

NESAWG 2015 *It Takes A Region* Conference

Food Safety Discussion & Work Group

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Session 1

Opening question to participants: Why did you choose to participate in the food safety group?

-It impacts food access and distribution, food quality, food production etc.

-Discrepancies between lawyers, policy makers, advocates etc. and actual needs of the farmers

--Farmers do not often know the extent of their legal rights

-Emphasis on Food Safety Modernization Act (FSMA) and current FDA regulations. How does this fit with racial equity? Because it applies to access, federal food aid, and sustainable growth in the long term is dependent on how these regulations pan out.

How do people expand their business without paying regulatory consequences? Currently, there is not enough flexibility and many farms are disadvantaged in their current position.

FSMA affects training and auditing. Food Hubs have specific training requirements in order to operate, equivalent to FDA approved but language is very vague.

2 main rules:

1. Rules for facilities for manufacturing and processing

- may apply to Food Hubs depending on their size, what they're doing (e.g. aggregating vs processing) and whether they're part of a farm or majority farmer owned

2. Rule for growing, harvesting, packing and holding produce

-must ensure that someone on the farm has been trained through the Produce Safety Alliance or an alternative training program at least equivalent to the FDA-recognized standardized curriculum

-when FDA or state agency inspects records, must show training of some sort not necessarily from preventative controls or produce safety alliance but some equivalent training.

-Facilities have supplier verification requirements that may vary based on what farmer plans to do with the food.

-example: selling whole butternut squash vs. selling pre-peeled and cubed butternut squash

How are positive actions by farmers monetized?

-Safety responsibilities are 100% on the farmer not the buyer, if buyers want certain changes they can't just expect the cost/time burdens that places on farmers to occur naturally

-Farmers need incentive to meet these new demands, ideally financial incentive

-But of course, multifaceted approach that takes into account sustainability impact etc.

-Transparency: Farmers are making their regulations and practices public to assure customers that they are emphasizing safety

---Shows why local food systems work, relationship-based, direct interaction with the buyers creates transparency in spite of complex regulations

Example: drip tape, EQIP, NRCS

-encouragement for drip tape but to apply for NRCS cost-share, must show water conservation and drip tape is not about water conservation but is a better form of irrigation and water distribution

Buyer comment: Currently, there is no emphasis on us to be willing to help with farmer costs because food hubs etc. are footing the costs of insurance, etc. paying for farmers GAPs certification

-Because Food Hub model is becoming more popular, we are creating more distance between consumer and producer by allowing food hubs to fill that role instead.

Business certifications, training certifications, organic certification? What about one unified certification?

-Currently, this can't happen because FDA is not accrediting domestic certifiers

-FDA is not requiring farms to register under the produce rule, but it may be a part of a state strategy

-Inspection protocol likely to be determined at the federal level, but states will also impact when/how inspections occur – still unclear. Appropriations will play a big role, but that process is currently stalled out in Congress.

Maple syrup: If you make sugar or maple candy, regulations are very different than selling purely maple syrup.

Final Produce Safety Rule came out today. One change is that they have deferred a final interval between the application of raw manure and harvest – meaning that it's essentially zero until a new application interval is proposed (5-10 years from now) once they do more research and a risk assessment. There have been some changes to the water testing requirements, but largely unchanged from the supplemental proposed rule except with more emphasis on alternatives despite it being very hard for farmers to actually utilize the alternatives because of the high burden of scientific data.

GroupGAP to reduce costs for small producers, essential. GAP certification, but often an organization picks one easy product and uses that to market them as a whole. (Chipotle). Majority of farmers in this country are exempt from many of these issues, but again, it comes back to the buyers and consumer demands. "Don't demand a Cadillac when a used Ford will do."

Within the many organizations represented here, food safety is often undervalued. We talk so much about collaboration among organizations regarding environmental sustainability, animal practices, etc. but we should be looking at how this applies within the context of safety and regulations too.

