

FSMA PRODUCE SAFETY RULE



What Produce Associations Need to Know

- California Department of Food Agriculture (CDFA) is launching the California Produce Safety Program, which will include educational information designed to assist California produce farms in understanding the requirements of the FDA's Produce Safety Rule and how to comply with this new regulation.
- Beginning January 26, 2018, California produce farms designated as “large” (those with annual sales greater than \$500,000) are expected to comply with the Produce Safety Rule. Smaller farms will be phased in over the next few years.
- The Produce Safety Rule is mandatory throughout the United States beginning January 26, 2018. Any produce farm found to be out of compliance may be subject to regulatory actions.
- In 2018, the Produce Safety Program will be doing everything possible to inform and educate California produce farmers about the requirements of the Produce Safety Rule.

Who Must Follow the Produce Safety Rule?

- California farms producing fruits, nuts and vegetables must comply with this new rule.
- Multiple rules exist within the federal Food Safety Modernization Act (FSMA). The Produce Safety Program deals specifically with the Produce Safety Rule. Information about other FSMA Rules is available [here](#).
- The exact rule an operation falls under will vary depending upon the type of activities performed. To determine if an operation falls under the Produce Safety Rule, please use this [flow chart](#) provided by The National Sustainable Agriculture Coalition.

CDFA Produce Safety Program Website Coming Soon

www.cdffa.ca.gov/producesafety/

CDFA is currently developing a new Produce Safety Program website. This will serve as the go to place for individuals looking for PSR information.



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PRODUCE SAFETY PROGRAM

Who is Exempt from the Produce Safety Rule?

- A list of exemptions from the Produce Safety Rule can be found [here](#). Exemptions generally include the following:
- Thirty commodities have been identified by the FDA as exempt from the Produce Safety Rule because they are rarely consumed raw. Farms exclusively producing these commodities are not covered by the Produce Safety Rule. (Examples of exempt commodities include: dried kidney beans, potatoes and pumpkins.)
- Farms that grow produce only for personal consumption or very limited distribution may also be exempt from the law.
- Some farms may qualify for an exemption from the Produce Safety Rule if their sales are below certain levels or if they grow produce that is processed in a way that would kill pathogens. Farms falling in these categories will be required to verify their exemption status.
- If your organization represents commodities that may be eligible for a qualified exemption because the finished product is processed in a way that kills pathogens, CDFA strongly urges you to seek guidance from FDA regarding documentation requirements to verify this exemption.
- CDFA is also urging associations to work with industry members to ensure procedures for documentation for qualified exemptions required of both farmers and processors are well understood and communicated.

Education and Training

- FDA has determined that official Produce Safety Rule on farm inspections will begin in 2019. The Produce Safety Program will spend 2018 working to make sure California produce farmers understand the requirements of the Produce Safety Rule.
- An informational website providing detailed information on the Produce Safety Program will be available soon and Cdfa will be conducting other outreach efforts to educate California produce farms about this new rule and how to comply.
- One of the first steps toward Produce Safety Rule compliance is for every produce farm to have an individual employed who has completed an FDA-recognized Produce Safety Rule Grower Training Course. The training need only be taken once and the certificate of completion belongs to the individual. Available courses are posted on the Produce Safety Alliance website [here](#).
- Cdfa has also contracted with outside organizations to provide subsidized Grower Training that meets Produce Safety Rule requirements. These courses are offered at a reduced rate and are being conducted throughout the state in both English and Spanish. A list of dates and locations of these courses is provided with this packet.
- In addition to the required Produce Safety Rule Grower Training, all produce farms must show documentation of ongoing food safety training of farm and contracted employees as part of the required practices under the Produce Safety Rule.
- Any information or assistance your association can provide to ensure farmers are meeting Produce Safety Rule training requirements is greatly appreciated.
- In preparation for official Produce Safety Rule inspections in 2019, Cdfa's Produce Safety Program will be offering a series of On-Farm Readiness Reviews (OFRR). These are designed to give produce farmers a better understanding of what they can expect from a Produce Safety Program routine inspection. Information on how to schedule an OFRR will be available very soon.

Information for the Public and Other Stakeholders

- Please note that California Produce Safety Program inspections are a means of verifying compliance and enforcement of the Produce Safety Rule. They are not meant to replace existing quality assurance activities that may be requested of farmers or handlers by their customers.
- Suggested messaging for use in talking about the Produce Safety Program with trade and consumers is included in this packet.
- Cdfa urges you to share information contained in this packet with your membership.

Implementation of Required Food Safety Practices

- Produce farms with sales greater than \$500,000 per year are expected to implement Produce Safety Rule practices beginning January 26, 2018. The full Produce Safety Rule requirements are available on the FDA website [here](#).
- If your association has commodity specific guidelines that are aligned with the Produce Safety Rule, we encourage you to share these with your membership.
- We also urge you to advise your membership that private audit firms should conduct audits that are aligned with the Produce Safety Rule so that farmers are well prepared for Produce Safety Program inspections when they begin taking place in 2019.

