

Food Safety, Farms, & Food Businesses

What do the new proposed Food Safety Modernization Act rules mean for farmers, on-farm processors, and food businesses?

FSMA Background

This year the Food and Drug Administration (FDA) released two proposed new food safety regulations that will impact many farmers and food businesses.

These rules are part of FDA's implementation of the Food Safety Modernization Act (FSMA), which President Obama signed into law in 2011. FSMA is the first major update of federal food safety laws since 1938, and it gives FDA broad new powers to prevent food safety problems, detect and respond to food safety issues, and improve the safety of imported foods.

FSMA authorizes new regulations at the farm level for producers and certain facilities. Specifically, FSMA mandates the establishment of:

Produce Rule — standards for growing, harvesting, packing, and holding fresh produce; and

Preventive Controls Rule — food safety measures for facilities that process food for humans, including Good Manufacturing Practices for food and Hazard Analysis and Risk-based Preventive Controls (HARPC) requirements for food facilities, including on-farm processing.

<http://sustainableagriculture.net/fsma>

FSMA Overview

The proposed FSMA rules are still in PROPOSED form - which means they are not yet final law. FDA is seeking comments on the rules from farmers, processors (including on-farm processors), consumers, and experts - in short, everyone!

FSMA includes key provisions to make these new regulations scale-appropriate, conservation-friendly, and accessible to certified organic producers and value-added producers. This includes modified regulations for certain small farms and operations. FSMA focuses on addressing food safety risks from microbial pathogen contamination (e.g., *Salmonella*, *E. coli* O157:H7, and *Shigella*). FSMA does not address food safety risks from genetically engineered crops, pesticide use, or antibiotic resistance, nor does it change food safety regulations for meat, poultry, or egg products, which are under US Department of Agriculture jurisdiction.

Some Issues of Concern in FSMA

- **Cost of compliance** — the cost of complying with the rules will be significant and risks putting small operations out of business if problems aren't fixed. FDA says that the average cost of implementing the produce rule for a "very small farm" (\$25,000-250,000 in annual sales) amounts to \$4,697 per year; for a "small farm" (\$250,001-500,000) \$12,972 per year; and for a large farm (over \$500,000) approximately \$30,566 per year.
- **Confusing definitions** — the way FDA defines "farm", "facility", "packing", and "holding" in the produce and preventive controls rules makes it difficult for farmers to determine which rules they may be subject to and could trigger substantial preventive controls rules for food hubs and certain CSAs.
- **Manure and compost** — the produce rule standards conflict with National Organic Program standards on applying manure and compost.
- **Costly water testing standards** — costs associated with testing, treatment, and regular maintenance are well above what farmers currently face.
- *This is only a partial list of issues - visit NSAC's FSMA information page for more: <http://sustainableagriculture.net/fsma>*

Will I be Subject to FSMA Regulations?

Check out NSAC's FSMA page, which has a "Who Is Affected?" section to help producers understand if either of the proposed rules will apply to them.

Get Involved TODAY!

FDA Needs to Hear From You!

Before FDA can finalize the proposed rules, the agency must seek input from the public. Comments from farmers and on-farm processors will directly shape the final rules and are critical to ensuring that the final rules work for small and mid-sized farmers, sustainable and organic growers, value-added businesses, and conservation systems!

Are you a farmer or do you operate a food processing business?

These rules are likely to impact your business. Visit NSAC's FSMA page to determine if you may be subject to the rules and learn more about key issues in the rules. It is critical that you submit comments to FDA about how the rules may impact your business!

Are you a consumer or concerned citizen?

These rules could, over the long term, affect the type of food you are able to find in your community and increase the cost of purchasing fresh fruits and vegetables. As a consumer, you have a say in these proposed rules and can and should speak out too!

COMMENT PERIOD DEADLINE: NOVEMBER 15, 2013!

- **SUBMIT COMMENTS** – NSAC and our member organizations will share talking points, analysis, and guidance to help producers and processors submit comments online or via mail in August and early September. Look for them on our FSMA website.
- **SIGN UP FOR UPDATES** – NSAC is issuing periodic updates this summer as we complete our analysis and begin seeking comments from producers. The best way to know what's going on is to sign up for updates here: <http://sustainableagriculture.net/fsma/>
- **SPREAD THE WORD** – It's critical that farmers and processors know what's going on and have a chance to weigh in. Help us spread the word! When the comment campaign launches in August, we'll need everyone to share the call to action with friends, buyers, neighbors, and CSA members!
- **SHARE YOUR STORY** – Are the new food safety regulations likely to substantially impact your business? We want to hear your story! Check out the FSMA information page for information on how to share your story with FDA and with NSAC for possible media outreach efforts.

<http://sustainableagriculture.net/fsma>



National Sustainable Agriculture Coalition