



FSMA Produce Safety Rule, RAPs & Your Farm

February 18, 2016

**Vermont Tree Fruit Growers Association
Middlebury**

FSMA Produce Safety Rule

One of 7 FDA Food Safety Modernization Act (FSMA) Rules

Final as of November 27, 2015

“Effective” as of January 26, 2016

Compliance for some businesses begins in 2018

VT Required Agricultural Practices

Established by Act 64

Replaces Accepted Agricultural Practices (2006–2015)

Revised draft RAPs published February 22, 2016

RAPs will become final on July 1, 2016

Who's covered?

Farms with greater than \$25,000 in annual produce sales (averaged over 3 years) are covered by the FSMA Produce Safety Rule—but requirements vary.

Qualified Exempt Farms

Very Small Businesses

Small Businesses

“All Other Businesses”

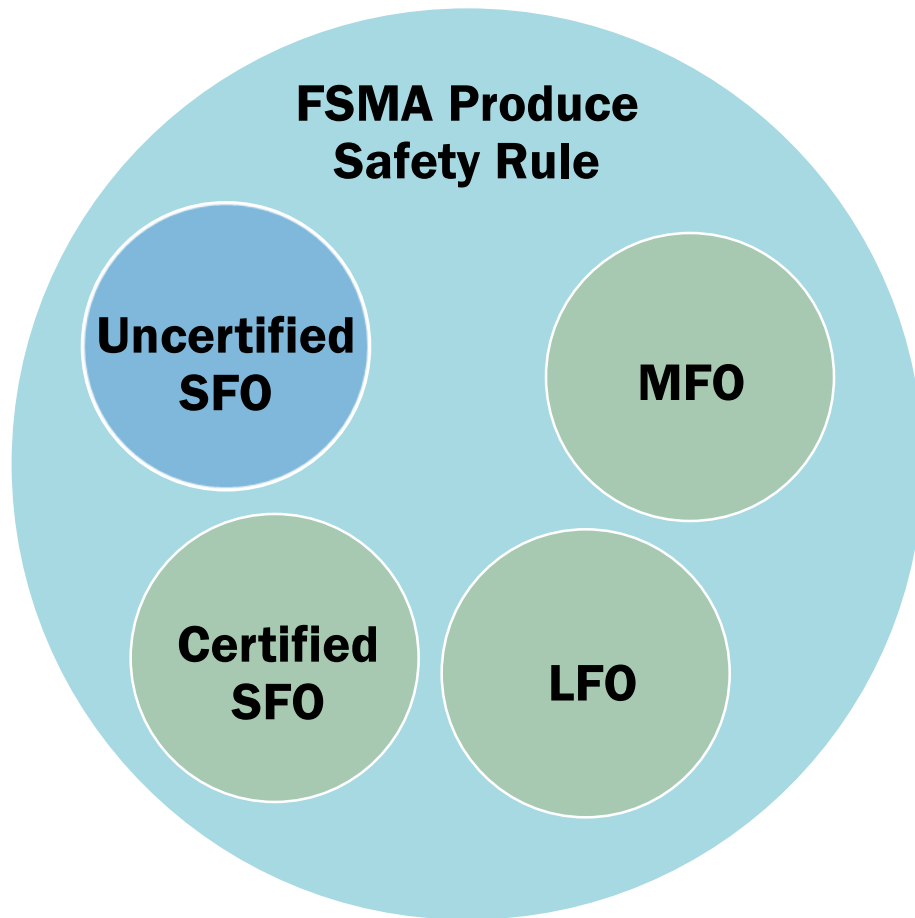
All Vermont farms are covered by RAPs—but only some farms are required to certify compliance.

Act 64 defines Small Farm Operations (SFOs), Medium Farm Operations (MFOs) & Large Farm Operations (LFOs)

All MFOs & LFOs are required to certify compliance with the Agency of Agriculture.

Only some SFOs will be required to certify. The threshold to determine which SFOs need to certify will be determined through rulemaking.

FSMA Produce Safety Rule & RAPs



FSMA Produce Safety Rule

Requirements vary based on produce and food sales

Certified SFO, MFO & LFO

Certify compliance with RAPs

Obtain Farm Operator Training

Pay permit fee

Uncertified SFO

Comply with RAPs

Remember: All Vermont farms are covered by RAPs even if they do not need to certify.

FDA Definition of a Farm

Primary Production Farm

- An operation “under one management” & “in one general location”
- Devoted to the growing of crops, the harvesting of crops, the raising of animals (including seafood), or any combination of these activities

Secondary Activities Farm

- An operation, not located on a primary production farm, devoted to harvesting (such as hulling or shelling), packing, and/or holding of RACs
- Provided that the primary production farm(s) that grows, harvests, and/or raises the majority of the RACs harvested, packed, and/or held by the secondary activities farm owns, or jointly owns, a majority interest in the secondary activities farm
- A secondary activities farm may also conduct those additional activities allowed on a primary production farm.

Additional Activities

- Treatment to manipulate the ripening of RACs and packaging and labeling the treated RACs without additional manufacturing/processing
- Drying/dehydrating RACs to create a distinct commodity falls within the “farm” definition (e.g., drying/dehydrating grapes to produce raisins), but some types of manufacturing/processing will cause an operation that dries/dehydrates RACs to create a distinct commodity to fall outside the “farm” definition (e.g., slicing)

Covered Activities

Growing, Harvesting, Packing, or Holding of Produce for
Human Consumption

Covered Produce

Produce that is a raw agricultural commodity (RAC) except for “produce that is rarely consumed raw,” specifically the produce on the following exhaustive list:

asparagus; black, great northern, kidney, lima, navy, and pinto beans; beets; sour cherries; chickpeas; cocoa beans; coffee beans; collards; sweet corn; cranberries; dates; dill (seeds and weed); eggplants; figs; ginger; hazelnuts; horseradish; lentils; okra; peanuts; pecans; peppermint; potatoes; pumpkins; winter squash; sweet potatoes; water chestnuts.

Implementation Timeline

2017

Vermont will
pilot On-Farm
Readiness
Reviews

2018

Compliance
begins for
larger
businesses

2019

Compliance
begins for
small
businesses

2020

Compliance
begins for
very small
businesses

Compliance dates for certain aspects of the rule's water quality standards begin two years beyond each compliance date for the rest of the final rule. Inspection dates/frequency not yet determined.

Specific Requirements for Sprouts



The final rule includes new requirements to prevent the contamination of sprouts.

