



Episode Thirty One - Regulatory and market requirements: FSMA, GAP etc.

Welcome to episode 31 of Food Safety Bites, brought to you by the University of Wisconsin Madison, and funded by the USDA Food Safety Outreach Program, this is your host Harriet Behar. This episode is **understanding regulatory and market requirements including overview of FSMA and GAPs**. In these podcast episodes, I will identify issues, and provide suggestions for how to reduce various fresh produce contamination risks and keep your customers safe. I will not talk in great detail about what is required for a GAP audit or a FSMA inspection. If you want more information on those, please see the links on the website where you found these podcasts.

In response to numerous recalls of produce, from romaine lettuce to spinach, melons and raspberries over the past twenty years, congress passed the Food Safety Modernization Act in 2011. While meat processors and other food handlers have had Federal regulatory requirements for many decades, FSMA put in place for the first time a baseline set of standard food safety practices for the entire food system, including transport, processing, packaging, and growing of food for humans and animals. The Produce Safety Rule is the rule that applies to produce farms, and is one of 7 rules under FSMA. It is the only rule I will talk about in this episode. At its most basic, the Produce Safety Rule is a standard set of food safety practices that apply to the growing, harvest, packing and holding of fresh produce.

The Food and Drug Administration, and not the USDA oversees the implementation of FSMA.

Which produce farms are covered under the Produce Safety Rule - There is a flow diagram on the food safety bites website, to help you track whether or not your farm is regulated under FSMA. Here are the main issues that help you understand if you are subject to the FSMA produce rule and an inspection.

First, determine your average annual dollars of sales of produce from your farm using the previous 3 year's figures. If over the last three years the average sales of produce are less than \$25,000 of produce from your farm, you are not subject to FSMA inspections or the requirements of the rule, but you still need to remember to handle your produce safely. That \$25,000 is adjusted for inflation and is up to just over \$27,000 in 2020. It will increase each year.

Next, if you are over that \$25,000 in produce, ask the next question. Do you sell between \$25,000 and \$500,000 of food (this includes all food for animals and humans, including value added things like jams, pies, and meat) averaged over the previous three years, AND are more than 50% of those sales are direct to the consumer, like at farmers markets or restaurants and/or to direct to a retail store or restaurant ---that are within 275 miles of your farm, within the same state or Indian reservation? If yes, then your farm is eligible for what is called a "qualified exemption." Farms that are eligible for this exemption are not subject to FSMA inspections, and do not need to follow the standards of the rule, since the idea is that the food is staying local and poses a smaller threat to public health. If you have this exemption you **do need** to keep



good records every year on your dollar sales and your buyers that detail you farm's sales meet this exemption.

If you sell between the \$25,000 and \$500,000 in food averaged annually and 51% or more of your food is sold through a channel that resells the food, like a large wholesale distributor or a food hub, then your farm is not eligible for the exemption and you will need to have a FSMA inspection and you are subject to the FSMA rule and recordkeeping requirements.

Remember, all farms, including those under the qualified exemption, still need to avoid the sale of adulterated or contaminated food and use good handling practices. If there is a food borne illness traced back to your farm, you could be subject to future federal inspections and your exemption could be revoked. Again, there is more detail on this qualified exemption on the food safety bites website.

Finally, if your farm sells more than \$500,000 in food average annually your operation is fully covered by the rule and you are subject to inspections and must follow the rule. The basic requirement for farms that are covered by the FSMA Produce Safety Rule is that at least one representative from the farm has attended a FSMA grower training, which are hosted by state department of agriculture and University Extension teams. Yes, this is bureaucratic language, but you need to understand if your farm is legally required or not to be inspected to compliance to this Federal Law

GAP audits- Good Agricultural Practices or GAP audits are annual voluntary audits that oversee best practices for production and post-harvest handling to prevent contamination of fruits and vegetables. GAP audits are different than the FSMA Produce Safety Rule in that a GAP audit is not a law - it is a market-access tool that you can choose to pay for if you want to sell to a buyer that requires it. The farmer pays for the audit, whereas there is no fee with a FSMA inspection. Generally, you will pay an auditor from the state department of agriculture in your state to conduct the audit. They will use the USDA GAP audit form, so you will know what records and practices they will be looking at before the audit. There are a few types of GAP audits. The basic GAP/GHP audit is the most simple. Harmonized GAP was developed to incorporate the requirements of many audits and to be the most widely accepted audit for buyers. It also is aligned with FSMA, so that if your farm is covered by the FSMA rule and if you get a Harmonized audit, you likely will not also need a FSMA inspection in addition. These Harmonized GAP audits are meant to assure buyers that farms audited under Harmonized GAP, also meet FSMA. There is also Group GAP and Group Harmonized GAP, which allows for groups of small and mid-sized farms to create their own internal auditing program, which allows these farms to share resources and the costs of the audits among the group. There are specific requirements in forming and managing a Group GAP, which will then be audited annually by the USDA.

Produce Safety Plans- On the food safety bites website, there are links to various templates for developing your own food safety plan including the numerous areas reviewed in these podcasts. As discussed throughout these episodes, having written food safety protocols, training workers to follow them and having documentation that they were done, is a good way to



lessen risky situations on your farm where produce could become contaminated. A food safety plan is required for a GAP audit, but not for the FSMA Produce Safety Rule, though it is strongly encouraged.

Getting ready for an FSMA inspection or GAP audit- Both FSMA and GAP can provide farms with an overview visit before the actual inspection or audit, to help you understand what is needed to successfully pass. For FSMA these are called “on-farm readiness reviews”. GAP has the auditor’s checklist available on their website for anyone to review, along with the points for each category so farmers can improve any deficient areas before the audit and be ready to achieve at least an 80-point score to pass the actual audit. The GAP auditors say that farms that have attended a GAPs training do much better on the audits and spend much less time (and therefore money), with the auditor, since their material is organized. So, finding a GAPs class is a great way to learn about food safety and to plan for your GAP audit.

Market Access- Why would you get a GAP audit? Many wholesale buyers, retail store chains and individual stores, restaurants and even some farmers markets or individual customers, will not buy produce from a farm unless they have a GAP audit on their produce farm. Remember, you do not have to get a GAP audit if you do not want to - it is voluntary. It is a market access tool. If you want to sell to the buyer, like a wholesale distributor or a school that is requiring the audit, then you can pay for and get the audit. If you don’t think it makes sense to pay for the audit, which generally costs about \$500- \$700 for an average size farm annually, then you can choose not to sell to the market that requires it. The FSMA inspection, however, is not voluntary. If your farm is covered by the FSMA Produce Safety Rule you will be subject to inspections, which might be annual, but might be less frequent. There is no cost for a FSMA inspection. At times, depending on the buyer, a farmer can also just share a copy of their food safety plan, to provide confidence to the buyer that you are following safe growing and handling practices. Many buyers like restaurants, schools, and others are very happy to get a food safety plan that describes your food safety practices, protocols and pertinent records. They can quickly see that you take food safety seriously and have taken the basic steps to reduce the risks on your farm.

So that’s it for this episode of Food Safety Bites, the next episode is COVID 19 and food safety. This is your host Harriet Behar brought to you by the University of Wisconsin Madison, talk to you next time!