



# APPROVED

## Hollis Agricultural Commission Minutes

Thursday, May 10, 2018

Members in attendance: R. Clark, D. Harmon, M. Madden, A. Pitarys, D. Petry, M. Post

Joining by video conference: Seth Wilner, Agricultural Business Management Field Specialist, and Heather Bryant, Fruit & Vegetable Production Field Specialist, both UNH Cooperative Extension

Meeting called to order at 7:35 pm.

- The Commission continued discussion on a 2018 initiative to understand the impact of the Food Safety and Modernization act (FSMA) on town farms and public access to land in active agricultural use. M. Madden arranged to have Seth and Heather from the UNH Cooperative Extension join the meeting via video conference. Due to the regulations regarding public access and food safety, the Commission focused its discussion on the Produce Safety Rule. To help guide the discussion, the Commission utilized materials distributed by the UNH Cooperative (attached here). During an extended discussion, the following observations were made.
  - Farms that only grow and sell produce **not** usually consumed raw are likely not covered by the Produce Rule. An exhaustive list of such crops are listed in the Federal Register and are included in previous Ag Comm minutes.
  - By 2020, all farms with any crops not on this list and with revenue over \$25,000 will be required to comply with the Produce Safety Rule.
  - The cost and responsibility for compliance resides with the farmer, not the land owner (if different).
  - The specific compliance requirements that apply depend upon additional attributes of the farm. The FSMA has defined three levels of compliance requirements:
    - **MODIFIED REQUIREMENTS:** The farmer must take appropriate measures “reasonably necessary to prevent the introduction of known or reasonably foreseeable hazards into covered produce,” and are subject to basic recordkeeping, compliance and enforcement provisions. Farms are not subject to other Produce Rule measures
    - **DIRECT MARKETING MODIFIED REQUIREMENTS:** All of the above, plus additional recordkeeping, food packaging and labeling requirements for point of sale.
    - **FULL REQUIREMENTS:** Everything, include public access control and recordkeeping, hygiene stations, worker health, soil testing, water testing, building and equipment inspections, domesticated and wild animal control, etc.

- Farms that have all their produce processed to remove/kill pathogens (e.g. commercial canning) are likely only subject to the MODIFIED REQUIREMENTS.
  - Farms with less than \$500,000 in revenue and sell more than 50% of what they grow directly to qualified end-users (direct retail, restaurants, ...) are likely only subject to the DIRECT MARKETING MODIFIED REQUIREMENTS. They must keep additional financial records to prove that sales to end-users meet the threshold.
  - All other farms are subject to the FULL REQUIREMENTS.
  - One farm in town is known to be subject to the Full Requirements. Additional farms may be subject to the Full Requirements, but the Commission does not have the necessary business information required to make a judgement.
  - The Commission found the materials provided by UNH Coop helpful. Additional materials are at <https://extension.unh.edu/programs/food-safety-modernization-act-fsma> . The Commission will use these materials in future education and communication efforts.
  - The video conference with Seth and Heather ended.
- The Commission discussed the potential posting of signage on trails through Woodmont educating the public to avoid access and restrict disturbance on town owned land currently leased and in active agricultural use. It was felt that the current lessee should be contacted to better understand the need prior to proceeding. M. Post will contact the current lessee and the Trails Committee to see if the Ag Comm can facilitate such a discussion.
  - R. Clark attended a site walk on April 17, 2018 with the Planning Board to understand a minor farm stand application for Laromy Lavendar. M. Post attended the Planning Board meeting on May 15, 2018 where the application was approved.
  - M. Post attended the BOS meeting on May 7, 2018 where the Rec Commission was scheduled to discuss potential location for fields. While no specific location was discussed, D. Belanger verbally shared with M. Post that they were considering a proposal to use the lower fields of Stefanowicz for recreational fields and a parking lot off of Pine Hill Road. While no formal proposal exists at this time, the Commission briefly noted that it would remove dozens of acres of prime soils from active agricultural use, the location there is very wet, will probably require significant fill and will likely have to deal with wetland setback requirements for nutrient control. The Commission will wait until a formal proposal exists and has obtained direction from the BOS prior to providing agricultural impact assessment. M Post will attend the BOS meeting on June 7, 2018 where the topic will be discussed.
  - Moved by M. Post and seconded by R. Clark to accept the minutes as written for the meeting of January 11, 2018. Motion passed 5-0-0
  - Moved by M. Post and seconded by R. Clark to adjourn. Motion passed 5-0-0, and meeting adjourned at 9:48 pm.