Sprout operations will have less time to come into compliance with the rule than farms growing other types of produce.

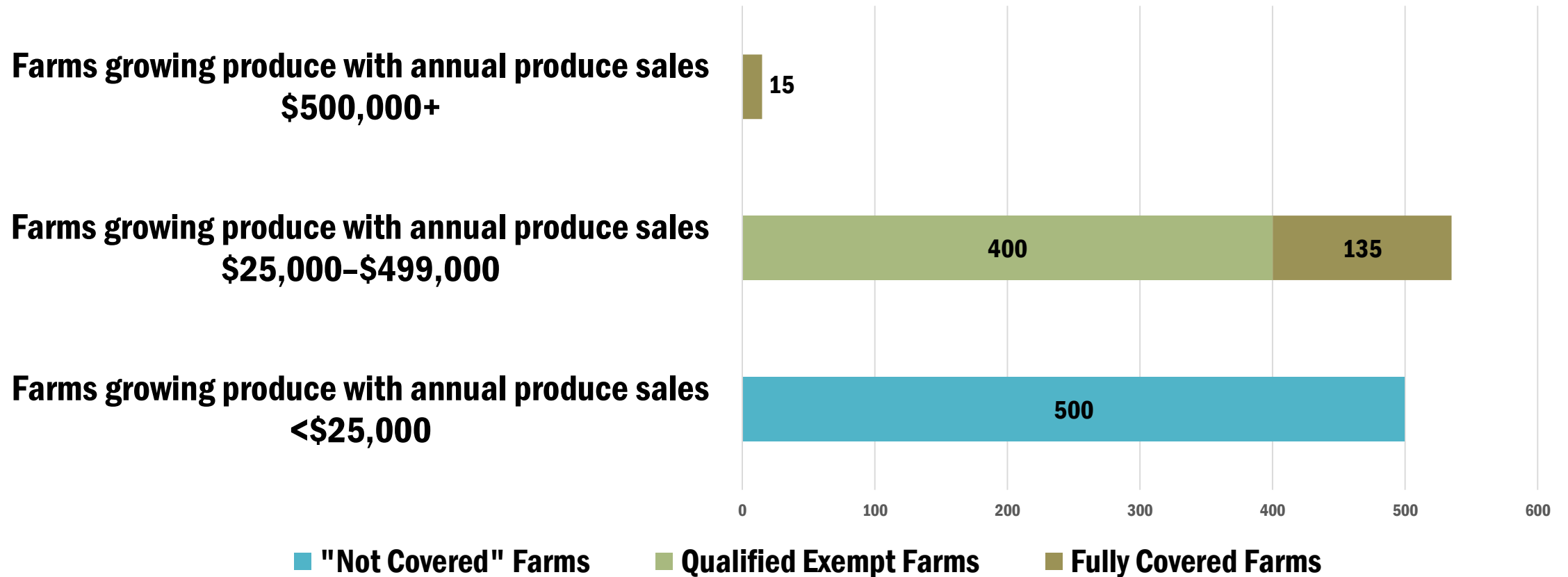
Sprout operations will have one to three years to comply based on the size of their operation, with no additional time to meet the water requirements.

Covered Farms

Category	Threshold	Compliance Date
Not Covered	Less than \$25,000 in annual produce sales	n/a
Qualified Exemption	<p>Must have <u>food</u> sales averaging less than \$500,000 per year during the previous three years; <u>and</u> more than 50% of the farm's sales must be to qualified end-users</p> <p>A qualified end-user is (a) the consumer of the food or (b) a restaurant or retail food establishment within the same state or not more than 275 miles away—direct to consumer; direct to restaurant; direct to retail</p> <p>Compliance date for retention of records supporting qualified exemption</p> <p>Compliance date for labeling requirements</p>	<p>January 26, 2016</p> <p>January 26, 2020</p>
Very Small Business	Less than \$250,000 in annual produce sales	January 26, 2020
Small Business	Less than \$500,000 in annual produce sales	January 26, 2019
All Other Businesses	Not in the above categories	January 26, 2018

Vermont State Impact

FSMA Produce Safety Rule in Vermont



Estimates based on 2012 U.S. Census of Agriculture data provided by the National Agricultural Statistics Service (NASS) for the National Association of State Departments of Agriculture (NASDA) in August 2015.

Key Requirements

Agricultural Water (Testing)

Water used for washing hands, on food contact surfaces, to directly contact produce, for sprout irrigation, and other uses where dangerous microbes could be transferred to produce through direct or indirect contact

Water applied directly to growing produce (other than sprouts)

Biological Soil Amendments

Raw Manure

Stabilized Compost

Domesticated and Wild Animals

Worker Training & Health and Hygiene

Equipment, Tools & Buildings

Variances

Decision Tree Exercise

[Take the decision tree survey online!](https://www.surveymonkey.com/r/vtfsma)

<https://www.surveymonkey.com/r/vtfsma>

State Collaboration with FDA

Over the past three years, states have worked with FDA to develop an Operational Plan for Produce Safety Rule Implementation.

- FDA does not have the resources or expertise to inspect farms.
- States are preparing to build programs to provide outreach, education, and technical assistance as well to eventually conduct inspections.
- We want to ensure that producers can meet market demand for food safety/FSMA compliance certification.

