



CALIFORNIA
ASSOCIATION
of WINEGRAPE
GROWERS

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Progress on Winegrape Exemption from FSMA's Produce Safety Rule

SACRAMENTO, July 21, 2017 – The Senate Committee on Appropriations on July 20 approved a bill that funds the U.S. Department of Agriculture and the Food and Drug Administration (FDA) for fiscal year 2018. The appropriations bill includes an important statement of policy urging FDA to distinguish between grape varieties so that growers of winegrapes may be eligible for exemption or exclusion from the Food Safety Modernization Act's produce safety rule.

The committee's report language complements language in the House of Representatives agricultural appropriations bill, which urged FDA to initiate a process to distinguish between grape varieties so that winegrape growers may be exempted from the produce safety rule.

The California Association of Winegrape Growers (CAWG) on June 15 submitted a formal request to FDA to exempt winegrapes from the produce safety rule on the basis that they are rarely consumed raw. More than 30 other commodities are exempt from the rule because they are nearly always cooked or processed before consumption, thus eliminating the risk of foodborne illnesses. CAWG provided FDA and various members of the California congressional delegation a 10-page white paper detailing the justification for the winegrape exemption.

Starting in 2018, FDA's produce safety rule requires most commercial growers of winegrapes to document, through a burdensome exchange of notice and assurance with buyers, that the harvested grapes have in fact been processed into wine. Growers must keep records of this exchange, for every load shipped, for a two-year period. Failure to adhere to these requirements could result in winegrape growers having to comply with other aspects of the produce safety rule, which is intended to ensure the safety of raw produce.

"The fact is that California winegrape varieties are rarely consumed raw and FDA should categorically exempt them from the produce safety rule," CAWG President John Aguirre said.

Wine Institute, Napa Valley Vintners and Washington Winegrowers Association have joined CAWG in support of this effort. "We will continue to work closely with other industry organizations to press FDA to change its policy," Aguirre said.

Reports

Senate Appropriations Committee report: language on grape varieties on page 94

<https://www.appropriations.senate.gov/imo/media/doc/FY2018%20Agriculture%20Appropriations%20Bill,%20Report%20115-131.pdf>

House Appropriations Committee report: language on grape varieties on page 66

https://appropriations.house.gov/uploadedfiles/hrpt-115-hr_.pdf

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