

# Summary of AG Water Rule Changes

The Food Safety Modernization Act (FSMA) Produce Safety Rule (PSR) has new requirements relating to Subpart E, Agricultural Water. The new rule on Pre-harvest Agricultural Water sets the standards for the safe use of water on produce crops during production and pre-harvest. This rule does not change any requirements in the PSR for harvest or post-harvest water uses. Below is a summary of a few of the major revisions from the original Subpart E requirements to the new Pre-harvest Agricultural Water Rule requirements.

## MICROBIAL WATER QUALITY

Water used during pre-harvest activities for covered produce (other than sprouts) was required to meet a Geometric Mean (GM) of 126 generic E. coli per 100 mL and a Statistical Threshold Value (STV) of 410 generic E. coli per 100 mL.

## WATER TESTING & MICROBIAL WATER QUALITY PROFILE (MWQP)

Water testing was required for pre-harvest uses. Untreated surface water sources for non-sprout covered produce required an initial MWQP with 20 samples collected over 2–4 years and updated with 5 samples per year thereafter; untreated groundwater sources required an initial MWQP with 4 samples collected over 1 year and updated with 1 sample per year thereafter.

## RISK-REDUCTION ACTION

Risk-reduction measures had to be implemented as soon as practicable but no later than the following year if the GM and STV microbial criteria were not met.

## RISK MANGEMENT

Farms could establish alternative microbial criteria and sampling frequencies for untreated surface water sources, or die-off rates between last direct water application and harvest so long as certain requirements are met.

## AGRICULTURAL WATER ASSESSMENT

Water testing is still a valuable contributor to assessing water quality. However, it is only one piece of the puzzle of overall water quality.

The new Rule removed pre-harvest microbial water quality criteria and revised to account for pre-harvest agricultural water assessments.

Growers are required to perform an annual written Agricultural Water Assessment focusing on a holistic systems-based approach to determining water quality. Water source, distribution, and practices help assess water quality, as well as crop characteristics, weather and environmental conditions, and nearby land uses.

## RISK-REDUCTION ACTION

If the Ag Water Assessment determines that ag water is not safe for its intended use, growers must immediately discontinue use and take corrective actions before resuming use of the water. Risks related to fecal contamination require corrective action within the same growing season. Risks related to non-fecal contamination require corrective action within a year and may involve water testing.

## RISK-MANAGEMENT

The new Rule expanded measures to include the flexibility to change the water application method to reduce the likelihood of contamination of covered produce or to use an alternative mitigation measure and added expedited timing for mitigation related to certain uses of adjacent and nearby lands.