FSMA OVERVIEW:
PRODUCE SAFETY RULE

Finding where you currently “sit”
Understanding where you may “fall” in the future
WHAT AM I CURRENTLY SUBJECT TO?
STANDARDS FOR PRODUCE SAFETY
Coverage and Exemptions/Exclusions for 21 PART 112

This document contains specific guidance on how to determine whether your farm operations are covered by the Produce Safety Rule. It includes decision points to help you decide if your farm is subject to the rule.

1. Does your farm grow, harvest, pack, or hold produce? (See Section 112.3(a)(1))
   - **Yes**: If yes, your farm is subject to this rule.
   - **No**: Your farm is not subject to this rule.

2. Is your produce on average (in the previous three years) fewer than 1000 or more than 20,000 annual produce sales? (See Section 112.3(a)(2))
   - **Yes**: Your farm is not subject to this rule.
   - **No**: Your farm is subject to this rule.

3. Is your product one of the commodities that FDA has identified as a rarely consumed raw food? (See Section 112.3(a)(3))
   - **Yes**: Your farm is not subject to this rule.
   - **No**: Your farm is subject to this rule.

4. Is your produce for personal/on-farm consumption? (See Section 112.3(a)(4))
   - **Yes**: Your farm is not subject to this rule.
   - **No**: Your farm is subject to this rule.

5. Is your produce intended for commercial processing that adequately reduces pathogens? For example, commercial processing with a soak step? (See Section 112.3(a)(5))
   - **Yes**: Your farm is not subject to this rule.
   - **No**: Your farm is subject to this rule.

6. Does your farm on average (in the previous three years) have <5000 annual food sales, AND a majority of the food (by value) sold directly to "qualified end-users"? (See Section 112.3(a)(6))
   - **Yes**: Your farm is not subject to this rule.
   - **No**: Your farm is subject to this rule.

For more information, including helpful definitions, please view the guide here.

See next slide for helpful definitions.
HELPFUL DEFINITIONS

“Rarely consumed raw” examples:
Asparagus • various beans • beets • collards • eggplants • okra • potatoes • pumpkins • winter squash • sweet potatoes etc. For more information, click HERE.

“Qualified End-User” means:
• the consumer of the food (NOT a business) OR
• a restaurant or retail food establishment that is located—
  (i) in the same State or the same Indian reservation as the farm that produced the food; OR
  (ii) not more than 275 miles from such farm.
COMPLIANCE REQUIREMENTS
FULLY EXEMPT

• N/A - only need records showing that gross sales and/or crop type meet exemption criteria

QUALIFIED EXEMPT

Disclose mailing address at point of sale
• i.e. farmer’s market stand

General sales records to show income requirement is met
• i.e. sold 500$ on [date] at [location].
NON-EXEMPT: COMPLIANCE CATEGORIES

1. Worker Health, Hygiene, and Training
2. Soil Amendments
3. Wildlife and Domesticated Animals
4. Production Water
5. Post-harvest Water
6. Postharvest Handling and Sanitation
A NOTE ABOUT THE NEXT SLIDES:

If you are fully exempt or qualified exempt, the following slides detail compliance requirements that do not currently apply to you. However, you may wish to continue on in order to better understand what is required for non-exempt producers, or to learn more about the Produce Safety Rule in general.
EACH CATEGORY INVOLVES:

1. Assessing Risks
2. Implementing Practices
3. Monitoring Practices
4. Taking Corrective Actions
5. Keeping Records
COMPLIANCE CATEGORY 1:
WORKER HEALTH, HYGIENE, AND TRAINING
WORKER HEALTH, HYGIENE, AND TRAINING

• Give instruction on general principles of food safety and hygiene
• Job-specific training (harvester vs planting)
• Access to hand washing and bathroom facilities w/ “running water” (could be as simple as a jug w/ a spigot)

*Training upon hire and once yearly thereafter
COMPLIANCE CATEGORY 2:
SOIL AMENDMENTS
SOIL AMENDMENTS

Raw manure, composted manure, chemical, green waste, bio solids, pre-consumer vegetative waste

• *Untreated* amendments (i.e. vegetative waste) must be treated in a “scientifically valid” process* such as:
  • Composting or application interval

*More detailed requirements are not yet in place; additional research is needed.
COMPLIANCE CATEGORY 3: WILD AND DOMESTICATED ANIMALS
WILD AND DOMESTICATED ANIMALS

• Assess crops prior to, and during, harvest to identify likely points of intrusion
• Adjust as intrusions occur
  • (i.e. Avoid harvesting where defecation is present)
COMPLIANCE CATEGORY 4: WATER QUALITY TESTING
<table>
<thead>
<tr>
<th>Surface Water</th>
<th>Ground Water</th>
<th>Public Supply</th>
</tr>
</thead>
<tbody>
<tr>
<td>20+ times during first 2-4 years</td>
<td>4+ times during first growing season</td>
<td>Copy of facility’s results or compliance certificates</td>
</tr>
<tr>
<td>5+ times per year thereafter</td>
<td>1+ times per year thereafter</td>
<td></td>
</tr>
</tbody>
</table>

*Acceptable E. Coli levels & timeline for corrective actions differ between Production Water (irrigation, frost protection, etc.) and water used for harvest and post-harvest activities (packing, holding, etc).*
COMPLIANCE CATEGORY 5:
POST-HARVEST HANDLING & SANITATION
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• Inspect, maintain, clean, and sanitize contact services
• Use tools, containers, equipment, etc. that enable proper cleaning
• Exclude and deter pests
COMPLIANCE CATEGORY 6:
PRODUCE SAFETY RULE CERTIFICATION
Each non-exempt farm is required to have one employee who has received a Produce Safety Rule training certification.
FSWCD is currently conducting a feasibility for centralized cold storage, so the following slide will address how participating in cold storage may impact your exemption status under the Produce Safety Rule. This is hypothetical and is meant to help us understand what would impact your decision to pursue cold storage in the future.
HOW MIGHT COLD STORAGE AFFECT YOUR EXEMPTION STATUS?

RENTING STORAGE SPACE

• **No impact.** If you store produce at a central location, but still retain ownership of that produce, then your exemption status is not affected. Requirements for the desired exemption category must still be met, but choosing to store produce off-farm will not itself alter the exemption status.

SELLING TO A FOOD HUB

• **It Depends:** A *food hub* is not necessarily a qualified end user. If you gross less than 500k in sales AND have a larger dollar figure in sales to “qualified end users” than to a food hub, then you will retain a qualified exemption status.

• (wholesale prices at food hubs may make it easier to meet these requirements).
Let us know!

Please take 2 minutes to share your feedback by clicking here

For further questions contact Brian Atkinson
Office Phone: (907) 479-1213 x 108
Email: brian.fswcd@gmail.com