

THE PRODUCE SAFETY RULE HOW IT APPLIES TO YOUR FARM

ON-FARM FOOD SAFETY PROGRAM



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WHAT IS THE PRODUCE SAFETY RULE?

The Produce Safety Rule is one of the seven rules under the Food Safety Modernization Act (FSMA), and is specific to businesses that grow, harvest, pack, and hold covered produce including fruits, vegetables, nuts, herbs, and mushrooms. This rule sets the first-ever federal regulatory standards for fresh produce in an effort to prevent microbial contamination and reduce foodborne illnesses. The Produce Safety Rule has requirements in these areas:

- Worker training, health, and hygiene
- Agricultural water
- Biological soil amendments of animal origin
- Domesticated and wild animals
- Equipment, tools, and buildings

THREE FARM CATEGORIES OF THE PRODUCE SAFETY RULE

While food safety is important for all farms, the FSMA Produce Safety Rule regulations only apply to some farms. Your farm will fall into one of three categories under the Produce Safety Rule:

NOT COVERED	QUALIFIED EXEMPT	FULLY COVERED
<p>Farm is not subject to any regulations of the Produce Safety Rule.</p> <p>Keep sales records to demonstrate status.</p>	<p>Farm is not subject to most of the regulations of the Produce Safety Rule.</p> <p>Must follow modified labeling requirements.</p> <p>Keep sales records to demonstrate status.</p>	<p>Farm is subject to all regulations of the Produce Safety Rule.</p> <p>Farm supervisor or responsible party must attend Produce Safety Rule grower training course recognized as adequate by FDA, or equivalent.</p>

* DETAILS FOR DETERMINING YOUR FARM'S STATUS

1. WHAT IS INCLUDED IN "PRODUCE SALES"?

Produce sales include all sales of fruits, vegetables, nuts, herbs, and mushrooms, including those that will be processed with a "kill step" or are rarely consumed raw (see page 3).

2. DOLLAR AMOUNTS ARE ADJUSTED FOR INFLATION EACH YEAR

This number is the original 2011 value. It is adjusted each year for inflation.

For the most current number, please visit www.mda.state.mn.us/produce-safety-rule-farm-status, or contact the Minnesota Department of Agriculture Produce Safety Program.

3. WHAT IS INCLUDED IN "FOOD SALES"?

Food sales include anything that will be eaten by humans or animals, including:

- Produce
- Other food or feed crops
- Livestock
- Value-added products

4. WHAT IS A QUALIFIED END USER?

The consumer of the food, such as customers of a farmers' market or a CSA, regardless of location;

OR

Restaurants or retail food establishments such as grocery stores as well as some schools, located in the same state or Indian reservation as the farm, or within 275 miles of the farm.

DETERMINING YOUR FARM'S STATUS

NOT COVERED

If your farm's adjusted average annual **produce sales (*1)** during the previous 3-year period were less than **\$25,000 (*2)**, your farm is not subject to the Produce Safety Rule.

QUALIFIED EXEMPT

If your farm's adjusted average annual produce sales during the previous 3-year period were more than \$25,000, your farm may be qualified exempt from the Produce Safety Rule if:

- ✔ Your adjusted average annual **food sales (*3)** were less than **\$500,000 (*2)**;

AND

- ✔ More than 50% of food sales were to **qualified end users (*4)**.

FULLY COVERED

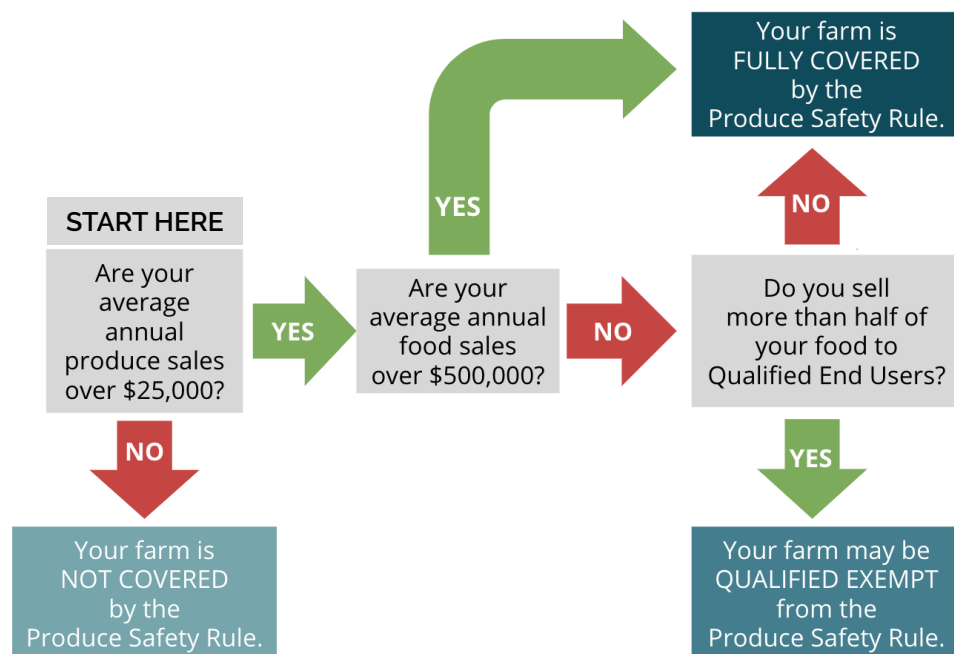
If your farm's adjusted average annual produce sales are more than \$25,000 and you do not meet the criteria to be qualified exempt, you are likely fully covered by the Produce Safety Rule. Your farm is fully covered if you grow, harvest, pack, or hold covered produce and:

- ✔ Your adjusted average annual produce sales during the previous 3-year period were more than \$25,000, and less than 50% of food sales were to qualified end users.

