Am I Affected by the Proposed FSMA Produce Rule?

The Produce Rule details standards for farms that grow, harvest, pack, and hold produce for human consumption.

Do you grow, harvest, pack and hold produce (e.g. fruits, vegetables)?

- NO
  - You are likely NOT covered by the Produce Rule
- YES
  - Is it only for personal consumption?
    - NO
      - Is any of the produce you grow and sell usually consumed raw? (1)
        - NO
          - You will likely need to comply with at least some portions of the Produce Rule - see Part 2
        - YES
          - Do you sell \( \leq 25,000 \text{/yr} \) (3 yr avg) of produce?
            - NO, I sell more
              - You are likely exempt from compliance with the Produce Rule
            - YES
              - You will likely need to comply with at least some portions of the Produce Rule - see Part 2
  - YES
    - You are likely NOT covered by the Produce Rule

(1) Examples of produce usually consumed raw: lettuce, apples, etc. Access the full list of covered produce here (Note that the list will not be finalized until FDA finalizes the proposed rules and is subject to change):
http://sustainableagriculture.net/fsma/who-is-affected/
The FSMA Produce Rule - Part 2

What are MODIFIED REQUIREMENTS?

Remember: all farms have a duty to grow safe food, regardless of their status under FSMA rules.
- Farms must comply with SOME Produce Rule measures under FSMA: recordkeeping, compliance, and enforcement (3)
- Farms are NOT subject to other Produce Rule measures around water, soil amendments, etc (3)
- Farms under DIRECT MARKETING MODIFIED REQS: all of the above + must label all food at point of sale; also subject to withdrawal measures (3)

What are FULL REQUIREMENTS?

- Farms have 2 years to comply with ALL Produce Rule measures under FSMA: recordkeeping, compliance, enforcement, soil amendments, hygiene, etc, plus 2 additional years to comply with water measures (4)
- SMALL BUSINESSES: all of the above but with 3 yrs to comply, plus 2 additional yrs for water (4)
- VERY SMALL BUSINESSES: all of the above but with 4 yrs to comply, plus 2 additional yrs for water (4)

1) Qualified End-User: a consumer, restaurant, etc. http://sustainableagriculture.net/fsma/learn-about-the-issues/qualified-exemptions-and-modified-requirements
2) Direct Marketing Modified Requirements are also known as the Tester-Hagan Exemption.
3) Details on recordkeeping, enforcement, direct market labeling, and all levels of compliance: http://sustainableagriculture.net/fsma/learn-about-the-issues/qualified-exemptions-and-modified-requirements
4) Details on compliance timeframes: http://sustainableagriculture.net/fsma/who-is-affected

So you may be covered by the FSMA Produce Rule. What does that mean?

Will the produce you grow be processed in a way that kills harmful pathogens? (e.g. commercial canning)

NO

Do you average < $500,000 in sales of ALL FOOD (3 yr avg) AND sell at least 51% of what you grow directly to a qualified end-user either in-state or within 275 miles? (1)

NO

Do you average < $250,000 in sales of PRODUCE (3 yr avg) but not meet the above direct sales threshold?

NO

Do you average < $500,000 in sales of PRODUCE (3 yr avg) but not meet the above direct sales threshold?

NO

Do you average ≥ $500,000 in sales of PRODUCE (3 yr avg)?

YES

You are likely subject to FULL REQUIREMENTS under the Produce Rule

NO

You are likely subject to FULL REQUIREMENTS as a SMALL BUSINESS under the Produce Rule

YES

You are likely subject to FULL REQUIREMENTS as a VERY SMALL BUSINESS under the Produce Rule

YES

You are likely subject to DIRECT MARKETING MODIFIED REQUIREMENTS under the Produce Rule (2)

YES

You are likely subject to MODIFIED REQUIREMENTS under the Produce Rule (1)

NO

You are likely subject to MODIFIED REQUIREMENTS under the Produce Rule