Minutes drafted by M. Post

# Am I affected by new **FOOD SAFETY RULES** under the **FOOD SAFETY MODERNIZATION ACT?** *A Flowchart for Farmers and Food Businesses*

## How to Use This Flowchart:

- 1)** There are 2 sections: one for the Produce Rule and one for the Preventive Controls (Facility) Rule — these are the two main FSMA rules for businesses that grow and process food for people to eat. Start with PART 1 of each. If you find out at the end of Part 1 that you may be affected, proceed to Part 2 for details.
- 2)** FARMERS: some farms may not be subject to either rule, some farms may be subject to just the Produce Rule, and some farms may be subject to BOTH the Produce Rule and the Preventive Controls Rule. You should read PART 1 of both to be sure.
- 3)** This flowchart is intended to help you determine whether and to what extent your farm or food business MIGHT be impacted by the FSMA rules. **This is not legal advice.** Each operation is different, and your obligations under FSMA could change based on the specifics of your operation.

*Timing Reminder: most farms have at least two years - until January 2018 - to come into compliance with the Produce Rule. Many smaller farms will have three or four years. And most smaller processors will have two to three years to come into compliance with the Preventive Controls (Facility) Rule (Sept 2017 or 2018).*

More FSMA Information:  
<http://sustainableagriculture.net/fsma>

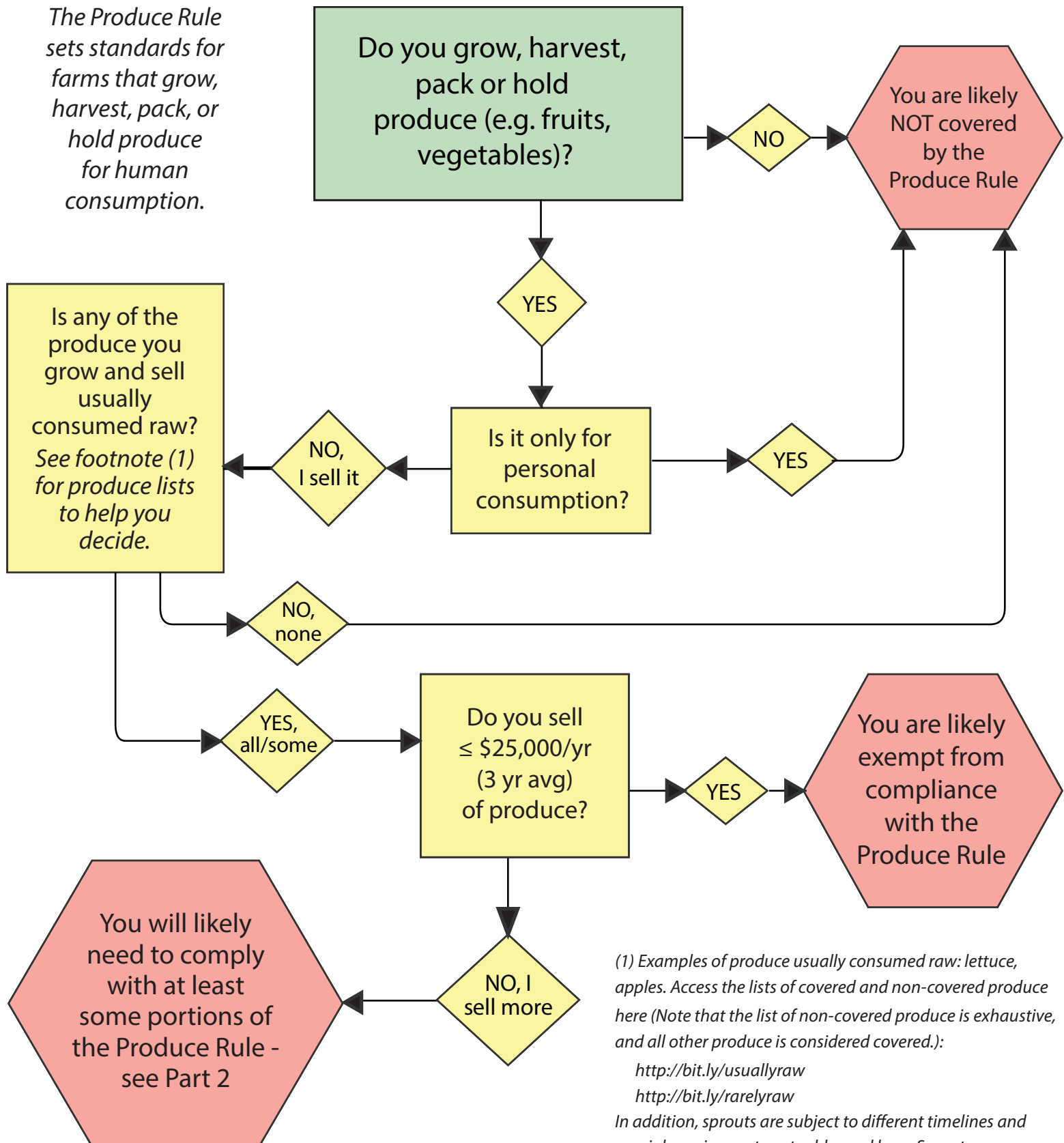


**National Sustainable Agriculture Coalition**

*Prepared by the National Sustainable Agriculture Coalition  
February 2016*

# Am I Affected by the FSMA Produce Rule?

*The Produce Rule sets standards for farms that grow, harvest, pack, or hold produce for human consumption.*



*(1) Examples of produce usually consumed raw: lettuce, apples. Access the lists of covered and non-covered produce here (Note that the list of non-covered produce is exhaustive, and all other produce is considered covered.):*

