

Food Safety Modernization Act

On January 4, 2011, President Barack Obama signed the "Food Safety Modernization Act" into law, a "...common-sense law that shifts the food safety focus from reactive to preventive", according to Health and Human Services Secretary Kathleen Sebelius. As part of the legislation, the Food and Drug Administration (FDA) was charged with drafting new food safety protocols for everything but meat and poultry, both of which are covered under USDA inspection standards.

The Food Safety Modernization Act emerged in response to several food safety incidences. According to FDA, one in six Americans suffer from a foodborne illness every year. Of those, nearly 130,000 are hospitalized and 3,000 die from their illness. Preventing foodborne illnesses will improve public health, reduce medical costs, and avoid the costly disruptions of the food system caused by illness outbreaks and large-scale recalls.

After two years of stop-and-start activity on the new regulations – the delays were largely chalked-up to hesitation over imposing sweeping new regulations in a Presidential election year - FDA finally released two draft rules last Friday (1/4/13). The proposed rules establish food safety standards for food processing facilities and also establish rules for fruit and vegetable safety on the farm and in packing facilities. Also expected but not yet released are new food safety standards for imported foods. These standards are expected to be released in the next few months.

Under the first new rule, food processing facilities would now be required to develop a formal plan, approved by FDA, for preventing their food products from causing foodborne illness. Additionally, they'd also be required to have a plan for correcting any food safety-related problems that arise. Specifically, this rule would require that food processing facilities:

- Determine possible places where food could become contaminated.
- Figure out systems to keep that from happening.
- Check to make sure those systems work.
- Be able to prove to state or federal agricultural officials that those systems work through testing.

The FDA is proposing that the vast majority of food processing facilities come into compliance within 1-year after the final rule is published in the federal register, though some smaller facilities would be given additional time on a case-by-case basis.

The proposed new rule for fruit and vegetable safety "...proposes science- and risk-based standards for the safe production and harvesting of fruits and vegetables", according to an FDA press release. The newly-proposed standards include the following protocols:

- Farmers ensure irrigation water that touches fruits and vegetables isn't contaminated with dangerous organisms.
- The water used to wash fruits and vegetables in packing sheds must be clean.
- Farm workers must be provided with basic sanitation facilities, including a place to wash their hands.
- Growers must implement controls for microbial hazards that are associated with animals that may enter growing fields.
- Manure and other material used as fertilizer must be sufficiently composted or treated to kill dangerous organisms.
- Packing sheds must be free from standing water and packing equipment must be easy to clean.

Additionally, the proposed rules offer a partial exemption for small farms meeting all of the following criteria:

- Less than \$500,000 in annual sales
- Over half their products going direct-to-consumer at farmers' markets and through home delivery of fruits and vegetables or to retail establishments
- Sell the majority of their product to restaurants or retail establishments located in the same state as their farm or not more than 275 miles away from the farm.

FDA is proposing to exempt farms with annual sales of \$25,000 entirely.

FDA is proposing that larger farms come into compliance within 1-year after the final rule is published in the federal register. Smaller farms qualifying for a partial exemption would be given additional time to come into compliance.

The 120-day public comment period for the newly-proposed rules is now underway.

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January 7, 2013

Sources: FDA News Release: "FDA proposes new food safety standards for foodborne illness prevention and produce safety"; 1/4/13
Weise, Elizabeth: "'New Era' in food safety rules to be dished out"; USA Today, 1/5/13