Objectives of State Produce Program

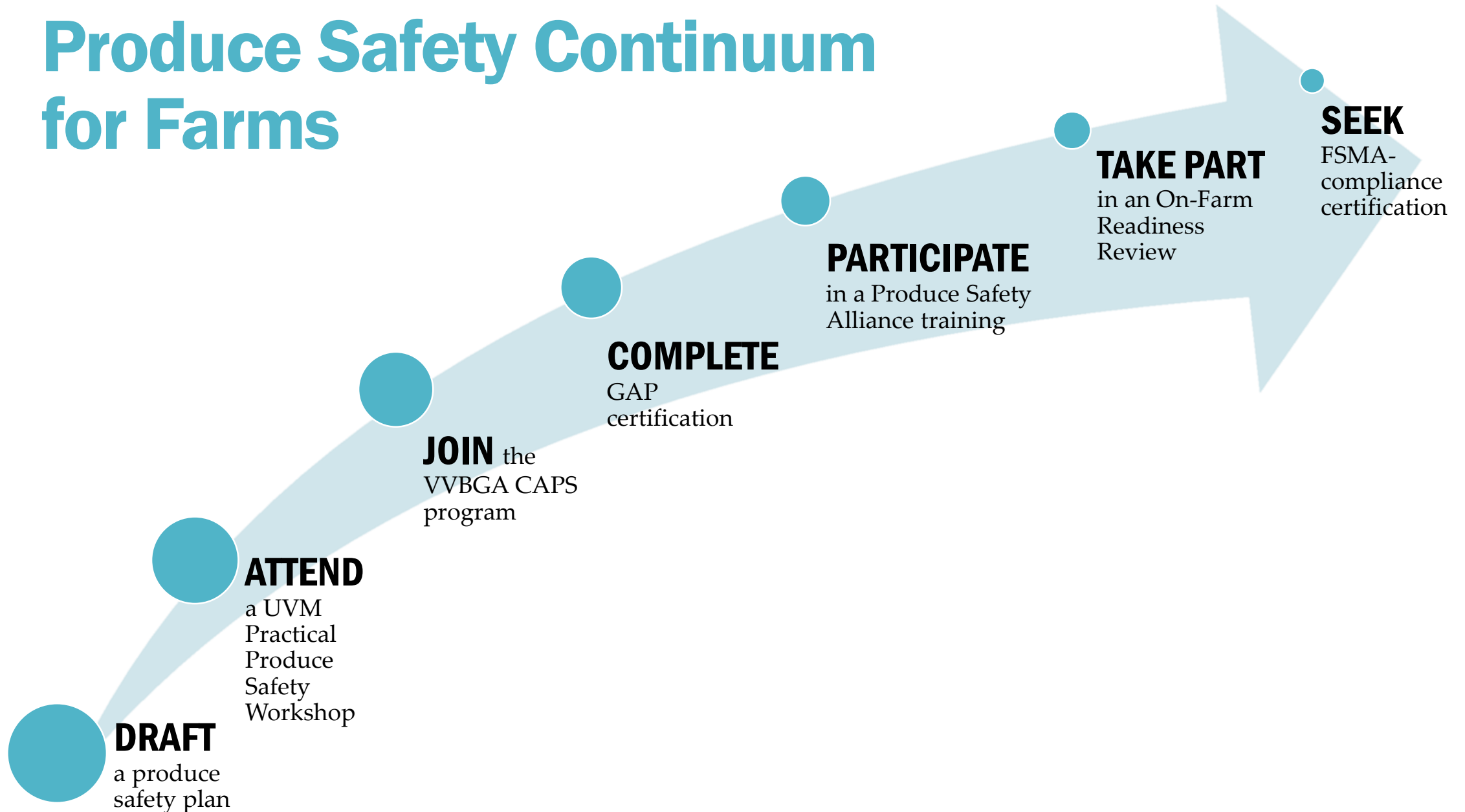
1. FSMA Produce Safety Rule will impact Vermont farmers and we want a local liaison between industry and FDA
2. Ensure that producers can meet market demand for food safety and compete in the regional marketplace
3. Provide education and technical assistance to ensure compliance prior to enforcement (“educate before—and while—you regulate”)
4. Support public health

DRAFT Mission Statement

The Vermont Produce Safety Program will help to grow Vermont's produce industry—in the face of new federal regulations and changing market expectations—by aiding produce farms of all sizes and stages of development to meet food safety requirements, access markets, and promote public health.

This cross-divisional program will serve Vermont farms that grow and sell produce covered under FDA's Produce Safety Rule and engage critical external partners across a **produce safety program continuum**.

Produce Safety Continuum for Farms



REDRAFT Produce Safety Program Model

Regulatory Compliance

Focus on
FSMA, eggs,
strawberries,
apples
potatoes &
maple
inspections

Conduct
on-farm
readiness
reviews

Assist with
GAP audits,
retail &
farmers
market
inspections

Conduct on-
farm FSMA
inspections
(produce &
preventive
controls)