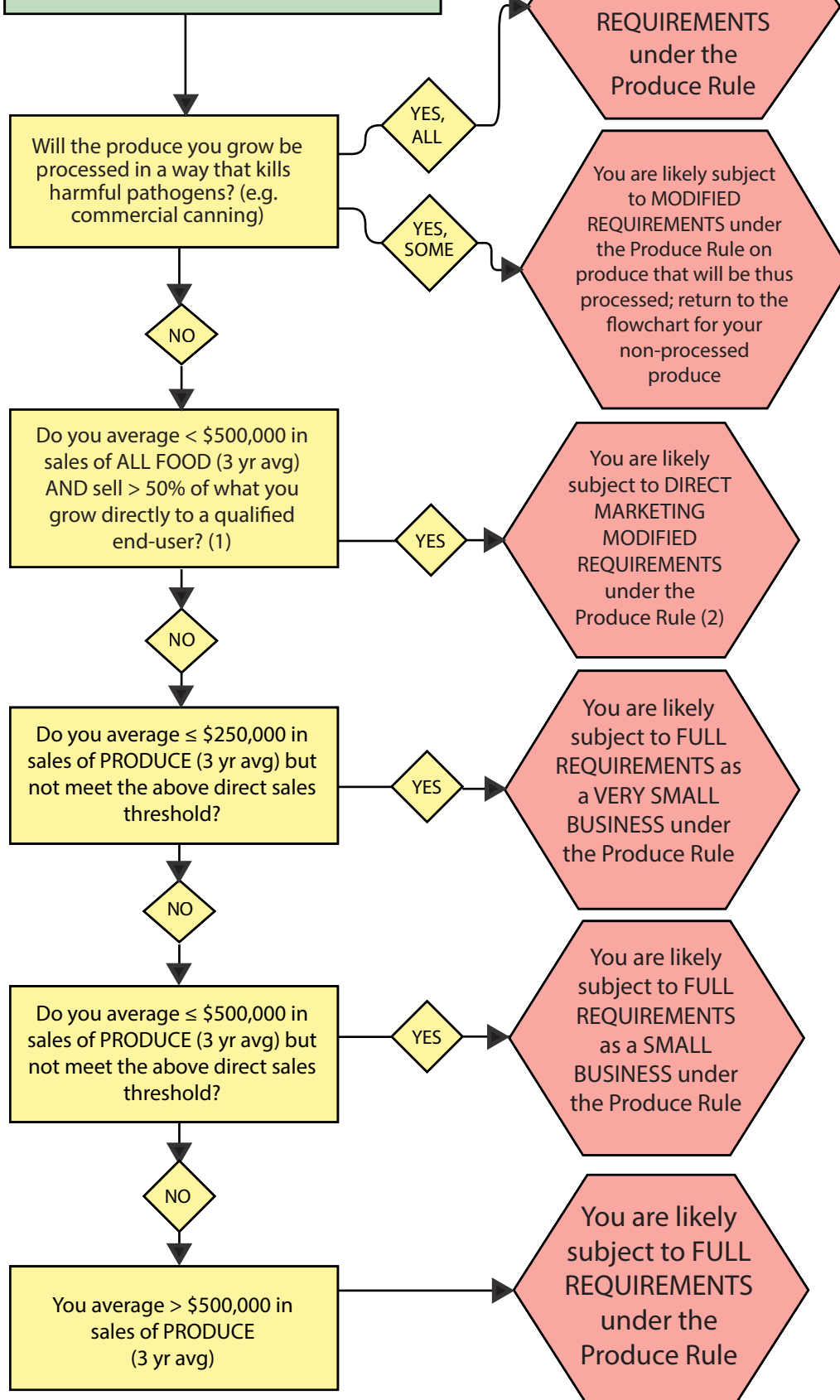
*<http://bit.ly/usuallyraw>*

*<http://bit.ly/rarelyraw>*

*In addition, sprouts are subject to different timelines and special requirements not addressed here. Sprout growers should visit the Sprout Safety Alliance for more information: [http://www.iit.edu/ifsh/sprout\\_safety](http://www.iit.edu/ifsh/sprout_safety)*

# The FSMA Produce Rule - Part 2

**So you may be covered by the FSMA Produce Rule. What does that mean?**



## What are MODIFIED REQUIREMENTS?

- Farms must comply with SOME Produce Rule measures under FSMA: certain recordkeeping requirements, compliance, and enforcement (3)
- Farms are NOT subject to other Produce Rule measures around water, soil amendments, etc (3)
- Farms under DIRECT MARKETING MODIFIED REQS: all of the above + must label all food at point of sale; also subject to withdrawal measures (3)

## What are FULL REQUIREMENTS?

- Fully covered farms must comply with ALL Produce Rule measures: recordkeeping; worker health, hygiene, and training; soil amendments; certain water testing measures; wild and domesticated animals; buildings and equipment (4)
- SMALL BUSINESSES: 3 years to comply; 5 years for water testing (4)
- VERY SMALL BUSINESSES: 4 years to comply; 6 years for water testing (4)
- ALL OTHER BUSINESSES: 2 years to comply; 4 years for water testing (4)

1) What is a "qualified end user"? Either an individual (in any location) or a retail food establishment located in-state or within 275 miles. More details: <http://bit.ly/nsacproduce>

