



The Produce Safety Rule



Wisconsin Department of Agriculture, Trade, and Consumer Protection

Division of Food and Recreational Safety

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The Food Safety Modernization Act (FSMA)

- FSMA includes:
 - Preventive controls for human food
 - Preventive controls for animal food
 - Foreign supplier verification programs
 - Accreditation of third-party auditors and certification bodies
 - Sanitary transportation of human and animal food
 - Prevention of intentional contamination and adulteration
 - **Produce Safety Rule**
- Focused on prevention of food safety issues and encompasses the entire food system



FSMA Produce Safety Rule

- First ever mandatory federal standard for growing, harvesting, packing, and holding of fresh produce
- GAP-based standards, focusing on:
 - Worker health, hygiene, and training
 - Agriculture water (production and post-harvest)
 - Soil amendments of biological origin
 - Domesticated and wild animal intrusions
 - Equipment, tools, building, and sanitation
- Includes record keeping requirements and document standards



Not Covered and Exempt

Some farms or the produce grown may **not be covered** based on:

- Average annual produce sales
- The type of commodities grown (for example, **rarely consumed raw**)
- Produce is grown for personal or on-farm consumption

Some farms may be **exempt** based on:

- Produce undergoes processing activities that include a **kill step**
- Majority of sales to *qualified end users* and average annual **all food** sales are less than \$500,000

Ultimately, all growers should understand and take action to reduce food safety risks on the farm.



Produce Not Covered

- Produce that is produced by an individual for **personal consumption** or produced for consumption on the farm or another farm under the same management
- Produce that is *not* a **raw agricultural commodity** (RAC)

Produce Not Covered

Rarely consumed raw produce:

- Asparagus
- Beans
 - Black
 - Great Norther
 - Kidney
 - Lima
 - Navy
 - Pinto
- Cashews
- Chickpeas
- Cocoa beans
- Coffee beans
- Collards
- Cranberries
- Dates
- Dill (seeds and weed)
- Eggplants
- Figs
- Ginger
- Garden beets (roots and tops)
- Hazelnuts
- Horseradish
- Lentils
- Okra
- Peanuts
- Pecans
- Peppermint
- Potatoes
- Pumpkins
- Sweet potatoes
- Sour cherries
- Sugar beets
- Sweet corn
- Water chestnuts
- Winter squash

Exempt Produce

- Produce is exempt if it is going to be commercially processed in a manner that adequately reduces microorganisms of public health significance, including processing with a **kill step**.
- Kill step processing: Commercial processing that adequately reduces the presence of microorganisms of public health significance, such as...
 - Canning (tomato paste, shelf stable vegetables, etc.)
 - Pickling (including but not limited to beans, cucumbers, cabbage, artichokes, cauliflower, peppers, etc.)
 - Refining (cane and beet sugars, vegetable oils, etc.)
 - Distilling

Required Records for Exempt Produce

Farm only grows exempt produce:

- Tax documents or sales receipts showing commodity destined for commercial processing
- Disclosure documents stating produce “not processed to adequately reduce the presence of microorganisms of public health significance.”
- Annual written assurances that the produce will be processed to adequately reduce microorganisms of public health significance

Farm grows exempt and covered produce:

- In addition to above, must comply with all other record keeping provisions for covered farms
- Compliance dates dependent on business size



Exemption for Wine Grapes

- June 15, 2017: the California Association of Winegrape Growers (CAWG) asked the FDA to exempt wine grapes from FSMA
- January 2018: FDA issued notice of intent not to enforce the written assurances portion of the Produce Safety Rule
- March, 15 2018: FDA issued a letter explaining produce exemptions based on consumption patterns that wine grapes did not meet; FDA did extend compliance dates
- March 30, 2018: CAWG announced language in omnibus spending bill prohibiting FDA funding to regulate grape varieties effective through September 2018

Produce Safety Rule Timeline

2015	2016	2018	2019	2020	2021	2022	2023	2024
<p>NOV 27 Produce Safety Rule published</p>	<p>JAN 26</p> <ul style="list-style-type: none"> • Produce Safety Rule effective date • Farms eligible for the qualified exemption to retain records to support eligibility 	<p>JAN 26</p> <p>Large farms in compliance, except certain water requirements</p>	<p>JAN 28</p> <ul style="list-style-type: none"> • Small farms in compliance, except certain water requirements • Small farms eligible for a qualified exemption to comply with other requirements 	<p>JAN 1</p> <p>Required labeling for qualified exempt farms</p> <p>JAN 27</p> <ul style="list-style-type: none"> • Large farms in compliance; remaining water requirements • Very small farms in compliance, except certain water requirements 	<p>JAN 26</p> <p>Small farms in compliance; remaining water requirements</p>	<p>JAN 26</p> <ul style="list-style-type: none"> • Very small farms in compliance; remaining water requirements • Large farms in compliance; new proposed compliance dates agricultural water requirements 	<p>JAN 26</p> <p>Small farms in compliance; new proposed compliance dates agricultural water requirements</p>	<p>JAN 26</p> <p>Very small farms in compliance; new proposed compliance dates agricultural water requirements</p>

Farm Sizes (three-year average for annual produce sales):

- Very small: \$25,000 - \$250,000
- Small: \$250,000 - \$500,000
- Large: more than \$500,000



What is DATCP Doing?

- June 2017: Safe Wisconsin Produce team members began conducting outreach activities
- October 2017: DATCP hired Produce Safety Inspector
- January 2018: Produce Safety Alliance grower training courses began
- June 2018: On-farm readiness reviews offered to growers
- June 2019: DATCP will begin Produce Safety Rule inspections



What's Next?

The FDA has staggered the compliance dates, based on the size of farms, to provide additional time for small and very small farms to come into compliance with the requirements. During that time, we will offer educational opportunities so you can learn how best to bring your operations up to produce safety standards.



More Information

If you need assistance with understanding the rules or other aspects of the Safe Wisconsin Produce initiative, you can contact the Safe Wisconsin Produce Safety Team at:

- Phone: (608) 224-4511
- Email: safeproduce@wi.gov

Learn more and receive updates at <http://safeproduce.wi.gov>



Thank you!

