

This is the second in a series of informative articles on the Food Safety Modernization Act (FSMA) Produce Safety Rule and the New York State Department of Agriculture and Markets (Department) implementation strategy for this rule.

The Produce Safety Rule is the first mandatory federal food safety standard for the production of fruits and vegetables in the United States. It is only one of the rules outlined by FSMA, which was signed into law on January 4, 2011. Prior to FSMA and the Produce Safety Rule, growers, packers and other stakeholders in the produce industry were encouraged to follow voluntary guidance, such as FDA's [Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables](#).

Produce safety guidelines are critical to all of New York State's farms and benefit both producers and consumers. Actions taken to reduce food safety risks during the production or handling of produce will positively affect the financial viability of farms and the health of those who consume fresh produce.

Although many growers will be included under the new FSMA Produce Safety Rule, growers not required to participate may still be required by grocery stores or other buyers to undergo a third-party food safety audit, such as USDA's Good Agricultural Practices (GAP), Harmonized GAP or Safe Quality Food (SQF) Institute. The Produce Safety Rule aims to refine these voluntary certifications and provide a standardized food safety inspection for produce.

The Produce Safety Rule requires that farms meet standards for the production, harvesting, storage and packing of fruits and vegetables in the areas of: irrigation and other agricultural water; farm worker hygiene; manure and other soil applications; wildlife intrusion in growing fields; and sanitation conditions affecting buildings, equipment and tools.

Farm size is one of the factors that determines coverage under the rule. Farms with over \$25,000 of total produce sales, averaged over three years, will be required to implement the Produce Safety Rule. Farms with less than \$25,000 in produce sales will not be subject to the rule. Because farming practices and crop production may change from year to year, the Department, on behalf of FDA, will periodically request that farms submit produce sales and other data so that coverage under the rule may be determined.

In addition, farms that average \$25,000 in produce sales over three years, must meet staggered compliance dates. However, farms will not have to meet agricultural water guidelines at these designated dates. FDA has recently announced its intention to delay the requirements of [Subpart E- Agricultural Water](#), until four years after the above compliance dates for each of the farm size categories. Farms with over \$500,000 in total produce sales, or "other farms," must comply with the Produce Safety Rule first. These farms have a compliance date of January 26, 2018. Farms with over \$250,000, but less than \$500,000 in total produce sales are considered "small farms" and have a compliance date of January 26, 2019. Lastly, farms with over \$25,000, but less than \$250,000 in total produce sales are considered "very small farms" and have a compliance date of January 26, 2020.

For more information on FSMA and the Produce Safety Rule in New York State, please visit the Department website at: <https://www.agriculture.ny.gov/FS/general/fsma.html>. We also [encourage producers to complete an informational survey](#) to determine farm coverage or exemption under the rule. This survey can be found at: <https://www.surveymonkey.com/r/9HM3NTP>.

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