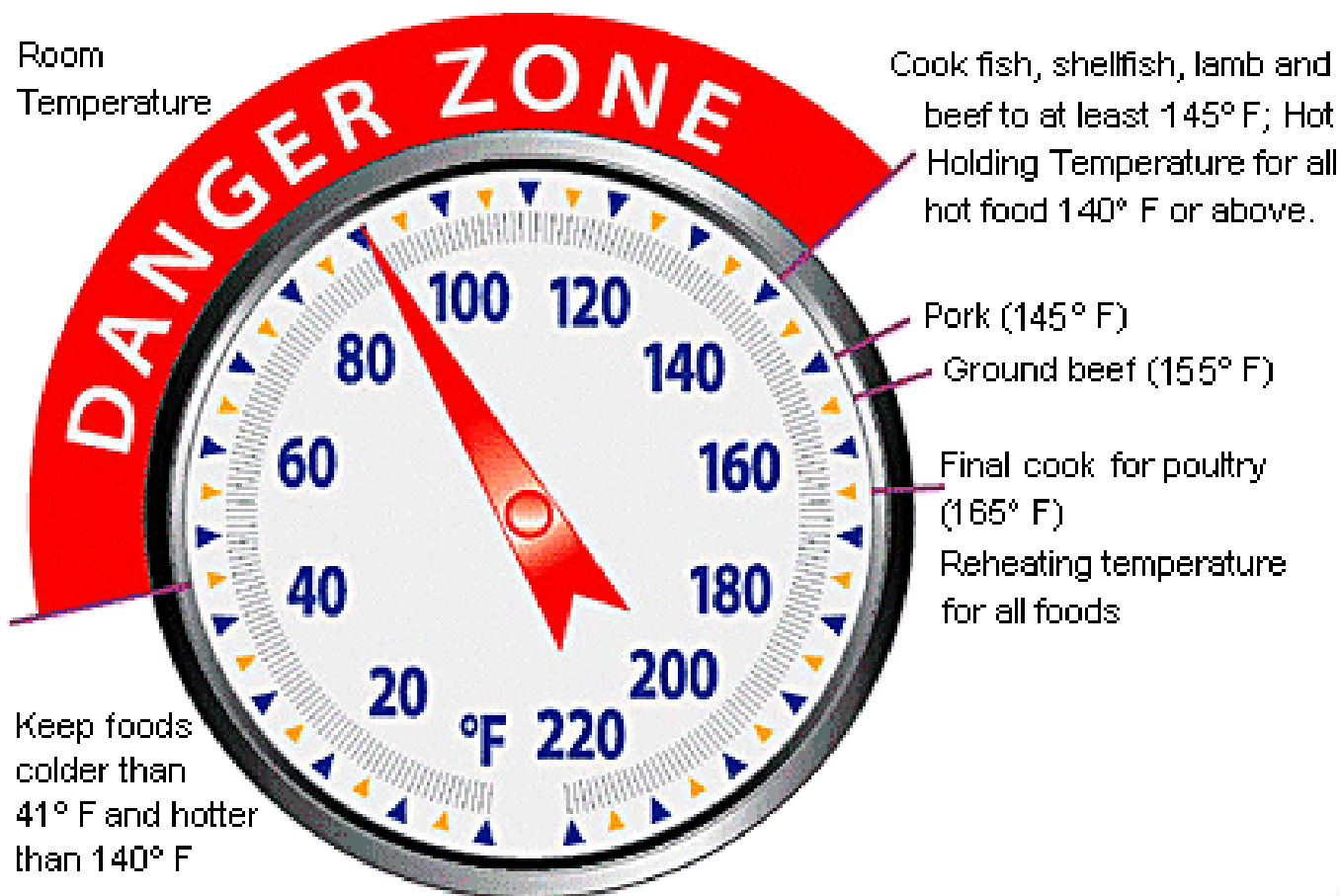




Potentially Hazardous or Not? The answer is not if but how.







MISSOURI AGRICULTURE

How Am I Selling?

Commodity



Direct



Retail





“...an individual farmer or a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for an individual farmer or a group of farmers to sell farm products directly to consumers, and where the products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.”

Missouri SB 727



The laws and regulations governing a farmers' market are determined by the market's organizational structure and *activities*.