-90% of U.S. food borne illness comes from California

-65-70% of specialty produce grown and sold in the U.S. comes from California

In conclusion: key issues: legal issues, knowledge gap, farmer representation versus consumer demands

Session 2

When Congress was debating Food Safety Modernization Act, this was following the spinach outbreak, the peanut butter outbreak, etc. -- there had been a number of new outbreaks that brought food-borne illness under the lime light.

-The big priority with food safety was traceability through the supply chain

-But the cost and time of complying with food safety requirements was very concerning for small farms and food enterprises -- when FDA was proposing these rules they even acknowledged that some small farmers may go out of business as a result

--so some changes were put in the FSMA law to attempt to accommodate small farmers, producers selling into local and regional supply chains, etc

--criticism in California in particular that new regulations led to "undoing" of conservation

--if we have federal standards for food safety, it can hurt different regions or states more than others

--may be too concerned about diversifying because of the excess regulatory processes and costs

So FDA first proposed:

Preventative Controls Rule

-processing animal feed or human food (two separate rules)

Produce Safety Rule

-growing, harvesting, packing, or holding produce

*These reaffirmed concerns about regulations being one-size fits all, definitions subject many farms to processing facility requirements

* "In one general physical location" "Under one ownership" but some farms do not fit within this definition

So FDA repropose sections of the rules 1 yr later, last September the 2nd round came out

-Included different regulations pertaining to raw manure and compost

-redefined a farm

FDA just finalized the Preventive Controls Rule in September

FDA yesterday finalized the Produce Rule

-Both new rules have staggered timelines

- for food facilities: if you make less than 1 million in sales you have 3 years to come into compliance, if you have fewer than 500 employees (but more than \$1M in sales) you have 2 years to come into compliance. All other facilities have one year.

- for produce rule: if you have less than \$500,000 in produce sales, you have 3 years to come into compliance; if you have less than \$250,000 in produce sales you have 4 years to come into compliance. All other farms (more than \$500,000 in produce sales) have two years.

And all farms get 2 extra years to come into compliance with the water testing requirements.

-If you have less than 25,000 in produce sales, then you are exempt from the rules

- modified requirements based on how much you sell, who you sell to, etc

Lots of concerns about what needs to be done and how quickly to come into compliance. What applies and what doesn't? There is still some wording that isn't clear

- much of this will be clarified in coming months/years through guidance documents, trainings, etc

- but regardless of what FSMA says, market may still require GAP certification or other certifications similar to that even if they are exempt from FSMA so it still has larger ramifications

So what role does the market place have above and beyond FDA? Are there ways to allow buyers and producers to work directly together or is FDA widening the gap?

- nationwide rule but how will state authority come to play? Will states enforce this or FDA?

Appropriations Bill has yet to be determined (December 11) but states do not want to be stuck enforcing an unfunded mandate, and FDA may not get adequate funding

SO Issues moving Forward:

- Federal vs. State regulatory debate

- Are all farms going to be subject to routine farm inspection? The produce rule released yesterday seems to imply that a federal inspection requirement may happen, but it's not clear

- FDA has committed to this new approach of educating before enforcing so hopefully with these next couple years, FDA will clarify things better

USDA-NIFA grants program for FSMA training/outreach: next round of grants will be geared toward organizations to provide training for farmers but money for that program is also caught up with appropriations right now. Pushing for 5 million, may only get 2.5 million

Issues in the Produce Rule

- Manure: FDA had initially proposed a 9month application interval between applying raw manure and harvest time but that makes it difficult for farmers, so they have deferred finalizing such an interval until they do more research and risk assessment, and will be inviting public to weigh in on manure research gaps and the new proposed application interval once it's ready – the full process not finalized yet.

NSAC will be providing updated information on FSMA for small-mid scale farmers and small food processors: Sustainableagriculture.net/fsma

USDA gap certification program: 3rd party audit of farms to they can become safety certified and now a GroupGAP program, which especially applies to food hubs so you can aggregate through a centralized body and all farms go through an internal review and an external audit by USDA -- disperses the costs and allows farms to share and pool resources

- Could provide a great certification option for farms selling through hubs

