



## Food Safety Modernization Act: Frequently Asked Questions

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### *FSMA Training Requirements for Produce Farms*

#### 1. I am a farmer who grows fruits and/or vegetables. Do I have to take a FSMA training?

**Before** you sign up for a FSMA training, you need to assess whether you are even covered by the FSMA rules. If you are not covered, or are qualified exempt, **you are not required to take a FSMA training**.

***Food safety is still important whether you are covered by FSMA or not!***

*We strongly encourage exempt and qualified exempt farms to implement food safety practices and take some type of Good Agricultural Practices (GAPs) training; you just don't have to take one focused on compliance with the full FSMA Produce Safety Rule, which might not be the best on-ramp for you if you're new to food safety requirements.*

*Local and regional farmer organizations and cooperative extension agencies may offer proven and effective GAPs training programs in your area designed to help you build a culture of food safety and access new markets. For a list of some such programs, see <http://bit.ly/FSMAtraining>.*

#### 2. How do I know if I am covered by the FSMA Produce Safety Rule?

If you grow produce, the full Produce Safety Rule standards for growing, harvesting, packing and holding produce (including training requirements) likely apply **unless** your farm falls into one of these categories:

- A.** You **only** grow produce that the Food and Drug Administration (FDA) has decided is “rarely consumed raw”. FDA’s list of produce that fit this category is available here: <http://bit.ly/rarelyraw>.
- B.** You **only** grow produce that will be commercially processed in a manner that kills pathogens.
- C.** Your average annual **produce sales** over the previous 3 years are less than \$25,000.<sup>1</sup>
- D.** You are **qualified exempt**<sup>2</sup> because:
  - 1. You sold more than \$25,000 in produce/year averaged over the last 3 years; **and**
  - 2. Your average annual **food sales** (produce **and all other crops and value-added products**) over the previous 3 years are less than \$500,000; **and**
  - 3. More than 50% of those food sales are to **qualified end-users**<sup>3</sup> such as restaurants and retail food establishments (including direct-to-store sales) located in your same state or within a 275 mile radius of your farm; and consumers, through direct marketing (farmers markets, community supported agriculture, internet sales, etc.).

*For more details on the criteria for meeting categories A, B, C, and D above, or for the special requirements for qualified exempt farms, see <http://bit.ly/nsacproduce>.*

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<sup>1</sup> The dollar values for exempt and qualified exempt farms are meant to be adjusted for inflation, using 2011 as the baseline year. For more information, see <http://bit.ly/nsacproduce>.

<sup>2</sup> “Qualified exempt” means you must still meet certain modified requirements, and must also keep certain records. For more information on qualified exempt farms, see <http://bit.ly/nsacproduce>.

<sup>3</sup> Wholesalers and local food hubs **do not** count as qualified end-users, unless the food hub meets FDA’s definition of a *retail food establishment* (the majority of its sales are direct-to-consumer). For more information see <http://bit.ly/retailfood>.



**Important Note:** *Even if you are exempt from the FSMA rules, your buyer may require you to comply with food safety requirements that look a lot like FSMA requirements. This is an additional reason why we encourage all farms to consider seeking GAPs training.*

If your farm grows produce and does not fall into one of the above categories (A, B, C, or D), then your farm is fully covered by the Produce Safety Rule. Your deadline for compliance with the Produce Safety Rule, **including the training requirements**, depends on the value of your farm's **produce sales**. See Question 4 for more information about the phased-in compliance deadlines.

### 3. What is the Produce Safety Alliance grower training & should I take it?

Under FDA's FSMA Produce Safety Rule, produce farms that are **fully covered** by the rule are required to have "at least one responsible person" on the farm take a food safety training program focused on the FSMA requirements. The Produce Safety Alliance (PSA) has developed a standardized training program that is *one option* for meeting that training requirement *for covered farms*. **The PSA training is not required:** What's required *for fully covered farms* is that you take a training determined by FDA to be at least equivalent to the PSA's standardized curriculum.

FDA is currently funding efforts to develop alternative training programs tailored to regional needs and local food producers. And USDA is currently funding outreach, education, and training efforts that target small and mid-sized, beginning, and historically underserved farms. This means that more tailored training options and providers are on the horizon that may be better suited to your particular operation.

### 4. I know I'm fully covered by the Produce Safety Rule. Should I take a training right now?

If your farm has over \$500,000 in average annual produce sales, then you must be in compliance with the Produce Safety Rule by January 2018. This means you should take a FSMA training by then, and the PSA training is your only option right now.

Small (no more than \$500,000 in produce sales) and very small farms (no more than \$250,000 in produce sales) – other than those that are exempt or qualified exempt (see #2 above) – have until January 2019 and 2020, respectively, to come into compliance with the Produce Safety Rule, including the training requirement. Other training options are expected to be available by then.

So, if you're an operation that hasn't dealt with food safety requirements before, we think it's wise to wait until there are more tailored training options available since FDA and USDA are awarding funding to organizations and institutions *right now* to focus trainings on local needs. However, your farm should start now with GAPs educational programs that will help you implement food safety practices on your farm.

### 5. What else can I do in the meantime?

- ✓ Figure out whether/ to what extent your farm is covered by FSMA, and what your compliance dates are. Our *Am I Affected?* Flowchart (<http://bit.ly/nsacflowchart>) and Produce Safety Rule Special Report (<http://bit.ly/ProduceRuleReport>) can help point you in the right direction.
- ✓ Reach out to your local sustainable agriculture association or university Extension to find out about food safety educational and training opportunities in your area that may help you work toward marketplace and federal food safety requirements. We are compiling a list of such programs at <http://bit.ly/FSMAtraining>
- ✓ Sign up for FSMA alerts through our website: <http://sustainableagriculture.net/fsma>