Focus on
market
access &
development

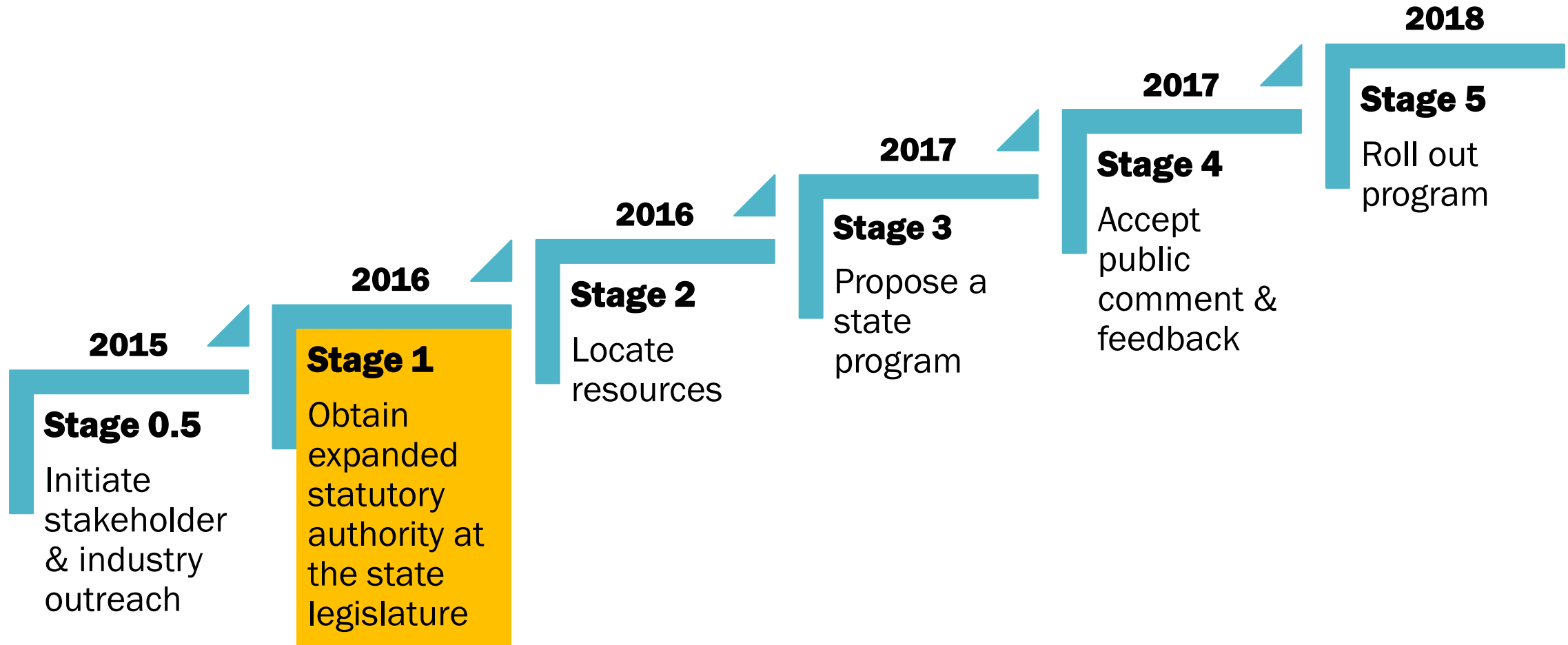
Conduct
on-farm
readiness
reviews

Provide
outreach,
education &
technical
assistance

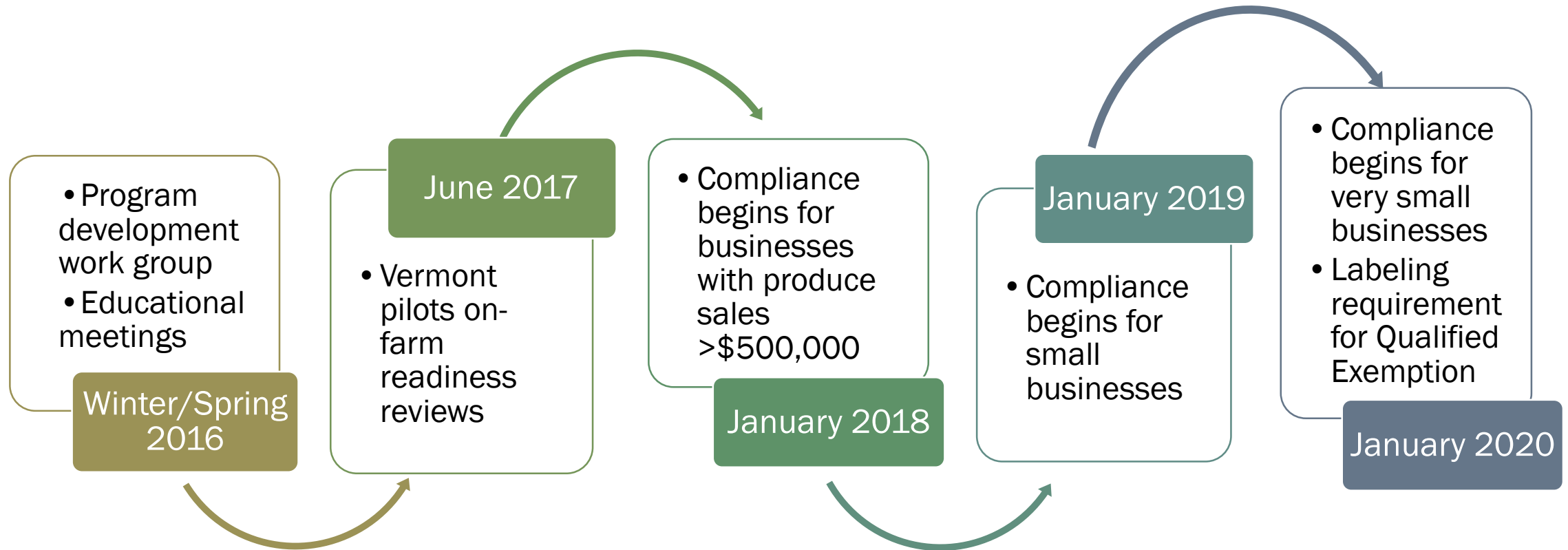
Establish
farm
inventory &
build
program in-
frastructure

Industry Development (could include certification)

Stages of Program Development



Industry Preparation Timeline



*** Inspection dates and frequency not yet determined**

Food Safety Modernization Act Educational Workshops

FSMA Produce Safety Rule & Program Development Workshop

March 31, 2016

2:00–4:00 PM

Pavilion Auditorium

109 State Street, Montpelier

FSMA Preventive Controls & Produce Safety Rule Workshop

CO-HOSTED BY THE VERMONT DEPARTMENT OF HEALTH

April 4, 2016

2:00–4:00 PM

Vermont Department of Health

108 Cherry Street, Burlington

FSMA Produce Safety Rule & Program Development Workshop

April 5, 2016

5:30–7:30 PM

Rutland Free Library

10 Court Street, Rutland

agriculture.vermont.gov



Agency of Agriculture Food & Markets

VERMONT.gov
official state website

Search

Licensing

Grants

Consumers

About Us

Animal Health & Welfare

Business Resources & Market
Development

Feed Additives, Fertilizers & Lime

Food Safety & Consumer
Protection

Land Use

News & Media

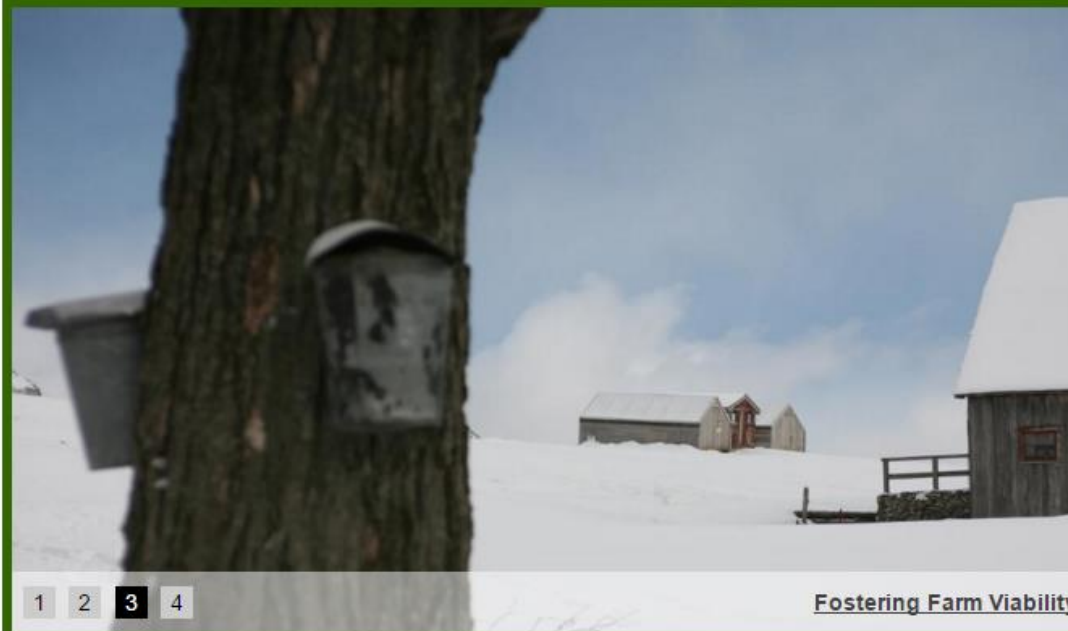
Pesticide Regulation

Plant Health & Pest
Management

Water Quality

VAAFM Lab

Contact Us



1 2 3 4

Fostering Farm Viability

"The Vermont Agency of Agriculture's mission is to facilitate, support and encourage the growth and viability of agriculture while protecting the working landscape, human health, animal health, plant health, consumers and the environment."

