

## Workshop SUMMARY: Federal Food Safety Rules for Farmers

Held on March 22, 2016 in Elgin, Texas  
Presenter: Judith McGeary, J.D.

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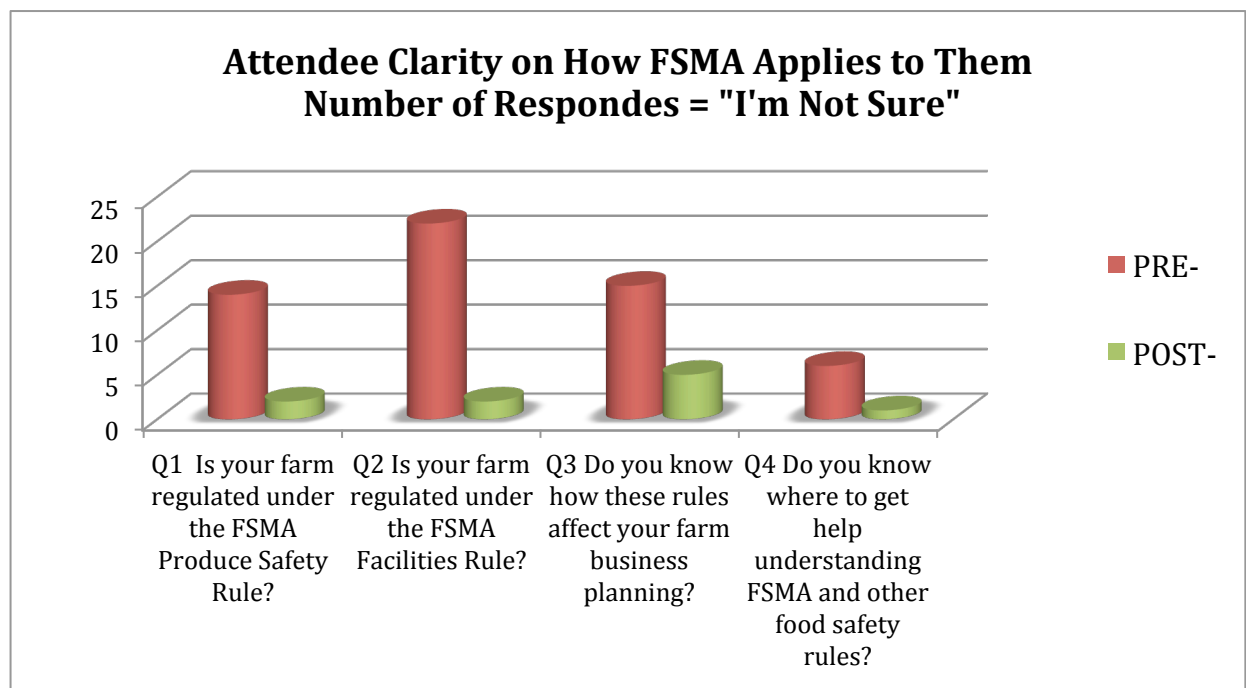
This workshop was based upon work that is supported by the National Institute of Food and Agriculture, U.S. Department of Agriculture, under award number LS14-264."

Attendees were Texas family farmers all of whom sell between \$25,000 and \$500,000 in fruits and vegetables annually. We had 31 attendees of 36 registrants. As part of the S-SARE funded project, Beyond Fresh, this workshop was held with the following expected outcomes:

- (i) Farmers would know how the Food Safety Modernization Act (FSMA) affects their farm business planning.
- (ii) The SARE project team would gather information for the process workbook being developed for the project as a guide for farmers to make decisions regarding the financial efficacy and scale of value-added processing for their farms; the team would hear the farmers' concerns, issues and points of confusion.
- (iii) Farmers would know the resources available to them and where to go for help.

The workshop achieved its intended outcomes and the graph below shows that farmers were less unsure about the impact of FSMA on their farms. Half of this 4-hour workshop focused on value-added processing to give farmers the information needed to assess the impact of the FSMA facilities rule on their business planning.

