



STATE OF WASHINGTON


DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

DATE: June 9, 2020

TO: Office of the Code Reviser

FROM:


Derek I. Sandison, Director

SUBJECT: Policy Statement CI-20-0002 – Grade inspections and labeling requirements for products procured for USDA's Farmers to Families Food Box Program

On June 9, 2020, a policy statement regarding products procured under the United States Department of Agriculture's (USDA) Farmers to Families Food Box Program and the applicability of grade inspections and labeling regulatory requirements specified in chapter 15.17 RCW - Standards of Grades and Packs. In light of the operational difficulties associated with the COVID-19 pandemic and the Farmers to Families Program's intent to provide products to food banks expeditiously, the USDA is in the best position to ensure the quality and safety of food products procured pursuant to its Farmers to Families Program. In order to avoid potential disruptions to the federal program and to continue utilizing state resources in a manner that facilitates COVID-19 response and recovery efforts, the Washington State Department of Agriculture (WSDA) has determined that products procured pursuant to the federal program do not require WSDA grade inspections or compliance with state labeling requirements.

A copy of the policy statement may be obtained by accessing our website or by contacting:

Gloriann Robinson, Agency Rules Coordinator
1111 Washington Street SE
PO Box 42560
Olympia, WA 98504-2560
Phone: 360-902-1802
Email: wsdarulescomments@agr.wa.gov

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 10, 2020

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WSR 20-13-034



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DEPARTMENT OF AGRICULTURE

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POLICY STATEMENT

Number: CI-20-0002

Subject: Grade inspections and labeling requirements for products procured for USDA's Farmers to Families Food Box Program

Supersedes: Not Applicable

Contact: Jessica Allenton, Assistant Director, Commodity Inspection Division
Email: jallenton@agr.wa.gov Phone: (360) 902-1828

Approved By:

A handwritten signature in blue ink, appearing to read "Derek I. Sandison", written over a horizontal line.

Derek I. Sandison, Director

Date Approved: June 9, 2020

To provide clarity in regards to products procured under the United States Department of Agriculture's (USDA) Farmers to Families Food Box Program and the applicability of grade inspections and labeling regulatory requirements specified in chapter 15.17 RCW - Standards of Grades and Packs, the Washington State Department of Agriculture (WSDA) issues this policy statement pursuant to RCW 34.05.230.

Background: On April 17, 2020, U.S. Secretary of Agriculture Sonny Perdue announced the USDA Farmers to Families Food Box Program as part of the Coronavirus Food Assistance Program developed to help farmers, ranchers, and consumers in response to the COVID-19 national emergency.

Through this program, USDA's Agricultural Marketing Service (AMS) is partnering with national, regional, and local suppliers, whose workforces have been significantly impacted by the closure of restaurants, hotels, and other food service businesses, to purchase up to \$3 billion in fresh produce, dairy, and meat products. The program will purchase \$461 million in fresh fruits and vegetables, \$317 million in a variety of dairy products, \$258 million in meat products, and \$175 million in a combination box of fresh produce, dairy, or meat products. Suppliers will package these products into family-sized boxes, then transport them to food banks, community and faith-based organizations, and other non-profits serving Americans in need from May 15 through June 30, 2020. AMS may elect to extend the period of performance of the contracts, via option periods, depending on program success and the availability of remaining funds.

Additional information on the Farmers to Families Food Box Program is available on the AMS website at www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box.

Description: Chapter 15.17 RCW provides for the fair and orderly marketing of fruits and vegetables in the state of Washington by establishing uniform grades and standards and by providing for the inspection of these products. RCW 15.17.270 permits the WSDA to cooperate with USDA in order to carry out the purpose and provisions of the chapter. Under its Farmers to Families Program, the USDA will provide oversight of fruit and vegetables procured through its program and conduct audits to ensure food safety plans are followed, that only domestic produce is provided, and that quality products are delivered. In light of the operational difficulties associated with the COVID-19 pandemic and the Farmers to Families Program's intent to provide products to food banks expeditiously, the USDA is in the best position to ensure the quality and safety of food products procured pursuant to its Farmers to Families Program. In order to avoid potential disruptions to the federal program and to continue utilizing state resources in a manner that facilitates COVID-19 response and recovery efforts, WSDA has determined that products procured pursuant to the federal program do not require WSDA grade inspections or compliance with state labeling requirements.

Under RCW 15.17.213, sales of up to five hundred pounds per day of a fruit or vegetable by a producer or handler directly to an individual ultimate consumer are generally not subject to the requirements of the chapter unless otherwise established by rule. In addition, the chapter does not apply to the movement in bulk of any fruits or vegetables from the premises where they are grown to a packing shed, warehouse, or processing plant for the purpose of grading, packing, or processing prior to entering commercial channels for wholesale or retail sale. Due to the Farmers to Families Program operational structure and its intent to provide food directly to food banks, WSDA does not consider shipments of agricultural products procured under the Farmers to Families Program to constitute "commercial lots" or to have entered commercial channels for wholesale or retail sale.