Here are two scenarios that relate to Section 3 of bill draft 1.1. These scenarios further explain why "tying" these two administrative processes would be beneficial to the agency and to the licensee/regulated constituent:

1. Agency learns of person/entity conducting an activity which requires a license from Agency. Agency proceeds down path of education/compliance but in specific situation determines enforcement is necessary. Agency issues notice of violation and then a final order. Person/entity does not take corrective action and/or does not pay the imposed administrative penalties though does submit an application for a license. The license application is complete. **This proposed language would allow the Agency to consider the entity's compliance status in its contemplation of the license application, rather than the current situation which is that the Agency has to issue said license because the license application is complete/license fee is paid, but then turn around and immediately condition or take some other action against a license the Agency just issued. The current reality is cumbersome for the Agency, seems disingenuous to the regulated constituent, and is not the way the Agency prefers to conduct its business. The proposed language would allow the Agency to handle this scenario in a more efficient and productive manner and in a way that would be less confusing for the person seeking the license.**

2. Agency has issued a license to person/entity. During the period of the license, the Agency issues a notice of violation to person/entity for violating statutory chapter provisions under which person/entity is licensed. The Agency then issues a final order. License is up for renewal so person/entity sends in renewal and associated fee. **This is a similar scenario as #1 above, except speaks to a situation where someone found to be out of compliance is seeking to *renew* their license rather than obtain it for the first time. All other benefits of the proposed language apply in this scenario as described in #1.**

Produce Safety Rule topic:

Here are a few examples of why produce farms may be exempt from the federal Produce Safety Rule, as this question came up as well:
Exemptions:

- Qualified exemption (farms with sales between $25k and $500 and sell primarily to consumers): need to meet modified recordkeeping and labeling reqs but not the full Rule
- Commercial processing exemption (all produce goes for processing, e.g. wine into wine grapes): records required but not subject to the full Rule

Here are a few examples of how produce may end up being adulterated:

- Sampling that shows that produce is contaminated with pathogenic salmonella, e.coli, or listeria
- Produce in contact with flood water

I put this link in the meeting chat as well, but here is the website location that contains all of the nuts and bolts details about the produce safety program, including the rule exemptions, etc.:

https://www.fda.gov/food/food-safety-modernization-act-fsma/fsma-final-rule-produce-safety?source=govdelivery&utm_medium=email&utm_source=govdelivery

Here is more general information about the produce safety program in VT, in case the resources found here are helpful:
https://agriculture.vermont.gov/produceprogram