Governor's Dashboard

How are we doing? Click here for AFM
performance reports



Events



News



Applications &
Forms

NEW AND NOTEWORTHY

January 21, 2016

**The Agency's 2015 Annual Report
is now Online**

January 21, 2016

**Vermont Agency of Agriculture,
Food & Markets to host the 5th
Annual Consumer Night at the
Vermont Farm Show on
Wednesday, January 27 from 4:00–
7:00 PM****

January 21, 2016

**2016 VERMONT FARM SHOW
OPENS ON JANUARY 26!**

[more](#)

RENEW ONLINE

Online renewal is currently
unavailable.

License renewal forms will be

HOT TOPICS

[Click HERE to sign up for our
Agriview E-Newsletter](#)
[12-8-15 Fresh Kielbasa recall,
Troy, VT](#)
[Asian Influence: Foodways](#)

BUY LOCAL/BUY VERMONT

[Vermont Vacation](#)
[Vermont Nurseries](#)
[Vermont CSA's](#)
[Vermont Farmers' Markets](#)
[Vermont Openability Calendar](#)



agriculture.vermont.gov



Agency of Agriculture Food & Markets

VERMONT .gov
official state website

Licensing

Grants

Consumers

About Us

Animal Health & Welfare

Business Resources & Market
Development

Feed, Seed, Fertilizer & Lime

Food Safety & Consumer
Protection

Apiary

Consumer Protection

Food Safety Modernization
Act

Meat & Poultry Inspection

Milk & Dairy

Vermont Produce Safety

Weights & Measures



Food Safety & Consumer Protection

- [Apiary](#)
- [Consumer Protection](#)
- [Food Safety Modernization Act](#)
- [Meat & Poultry Inspection](#)
- [Milk & Dairy](#)
- [Vermont Produce Safety](#)
- [Weights & Measures](#)



Contact us

AGR.FSMA@vermont.gov

(802) 522-7811



What are the RAPs?

ACT 64

VAAFM was directed by the Legislature to draft the RAPs pursuant to Act 64, signed into law on June 16, 2015.

VAAFM has been charged with revising the RAPs by rule on or before **July 1, 2016**

RAPS

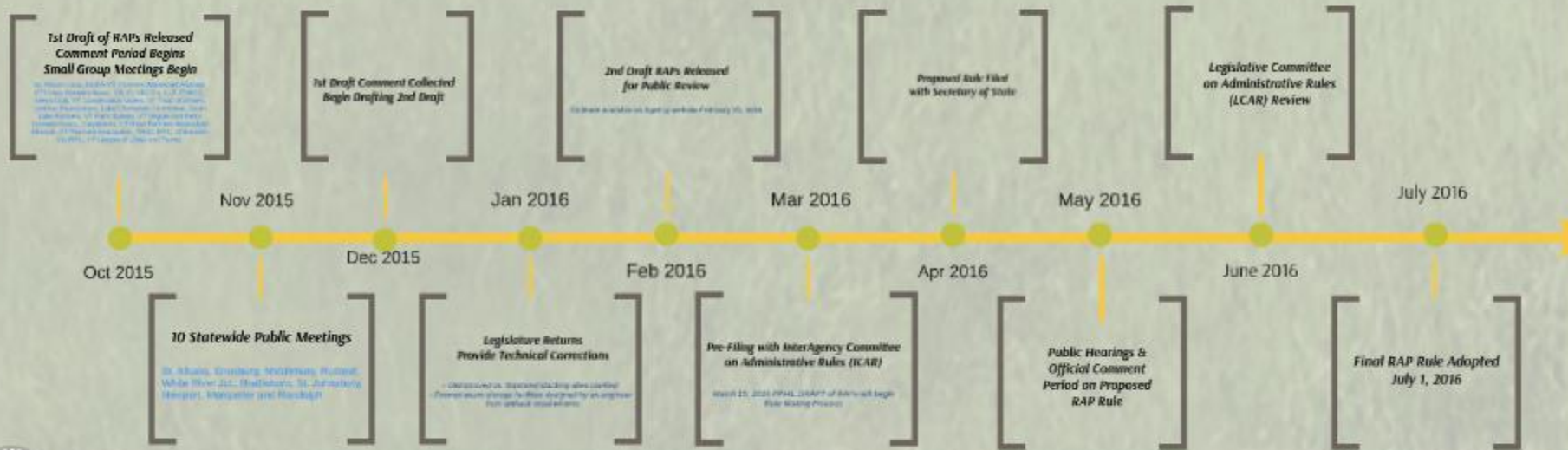
AAPs Since 1995

Act 64 requires that the revised RAPs include requirements for:

- small farm certification,
- nutrient storage,
- soil health,
- buffer zones,
- livestock exclusion, and
- nutrient management.