The laws governing vendors are determined by their legal incorporation and the types of *products and services* they provide.





- It is not the place, but the act.
- It is not the market, but the vendor
- It is not the if, but the how.





The Code Defines the Hazard



U.S. Food Code explains what is needed in regards to restaurant food safety. It is the master document that all state health departments use to create their food safety guidelines.



Missouri Food Code
for the
Food Establishments of
the State of Missouri
June 3, 2013

Local and County Health Agencies contract with State agencies for implementation.



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Things not in the Food Code



(Meat and Poultry)

Missouri Meat and Poultry Inspection Program (MMPIP)

In cooperation with USDA FSIS, MMPIP offers equal inspection authority and service within the state of Missouri as FSIS. As a result, any meat processed under MMPIP inspection and sold within the state of Missouri is offered the same privileges and exemptions as USDA inspected meat products.



(Cheese and Dairy)

State Milk Board

State Milk Board (SMB) was created in 1972 to encourage orderly and sanitary production, transportation, processing and grading of fluid milk and processed milk products for consumption intrastate as well as interstate.



(Grade A Fluid Milk)

Produce is to come.



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Regulatory Flow

How Food Grown



How Food Processed



How Food Handled



How Food Sold



Where and What?

Public Safety



County and municipal governments may enact ordinances that are more restrictive than the state's, but not less restrictive.

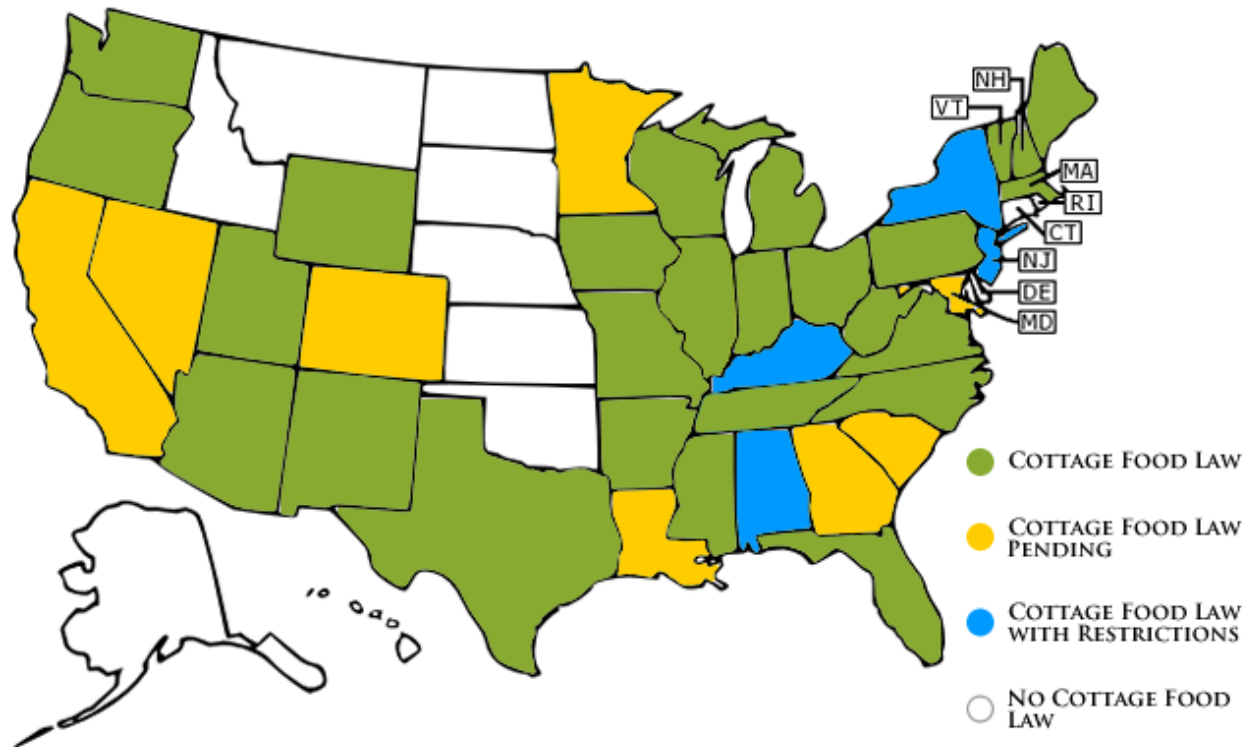


© 2010 Missouri Department of Agriculture



Cottage Laws

Where and what are cottage laws?



