

Food Safety Modernization Act



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Development

Agenda

- What is FSMA
- Who's Impacted
- Content of Produce Safety Rule



Food Safety Modernization Act (FSMA)

- Signed into Law January 4, 2011
- 41 Sections
- Focus on **Prevention**
- Ensure the US Food Supply is Safe



Preventive Focus

Food Safety Incident



Unacceptable Condition



Breakdown or Lack of Preventive Plan

Current Timeline

- Proposed rules published January 16, 2013
 - Produce Safety and Preventive Controls
- Public comment period (ends 11/15/13)
- Final rules published (2015?)
- Staggered Compliance Dates
 - 1 to 4 years after final rule based on size and type of business

Proposed Rules
1/16/2013

Comment Period
11/15/2013

Final Rules
? - 2015

Compliance Dates
2016 - 2019

Produce Safety



- Who's Covered?
 - RACs grown for human consumption
 - apples, cherries, blueberries, lettuce, carrots, tree nuts, mushrooms, etc.
- Who's Not Covered?
 - RAC's not typically eaten raw
 - potatoes, grains, kale, artichokes, etc.
 - Foods intended for commercial processing
 - Foods intended for on-farm consumption
- Who's exempt?
 - <\$25,000 Annual Sales
 - “Qualified Facilities” have modified req.
 - <\$500K & 50% of sales local (in-state or within 275 mi.)
 - Meet labeling requirement

Content of Produce Safety

- **Agricultural Water** (2 yr. extended compliance time)
 - Contacts the edible portion of the produce
- **Biological Soil Amendments of Animal Origin**
- **Equipment, Tools and Buildings**
- **Animals in the Growing Area**
- **Health and Hygiene**



Biological Soil Amendments

- **Treated:**
 - Processed to completion to adequately reduce microorganisms.
 - Physical and Chemical processes or combination.
 - Composting (Specific Time/Temp requirements)
 - Specific Organisms and levels detailed in rule.
 - Handling, Conveying and Storage
 - Must minimize contamination risk of treated from untreated or in-process.

Biological Soil Amendments

- **Untreated:**
 - Not Processed to Completion
 - Contaminated after treatment
 - Treated combined with untreated
 - Contains Agricultural Tea Additive
- **Use of Human Waste is Prohibited**

Biological Soil Amendments

Application Intervals

- **9 Months** - Untreated with:
 - No contact of produce during application
 - Minimal contact after application.
- **45 Days** – Compost that meets requirements:
 - Contact of produce is minimizes during and after application.
- **0 Days** – Treated with Physical or Chemical process
- **0 Days** – No contact with produce during and after application (applies to untreated and treated).



FSMA Update

- 2 More Proposed Rules Published 7/26/13
 - Foreign Supplier Verification Program
 - Importer Requirements
 - Importers must do hazard assessments
 - Accreditation of 3rd Party Auditors
 - Used to certify foreign suppliers
- Comment Period ends 11/26/13

August 2013



Value of Feedback

- Why submit comment to the FDA?
 - Help to shape the final rules
 - Guidance Documents
- Why inform MDARD?
 - Connected to other state agencies

Resources

- FDA FSMA Proposed Rules page
 - www.fda.gov/fsma
 - Page Contents:
 - Fact Sheets on proposed rules
 - Full text of proposed rules
 - Links to submit comment to Federal Register

Questions?

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