

The Food Safety Modernization Act: How Does It Impact You?

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The Food Safety Modernization Act (FSMA) became effective on January 26, 2016. The FSMA requires growers (along with harvesters and handlers) to demonstrate compliance with specific standards designed to minimize the risk of adverse health consequences and death related to the consumption of fresh produce. Under FSMA, farmers and harvesters will have to verify that they have implemented policies and procedures and demonstrate that they and their workers are in compliance.

The intent of FSMA is for the United States Food and Drug Administration (FDA) to focus on preventing food safety problems rather than primarily reacting to problems after they occur. In addition, FSMA provides the FDA new enforcement authority to help achieve compliance with safety standards and to better respond to and contain problems when they occur. The FSMA focuses on mitigating risk from microbial contamination through identified possible routes, and includes Five Separate Rules.

The Produce Rule: Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption “Produce Rule,” covers the production and harvesting of raw commodities for all produce sold in the United States, including produce grown internationally. This rule includes all avocados grown for commercial purposes. Key requirements of the rule include: 1) Worker Training and Health and Hygiene; 2) Agricultural Water (Quality and Testing); 3) Biological Soil Amendments; 4) Domesticated and Wild Animals; and, 5) Equipment, Tools and Buildings.

The Commission developed “A CALIFORNIA AVOCADO GROWER’S GUIDE TO NEW FOOD SAFETY REGULATIONS.” It can be found on the grower website at www.californiaavocadogrowers.com/articles/avocado-growers-guide-new-food-safety-regulations-available.

This guide provides a detailed overview of FSMA and the legal requirements specific to California avocado production practices. In addition, a comparison between FSMA requirements and provisions in the Commission’s Good Agricultural Practices (GAP) program is included.

In general most parts of the rule’s key requirements are fairly straightforward and consistent with the Commission’s Good Agricultural Practices (GAP) program. **The key exception is the Agricultural Water section, which is rather complicated and will require growers who have water supplies**



The California Avocado Commission conducted educational seminars in early March to inform the California avocado industry about requirements under FSMA. In addition, detailed information was provided on the Commission’s Good Agricultural Practices and becoming GAP certified. Nearly 300 growers attended the seminars. If you’d like to receive a copy of the GAP manual or have any questions please email cac.iaf@avocado.org.

other than public water to initially conduct multiple water samples over a period of up to four years, depending on the source, to create a rolling dataset. Once the rolling dataset is established, testing frequency will be based on water supply source.

The Produce Rule also disallows the harvesting of wind-fall fruit – a major change for the industry.

Although by law growers will not have to demonstrate compliance with FSMA for a minimum of two years, it is the Commission's recommendation that growers begin the process now. Beyond compliance with FSMA, buyers of California avocados, both food service and retail, are increasing their demands for fruit that has been certified by a food safety program. The market for fruit that is not GAP certified is continuing to shrink. There are a plethora of food safety audits, including the U.S. Department of Agriculture's Good Agricultural Practices, Primus Ranch, the Global Food Safety Initiative, and many others. Unfortunately, acceptance from

buyers for specific audits varies tremendously. Understandably, this creates frustration for many growers who may feel that some of the requirements are unmerited and that it is impossible to keep up with the changing demands.

As difficult as it may seem, it is imperative that California avocado growers keep pace with the changing world in this global economy. It is difficult to stand on the California premium avocado brand if, as an industry, we are not serving as leaders in food safety initiatives.

The Commission will continue to provide the tools and training necessary for growers to become GAP certified. In the near future this will include another update of the Commission's GAP manual to address the agricultural water requirements in the Produce Rule. Hopefully, as more growers become GAP certified some stability will emerge regarding buyer demands.

Ultimately, there is no choice. Food safety is part of our new world and we must deliver. 🥑

Exemptions:

The Standards for Produce Rule does not apply to:

- Farms that have an average annual value of produce sold during the previous three-year period of \$25,000 or less.

The Produce Rule also provides a qualified exemption and modified requirements for certain farms.

- To be eligible for a qualified exemption, the farm must meet two requirements:
 - The farm must have food sales averaging less than \$500,000 per year during the previous three years; and
 - The farm's sales to qualified end-users must exceed sales to all others combined during the previous three years. A qualified end-user is either (a) the consumer of the food; or (b) a restaurant or retail food establishment that is located in the same state or the same Indian reservation as the farm or not more than 275 miles away.

Compliance Dates:

Most avocado farms will not have to show compliance for two or more years following its inception, based on the following criteria:

- Very small businesses, those with more than \$25,000 but no more than \$250,000 in average annual produce sales during the previous three year period: Four years (January 26, 2020).
- Small businesses, those with more than \$250,000 but no more than \$500,000 in average annual produce sales during the previous three year period: Three years (January 26, 2019).
- All other farms: Two years (January 26, 2018).
- The compliance dates for certain aspects of the water quality standards, and related testing and record keeping provisions, allow an additional two years beyond each of these compliance dates for the rest of the Produce Rule.