



**Oregon**  
Department  
of Agriculture

## **The Food Safety Modernization Act (FSMA) Produce Safety Rule and Oregon Agriculture**

### **What is FSMA?**

Congress passed the Food Safety Modernization Act (FSMA) in 2011. The goal of FSMA is to take a preventive approach to food safety in the United States, rather than responding to outbreaks.

The Food and Drug Administration (FDA) is responsible to implement FSMA in cooperation with states, tribes, and other partners. FDA has released final versions of several major rules to implement FSMA, including a rule for produce safety.

### **Who is covered by the FSMA Produce Safety Rule?**

The rule covers produce, but several types of produce and several categories of farming operations are exempt. Exemptions include:

- Farms with a 3-year average of produce sales of \$25,000 or less.
- Farms with a 3-year average of food sales of \$500,000 or less IF more than 50% of sales are to qualified end-users (subject to modified requirements)
- Produce defined as “rarely consumed raw,” including potatoes, cranberries, and several other crops.
- Produce that receives commercial processing that adequately reduces presence of microorganisms of public health significance.
- Produce grown by an individual for personal consumption or consumption on the same farm where it is grown.
- Produce that is not a raw agricultural commodity.

**Use the [ODA Decision Tool](#) to get guidance on *whether your operation is***

### **covered. How will FSMA affect Oregon agriculture and food businesses?**

The rules will affect thousands of fruit and vegetable farmers, food processors, and animal food producers in Oregon. Produce Safety Rule includes requirements for:

- Personnel qualifications and training
- Health and hygiene
- Agricultural water
- Biological soil amendments of animal origin and human waste
- Domesticated and wild animals
- Growing, harvesting, packing, and holding activities
- Equipment, tools, buildings, and sanitation
- Sprouts

## When do the rules take effect?

- General compliance deadline took effect January 23, 2018
  - Agricultural water compliance date: January 26, 2022
- Small business (less than 500 employees business-wide) compliance deadline takes effect January 28, 2019
  - Agricultural water compliance date: January 26, 2023
- Very small business (less than \$250,000 annual food sales) compliance deadline takes effect January 27, 2020
  - Agricultural water compliance date: January 26, 2024

NOTE: All farms have an additional four years past the compliance date to comply with agricultural water requirements.

## **How can produce farms learn more about the rules?**

More information is available on FDA's produce safety rule web site at:

<http://go.usa.gov/cJGPF>

[Oregon State University Small Farms FSMA](#) page captures a diverse collection of resources for small and mid-sized growers.

The Produce Safety Alliance (PSA) Grower Training is being offered across the U.S. To find an upcoming Grower Training near you, visit the [PSA Grower Training](#) page.

Sue Davis is the ODA's Produce Safety Development Specialist that coordinates this effort. She is located in Hood River and can be reached at 503-807-5864 for questions and technical assistance regarding the Produce Safety Rule. Additional staff will be located in the Willamette Valley and in eastern Oregon in the next year.

## **What is ODA's role?**

ODA has been engaged at the national and state level on FSMA for several years, advocating for rules that will be workable for Oregon's agriculture and food businesses and encouraging and supporting federal funding for state implementation efforts.

ODA received a grant for outreach, education, technical assistance, and produce farm inventory development from the FDA to support Produce Safety Rule implementation. At this time ODA has not applied for funds for Routine Produce Farm Inspections and will defer to FDA to handle produce inspections in Oregon. ODA will continue evaluating responsibilities and further funding opportunities.