Substantively the information shared about FSMA was deflating to the SARE Beyond Fresh lead and support farmers present. It appears that the FSMA regulations, particularly the facilities rule, will increase the barriers to entry for value-added processing by farmers. In particular, opportunities for multiple farmers to aggregate their crops for processing appears to be more expensive with the implementation of FSMA. The SARE project team will necessarily factor in these new costs as we develop the process workbook identifying options for farmers at various value-added processing scales.



Food Safety Rules for Farmers  
March 22, 2016 Elgin, Texas  
AGENDA – presenter version with detail

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I Welcome by Sue, 8:00-8:15

- review agenda
- housekeeping
- thank and acknowledge SARE, NCAT
- EVALUATIONS PRE-
- intro Judith

II Overview of FSMA & food safety regulatory system 8:15 – 8:25

- Structure of food safety regulations: local, state, and federal interactions & distinctions
- Reminder: FSMA doesn't cover meat
- Three rules: Produce, human food processing, animal food processing

III Produce Safety rule – Who must comply? 8:25 – 8:50

- If you are not doing any value-added, this is the only rule you need to worry about
- Covers fruits, veggies, nuts, mushrooms, and sprouts
- Complete exemptions:
  - \$25,000 or less of produce
  - Not usually consumed raw
- Partial exemption for produce is processed with kill step
- “Qualified exemption”
  - Small-scale, direct-marketing – what does that mean?
  - Requirements: record-keeping, signage, potential for revocation

IV Facilities rule – Who must comply? 8:50 – 9:30

- Covers any business that manufactures, processes, packs, and/or holds any kind of food for human consumption
- Complete exemptions:
  - “Farm” that does not do processing beyond packaging or drying
  - Retail food establishments
- Facility requirements
  - cGMPs
- Partial exemption
  - Grain elevators, warehouses, etc; storing shelf-stable, pre-packaged foods; manufacturing juice, seafood, supplements, or low-acid canned foods
  - \$1 million in annual sales AND only low-risk, on-farm processing
  - “Qualified exemption” - \$1 million in annual sales

V Resources for more information 9:30-9:40

- Risks of noncompliance

Anyone who is comfortable that they are fully exempt from both rules, and/or that are **fully** exempt from the facilities rule and qualified exempt from the produce rule, can leave now.

(If Leaving) EVALUATIONS – POST

BREAK 9:40 – 10:00 (20 minutes)

VI Case studies to illustrate scope of exemptions 10:00 – 10:40

- 10 case studies

VII Back to the facility rule: issues for those who are only partially exempt, 10:40 – 10:55

- cGMPs are required for facilities that are exempt from HARPC – *not* retail food establishments or farms
- These look a lot like the state’s existing food manufacturer regulations, but they are proposing a few updates
  - Question on “internal temperatures” for things like eggs, milk

VIII Animal food facilities rule 10:55 – 11:05

- Very similar to the human food facilities rule, with exemptions for retail food establishments and farms
- Qualified exemption for \$2.5 million in annual sales
- Main concern is with cGMPs and requiring enclosed facilities

IX Next steps: what to do and who to ask 11:05-11:50

- Risks of noncompliance
- Who will be enforcing/implementing in Texas: TDA and DSHS responsibilities
- Private market actors
  - Grocery stores, schools, and other buyers – what if they say you have to comply with FSMA regulations?
- Where to get help & learn more:
  - Figuring out applicability of exemptions
    - FARFA members
    - Individual legal representation (but I don’t know anyone doing this)
  - Cooperative efforts on HARPC plans
    - Must be done by a “qualified person” with training that costs \$750-\$2,000
  - Food safety training courses
    - FARFA conference
    - Others to be scheduled, perhaps by TDA
    - Whether or not you have to comply, this may be a good approach

X Evaluation – POST 11:50