In the exemptions and Missouri HB 1508



Key Definitions

"Baked good", includes cookies, cakes, breads, Danish, donuts, pastries, pies, and other items that are prepared by baking the item in an oven. A baked good does not include a potentially hazardous food item as defined by department rule;





Key Definitions

"Cottage food production operation", an individual operation out of the individual's home who:

- (a) Produces a baked good, a canned jam or jelly, or a dried herb or herb mix for sale at the individual's home;**
- (b) Has an annual gross income of fifty thousand dollars or less from the sale of food described in paragraph (a) of this subdivision; and**
- (c) Sells the foods produced under paragraph (a) of this subdivision only directly to consumers;**





Key Actions

A cottage food production operation is not a food service establishment and shall not be subject to any health or food code laws or regulations of the state or department other than this section and rules promulgated thereunder for a cottage food production operation.

A local health department shall not regulate the production of food at a cottage food production operation.

No Internet Sales

A close-up photograph of a white bowl filled with a vibrant orange-red soup. The soup contains various ingredients: small, white, ring-shaped alphabet pasta letters scattered throughout; green peas; yellow corn kernels; and chunks of yellow potatoes and orange carrots. The text "How the System Works" is overlaid in the center in a bold, black, sans-serif font.

How the System Works



Hazard Analysis and Critical Control Points

1. Hazard Analysis
2. Critical Control Point Identification
3. Establishment of Critical Limits
4. Monitoring Procedures
5. Corrective Actions
6. Record Keeping
7. Verification Procedures



- HACCP was conceived in the 1960s when NASA asked Pillsbury to design and manufacture the first foods for space flights.
- HACCP is focused only on the health safety issues of a product and not the quality of the product.



Uniform Standards of Food Safety

GAP	Good Agriculture Practices	(Farms)
GHP	Good Handling Practices	(Handlers)
GMP	Good Manufacturing Practices	(Packers)
BPC	Better Process Control	(Processors)
SSOP	Sanitation Standard Operating Procedures	(Facilities)





Processing: USDA > MDA > County > Local

Intrastate: Any meat sold in Missouri must be processed in an MDA or USDA inspected facility.

Interstate: Any meat crossing state lines must be processed in an USDA inspected facilities.

Storage Handling: Storage and handling of processed meats at the point of sale is governed by county and local authorities.





Poultry Exemptions: Missouri producers may process up to 1,000 birds per year on the farm or in an uninspected facility for intrastate sale.

Intrastate Fish: Fresh fish (not frozen or prepared) sold for consumption is governed at the local level only.





Establishments are responsible for ensuring that labeling used for meat and poultry products is not false or misleading. ***Labels must be submitted to the Missouri Meat and Poultry Inspection Program or the USDA/FSIS for approval prior to use.*** Mandatory features on the finished product label include:

1. Name of the product
2. Ingredients statement, if needed
3. Inspection legend and establishment number
4. Handling statements, e.g., keep refrigerated, keep frozen, etc., if needed
5. Safe handling instructions
6. Net quantity of contents statement, if needed
7. Signature line (manufacturer's or distributor's name and address)
8. Nutrition labeling, if needed





Anyone who sells eggs or buys eggs for processing egg products to be sold to consumers must obtain an Egg Dealer's, Processors or Limited Retail License and renew it annually.



Over 5,000 producers and dealers are Licensed and/or inspected annually by MDA's Department of Weights and Measures.

*Storage and handling requirements are subject to "Home Rule"



Selling Dairy Products at the Market

The sale of all milk and dairy products in the State of Missouri is governed by the State Milk Board. All dairies wishing to sell milk or dairy products must:

- Obtain a farm certification and plant license
- Pass an inspection of the production process, including label review and pasteurizer testing if using pasteurized milk
- After passing a final inspection and label review the plant is free to produce and sell product





Selling Raw Milk and Raw Milk Products

1. The sale of raw milk or cream in Missouri is permitted only when the purchase point of origin is at the farm or it is delivered directly to the purchasing individual for their own use. 196.935 RSMo 2000
2. Licensed and inspected raw milk or cream producers and processors may sell product at farmer's markets according to AGO 114-75. 196.931 RSMo 2000 defines "graded fluid milk and fluid milk products."
3. Producers and processors wishing to sell raw milk or cream at farmers' markets must first apply to the Missouri State Milk Board to obtain a permit and comply with regulations pertaining to proper bottling, capping and labeling of raw milk products. 2 CSR 80-3.010 - 2 CSR 80-3.130





Processing: FDA > DHSS > County > Local

MDA: has jurisdiction over labeling of weights and measures.

