

# Food Safety Modernization Act

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## The Food Safety Modernization Act: What is it?

- Signed into law in 2011.
- First major update of the Food, Drug & Cosmetic Act since 1938.
- Grants FDA broad new regulatory authority over food production, processing, and distribution.
- FDA charged with establishing rules to prevent foodborne illness and protect public health.
- Rules cover human and animal food; domestic food and imported food; production, processing, and transportation

## Three rules will be of key concern to Vermont producers.

- Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption
  - Also known as the “**Produce Safety Rule**” — covers the production of raw agricultural commodities that are commonly consumed raw, such as strawberries, lettuce, melons, and spinach.
  - Final Rule on October 31, 2015
- Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food
  - Also known as the “**Preventative Controls Rule**” — addresses facilities that process food for human consumption, including value-added production on-farm in some cases.
  - Final Rule on August 30, 2015
- Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals
  - Also known as the “**Feed Rule**” — applies to manufacturers of domestic and imported animal food, including pet food and animal feed.
  - Final Rule on August 30, 2015

## The Produce Safety Rule: Why is it important?

- Significant because Vermont produce growers are largely unregulated.
- Several thresholds will determine whether producers are covered by the rule.
- However, market demand for compliance with FSMA may have a broad impact on the produce industry in Vermont—beyond farms that are legally required to comply with the rule.
- Farms with gross annual **produce sales** of less than \$25,000 are not covered in the proposed rule. This threshold could change in the final rule.
- Farms with gross annual **food sales** of less than \$500,000 may be eligible for a “qualified exemption” if more than 50% of their food sales are direct sales to consumers, restaurants, or stores within 275 miles of their farm. This threshold appears in statute and should not change in the final rule.
- Qualified exempt farms are subject to labeling requirements.
- FDA may withdraw a qualified exemption.

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## VAAFM FSMA TIMELINE

<b>JANUARY 2011</b>	President Obama Signs FSMA into Law
<b>JANUARY 2013</b>	FDA Publishes FSMA Proposed Rules
<b>FEBRUARY 2013</b>	VAAFM Internal Food Safety Team Formed (Meets Fortnightly) VAAFM Builds Relationship with VDH on FSMA
<b>MAY 2013</b>	FDA Hearing in Hartford CT VAAFM Meets with Congressional Delegation VAAFM Holds Legislative Informational Session
<b>AUGUST 2013</b>	FDA Public Hearing with Farm Tours in NH & VT
<b>NOVEMBER 2013</b>	VAAFM Submits Comments on Proposed Rules to FDA
<b>APRIL 2014</b>	VAAFM Staff Join NASDA Technical Working Group
<b>MAY 2014</b>	FSMA and Produce Safety Language Introduced in 6 V.S.A. 21 “General Powers”
<b>SEPTEMBER 2014</b>	FDA Publishes Supplemental Proposed Rules VAAFM Hosts Webinar to Encourage Comment Submission
<b>NOVEMBER 2014</b>	FDA hearing in South Royalton VT VAAFM Staff Join FDA/NASDA Implementation Group
<b>DECEMBER 2014</b>	Hired Produce Safety Coordinator with USDA AMS Specialty Crop Block Grant Program funding
<b>FEBRUARY 2014</b>	Analysis of US Census of Agriculture Data to Determine Number of VT Farms Growing Produce
<b>MARCH 2015</b>	VAAFM Joins Advisory Committee for Vermont Vegetable & Berry Growers Association Produce Safety Accreditation Program
<b>APRIL 2015</b>	VAAFM Launches Produce Safety Survey & FSMA Interactive Resource FSMA Implementation Kick-off Meeting April 23–24 in D.C.
<b>SUMMER 2015</b>	Produce Safety Survey Results
<b>SUMMER 2015–2016</b>	Pre-Assessment Site Visits to Farms
<b>AUGUST 2015</b>	FDA Publishes Final Preventative Controls Rule
<b>OCTOBER 2015</b>	FDA Publishes Final Produce Safety Rule
<b>NOVEMBER 2015</b>	VAAFM Hosts Industry Listening Session
<b>JANUARY 2016</b>	VAAFM Develops VT Produce Safety Program
<b>AUGUST 2016*</b>	Businesses—except for small and very small businesses—must comply with Preventive Controls Rule.
<b>AUGUST 2017*</b>	Small businesses must comply with Preventive Controls Rule.
<b>DECEMBER 2018*</b>	Farms—except for small and very small farms—must comply with Produce Safety Rule.**
<b>AUGUST 2018*</b>	Very small businesses must comply with Preventive Controls Rule.
<b>DECEMBER 2018*</b>	Small farms must comply with Produce Safety Rule.**
<b>DECEMBER 2020*</b>	Very small farms must comply with Produce Safety Rule.**

\*Anticipated. Compliance dates will be finalized along with FDA’s final rules.

\*\*These farms have an additional two years to comply with water quality testing, monitoring and recordkeeping provisions of the rule.