

On-farm Food Safety 101



Kali Feiereisel
CAFF's Food Safety Specialist
kali@caff.org



Jacob Guth
CCOF's Food
Safety Program
Manager
jacob@ccof.org



Javier Zamora - Owner



Community Alliance with Family Farmers



Food Safety – FSMA, GAPs

Kali Feiereisel, MPH – Food Safety Specialist
kali@caff.org



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Raise your hand if...

- You are a farmer in your first few seasons.
- You are a farmer with 10+ seasons.
- Your farm sells majority to direct markets.
- Your farm sell majority to wholesalers/distributors.
- You have heard of the Food Safety Modernization Act (FSMA).

A preface

- Don't get overwhelmed with all these details – I'm not covering everything in the presentation.
 - Reference these slides later.
 - Go to caff.org/programs/foodsafety for more resources.





Presentation Road Map

1. **On-farm food safety**
2. Produce Rule of the Food Safety Modernization Act (FSMA)
3. State GAPs Laws
4. Food Safety Regulation Myths

On-Farm Food Safety – why?

- As good stewards of the land, we are also good stewards of the produce we grow.
- What we *can* see is as important as what we *can not* see; microbes and foodborne illnesses
- Farms of all sizes have been involved in foodborne outbreaks, **all growers** need to implement “right sized” food safety practices on their farm

3 Main Types of Food Contamination

1. Physical

- equipment parts, screws, nails, hair, staples, insects, etc.

2. Chemical

- Fertilizers, sanitizers, herbicides, pesticides, fungicides, equipment lubricant

3. Biological (Microbial)

- Viruses, bacteria, parasites, fungi
 - E. coli 0157:H7 in spinach, strawberries
 - Salmonella in tomatoes
 - Listeria in cantaloupes



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2011

- President Obama signed it into law

Nov.
2015

Food and Drug (FDA) implements the law

- 7 main rules covering different parts of the supply chain
Produce Rule, Preventive Controls

2017-
2019

- Regulation Implementation

Jan.
2019
to
2020*

- Regulation Enforcement

FSMA – 3 farm categories

Fully Exempt
Farms

Qualified
Exempt Farms

Fully Subject
Farms

The farm is fully exempt from FSMA if:

- Produce grown is only for personal or on-farm consumption
- Produce grown is on “rarely consumed raw” list (by FDA)
- Produce grown goes through a “kill step”

OR

If your total annual **produce sales** on your farm is less than \$25,000 you’re fully exempt from the law.

Important: not all sales, just produce sales!

FDA's List of Produce Rarely Consumed Raw





FDA's Rarely Consumed Raw List

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



Fully Exempt

Qualified Exempt

Fully Subject

Remember: the threshold is \$25,000 in **2011 dollars**

- Inflation causes money to be worth less each year
- A price index adjusts for this & FDA will use the implicit GDP deflator

2011	2012	2013	2014	2015	2016	Average 3 year value for 2014-16
25,000	25,460	25,871	26,332	26,608	26,956	26,632

Very important to convert in 2011 dollars if your farm is right around \$25,000 in annual produce sales. It may mean the difference between being fully exempt and having to follow some or ALL of FSMA's requirements.

FSMA – 3 farm categories

Fully Exempt
Farms

Qualified
Exempt Farms

Fully Subject
Farms

A farm must meet 2 conditions for a qualified exemption from FSMA requirements:

1. Have less than \$500,000 in annual gross sales.

Rolling average from previous 3 years & converted into 2011 \$

AND

2. Sells the majority of the food directly to customers (qualified end users).

Direct customer examples: consumers at farmers' markets, restaurant, or a retail food establishment (e.g., individual grocery store, not a distribution center)

Must be within the same state or 275 miles from farm





Fully Exempt

Qualified Exempt

Fully Subject

Remember: the threshold is \$500,000 in **2011 dollars**

- Inflation causes money to be worth less each year
- A price index adjusts for this & FDA will use the implicit GDP deflator

2011	2012	2013	2014	2015	2016	Average 3 year value for 2014-16
500,000	509,199	517,417	526,645	532,170	539,121	532,645

Very important to convert in 2011 dollars if your farm is right around \$500,000 in total gross annual sales. It may mean the difference between being qualified exempt and having to follow ALL of FSMA's requirements.

FSMA – 3 farm categories

Fully Exempt
Farms

Qualified
Exempt Farms

Fully Subject
Farms

Farms fall into this category if:

- Their 3 year adjusted average gross sales is greater than \$500K
- Less than \$500K adjusted average gross sales, but do not sell at least 50.1% of sales to a qualified end user



So what do I have to do if my farm is:
Fully exempt?
Qualified exempt?
Fully covered?

