

# Food Safety Modernization Act (FSMA): What Growers Need to Know

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# Outline

- *FSMA overview*
- *Produce Safety Rule*
  - *Am I covered?*
  - *What do I need to do?*
- *Preventative Controls Rule*
- *Food Safety Resources available*



# Five Main Parts of FSMA

- 1. Produce Safety Rule – *Final rules: Nov 13, 2015***
- 2. Preventive Controls for Human Food – *Final rule published Sept 10, 2015***
- 3. Preventive Controls for Animal Food- *Sept 2015***
- 4. Foreign Supplier Verification Program**
- 5. Accredited Third Party Certification**



## Produce Safety Rule

- First draft released by the Food and Drug Administration (FDA) January 4, 2013
- Focus on growing, harvesting, packing, holding produce
- First ever government regulation for the production, harvest, and handling of fruits and vegetables
- Similar requirements to USDA GAPs (buyer requirement)



# Comment periods

- First comment period closed November 2013
- Over 15,000 comments received
- Key provisions reopened for comment on September 29, 2014, including:
  - Water quality standards
  - Raw manure and compost
  - Mixed use facilities
  - Procedures for withdrawing the qualified exemption for certain farms
- Final comment period closed Dec. 15, 2014



# Exemptions

- EVERYONE must sell safe, unadulterated food
- Sell  $\leq$  \$25,000/ year in produce sales (on average over previous 3 years) **EXEMPT**
- Produce is rarely consumed raw (potatoes)  
**EXEMPT**
  - But if you produce other products, they may be covered
- Personal/on-farm consumption **EXEMPT**





- On average (over past 3 years), have
  - <\$500,000 annual food sales AND
  - A majority of food (by value) sold directly to “qualified end user”
  - **EXEMPT, but** have some record-keeping requirements
- “Qualified End User”:
  - The “consumer” of the food OR
  - A restaurant or retail food establishment that is located
    - (i) in the same state as the farm that produced the food; OR
    - (ii) not more than 275 miles from the farm

## Am I covered?

- Produce intended for commercial processing with a “kill step” (tomatoes to be canned)
  - **EXEMPT**, but must keep some documentation
- Selling processed foods- **Preventative controls**
  - Anything beyond washing and normal harvesting
  - Includes chopping herbs, roasting seeds, cracked nuts
- All other produce growers covered
- **\*\*No exemption if an outbreak is associated with your farm**



# Am I covered?

- Farms holding or packing raw produce from another farm- covered by produce safety rule
  - Not preventative controls rule as originally proposed
- NOTE: produce safety rule includes packaging and labeling produce



# Produce Safety coverage

- Similar to GAPS
  - Agricultural water (irrigation, wash)
  - Biological soil amendments (manure, compost)
  - Domesticated and wild animals
  - Personnel qualifications, training, and health and hygiene
  - Equipment, tools, buildings, & sanitation
    - Cleanable packing facilities



# Produce Safety training requirements



- EVERYONE covered by FSMA will need to go to certified training (1 day)
  - Regardless if you are GAP certified, have been to other training, have other certifications, etc.
  - KSU and MU Extension plans to start offering these courses in 2016/ 2017
  - We are working to get grant funding to subsidize producer trainings
  - Educational materials will be translated into other languages



