

Adopt Agr 3900 to read as follows:

CHAPTER Agr 3900 PRODUCE SAFETY FARM INSPECTIONS

PART Agr 3901 FARM INSPECTONS

Agr 3901.01 Purpose. These rules implement the procedures of the department of agriculture, markets and food, pursuant to RSA 426-A:6 for the inspection of farms engaged in covered activities including the growing, harvesting, packing, and holding of covered produce in accordance to the Food Safety Modernization Act, 21 C.F.R. Part 112, 2016.

Agr 3901.02 Scope. These rules shall apply to any farm that engages in covered activities including growing, harvesting, packing, and holding of covered produce that is a raw agriculture commodity pursuant to the Food Safety Modernization Act, 21 C.F.R. Part 112, Subpart A General Provisions.

Agr 3901.03 Definitions. As used in these rules, the following terms shall have the meanings indicated:

- (a) "Commissioner" means the commissioner of the department of agriculture, markets, and food of the state of New Hampshire;
- (b) "Covered activity" means "covered activity" as defined in 21 C.F.R. Part 112.3, 2016;
- (c) "Covered produce" means "covered produce" as defined in 21 C.F.R. Part 112.3, 2016;
- (d) "Department" means the New Hampshire department of agriculture, markets, and food; and
- (e) "Farm" means "farm" as defined in RSA 426-A:1, III.

Agr 3901.04 Produce Safety Practices. The owner or operator of a farm shall comply with 21 C.F.R. Part 112, 2016, "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption" of the Food and Drug Administration, available as noted in Appendix B.

Agr 3901.05 Inspections.

- (a) The department shall conduct farm inspections pursuant to RSA 426-A:4.
- (b) Routine inspections shall be conducted:
 - (1) On farms whose farming practices include covered activity as defined in 21 C.F.R. Part 112.3, 2016;
 - (2) When covered produce is being grown, harvested, packed, and held for distribution; and
 - (3) Once every 3 years on or after the date of initial inspection.

Agr 3901.06 Recordkeeping. The owner or operator of a farm shall maintain records as stated in Subpart O-Records, in 21 C.F.R. Part 112, 2016, "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption" of the Food and Drug Administration, available as noted in Appendix B.

APPENDIX A

Rule	Specific State Statute the Rule Implements
Agr 3900	RSA 426-A:6
(Specific rules implementing specific statutes are listed below)	
Agr 3901.03	RSA 426-A:1
Agr 3901.04	RSA 426-A:2
Agr 3901.05	RSA 426-A:4
Agr 3901.06	RSA 426-A:5

APPENDIX B: Incorporated by Reference

Rule	Title	Obtained at:
Agr 3901.04	Food Safety Modernization Act, 21 C.F.R. Part 112, 2016, Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption” of the Food and Drug Administration.	Online: https://www.fda.gov/Food/GuidanceRegulation/FSMA