Tile Drainage Rules for Jan 15, 2018

2nd Draft Release



***1st Draft of RAPs Released
Comment Period Begins
Small Group Meetings Begin***

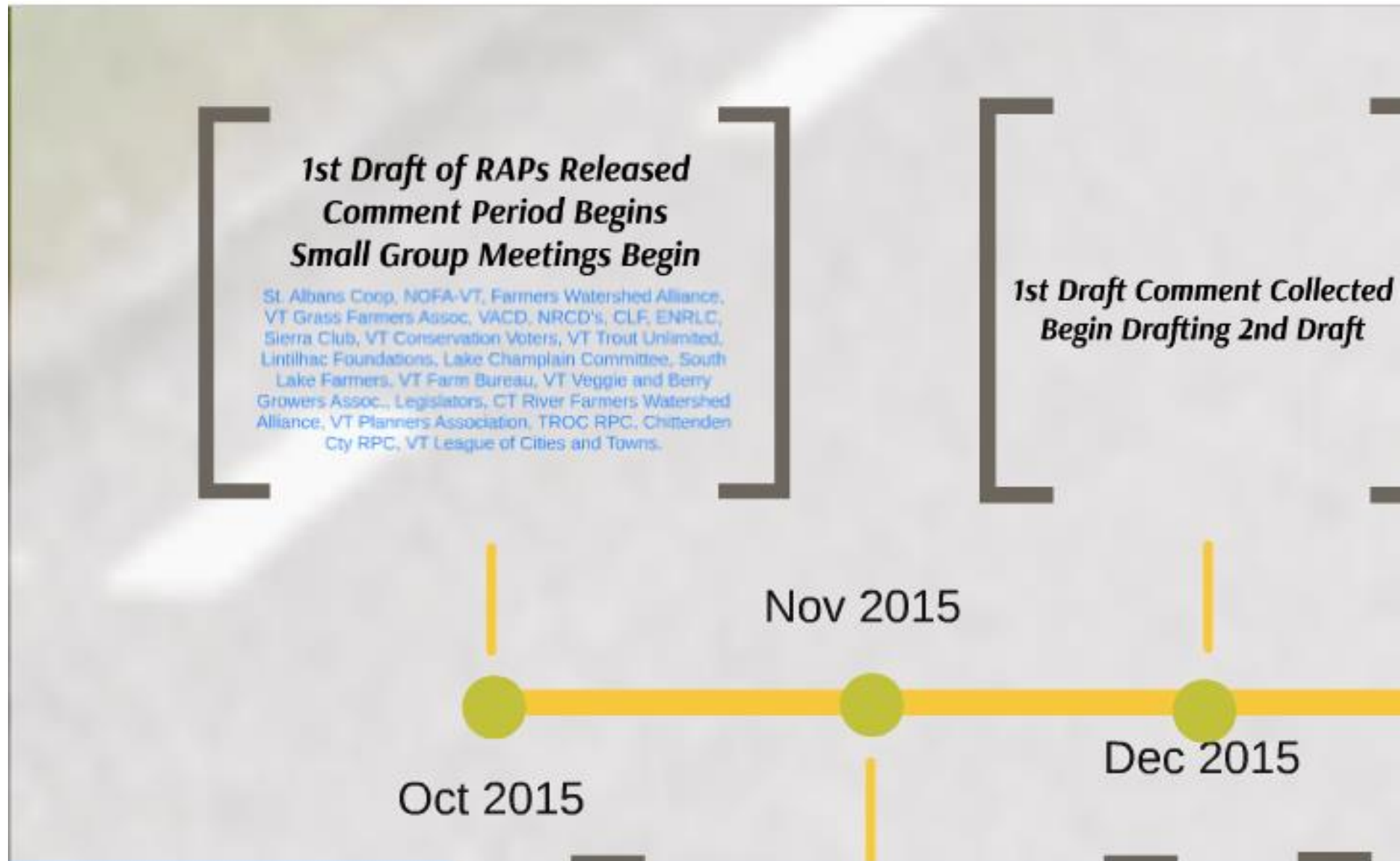
St. Albans Coop, NOFA-VT, Farmers Watershed Alliance,
VT Grass Farmers Assoc, VACD, NRCD's, CLF, ENRLC,
Sierra Club, VT Conservation Voters, VT Trout Unlimited,
Linthac Foundations, Lake Champlain Committee, South
Lake Farmers, VT Farm Bureau, VT Veggie and Berry
Growers Assoc., Legislators, CT River Farmers Watershed
Alliance, VT Planners Association, TROC RPC, Chittenden
Cty RPC, VT League of Cities and Towns.

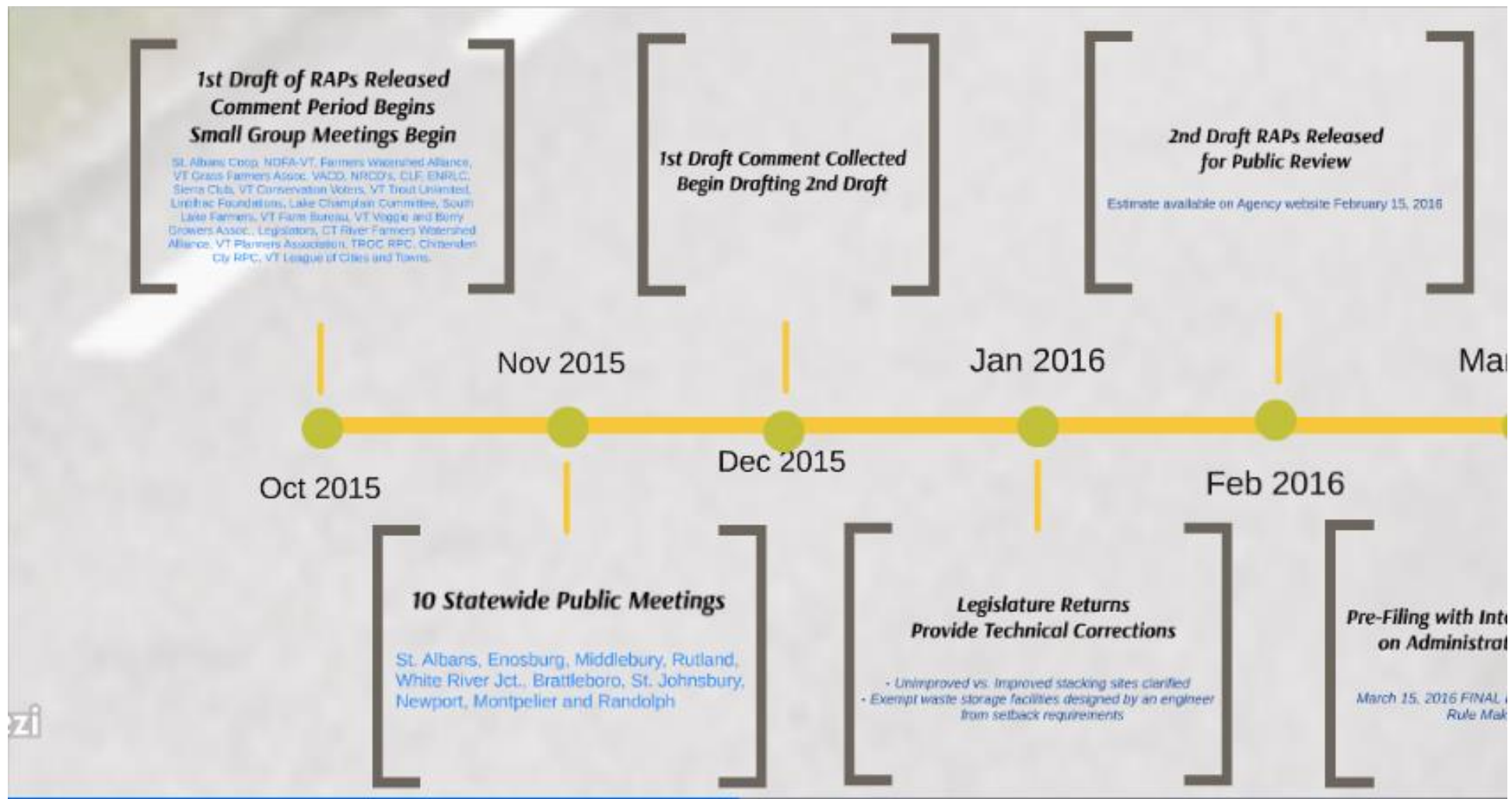
***1st Draft Comment Collected
Begin Drafting 2nd Draft***

