Good Agricultural Practices (GAP) for Fresh Fruit and Vegetable Growers

Regulatory Updates

What’s New?
Produce Safety Alliance

- **Partnership**: Cornell (lead) FDA, USDA, Universities, growers, shippers, produce trade alliances
- **Key elements**: Standardized curriculum/AFDO Certificate, Informational Website, Educational Collaborative Network, Assessment outreach tools, Train-the-trainer
- **Target**: Regulatory compliance with Produce Safety Rule – not GAP
- **Visit the website**: http://producesafetyalliance.cornell.edu/psa.html
Food Safety Standards and Regulations

FDA Regulatory Authority

www.fda.gov/Food/GuidanceRegulation/FSMA/
FSMA

Exemptions, Registration, Fees, Recall and FDA Authority

Produce Safety Standards Rule
Preventive Controls Human Food Rule and GMP
Foreign Supplier Verification Program Rule
Accredited 3rd Party Certification Rule
Sanitary Transport Human and Animal Food
Intentional Adulteration (Food Defense)

Only farms with raw agricultural commodities
Farms with some mixed-type activities may fall here as well
Others: Preventive controls animal food
Provisions Effective November 2012: Part of Act

- **Consumer Information and Recall**
  - Consumer friendly web search for food subject to recall
  - Mandatory recall authority

- **Facility Registration and Suspension:**
  - Are you considered a processor?

- **Prior Notice for Imports and detention**

- **Fees for re-inspection and mandatory recalls**
Produce Safety Rule

The rule establishes science-based minimum standards for safe growing, harvesting, packing and holding of produce on farms
Covered Produce: Risk Based

- Fruits/Vegetables grown, held or packed in raw agricultural state
- Includes herbs, mushrooms, tree nuts, sprouts, mixes of intact fruits and vegetables
- Covered products includes crops commonly consumed raw
Examples of Covered Produce

- Almonds, apples, apricots, aprium, avocados, bananas, Belgian endive, blackberries, blueberries, broccoli, cabbage, cantaloupe, carrots, cauliflower, celery, cherries, citrus, cucumbers, curly endive, garlic, grapes, green beans, guava, herbs (such as basil, chives, cilantro, mint, oregano, and parsley), honeydew, kiwifruit, lettuce, mangos, other melons, mushrooms, nectarine, onions, papaya, passion fruit, peaches, pears, peas, peppers (such as bell and hot), pineapple, plums, plumcot, radish, raspberries, red currant, scallions, shallots, snow peas, spinach, sprouts, strawberries, summer squash (such as patty pan, yellow and zucchini), Swiss chard, tomatoes, walnuts, watercress, and watermelon

- Not an exhaustive list
Produce: Not Covered

- Low risk, rarely consumed raw
  - Examples:
    - Yams, winter squash, potatoes, sweet potatoes, sweet corn, brussel sprouts, cranberries, beets, pumpkin, asparagus, beans (black, kidney, lima, navy, pinto), cocoa and coffee beans, eggplants
- Grains, peanuts (roasted)
- Destined for commercial processing – kill step (documentation required)
- Personal or on-farm use
Are you covered?

- **Not covered:**
  - Farms with *produce* sales of $\leq 25,000$
  - Rolling average, 3 years sales adjusted for inflation (2011 baseline)
Are you covered?

- **Qualified Exemption.** Must satisfy all:
  - 3 year average > $25,000 < $500,000 **ALL** food sales adjusted for inflation
  - Majority (over 50%) distribution to “qualified end users” – directly to consumers, restaurants, retail food establishment **AND** has distribution in state or within 275 miles
  - Still subject to certain requirements
Qualified Exemption

Examples:
- Farm with $475,000 in food sales. Includes $200,000 wholesale, $200,000 to a local restaurant and $75,000 to a local grocery store – qualified exemption applies
- However, the grocery store is in the next state, 300 miles from the farm and no qualified exemption
Qualified Exemption: Requirements

- **Packaging/Point of Sale** labeling or sign required: Name, place of business

- **Records** demonstrating satisfies exemption criteria
  - Annual review and verification – 3 year rolling average
  - Begin keeping records ASAP – in line with compliance timelines
  - Subject to records requirements of the rule
    - Sales receipts, no initialing required – keep long enough

- **Compliance/Enforcement**: Still must apply controls for hazards as or in compliance with other state, local requirements
Qualified Exemption: Requirements

- Exemption can be withdrawn by FDA with reason of contamination or outbreak or determine to protect public health and prevent outbreak based on farm conditions that impact covered produce grown, harvested, packed, held
  - Provide farmer with written notice
  - Opportunity to respond
  - Reinstatement
Produce Safety Standards

Science-based minimum standards for:
- Training
- Worker Health and Hygiene
- Agricultural water
- Biological Soil amendments
- Domesticated and Wild Animals
- Growing, Harvesting, Packing, Holding
- Equipment, Tools, Buildings and Sanitation
Compliance Timeline

- **Very small farms**, $25,000 ≤ $250,000 produce
  - 4 years from effective date – 1/2020
  - Water standard requirements/testing, 6 years*
- **Small farms**, $250,000 ≤ $500,000 produce
  - 3 years from effective date – 1/2019
  - Water standard requirements/testing, 5 years*
- **Others**, > $500,000 produce
  - 2 years from effective date – 1/2018
  - Water standard requirements/testing, 4 years*

* Water compliance additional 2 years; < $25,000 – not covered
Compliance Timeline: Qualified Exemption

- Retention records to support eligibility
  - Effective date of rule

- Modified requirements
  - January 1, 2020 (4 years): labeling, placards

- All other requirements: e.g. annual review/verification, record per record provision
  - Very small farms, >$25,000 ≤ $250,000 – 4 years
  - Small farms > $250,000 ≤ $500,000 – 3 years
What do Buyers Require?