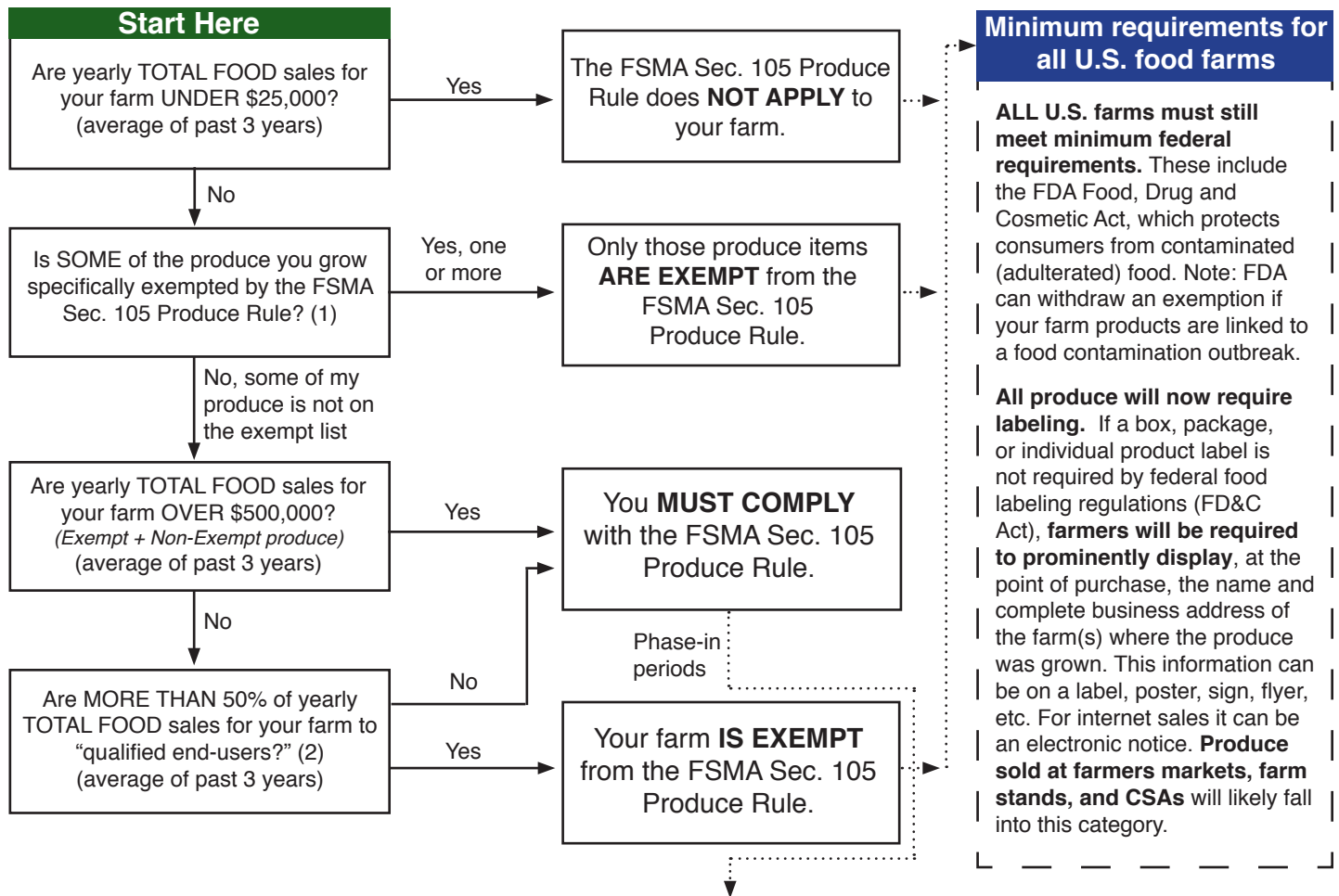


FDA Food Safety Modernization Act

PROPOSED - Sec. 105 Produce Rule - Compliance Decision Tree for U.S. Growers of Fruits, Vegetables, Nuts, Mushrooms, Herbs, or Sprouts

Attention. Being "exempt," or growing produce "not covered" in the proposed Rule, does not mean being exempt from food safety practices required by buyers or the marketplace. For example, managers of farmers markets may require GAPs, a written farm food safety plan, or a third-party audit prior to allowing vendors in their market. This may be true of those buying produce for restaurants or other small markets as well. Visit the Produce Safety Alliance website to find GAP educators in your state who can help you implement food safety practices to meet GAP requirements (www.producesafetyalliance.cornell.edu).



Compliance Phase-in Scope and Timing

The period farmers have to comply with the Produce Rule depends on the yearly amount of TOTAL FOOD sales from their farm. The compliance clock would start after the Rule is finalized; most likely no earlier than May, 2014

Very Small Businesses — those having, on a rolling basis, an average yearly value of food sold of no more than \$250,000 during the previous three years. These farms will **have four (4) years from the effective date to comply**. They will have six years to comply with some of the water requirements

Small Businesses — those having, on a rolling basis, an average yearly value of food sold of no more than \$500,000 during the previous three years. These farms will **have three (3) years from the effective date to comply**. They will have five years to comply with some of the water requirements.

Other Businesses — they will **have two (2) years from the effective date to comply**. They will have four years to comply with some of the water requirements.

Notes:

(1) **Exempt produce** includes produce processed commercially that adequately reduces microorganisms of public health significance (e.g., green beans that will be canned). It also includes produce rarely eaten raw: arrowhead, arrowroot, artichokes, asparagus, beets, black-eyed peas, bok choy, brussels sprouts, chick-peas, collard greens, crab apples, cranberries, eggplant, figs, ginger root, kale, kidney beans, lentils, lima beans, okra, parsnips, peanuts, pinto beans, plantains, potatoes, pumpkin, rhubarb, rutabaga, sugar beet, sweet corn, sweet potatoes, taro, turnips, water chestnuts, winter squash (acorn and butternut squash), and yams.

(2) A **qualified end-user** is either (a) the consumer of the food; or (b) a restaurant or retail food establishment located in the same state, or if located out of state, no more than 275 miles from the farm.