FSMA and You
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The Past as Prelude

• 2008-Spinach Outbreak
• 2009-Congress proposes FSMA
• January 2011-FSMA Passed.
• January 2013-Produce Safety Rule Released.
• Nov 2013-Comment period closed
Overall Approach

Packhouse sanitation

Transport sanitation

Farm sanitation
Food Safety Modernization Act (FSMA)

- Produce Rule includes:
  - Manure Source, Use, and Handling
  - Irrigation and Wash Water Sources
  - Employee Training and Hygiene
  - Farm and Equipment Sanitation
Exempt Under FSMA

- Asparagus
- Beets
- Brussels Sprouts
- Collard Greens
- Eggplant
- Kale
- Kidney Beans
- Parsnips
- Pinto Beans
- Potatoes
- Rutabaga
- Sugarbeet
- Sweet Corn
- Turnips
- Winter Squash
FSMA Implementation

• Two years for firms over $500,000.
• Three years for firms $250,000.
• Four years for firms above $25,000.

All farms above $25,000 are subject to the rule.
Farms below $500,000 are qualified exempt.
Manure Use

- Nine month preharvest window for RAW manure.
- 45 day preharvest window for compost with ANIMAL DERIVED components.

If you can prove that what you are doing doesn’t compromise the safety of the produce, it is considered OK.
Compost

- Static Compost: minimum of 131°F for 3 days then “adequate curing, which includes proper insulation”

- Turned Compost: minimum of 131°F for 15 days then “adequate curing, which includes proper insulation”

If you can prove that what you are doing doesn’t compromise the safety of the produce, it is considered OK.
Irrigation Water

- Agricultural Water comes in **direct contact** with the **edible portion** of the plant.

- Indirect water does **NOT** come into **direct contact** with the **edible portion** of the plant.
Irrigation Water

• Agricultural water must meet the following standards:

No more than 235 CFU generic E. coli in any one sample AND a rolling average of 126 CFU over the last 5 samples

• This is the current Recreational Water Standard
Harvest Water

- Generic E. coli per 100 ml are what is measured.

No detectable generic E. coli in wash water, flume water, spray water, or dunk tank water.
Water Testing

- Surface water with regular runoff (i.e. rivers, lakes and streams) must be tested every 7 days.
- Surface water pumped from a well (i.e. ponds) must be tested monthly.
- Groundwater sources should be tested at the start of the season then every three months thereafter the first year, then once annually.
Water Testing Exceptions

• If no direct contact with the plants is made, then the water is exempt from needing to be tested. (ie. Drip irrigation)

• Public water systems are not required to be tested HOWEVER the grower needs to maintain results or a certificate of compliance
Farm Sanitation

• Restriction of domestic animals in production areas. (Working animal exemption)

• Wild animals should be monitored and “reasonable precautions” should be taken to prevent contamination.

• Restriction of domestic and wild animals in packing areas.
Employee Training and Hygiene

- Employees must be trained annually.
- Training must include:
  - Proper hygiene
  - Signs and symptoms of illness
  - Handling contaminated produce.
- A record of training must exist for the employees and be maintained by the farmer.
Record Retention

• Records must be on-site for at least 6 months.

• After 6 months, records must be stored so as to be accessible on-site within 24 hours.

• Records must be retained for 2 years.

• Can be maintained via hard copy or digitally.
What’s Next?

• Revised proposed rule language will be announced on key provisions this Summer.
  • water quality standards and testing
  • using raw manure and compost
  • mixed-use facilities
  • procedures for withdrawing the qualified exemption for certain farms

• Comment will be accepted on ONLY THESE PROVISIONS.

• By Court order, the final rule WILL be in place by May 2015 at the latest.