Community Alliance with Family Farmers

FSMA and Small Farms

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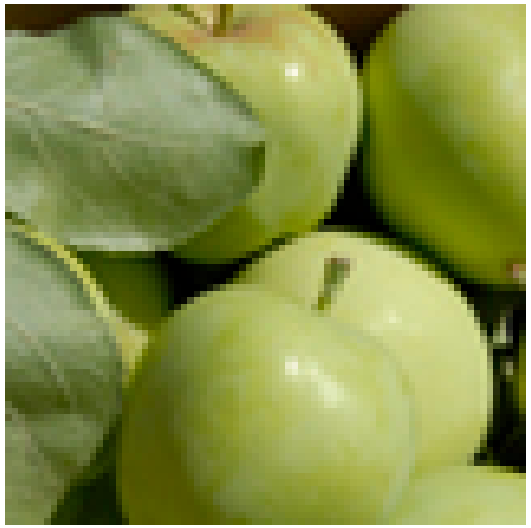
CAFF's work on Food Safety



- 2,000 farmers in workshops, 200 food safety plans over the past 5 years
- Starting in again now with USDA funding
  - GAPs—small farms still have years to comply with FSMA, they need to start on food safety practices now
  - FSMA--we don't think that the PSA training of 8 hours of power point is right for small farmers, seeking alternatives with FDA
- Sanitizers in wash water with Trevor Suslow
- Intersection of organic rules and FSMA with CCOF and Oregon Tilth

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What does FSMA cover?

- **FDA Produce Rule—Exemptions**
- Produce that is NOT covered by the Produce Rule includes:
  - Produce grown for personal or on-farm consumption
  - Produce that is rarely consumed raw (e.g, potatoes, turnips, winter squash, figs—FDA has an exhaustive list)
  - Produce that is not in its raw or natural state (i.e., produce that receives additional processing sufficient to kill pathogens and that would be subject to the Preventive Controls rule)
- You are NOT covered by the Produce Rule if the average annual monetary value of produce you sold during the previous 3-year period is no more than $25,000 (in inflation adjusted 2011 dollars

Tester-Hagan Qualified Exemption

- A farm is eligible for modified requirements through a qualified exemption if the farm:
  - Has less than $500,000 in annual gross sales (2011 dollars adjusted for inflation) over a previous three-year period, AND
  - Sells the majority of the food directly to a "qualified end-user," i.e., a consumer, or a restaurant, or a retail food establishment (e.g., a grocery store, not a distribution center) that is located in the same state as the farm or not more than 275 miles from the farm.
  - The $500,000 threshold applies to the value of *all* food sales from a farm, not just sales of covered produce. This includes sales of processed foods, hay, commodities like corn and soybeans, dairy, livestock, and produce.

Tester-Hagan Qualified Exemption

- Examples of California small farms with a Qualified Exemption (if under $500,000)
  - Produce growers who mainly sell at farmers markets or through a CSA
  - SE Asian strawberry growers around Sacramento who mostly sell at their farm stands
  - Growers in Sonoma or Yolo who focus on producing specialty items for restaurants in the Bay Area
  - Farms that supply a particular store or restaurant, such as restaurant gardens in Napa or the Bi-Rite Market farm

Tester-Hagan Qualified Exemption

- Examples of California small farms that <u>will</u> be subject to full FSMA requirements
  - Coastal strawberry growers, including many Latino growers, who are contracted by shippers such as Driscolls, Well-Pict, or Giant
  - Virtually all nut growers—75 percent of almond growers have less than 100 acres
  - H'mong vegetable growers around Fresno who sell to packing houses
  - Raisin grape growers near Fresno
  - Avocado, citrus, and other tree fruit growers who sell to packing houses

Tester-Hagan Qualified Exemption

- If you meet the requirements for a qualified exemption, then you still must:
  - Provide the name and complete address of the farm where the produce was grown on either a food packaging label or on a sign at the point of purchase (such as a farmers' market or CSA box or farm stand or on the internet);
  - Keep records that justify your exemption, such as total sales and sales to qualified end users (e.g. sales receipts). You must start keeping these records on March 25, 2016. You must keep these so FDA could inspect them within 24 hours. They must be detailed and signed or initialed by the person doing the recordkeeping. They can be written or electronic.
  - Comply with the compliance and enforcement requirements of the Produce Rule, i.e. you are not exempt from FDA oversight and the prohibition on putting adulterated food into commerce; and
  - Be subject to the provisions regarding the withdrawal of your status as a partially covered ("qualified exempt") operation.

Timeline for Compliance

- Farms grossing more than $500,000 in produce sales annually (calculated by a 3 year rolling average in 2011 dollars)
  - January 26, 2018
- Farms grossing more than $250,000 but less than $500,000 in produce sales annually
  - January 26, 2019
- Farms grossing less than $250,000 but more than $25,000 in produce sales annually
  - January 26, 2020
- Farms that do not qualify for an exemption or a qualified exemption have an additional two years to comply with water testing requirements

Do I Need a Food Safety Plan?

http://www.suttiassoc.com/wp-content/uploads/2014/05/Equipment-01-1000w.jpg

http://veggielution.org/blog

- FMSA does not require a food safety plan, nor does it require a third party audit. However, if you are subject to FSMA then you must comply with the rules.
- California laws do not require a food safety plan nor a third party audit. Direct marketing laws require you to implement GAPs:
  - AB 224 (2013) CSA Law
  - AB 1871 (2014) Farmers Markets
  - AB 1990 (2014) Community Food Producers (Urban Gardens)
- Buyers may still require a food safety plan and/or a third party audit
- Insurance Companies may also
- We encourage a plan

Do I Need to Register with FDA?

http://www.suttiassoc.com/wp-content/uploads/2014/05/Equipment-01-1000w.jpg

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- If you are only growing, harvesting, packing, and holding produce, you do not need to register
- If you are packing produce from other similar farms, such as in a multi-farm CSA, you do not need to register
- If you are processing food, you may need to register, depending on what you are doing. This is a separate rule, the Preventive Controls rule
- If you are drying fruit, that is considered part of being a “farm” and you do not need to register, but if you are making cheese or almond butter you do