

# WHAT IS THE FSMA PRODUCE SAFETY RULE AND HOW WILL IT AFFECT ME?

The Food Safety Modernization Act – or FSMA, is a law passed by congress in 2011. It was the first major overhaul of food safety law in the United States in almost 70 years. The law was designed to enable the FDA to address the increasing incidence of foodborne illnesses across the U.S. It allows for the development of regulations to protect the safety of human and animal food, both imported and domestic. Certain provisions of FSMA took effect immediately, including giving FDA authority to enact mandatory food recalls in the event of an outbreak for the first time ever. Others will be phased in gradually.

Some Alaskan farms will be affected by FSMA's Produce Safety Rule. These requirements apply to the growing, holding, and distribution of produce.

## PRODUCE SAFETY RULE

The FSMA Produce Safety Rule addresses safe production, harvest, and handling practices for fruits and vegetables that are generally consumed raw. It requires covered growers to:

- Test their agricultural water
- Enact worker health, hygiene, and food safety training measures
- Treat and use soil amendments properly (compost, manure, fish waste)
- Prevent contamination of produce by wild and domestic animals
- Provide for safe handling and sanitation of produce
- Keep certain records

The requirements do NOT apply to food that is consumed on the farm, or to produce that is destined for commercial processing that will adequately reduce the presence of microorganisms. There are additional requirements for growing sprouts, due to the high incidence of foodborne illness associated with them.

**If I am a grower, what do I need to do?** For most small farms, the Produce Safety Rule requirements are very few. The vast majority of growers in Alaska will either be Exempt or meet the Qualified Exemption criteria.

Keep in mind that food safety is important for all growers, whether you are covered by the new regulation or not. You can protect both your customer and your business by learning about and adopting the same good agricultural practices that the Produce Safety Rule is based on.



## WHO IS EXEMPT FROM THE RULE?

Farms that sell less than \$25,000 worth of PRODUCE (averaged over three years) will be Exempt from the FSMA Produce Safety Rule. Produce includes fruits and vegetables, nuts, herbs, sprouts, and mushrooms.

## WHO IS ELIGIBLE FOR A “QUALIFIED EXEMPTION”?

If you sell more than \$25,000 worth of produce annually and are not fully exempt, you may still meet the criteria for a Qualified Exemption. Qualified exempt growers are those who sell less than \$500,000 worth of FOOD annually, AND more than 50% of that food is sold to a Qualified End User within 275 miles of the farm, OR within the same state or Indian reservation where the food was grown. A Qualified End User is a direct consumer of the food, a restaurant, or a retail store. FOOD in this case refers to anything used as food or drink for humans or animals, including hay, grains, oilseed, meat, dairy foods, and seeds and beans used to grow sprouts.

If you are eligible for a Qualified Exemption, you do not have to comply with all the requirements of the Produce Safety Rule, BUT you must:

- **Keep records of your annual food sales over the past three years, and how much of that food was sold to Qualified End Users. This recordkeeping requirement is already in effect. A recordkeeping template is available at: <http://dec.alaska.gov/eh/vet/index.htm>.**
- **Provide the name and complete business address of the farm where the produce was grown. This can be either on the product label, on a poster or sign near the produce at the point of sale, or on documents delivered with the product (such as an invoice).**

This Qualified Exemption CAN be withdrawn by FDA in the case of a foodborne illness outbreak directly linked to your farm, or if it is necessary to protect public health. If it is withdrawn, you must comply with all provisions of the rule.

FDA has published a flowchart to help you determine what requirements, if any, you must follow to be in compliance with the Produce Safety Rule. It can be found at:

<https://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM472499.pdf>

The Alaska Department of Environmental Conservation will begin hosting workshops in Fall/Winter of 2017 for growers covered under the Produce Safety Rule. These workshops will be open to anyone who is interested in learning more about good agricultural practices and the FSMA Produce Safety Rule. To learn more about the Produce Safety Rule, please visit DEC's website at: <http://dec.alaska.gov/eh/vet/index.htm>.