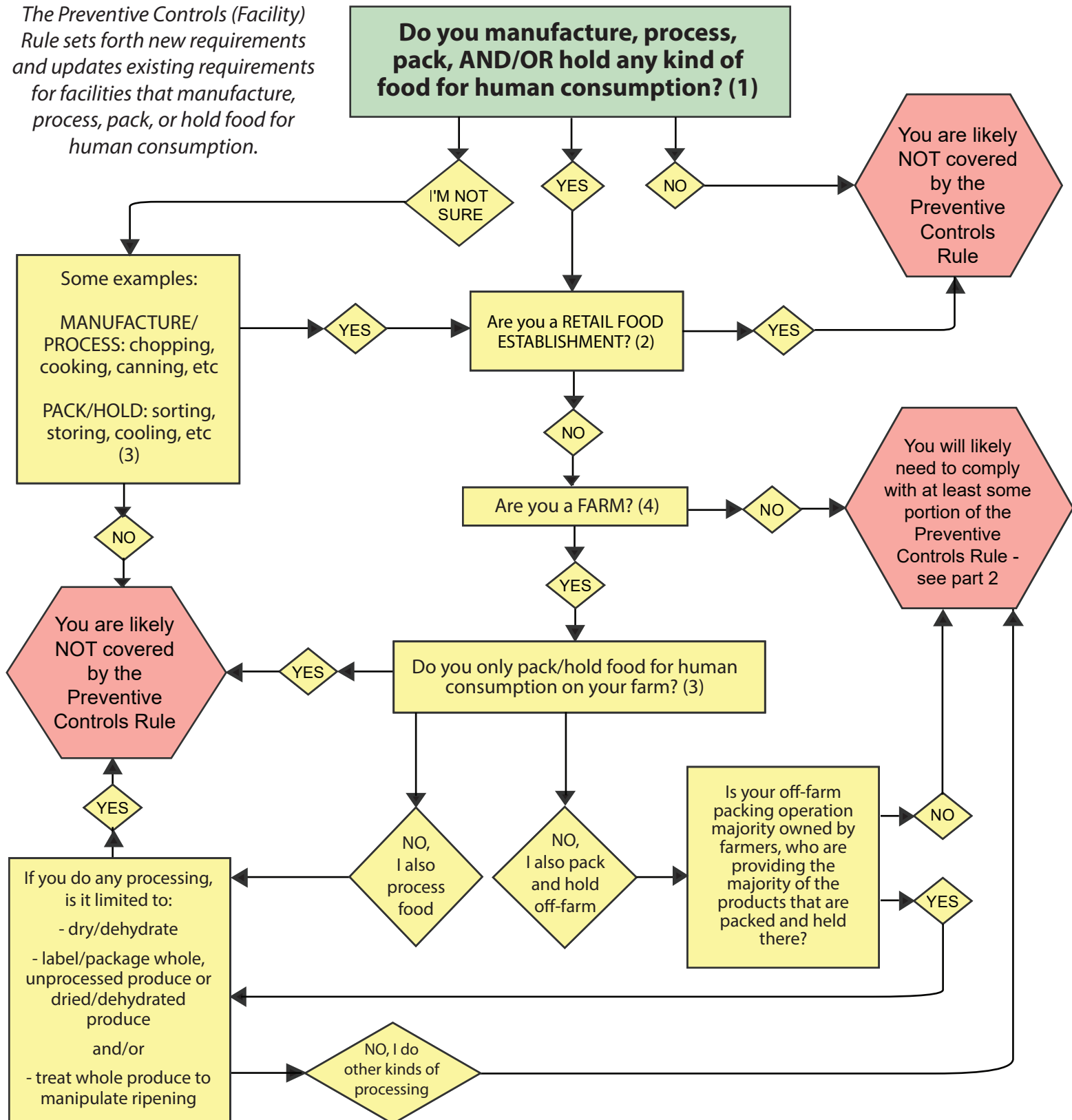
2) Direct Marketing Modified Requirements are also known as the Tester-Hagan Exemption.

3) Details on recordkeeping, enforcement, direct market labeling, and all levels of compliance: [bit.ly/nsacproduce](http://bit.ly/nsacproduce)

4) Details on requirements and compliance timeframes: <http://bit.ly/fsmapr1>

# Am I Affected by the FSMA Preventive Controls (Facility) Rule?

The Preventive Controls (Facility) Rule sets forth new requirements and updates existing requirements for facilities that manufacture, process, pack, or hold food for human consumption.



1) If you are manufacturing, processing, packing, or holding food **for personal consumption on farm only**, the Preventive Controls Rule does not apply.

