



Produce Safety Rule FAQ – questions heard from New York farms

1. ***Is my farm covered by the Produce Safety Rule?*** Farms with produce sales over \$25,000 are subject to the Produce Safety Rule (PSR). Farms may claim a “qualified exemption”, “rarely consumed raw exemption” or “processing exemption” if certain requirements of the Rule are met.
2. ***What is a qualified exemption?*** You may be eligible for a qualified exemption if:
 - Most of your farm’s food sales are to qualified end users (the consumer of the food, a retail store, or restaurant within 275 miles or within the same state.
AND
 - Average annual food sales are less than \$500,000
3. ***What is a “processing exemption”?*** A farm would be exempt if all covered produce is sold to a processor who uses a validated process to adequately reduce pathogens. Example: a farm grows only tomatoes and sells them to a commercial cannery.
4. ***What is a “rarely-consumed-raw exemption”?*** A farm is exempt if all produce grown is identified as rarely consumed raw by the FDA. Example: a farm that grows and sells only potatoes would be exempt because potatoes are identified as “rarely-consumed-raw”.
5. ***When will PSR inspections begin?*** The schedule for on-farm inspection is as follows: Large farm inspections begin Spring 2019; Small farm inspections - Spring 2020; Very small farm inspections - Spring 2021. We will continue using our resources to conduct outreach & education.
6. ***How often will my farm be inspected?*** We expect most large farms to be inspected annually, smaller farms may be inspected less frequently.
7. ***Is selling to the Hannaford Distribution center the same as selling to a local store?*** Yes, Hannaford Distribution is considered the same as a retail store. In contrast, C&S Wholesale is a distributor not a retail store. A food hub or co-op that buys produce for distribution is a business not a retail store.
8. ***Why does the FDA care about my farm’s produce sales?*** The FDA and NYS Department of Agriculture and Markets (NYSDAM) will use sales data to determine farm size. Farm size determines coverage/ exemption and compliance date under the PSR.
9. ***Are my maple syrup and hay operations covered under the rule?*** No, however maple products and hay (all human and animal food) are considered food for the purposes of determining average annual food sales. A maple syrup operation may be subject to other state or federal rules. (This NY farm produces maple syrup in VT and sells it at the NY farm.)



10. **Why does the Rule not specify an application interval for raw manure application?**
The FDA has initiated a 5-10 year study to collect science based data on soil amendments of animal origin. Many farms are using the National Organic Program recommended raw manure application intervals. The NOP recommends applications be at least 90 days before harvest for crops that have edible portions which **do not** come in contact with the soil and at least 120 days before harvest of crops that have edible portions which **do** come in contact with the soil.
11. **Do I have to register my farm with NYSDAM?** At this time, NYSDAM is not registering or licensing farms. Our farm data collection is being conducted so that we may determine which farms are covered by the PSR and which are exempt. We will use this data to plan outreach, education and compliance activities.
12. **What documentation is required if I am using manure as fertilizer?** Biological Soil Amendments of Animal Origin (BSAAO) purchased from a dealer, documentation must show that a validated process was applied to the purchased manure. For BSAAO processed on the farm, records must document what process controls were achieved (time, temperature, turnings).
13. **Is there a copy of the Produce Safety Rule inspection checklist available?** Yes, the Produce Farm Inspection Observations form is available at <https://www.fda.gov/media/124867/download>
14. **Will my farm receive a certificate after the PSR inspection is completed?** We will issue a "Notice of Produce Safety Inspection". This notice will list any findings and provide a score of A, B or C.
15. **Is a PSR inspection still necessary after a USDA GAP or Harmonized GAP Audit?**
Yes, a Produce Safety Inspection is still required for covered farms, even if they have had a third-party food safety audit.
16. **What is the On-Farm Readiness Review?** An On-Farm Readiness Review will take an educational approach by physically walking the farm and its associated cleaning, sorting, packing, and storage facilities to help farm managers understand what it will take to become compliant with the Produce Safety Rule. This review is voluntary and may be requested by contacting the Produce Safety Unit at (518) 457-3846 to sign up for this free, non-regulatory, educational tool.
17. **Why should I trust that the On-Farm Readiness Review (OFRR) will be purely an educational visit?** The OFRR was specifically created as an educational tool that will help prepare farms for upcoming Produce Safety Rule inspections. NASDA, University Extensions and states worked to develop training materials and courses that will prepare state regulators and University Extension (CCE) educators to conduct an on-farm review that is 100% educational. NYSDAM is contracting with Cornell University/ CCE to offer this unique educational tool to NYS farms.



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