OR

- ✔ Your adjusted average annual produce sales during the previous 3-year period were more than \$25,000, and your adjusted food sales were over \$500,000.

PRODUCE SAFETY RULE STATUS FLOWCHART



MY FARM IS NOT COVERED - WHAT'S NEXT?

Your farm is not subject to any Produce Safety Rule regulations. You should keep sales records to demonstrate that your farm falls under this category.

Of course, Good Agricultural Practices (GAPs) are important on even the smallest farm.

MY FARM IS QUALIFIED EXEMPT - WHAT'S NEXT?

If your farm is eligible for a qualified exemption, you are not subject to most of the requirements in the produce safety rule. You need to keep sales records to demonstrate that your farm is qualified exempt, review your records annually to confirm your farm still meets the exemption requirements, and make them available upon request.

You also need to follow some modified labeling and signage rules. For more information, please see the fact sheet, *Labeling and Signage Rules for Qualified Exempt Farms*.

MY FARM IS FULLY COVERED - WHAT'S NEXT?

The regulation states that if your farm is covered by the rule, "at least one supervisor or responsible party from the farm" must complete Produce Safety Rule training at least equivalent to the standardized curriculum recognized by the FDA.

University of Minnesota Extension works with the Minnesota Department of Agriculture and other partners to host FDA-recognized FSMA Produce Safety Rule training courses in all areas of the state.

At the training, you will learn the specifics of what a covered farm must do to be in compliance with the Produce Safety Rule.

All growers are encouraged to attend, including those that are not covered, are qualified exempt, or are interested in learning about produce safety and Good Agricultural Practices (GAPs).



SOME PRODUCE IS EXCLUDED FROM THE RULE

Even if a farm is fully covered by the Produce Safety Rule, the following types of produce are not held to the full standards of the rule, provided they are handled distinctly from a farm's other produce. These items must still be safe for human consumption if distributed to the public.

- Produce for personal or on-farm consumption.
- Produce that is **rarely consumed raw** *.
- Produce that is **not a raw agricultural commodity**▲.
- Produce that will be commercially processed with a kill step.

In addition, FDA announced a policy of enforcement discretion for hops, wine grapes, almonds, and pulses. As of March 2019, the Produce Safety Rule will not be enforced on these items.

* PRODUCE THAT IS RARELY CONSUMED RAW Defined by FDA in the Produce Safety Rule

Asparagus	Dates
Beans, black	Dill
Beans, great Northern	Eggplants
Beans, kidney	Figs
Beans, lima	Ginger
Beans, navy	Hazelnuts
Beans, pinto	Horseradish
Beets, garden	Lentils
Beets, sugar	Okra
Cashews	Peanuts
Cherries, sour	Pecans
Chickpeas	Peppermint
Cocoa beans	Potatoes
Coffee beans	Pumpkins
Collards	Squash, winter
Corn, sweet	Sweet potatoes
Cranberries	Water chestnuts

▲ PRODUCE THAT IS NOT A RAW AGRICULTURAL COMMODITY

This includes produce that has been processed or manufactured by cooking, freezing, milling, or dehydrating. Examples are preserves, jams and jellies, fruit pies, and other baked goods.

Note: Items in this sidebar still need to be figured into annual sales when determining your farm's status under the rule.

MORE INFO AND RESOURCES

University of Minnesota Extension

On-Farm Food Safety Program

www.extension.umn.edu/safety/growing-safe-food

FSMA Produce Safety Rule Grower Training

<https://z.umn.edu/fsma-psr-training-mn>

Minnesota Department of Agriculture

Produce Safety Program

mda.state.mn.us/food-feed/produce-safety-program

Produce Safety Alliance

www.producesafetyalliance.cornell.edu

U.S. Food and Drug Administration

www.fda.gov Search for: FSMA Produce Safety Rule

PEOPLE AND CONTACTS

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WHAT IS FSMA?

The Food Safety Modernization Act, or FSMA, is the first major overhaul of the U.S. food safety system since 1938.

Even though our food system is generally very safe, continual foodborne illness outbreaks prompted consumers to push for updates to our nation's food safety systems.

In 2011 FSMA was signed into law with a strong focus on preventing outbreaks, rather than responding after people are already sick.

The Federal law is administered by the Food and Drug Administration (FDA).

In Minnesota, the state Department of Agriculture implements and enforces many parts of FSMA.

FSMA is much broader than fresh produce. It has 7 sections, or 'rules', that focus on different aspects of the food system:

1. Produce Safety Rule
2. Preventive Controls for Human Food
3. Preventive Controls for Animal Food
4. Foreign Supplier Verification Programs
5. Accreditation of Third-Party Auditors
6. Sanitary Transportation of Food
7. Prevention of Intentional Contamination/Adulteration

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