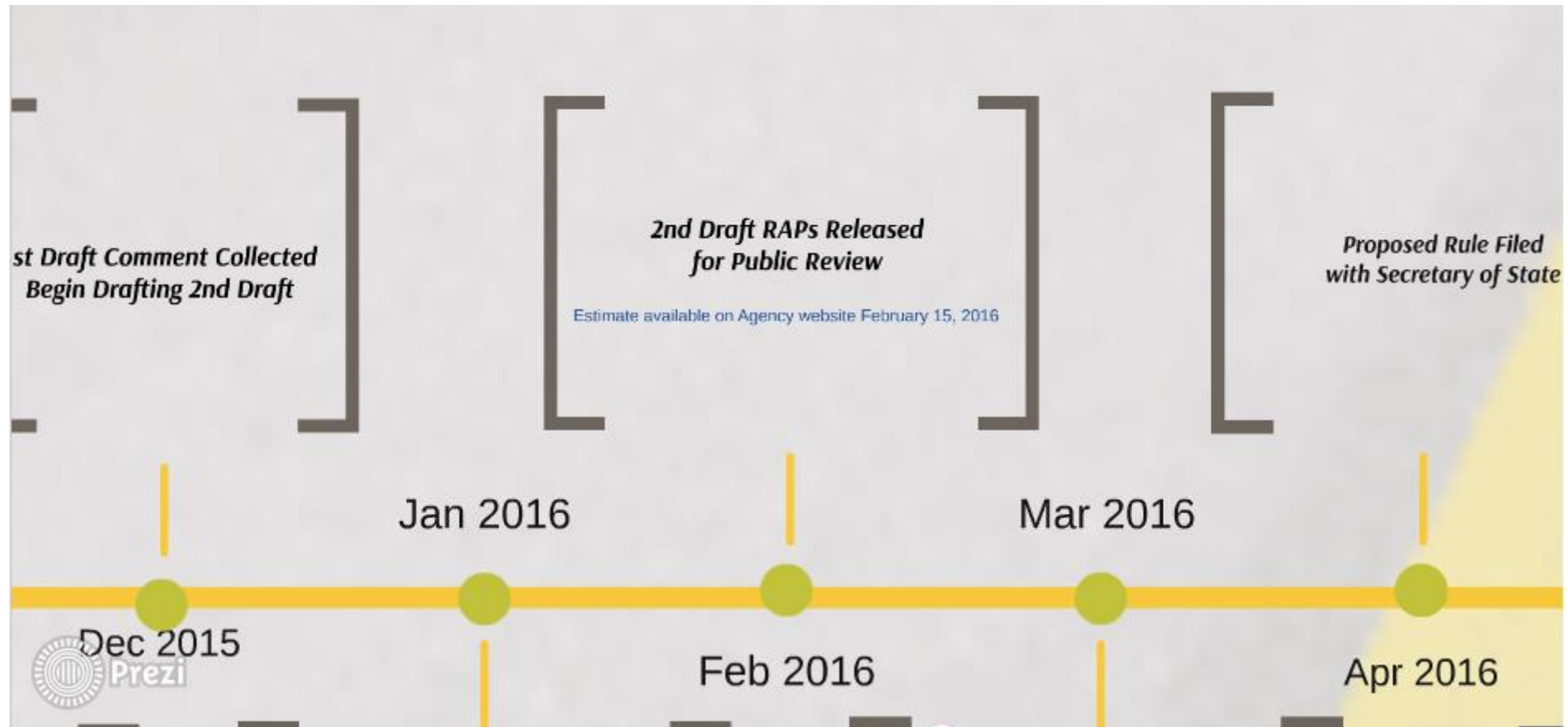
Nov 2015

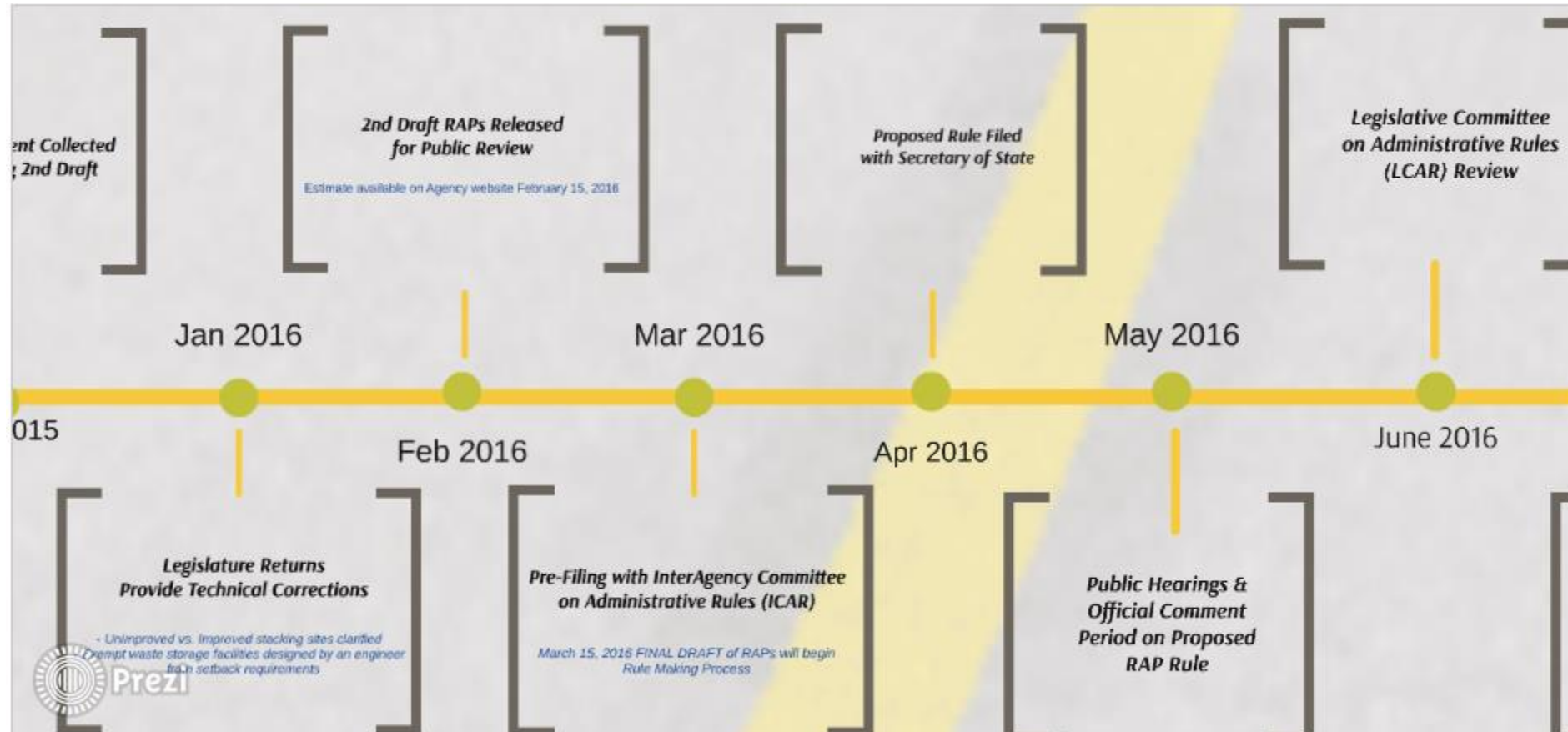
Oct 2015

Dec 2015









Comment To:

AGR.RAP@vermont.gov

2nd Draft RAPs Available week of 2/22 @ VAAFM RAP
Website

Additional Information:

<http://agriculture.vermont.gov/water-quality/regulations/rap>



agriculture.vermont.gov



Agency of Agriculture Food & Markets

VERMONT.gov
official state website

Search

Licensing

Grants

Consumers

About Us

Animal Health & Welfare

Business Resources & Market
Development

Feed, Seed, Fertilizer & Lime

Food Safety & Consumer
Protection

Land Use

News & Media

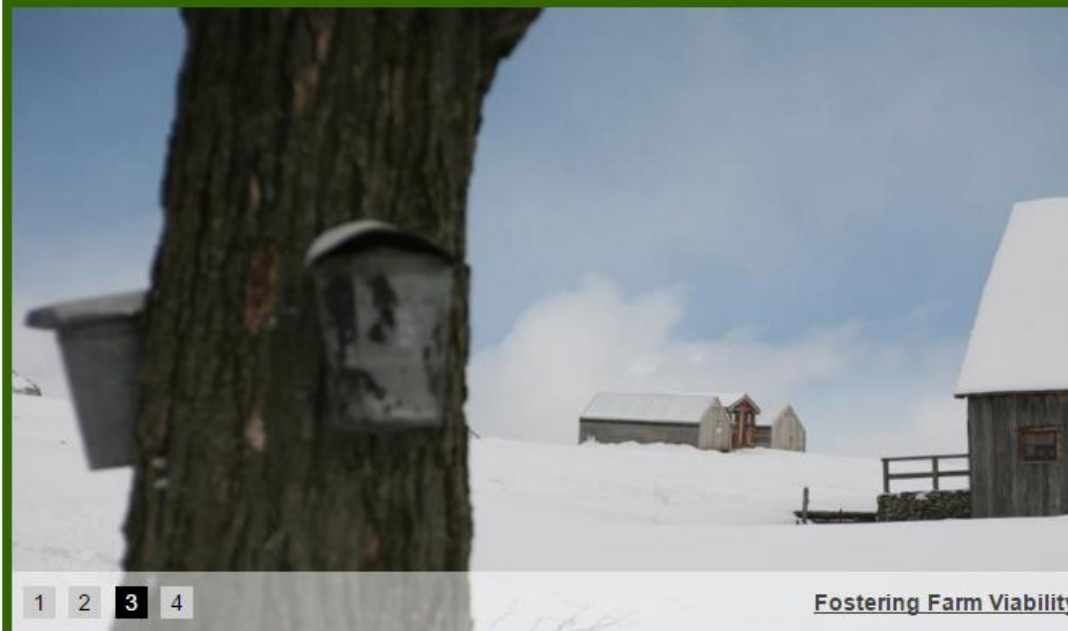
Pesticide Regulation

Plant Health & Pest
Management

Water Quality

VAAI

Contact Us



Fostering Farm Viability

"The Vermont Agency of Agriculture's mission is to facilitate, support and encourage the growth and viability of agriculture while protecting the working landscape, human health, animal health, plant health, consumers and the environment."

Governor's Dashboard

How are we doing? Click here for AFM
performance reports



Events



News



Applications &
Forms

NEW AND NOTEWORTHY

January 21, 2016

**The Agency's 2015 Annual Report
is now Online**

January 21, 2016

**Vermont Agency of Agriculture,
Food & Markets to host the 5th
Annual Consumer Night at the
Vermont Farm Show on
Wednesday, January 27 from 4:00–
7:00 PM****

January 21, 2016

**2016 VERMONT FARM SHOW
OPENS ON JANUARY 26!**

more

RENEW ONLINE

Online renewal is currently
unavailable.

License renewal forms will be

HOT TOPICS

[Click HERE to sign up for our
Agriview E-Newsletter](#)
[12-8-15 Fresh Kielbasa recall,
Troy, VT](#)
[Asian Influence: Responsiveness](#)

BUY LOCAL/BUY VERMONT

[Vermont Vacation](#)
[Vermont Nurseries](#)
[Vermont CSA's](#)
[Vermont Farmers' Markets](#)
[Vermont Openability Calendar](#)



Comment To:

AGR.RAP@vermont.gov

2nd Draft RAPs Available week of 2/22 @ VAAFM RAP
Website

Additional Information:

<http://agriculture.vermont.gov/water-quality/regulations/rap>