USDA: has jurisdiction over organic declarations



Baked goods, dry mixes,
canned goods, prepared foods,
beverages, etc.



Low, Acidified or Acid?

Low Acid (LACF) is any food (other than alcoholic beverages) with a finished equilibrium pH greater than 4.6 and a water activity greater than 0.85, excluding tomatoes and tomato products having a finished equilibrium pH less than 4.7.

Acidified Food (AF) is a low-acid food to which acid(s) or acid food(s) are added and which has a finished equilibrium pH of 4.6 or below and a water activity (aw) greater than 0.85.

Better Process Required

Acid foods are foods that have a natural pH of 4.6 or below (21 CFR 114.3(a)). Processors of acid foods are not required to register and file information about their establishment(s) and foods they process on Form FDA 2541 or to provide us with information on scheduled processes for their foods using Form FDA 2541a.

Examples of acid foods include:

Apples, oranges, and lemons (as well as the **juices** expressed from these fruits); and Standardized and non-standardized food *dressings* (such as mayonnaise) and condiment *saucers* (such as ketchup) that have a natural pH of 4.6 or below.

Better Process Exempt



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FCE Registration

**Anyone who is a operating
under Better Process Control
must register the
establishment and products
with the FDA.**

Form 2541

FORM APPROVED OMB No. 0510-0037, EXPIRATION DATE: 5-28-2015. (See PHS statement on page 2)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration

FOR FDA USE ONLY

FCE No. _____ Date Received by FDA _____

TYPE OF SUBMISSION

☐ Initial Registration

☐ Relocation (new registration required) Enter Current FCE: (if applicable) _____

☐ Change of Registration Information Enter Current FCE: (if applicable) _____

Specify Type of Change: _____

FOOD PROCESSING PLANT LOCATION

Establishment Name _____

Number and Street _____

City and State or Province _____

(or other Subdivision) _____

Zip (or other Postal Code) _____ Country (if other than U.S.) _____

Telephone No. _____ Telefax No. _____

PREFERRED MAILING ADDRESS ☐ Same as Plant Location

Establishment Name _____

Number and Street _____

City and State or Province _____

(or other Subdivision) _____

Zip (or other Postal Code) _____ Country (if other than U.S.) _____

Telephone No. _____ Telefax No. _____

LOW ACID AND/OR ACIDIFIED FOODS PROCESSED AT THIS LOCATION

Food Product Name, Form or Style, and Packing Medium _____

Listing products produced at this location is not a process filing.

(Do not list meat and poultry foods under the jurisdiction of the Food Safety and Inspection Service of the U.S. Department of Agriculture.)

(Check One)

Low Acid ☐ Acidified ☐

PLEASE NOTE THE FOLLOWING:

- The registrant hereby presents and acknowledges that the company is aware that in making this request the company is subject to the terms and provisions of Title 18, Section 1301, United States Code which makes it a criminal offense to falsify, conceal, or cover up a material fact; make any false, misleading, or fraudulent statement or representation; or make or use any false writing or document knowing the same to contain any material falsity, fraud, or fraudulent statement or entry.
- Subject to the terms of 21 CFR 168.25 (c)(1) and (2) and 168.36 (c)(1) and (2), no commercial processor shall engage in the processing of lowacid or acidified foods until the completed forms FDA 2541 and 2541a or 2541c have been filed with the FDA within the applicable time frames specified in these regulations.
- Forms, instructions, regulations, and information can be accessed online at <http://www.fda.gov/food/foodsafety/Products/SpecificInformation/lowacid.html>
- For more information, contact the LACF Registration Coordinator by e-mail at lac@fda.hhs.gov