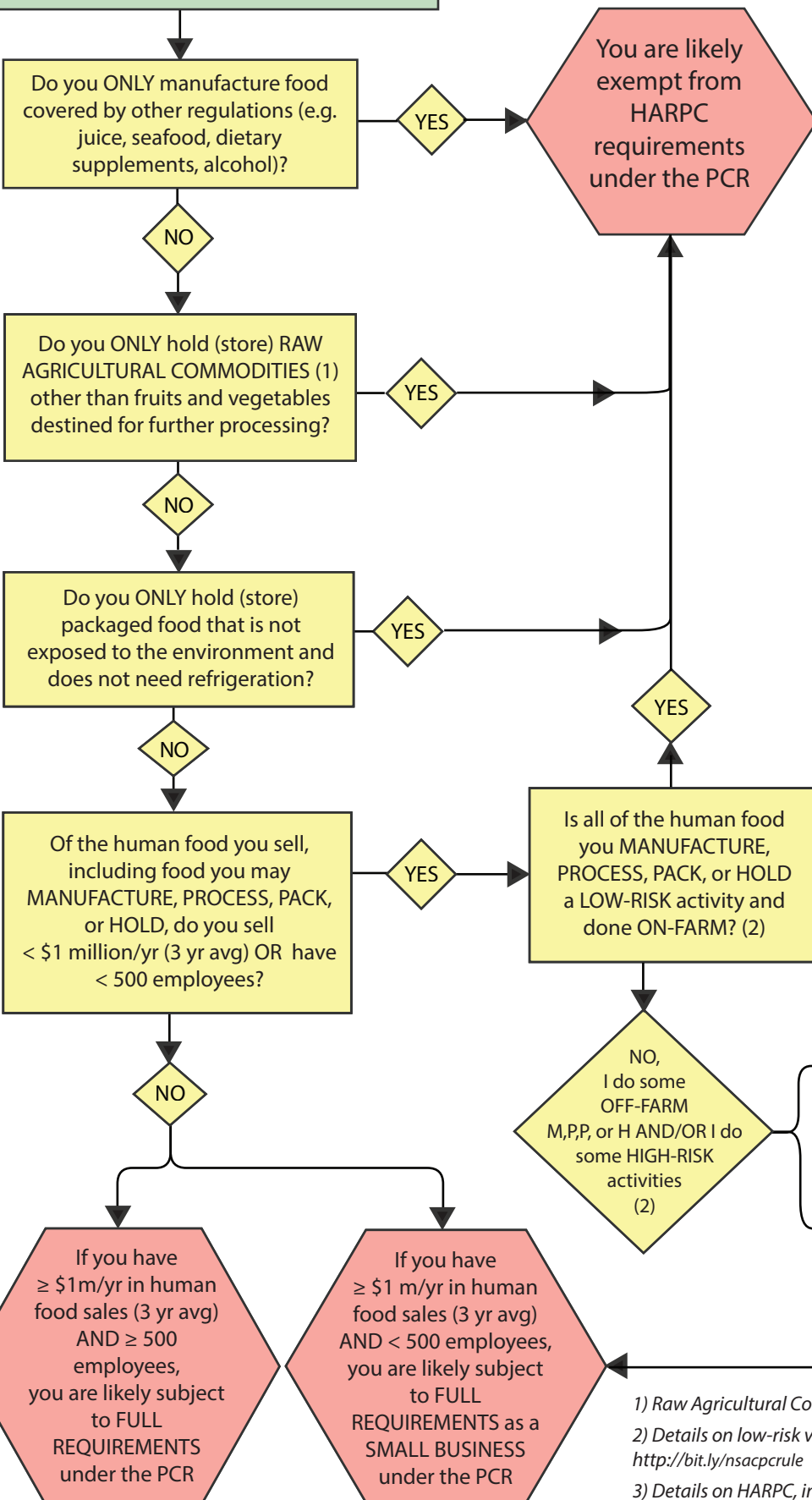
2) Retail Food Establishment: grocery stores, farm stands, and restaurants that sell the majority of their food directly to consumers; details: <http://bit.ly/nsacpcrule>

3) Find definitions of manufacturing, processing, packing, and holding, along with examples of what "off-site" and "on-farm" mean, here: <http://bit.ly/nsacpcrule>

4) Find details on FDA's "farm" definition and on packaging, labeling, dehydrating, other on-farm activities that do and don't trigger the "facility" definition: <http://bit.ly/nsacpcrule>

# The FSMA Preventive Controls (Facility) Rule - Part 2

**So you may be covered by the Preventive Controls Rule. What does that mean?**



## WHAT ARE PCR REQUIREMENTS?

- **FACILITIES EXEMPT FROM HARPC:** must register with FDA and continue complying with already-existing rules and practices (like Current Good Manufacturing Practices), but do not need to develop Hazard Analysis and Risk-Based Preventive Controls (HARPC) plans and procedures (3)
- **QUALIFIED FACILITIES:** must register with FDA and submit certain attestations; not required to develop full HARPC plans and procedures but must follow certain basic requirements (e.g. recordkeeping); if sales < \$1M, 3 yrs to come into compliance (3)
- **FACILITIES SUBJECT TO FULL REQUIREMENTS:** must register with FDA; must develop full HARPC plans and procedures laid out under the PCR; facilities have 1 year to come into compliance (3)
- **FULL REQUIREMENTS as a SMALL BUSINESS:** Same as above but with 2 years to come into compliance (3)

1) Raw Agricultural Commodity: a food in its raw and natural state (e.g. raw grains)  
 2) Details on low-risk vs high-risk activities and off-farm vs on-farm: <http://bit.ly/nsacpcrule>  
 3) Details on HARPC, including compliance timelines: <http://bit.ly/nsacpcrule>