Produce Safety Program Inspections

- Cdfa has created a new unit as part of its Inspection Services Division specifically to conduct Produce Safety Rule inspections. This unit is known as the Produce Safety Program.
- Produce Safety Rule inspections will be done on behalf of the U.S. FDA. As such, Produce Safety Program inspectors are credentialed by the FDA and have specific education and training.
- As with all other programs within the Cdfa's Inspection Services Division, Produce Safety Program inspectors are part of a public agency mandated to protect the food supply. Inspectors are: accountable to the public, legislature and the industry; financially independent and unbiased; consistent and uniform; and are required to report potential public health threats to the California Department of Public Health.
- Cdfa is working with an existing database of California farms acquired from other agencies and organizations to identify California produce farms that are likely subject to this new rule. Farms from this list will be selected for routine inspection by the Produce Safety Program on a random basis following verification of the farm's status.



Suggested Messaging for Retail and Foodservice Produce Buyers



About the Produce Safety Rule

- Beginning January 26, 2018, the Produce Safety Rule under the new Food Safety Modernization Act will become law on produce farms throughout the U.S.
- All California farms producing fruits, nuts and vegetables must comply with this new law. Some exceptions apply. Your supplier can provide verification if they are exempt from the Produce Safety Rule.
- The law will be phased in according to farm size over the next few years beginning in 2018 with large farms, defined as those with annual sales of \$500,000 or more.
- To implement this new law across the nation, the U.S. FDA is working with State Departments of Agriculture to conduct inspections that will verify produce farms are in compliance with the Produce Safety Rule.
- The U.S. FDA has determined that Produce Safety Rule on-farm inspections will begin in 2019.

Implementation in California

- It is estimated some 20,000 produce farms in California are subject to the Produce Safety Rule.
- The California Department of Food and Agriculture has created a new unit as part of its Inspection Services Division specifically to conduct inspections that will verify compliance with the Produce Safety Rule. This unit is known as the Produce Safety Program.
- The goal of CDFAs Produce Safety Program is to assist and verify that California produce farms are following FDA's Produce Safety Rule.
- This is a big job and it will take time to fully implement. CDFAs goal is for Produce Safety Rule requirements to become ingrained in the culture of California produce farming so that our state is growing the safest produce possible.
- The California Produce Safety Program's role is to first educate California produce farmers on the requirements of the Produce Safety Rule and then regulate farms to ensure they are following this new rule.

About the Produce Safety Program Inspections

- California Produce Safety Program inspections are a means of verifying compliance and enforcement of the Produce Safety Rule. They are not meant to replace existing quality assurance activities provided by farmers or handlers.
- Beginning in 2019, California produce farms will be selected for inspection by the Produce Safety Program on a random basis following verification of the farm's status.
- Unlike audit based certification programs, farms may not request an inspection, but will instead be selected by the Produce Safety Program.

Suggested Messaging for Consumers



About New Food Safety Regulations for Produce

- Beginning on January 26, 2018 fruit, vegetable and nut farms in California and throughout the U.S. will be required to follow specific food safety practices under a new federal regulation known as the Produce Safety Rule.
- The U.S. Food and Drug Administration (FDA) has been charged with oversight of this new rule and it is being implemented in California by the California Department of Food and Agriculture (CDFA).
- Food safety practices required on farms are similar to what is required of restaurants or to precautions you might take in your own kitchen. The practices are designed to ensure produce is properly handled by workers who are trained to use good hygiene; to make sure farm equipment is sanitary, to ensure soils where produce is grown are safe and, that measures are in place to prevent contamination of produce by wildlife or nearby domesticated animals. Additionally, farmers are required to keep written records to document their farming practices.
- Many produce farms have been implementing these kinds of food safety practices on their farms for years.

What Consumers Can Expect from Produce Grown in California

- Routine on-farm Inspections to verify farmers are following new food safety regulation will be conducted through an inspection unit created by the California Department of Food and Agriculture called the Produce Safety Program.
- It's estimated that 20,000 farms in California are subject to the Produce Safety Rule. It is the goal of CDFA that requirements of this new food safety rule become ingrained in the culture of California produce farming so that our state is growing the safest produce possible.
- Over the next year, the role of the California Department of Food and Agriculture's Produce Safety Program will be to educate California produce farmers about the requirements of the Produce Safety Rule.
- Beginning in 2019, CDFA's Produce Safety Program inspectors will conduct random, routine inspections of produce farms to ensure they are following the new law.
- Inspectors in California are credentialed by the FDA and have specialized education and training. The inspectors are part of a government agency charged with protecting the food supply. They provide independent, unbiased, consistent inspections of California produce farms.
- Most grocery stores and restaurants already require farmers to follow food safety practices on their farms. In addition, many organizations conduct research and provide food safety guidelines that produce farmers have been following for years.
- Requirements for produce safety on farms is now the law. Farmers found to be out of compliance with these new requirements may face economic, regulatory and legal consequences.