Food and Drug Administration
LACF Registration Coordinator (HFS-303)
Center for Food Safety & Applied Nutrition
5100 Paint Branch Parkway
College Park, Maryland 20740-3635

FACILITY CONTACT PERSON

Name of Contact and Business Address: _____

Position Held at Plant Location: ☐ Owner ☐ Technician ☐ Manager ☐ Director ☐ President/Vice President Phone Number: _____

FAX Number: _____ E-mail Address: _____ Signature: _____ Date: _____

FORM FDA 2541 (4/12) PREVIOUS EDITION IS OBSOLETE Page 1 of 2 PHS Printing Service 303-041-010 07



Processing: FDA > DHSS > County > Local

MDA: has jurisdiction over labeling of weights and measures.

USDA: has jurisdiction over organic declarations



Kombucha, sauerkraut,
kim chi etc.



Kombucha is a fermented mushroom tea with the potential to become alcoholic. If sold with actively growing cultures or in a sealable container falls under the jurisdiction of the Federal Alcohol Administration Act (FAA Act), Alcohol and Tobacco Tax and Trade Bureau (TTB) and the Missouri Department of Public Safety Division of Alcohol and Tobacco Control .



If sold as a potentially hazardous, food for consumption before reaching .5% alcohol by volume Kombucha is regulated by the local authorities governing prepared foods for consumption where it is served.



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Plants and Produce for Harvest

Anyone applying chemicals of any type, organic or synthetic, to produce and end product to be sold, is required to obtain a Certified Applicator License from the Missouri Department of Agriculture Plant Industries Division and adhere to reporting and registration requirements of the license.





Anyone wishing to produce or sell pet (dog or cat) treats or feed in the state of Missouri must first submit a Feed License Application before they start distributing. Producers must also pay a \$25 annual inspection fee and file a Product Listing Form for pet foods sold exclusively in packages of ten pounds or less and on specialty pet foods sold only in packages of one pound or less.





All sales by weights and measures such as ounces, pounds, quarts, pints, gallons, etc. are regulated by the Missouri Department of Agriculture, Weights, Measures and Consumer Protection Division. When selling by weight, all scales determining the billable rate must be inspected and Certified by an Inspection Agent with the Missouri Department of Agriculture.





Consumer Production

How to prevent “User Error”

Produce Safety

Foods to be consumed whole and raw

Imports

Foreign supplier verification

Accredited third party certification

Animal Food

What goes into it goes into us





FDA FOOD SAFETY MODERNIZATION ACT



HAACP for the Food Code





(The Framework)

- 1. Produce Safety Standards**
- 2. Preventive Controls for Human Food**
- 3. Preventative Controls for Animal Food**
- 4. Foreign Supplier Verification Program**
- 5. Accredited Third Party Certification**





- **Considers risk posed by practices, commodities**
- **Science- and Risk-based**
 - Focus on identified routes of microbial contamination
 - Excludes produce to be commercially processed
 - Excludes certain produce rarely consumed raw
- **Flexible**
 - Additional time for small farms to comply
 - Variances
 - Alternatives for some provisions





Focus on Identified Routes of Microbial Contamination (Hazards and Control Points)

- Domesticated and wild animals
- Equipment, tools, buildings and sanitation
- Worker health and hygiene
- Agricultural water
- Growing, harvesting, *packing and holding*
- Biological soil amendments of animal origin
- Specific requirements for sprouts





- Produce is defined as fruits, vegetables, mushrooms, sprouts, herbs and tree nuts
- Some limitations on what produce is covered
- Produce does not include grains





- Farms that grow, harvest, pack or hold most raw agricultural commodities (*foods to be consumed whole and raw*)
- Farms portions of mixed-type facilities
- Domestic and imported produce
- Farms with annual sales > **\$25,000 - \$500,000 TBD** per year
- Limitations (*exemptions*) on coverage are proposed





- Produce for personal or on-farm consumption
- Produce not a Raw Agricultural Commodity
- Certain produce rarely consumed raw (*probably not in final rule*)
- Produce that will receive commercial processing
(*includes washing and packing*)
- Qualified exemption and modified requirements
- Farms may establish alternatives to certain requirements related to water and biological soil amendments of animal origin
- Alternatives must be scientifically established to provide the same amount of protection as the requirement in the proposed rule without increasing the risk of adulteration
- States and municipalities may apply for variances