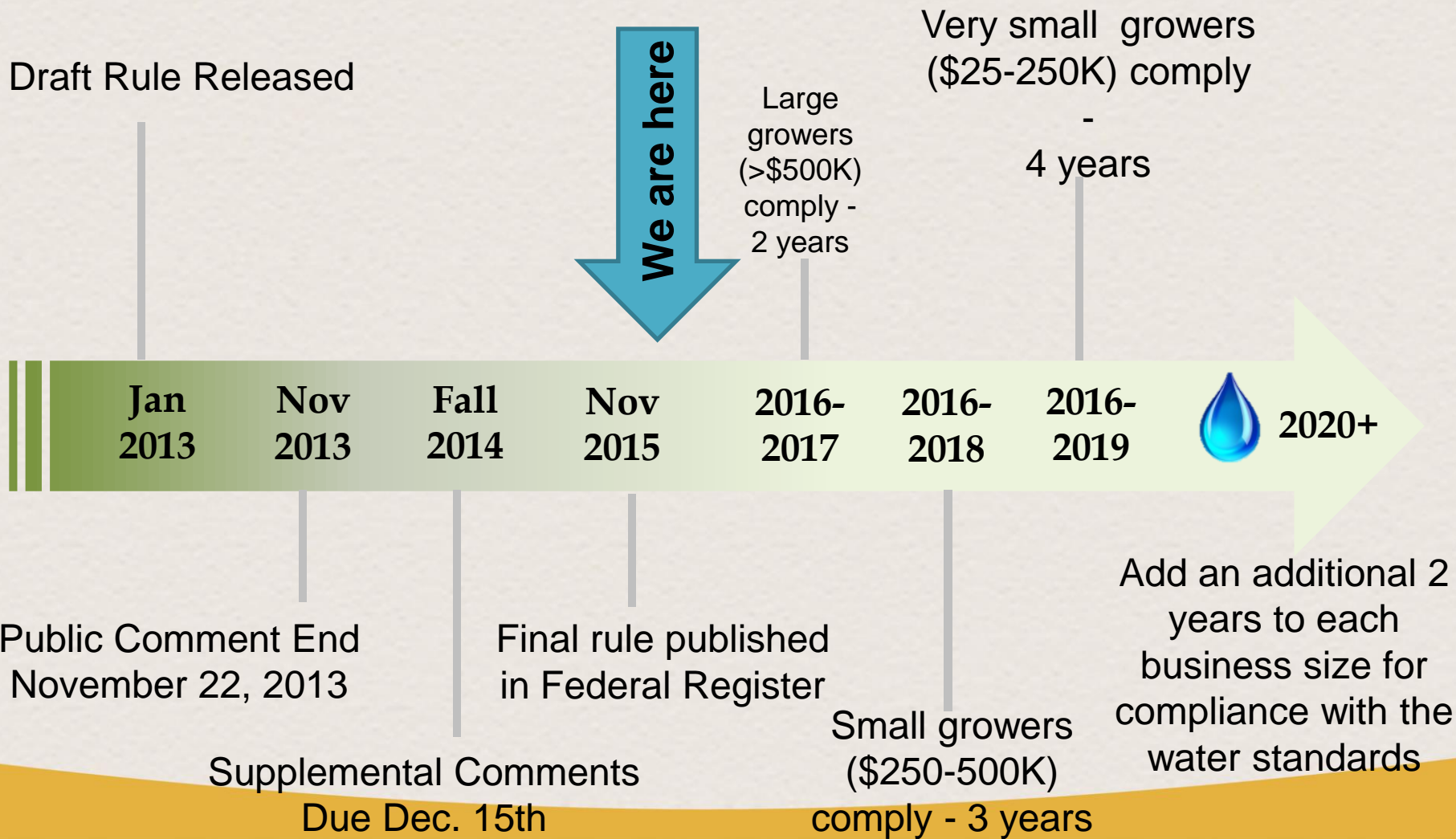
# FSMA Key points

- GAPS will be updated to ~match FSMA
- If you pass a GAPS audit, ~FSMA compliant (but still need FSMA training)
- On-farm food safety plan, audit NOT in FSMA
- Info on enforcement of FSMA forthcoming

## FSMA Key points-2

- Raw manure application – harvest interval to be further studied
- No detectable E.coli in water directly contacting produce after harvest
- FDA aware of need to protect endangered wildlife species (not destroying their habitat)







# Preventative Controls:

Type of operation	Preventive Control Requirements	Good Manufacturing Practices (GMPs)
Jams, jellies, honey, maple syrup	Comply with existing laws	Must comply
Juice/ cider	Follow current HACCP requirements	Must comply
Processed food sales of <\$500,000/ year AND majority of sales direct to consumer (or restaurant or retail store) <275 miles away.	Comply with existing laws	Must comply
<\$500,000 total annual sales of food	Comply with existing laws	Must comply
Activities within the definition of “farm”* (production of food)	May be covered by Produce Safety rules Exempt from Preventative Controls	<b>Exempt</b>
Warehouses only storing packaged foods that are not exposed to the environment	If refrigeration is not required for safety: <b>exempt.</b> If refrigeration is required: temperature control records are required.	Must comply
Warehouses that store raw fruits and		

# Preventative Controls



- **IF covered, need the following:**
  - Written food safety plan similar to a HACCP plan
    - “Preventative controls plans” require monitoring, records, and corrective actions for items such as food allergen controls, sanitation and a recall plan.
  - Comply with updated Good Manufacturing Practices (GMPs)
- **When to comply:**
  - Small businesses (<500 employees): Sept 2017

# How can I find out more?

- **University of Missouri Extension:**
  - <http://missourifamilies.org/foodsafety/newsletters/>
  - <http://extension.missouri.edu/foodsystems/farmer.aspx>
- **Kansas State University Extension:**
  - [www.ksre.k-state.edu/foodsafety/topics/market.html](http://www.ksre.k-state.edu/foodsafety/topics/market.html)
- **Cornell Produce Safety Alliance (training recognized by FDA):**
  - <http://producesafetyalliance.cornell.edu/>
- **FDA'S FSMA Website**  
<http://www.fda.gov/Food/FoodSafety/FSMA/default.htm>



***Questions?***

***Thank you  
for your attention!***



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