



Food Safety Modernization Act deadline for comments- November 15, 2013

The NJ Farm Bureau would like to inform you that the deadline for submitting comment on the proposed food safety rules is quickly approaching with a November 15 deadline. Included with this letter is a document prepared by Rutgers Cooperative Extension is an educational piece that lists some of the concerns with the proposed rule. NJFB co-hosted a meeting on October 22 to inform growers about what was in the rule and allow growers to have their questions answered by FDA representatives.

FDA has issued the proposed rule to establish science-based standards for growing, harvesting, packing and holding produce on domestic and foreign farms. The proposed rule is the result of the passage of the FDA Food Safety Modernization Act (FSMA).

Who would be covered?

- The proposed rule would apply to farms that grow, harvest, pack or hold most fruits and vegetables when those fruits and vegetables are in their raw or natural (unprocessed) state.
- The proposed rule would not apply to certain produce: produce that is rarely consumed raw (such as potatoes), produce that will receive processing including a kill-step (with certain documentation), and produce for personal or on-farm consumption.
- The proposed rule would not apply (or would only partially apply) to certain farms. See the Decision Tree below for more information.

Who would be exempt or have limited requirements?

Farms that have had annual food sales in previous 3 years of less than \$25,000 are exempt.

Farms will have a minimal labeling requirement if the average annual food sales in previous 3 years is less than \$500,000 and a majority of the food (by value) is sold directly to "qualified end-users". Qualified end user is defined as consumer, restaurant, retail food establishment in same state or within 275 miles of where produce was grown

What would the proposed standards cover?

They would focus on commonly identified routes of microbial contamination of produce, including: (1) agricultural water (2) farm worker hygiene (3) manure and other additions to the soil (4) animals in growing areas, and (5) equipment, tools and buildings. There are also specific proposed standards for sprouts.

NJFB has worked closely with the state Produce Safety Task Force, a working group that includes representatives from the NJ Department of Agriculture and NJAES, and will be providing comments as well on the proposed draft rules. We are urging any grower impacted by these new proposed draft rules to also submit comments.

On the next page, you will find information prepared by NJAES food safety specialists Wes Kline and Meredith Melendez. This document details some of the concerns the Produce Safety Task force identified in its review of the proposed draft rules, including the address for sending comments.

R plant-pest-advisory.rutgers.edu<http://plant-pest-advisory.rutgers.edu/?p=7941#more-7941>

FSMA Produce Rules Comment Deadline: November 15

Wes Kline and Meredith Melendez

New Jersey farmers are urged to send in comments by November 15th regarding the Proposed Produce Safety Rule and the Proposed Preventive Controls Rule. It is expected that about 20% of New Jersey farms will be expected to comply with the Produce Safety Rule. Several components of this rule have the potential to impact the financial stability of non-exempted farms and limit the growth of exempted farms.

At the Food Safety Modernization Act meeting held at the EcoComplex on Tuesday October 22nd growers expressed their concerns to FDA representatives. The most concerning portions of the rules are:

PRODUCE SAFETY RULE

Agricultural Water Testing Requirements – Subpart E

- Municipal water – You must have a copy of the municipal water testing certificate on hand
- Well water – At the beginning of the season and every three months during production
- Surface water (pond, stream, etc) – Every 7 days during production
- Surface water (well water pumped into a pond) – Once a month if there is no potential for contamination

Biological Soil Amendments of Animal Origin – Subpart F

- Raw manure applications – 9 month wait time from application to harvest of crop
- Purchased soil amendments – Must have a certificate of conformance from producer of product
- Compost – 0 – 45 day wait time from application to harvest of crop based on composting methods used

PREVENTIVE CONTROLS RULE

- When does a farm become a “facility”?
- How will farm income be calculated to determine compliance with this rule?
- How will the FDA define “holding” of product?
- What practices would qualify a honey producer to comply with this rule?

Growers Can Comment at the following website, or in writing to the address below.

Standards for Growing, Harvesting, Packing, and Holding of Produce for Human Consumption

Docket No. FDA-2011-N-0921

<http://www.regulations.gov/#!submitComment:D=FDA-2011-N-0921-0199>

Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food

Docket No. FDA-2011-N-0920

<http://www.regulations.gov/#!submitComment:D=FDA-2011-N-0920-0188>

Written Submission

Division of Dockets Management (HFA-305)

Food and Drug Administration

5630 Fishers Lane, rm. 1061

Rockville, NMD 20852