred language and method of communication with other relevant basic farm information (e.g., name, address, phone number, and email address) to better allocate translator and bilingual staff resources.
- Provide copies of program information, specifically Produce Farm Inspection Report Summaries in requested languages to accommodate individuals with limited English proficiency. Copies could include mailed paper copies directly to growers and/or electronic versions for technical assistance providers to print out and bring to on-farm visits.
- Refer small growers, as necessary, to staff to schedule an OFRR to follow PSP's goal of education before regulation. The OFRR should conclude with scheduling a date for their inspection three to six months after the OFRR.



# Equity: Regulatory Pathway 12

## **RP12: Evaluate the Ability to Coordinate Inspection Timelines with Other Relevant Audits or Inspection Entities to Reduce Time Impact of Inspections for Growers**

### **Proposal Opportunities**

- Conduct an initial analysis of underlying governance and regulations to determine the feasibility of sharing grower specific data and information to coordinate inspection timelines amongst various agencies and agricultural entities.

Based on the results of the option above:

- Allow small growers to request coordinated inspection/audit scheduling between PSP inspectors and third-party audits.
- Expand capacity of PSP scheduling staff to coordinate with other audits to communicate and ultimately come to an amicable decision on preferred time frame for conducting consolidated inspections. For example, schedule inspections within the same week or on successive days.
- Establish a collaborative group to coordinate scheduling in batches (once per month, as an example) according to various criteria (location, type of crop, and harvest season). This working group would meet regularly or share data electronically through databases.





# Workshop Discussion Questions

**Please keep the following discussion questions in mind when reviewing the regulatory pathways:**

- What are potential implementation benefits/opportunities?
- What are potential implementation challenges?
- Which regulatory pathway, within each focus area, is most important to you?
- Are there any unaddressed needs?

# How to stay involved?

- Provide all written input and questions on the Regulatory Alignment Concept Paper by 5:00 PM on July 31, 2024, to:  
[RegulatoryAlignmentStudy@crowe.com](mailto:RegulatoryAlignmentStudy@crowe.com)
- Participate in Additional Workshops to be held through Summer 2024
- Monitor the Regulatory Alignment Study webpage for updates:  
<https://www.cdfa.ca.gov/RegulatoryAlignment>
- Register for upcoming public workshops on the Study Website at:  
<https://www.cdfa.ca.gov/RegulatoryAlignment>



# Thank you

Reach out to us anytime.

[RegulatoryAlignmentStudy@crowe.com](mailto:RegulatoryAlignmentStudy@crowe.com)

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