

United States Senate

WASHINGTON, DC 20510

August 21, 2015

The Honorable Dr. Stephen Ostroff, M.D.
Acting Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Acting Commissioner Ostroff,

With the passage of the Food Safety Modernization Act (FSMA), Congress took a major step forward in shifting the focus of food safety from response to prevention. We applaud the Food and Drug Administration (FDA) for its efforts to work with key stakeholders to craft and begin implementing appropriate and effective regulations to prevent the spread of foodborne disease. However, small farmers and processors face particular and unique challenges while implementing these regulations.

As the new rules are finalized, we urge you to expedite implementation of Sec. 209, which includes a provision that provides technical assistance and training geared towards small farmers, small producers, and fruit and vegetable merchant wholesalers in order to reduce confusion on new regulations and promote effective implementation. Additionally, we would urge you to begin distributing written materials and start conducting outreach and education now, as farmers are making business decisions for next year. Confusion and misinformation is already circulating, and establishing lines of communication to farmers or to organizations that partner with farmers about implementation deadlines, training opportunities, and future technical assistance is critical to timely and accurate compliance.

The economic value of small farms is clear. According to a report by the United States Department of Agriculture entitled Structure and Finances of U.S. Farms: Family Farm Report, 2014 Edition, 97% of farms in the U.S. are family farms, with small farms making up 90% of these farms. Furthermore, the demand for locally grown and packaged food is only growing. The number of farmer's markets has increased from 6,132 in 2010 to 8,268 in 2014. Together these trends show that small and local farms produce an increasingly large part of our food. It is therefore critical to support the needs of small farms in meeting the new food safety requirements.

While you continue to develop small farm-centric outreach across the span of regulation, we feel there are two areas of particular importance—the produce rule and the preventive controls for human food rule. The produce rule will serve as the first-ever nationwide standard on produce safety. Small farmers will need time, training, and relationships with regulators in order to effectively navigate new guidelines. Further, many small farms are diverse and have multiple profit centers—from produce, to value-added products, to dairy, to bakeries, and more. While we

understand that the finalization of the preventive controls rule is imminent, we feel strongly that the final rule provide clarity on what qualifies as a “facility” and what farmers must do to ensure compliance.

FSMA represents a major shift in the way we approach food safety and we believe effective implementation is contingent on farms of all sizes having access to useful resources and regular communication with regulators to troubleshoot problems. We commend your work thus far. As regulations such as the produce safety rule and the preventive controls rule are finalized later this year, we again encourage you to implement the provisions in Sec. 209 which establishes a robust technical assistance, training, education and outreach program to target both exempt and nonexempt small farms, small processors, and fruit and vegetable wholesale merchants to comply with the new food safety standards.

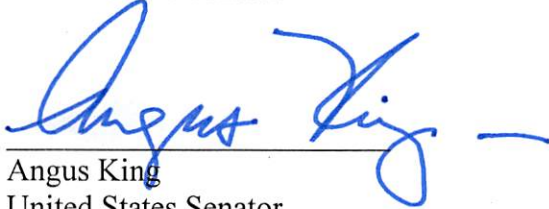
Sincerely,



Christopher S. Murphy
United States Senator



Al Franken
United States Senator



Angus King
United States Senator



Mazie K. Hirono
United States Senator



Kirsten Gillibrand
United States Senator



Bernard Sanders
United States Senator



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