



## Update on Produce Safety Regulations for Vermont Farms

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April 25, 2017

### Introduction

Attention to the safety of fresh produce has increased in recent years, driven by new regulations and changing market expectations. This document explains how growers will be affected, ways they can prepare, and who they can contact for assistance.

Whether a farm is required to comply with regulations or not depends on the type of produce they grow, and their annual sales. However, the 'new norm' is that ALL growers should be taking steps to address produce safety on their farms.

### What is FSMA?

The Food Safety Modernization Act (FSMA) is a law passed in 2011 that includes new regulations for farms that grow fresh produce (the Produce Safety Rule) and for farms and facilities that process food for people to eat (the Preventative Controls rule.) FSMA is administered by the U.S. Food and Drug Administration (FDA), in cooperation with state Agencies of Agriculture.

The Produce Safety Rule sets standards for:

- personnel qualifications and training
- health and hygiene
- agricultural water
- soil amendments of animal origin
- domesticated and wild animals
- growing, harvesting, packing, and holding activities
- equipment, tools, and buildings
- recordkeeping.

### Which farms are covered by the FSMA Produce Safety Rule?

The vast majority of Vermont's vegetable and fruit farms will either be 'not covered' or have a 'qualified exemption' from compliance with the rule.

A farm is *not covered* if its annual sales of all produce are less than \$25,000.

A farm is *qualified exempt* if its annual sales of all food and animal feed are less than \$500,000, and over half those sales are to 'qualified end-users' i.e. direct to the consumer or direct to restaurants and retail establishments, and those sales are within 275 miles or within the state.

The Vermont Agency of Agriculture estimates that 500 farms growing fresh produce will likely be 'not covered' by FSMA and another 400 such farms will likely have a 'qualified exemption'. *Only 150 farms, or about 14% of all fresh produce farms in Vermont, will likely need to meet all of the requirements of the FSMA Produce Safety Rule.*

The FSMA Produce Safety Rule does not apply to farms if they only grow commodities that are "rarely consumed raw," including: asparagus; beets, collards, cranberries, dry beans, eggplant, ginger, potatoes, pumpkins, sweet corn, sweet potatoes, and winter squash.

FDA has created a flow chart to help farms determine if they are covered by FSMA, see: <https://www.fda.gov/downloads/Food/GuidanceRegulation/FSMA/UCM479592.pdf>

### **When does compliance with the FSMA Produce Rule start?**

- Farms grossing under \$250,000 in annual produce sales must comply by January 2020.
- Farms grossing under \$500,000 in annual produce sales must comply by January 2019.
- Farms grossing over \$500,000 in annual produce sales must comply by January 2018.
- All categories have two extra years to comply with the 'agriculture water standards.'

Compliance with FSMA includes attendance by a farm representative at a training approved by the Produce Safety Alliance. Stay tuned for details on the dates and locations of these trainings.

### **How does GAPs relate to FSMA?**

Good Agricultural Practices (GAPs) is a USDA voluntary program driven by buyers, whereas FSMA is a law. FSMA establishes minimum requirements for food safety practices for produce growers whereas GAPs uses a point-based farm audit system to verify that produce is grown, packed, handled, and stored so as to minimize risks of microbial food safety hazards. Some supermarket chains require their suppliers of fresh produce to pass a GAPs audit.

### **How does CAPS relate to FSMA?**

Community Accreditation for Produce Safety (CAPS) is a voluntary, on-line program that helps growers write produce safety plans and then document the use of practices that reduce food safety risks associated with fresh produce. CAPS is not a regulatory program though it can support compliance with FSMA and/or passing a GAPs audit.

Although most Vermont produce farms are not required to comply with FSMA they will still need to maintain credibility with their buyers as market expectations around food safety become more stringent. CAPS can provide this credibility while also reducing food safety risks.

CAPS uses an annual schedule that starts with farmers writing produce safety plans and posting them to their on-line folders. Farmers can stop there if they wish. For a \$100 fee, plans get reviewed, changes can be made if needed, and farms can then be accredited at the end of the year by uploading the required documentation showing that their plans were implemented.

CAPS accreditation is awarded by the Vermont Vegetable and Berry Growers Association. CAPS is only available to VVBGA members but any farm can join for \$45 per year, see: <http://www.uvm.edu/vtvegandberry/?Page=WelcomeVVBGA.html>

### **Where can growers go for help with produce safety?**

Vermont growers have many people and on-line resources available to assist them.

For questions on compliance with FSMA's Produce Safety Rule: Kristina Sweet, Produce Program Coordinator, VAAFM. [kristina.sweet@vermont.gov](mailto:kristina.sweet@vermont.gov) or (802)522-7811. Also see: [http://bit.ly/vaafm\\_produce](http://bit.ly/vaafm_produce).

For questions about CAPS or general produce safety questions: Hans Estrin, CAPS Coordinator and Produce Safety Specialist, UVM Extension. [hans.estrin@uvm.edu](mailto:hans.estrin@uvm.edu) or (802) 257-7967 or cell (802) 380-2109. Also see: <https://practicalproducesafetyvt.wordpress.com/about-caps/>

For questions about USDA GAP certification and audits: Scott Dolan, Consumer Protection Specialist, VAAFM. [Scott.Dolan@vermont.gov](mailto:Scott.Dolan@vermont.gov) or (802) 522-5415. For information on how to write and implement a GAPs Plan see: <https://ag.umass.edu/resources/food-safety/for-farmers/good-agricultural-practices-gap/good-agricultural-practices-gap>

For questions about farm infrastructure and food safety (pack shed construction, cooler design and materials used in produce handling): Chris Callahan, Agricultural Engineer, UVM Extension. [chris.callahan@uvm.edu](mailto:chris.callahan@uvm.edu) or (802) 447-7582 x256. Also see: <http://blog.uvm.edu/cwcallah/>

For questions about the FSMA Preventative Controls rule and food processing: Omar Oyarzabal, Food Safety Specialist, UVM Extension. [omar.oyarzabal@uvm.edu](mailto:omar.oyarzabal@uvm.edu) or (802) 524-6501 x452. Also see: [https://www.uvm.edu/extension/food\\_safety\\_producers\\_and\\_processors](https://www.uvm.edu/extension/food_safety_producers_and_processors)

For questions about vegetable and berry production, soil fertility, pest management, and educational resources available for growers: Vern Grubinger, vegetable and berry specialist, UVM Extension. [vernon.grubinger@uvm.edu](mailto:vernon.grubinger@uvm.edu) or (802) 257-7967 x303. Also see: [www.uvm.edu/vtvegandberry](http://www.uvm.edu/vtvegandberry)