Effective Date: 60 days after final rule is published

Not covered: Farms with sales \leq \$25,000/year

Very small farms

- Average annual value of food sold $>$ \$25,000
- Four years after the effective date
- For some water requirements

Small farms

- Average annual value of food sold $>$ \$250,000 and \leq \$500,000
- Five years after the effective date to comply
- Five years for some water requirements

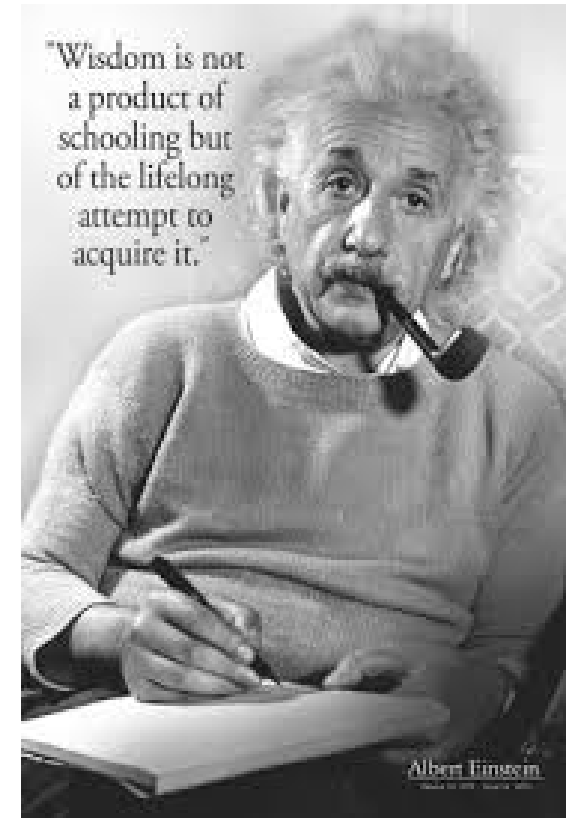
Other covered farms

- Other covered businesses would have to comply two years after the effective date
- Would have four years for some water requirements

Industry is demanding it now!



- Regulations are not meant to say if you can, but how you can.
- The easiest way to eliminate risks is eliminate unnecessary steps.
- Businesses should design for themselves, their products and customers, not the bureaucracy.
- The system is designed for producers to lead, not follow.





Don't hide your pickles!



Animal Health Division

Phone: (573) 751-3377

Email: Animal.Health@mda.mo.gov

Bureau of Pesticide Control

Phone: (573) 751-5504

Fax: (573) 751-0005

Weights & Measures Division

Email: wm@mda.mo.gov

Phone: (573) 751-4316

State Milk Board

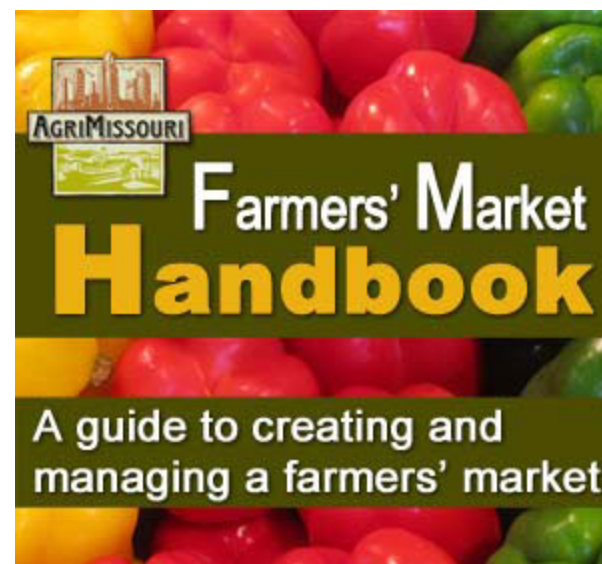
Phone: (573) 751-3830

Bureau of Feed, Seed and Treated Timber

Phone: (573) 751-4310

Fax: (573) 751-5500

E-Mail: Stan.Cook@mda.mo.gov



<http://agrimissouri.com/pdf/fmhandbook.pdf>

ABD, Farmers' Market Specialist

Phone: (573) 522-4170

Charlie.Hopper@mda.mo.gov