Be prepared to prove the farm is fully exempt from FSMA by keeping the applicable records:

- Planting schedule and/or seed receipts that shows only crops on the FDA “rarely consumed raw” list
- Affidavit from processing company that documents their “kill process”
- Financial records to prove less than \$25K in sales

FSMA has no set deadline that you need to have these records in place, but start keeping them ASAP so you’re prepared in case an inspector asks you to prove that you’re fully exempt.



Fully Exempt

Qualified Exempt

Fully Subject

Be prepared to prove the farm is Qualified exempt from FSMA by doing these 3 things:

1. Keep records of the last 3 years of sales to prove you're exempt.
 - Sales receipts, invoices, load lists (these do not need to be initialed)
 - Total sales to qualified end users must be greater than 50%
 - These records have to be signed/initialed by record keeper
 - Records can be written or electronic
 - If CDFA/FDA inspector asks to see your records you have to provide them in 24 hours

Important note: start keeping these records in March, 2016!

2. Provide name and complete business address of farm

- If the food has a label, make sure the address and name of farm is on it.

Ex: outside of CSA box

- Or post a sign at point of purchase w/name and address.

Ex: Farmers' Market, Farm Stand

3. Record that you annually reviewed your FSMA status and the farm is still in the correct FSMA category.

- Make sure this record is signed & dated.

Important note: If your farm is involved in a foodborne illness outbreak the FDA can revoke your qualified exempt status.



Timeline for Compliance – Qualified Exemption

Total Farm Annual Sales	FSMA Compliance
\$500,000*+	2018
\$250,000-499,999*	2019
\$25,000-249,999*	2020
Less than \$25,000*	exempt

***2011 dollars**

FSMA has requirements in these categories:

- Worker Training/Qualifications
- Worker health and hygiene
- Biological Amendments of Animal Origin
- Natural resources; domesticated and wild animals
- Buildings, Equipment, Tools, and Sanitation
- Harvest & Postharvest Activities
- Recordkeeping
- Water

Bottom line: On farm food safety is a process, you can't make all these changes overnight. Start now!



Timeline for Compliance – Fully Covered Farms

Total Farm Annual Sales	FSMA Compliance	Inspections Begin	FSMA Water Compliance ¹
\$500,000*+	2018	2019	2022
\$250,000-499,999*	2019	2019	2023
\$25,000-249,999*	2020	2021	2024
Less than \$25,000*	exempt	exempt	exempt

*2011 dollars

¹Depends on future FDA decision 27



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California Laws with Food Safety

- California laws do not require a food safety plan nor a third party audit. Direct marketing laws require you to implement Good Agricultural Practices (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 farms to develop a food safety plan**

“I further certify that I am knowledgeable and intend to produce in accordance with good agricultural practices as published by the department.”



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Myth #1: FSMA requires all farms to get a 3rd party food safety audit.

False!

FSMA does NOT require produce farms to get a 3rd party audit. In California FSMA will be enforced by the California Department of Food and Agriculture's Produce Safety team. They are going to randomly select highest food safety risk farms for an inspection.

Buyers sometimes require a 3rd party food safety audit (e.g. USDA GAPs audit, GlobalGAP, Harmonized GAP, etc). You can try and work with them and see if they'll accept other conditions (e.g. a copy of your farm's food safety plan) instead of an audit.



Myth #2: My farm is qualified exempt from FSMA so I don't need to do anything for FSMA.

False!

You need to do the three items discussed earlier in this presentation (financial records, annual review, address posted) to be in compliance with FSMA.



Myth #3: My farm is fully subject to FSMA and now I'm going to have to hire a consultant to get everything prepared on my farm.

False!

CAFF, CCOF, farmer friends, online resources, CDFA, and extension all have lots of resources to guide you through this process. Please review the resources in your folders and don't hesitate to reach out to the presenters!

CDFA is offering free mock FSMA inspections. If you're interested in this opportunity talk to Kali (kali@caff.org) and she can help set this up for you and be there during it to support you.



Food Safety Keys to Success

- Extreme importance of integrating GAPs on your farm to help reduce risk of foodborne illness from your products
- **Create & nurture a culture of food safety on your farm – lead by example**
- Determine what laws apply to your operation & what demands buyers are placing on you and then adapt food safety practices on your farm to “right size your situation”
- Create a food safety plan – if there’s no record of it it’s as if you didn’t do anything
- Explain your policies and standard operating procedures (SOPs) in your plan and actually do them in practice – don’t write down what you’re not actually doing!



Opportunities to Participate on FSMA Water Next Steps Discussions

- Feb. 27-28th in Covington, KY Produce Safety Alliance Water Summit

All travel paid by organization for farmers to attend.

<https://producesafetyalliance.cornell.edu/news>

- UC Davis will host live listening session of event

Talk to Kali (kali@caff.org, 530-290-1144) if you'd like to participate in free event

Questions?



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