

IDAHO POTATO PULSE



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Website: www.idahopotato.com

The Food Safety Modernization Act (“FSMA”) passed by Congress in 2010 is being implemented by the Food and Drug Administration (“FDA”) over the last three years. Potato Growers have been wondering what impacts there might be on their operations. Below is an important and timely information piece from John Keeling of the National Potato Council. Please read this carefully; this is important information.

In October FDA issued guidance documents on registration requirements contained in the Food Safety Modernization Act (FSMA). There has been an abundance of discussion on the impacts of the FDA registration requirements. NPC contacted FDA and obtained information on several websites that may be helpful in guiding growers on whether they are required to register. Those links are below. Activities on a farm, where potatoes (food) are grown, raised or consumed are exempted from registration. It appears that most activities conducted on a farm including packing and storage are exempt for registration as long as the potatoes/food was “grown, raised or consumed” on the farm. Generally anyone required to register under the Bioterrorism Act is required to register with FDA under FSMA.

The link below takes you to the FDA webpage with guidance and “Questions & Answers” about registration – look at the last sentence in the answer to question 2.8Q about the packinghouse on the farm as “one general physical location.” The questions in Section B are particularly helpful in clarifying various situations and determining what constitutes a farm and what activities would be regulated.

<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodDefenseandEmergencyResponse/ucm082703.htm>

The link below takes you to a PDF of the booklet “What you need to know about registration of food facilities.”

<http://www.fda.gov/downloads/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodDefenseandEmergencyResponse/UCM113877.pdf>

On page 5 see “foods included in the regulation” that shows “fruits and vegetables” then on page 6, see the “these facilities don’t have to register” where you will find “farms” and the associated definition. Entities meeting this definition are exempt from registration.

Farms — i.e., facilities in one general location devoted to growing and harvesting crops (washing, trimming outer leaves, and cooling produce are part of harvesting) and/or raising animals (including seafood). The term “farm” also includes facilities that manufacture/process, pack, or hold food, provided that all food used in those activities is grown, raised, or consumed on that farm or another farm under the same ownership.

The link below takes you to the FDA webpage on registration..

<http://www.fda.gov/Food/FoodSafety/FSMA/ucm314178.htm>.

So based on our read of the FSMA requirements and the Bioterrorism farm definition if you (the farmer) only pack your own potatoes (grown, raised or consumed on your farm or another farm under the same ownership) and do not pack anyone else’s potatoes (i.e., different ownership), then you remain a “farm” for purposes of registration and don’t have to register. The converse is that if you do pack anyone else’s potatoes, then you must register the packing operation (but not the farm). One other way a farmer would have to register is if the packing operation that they own is not in the same general location as the farming operations (i.e., facilities in one general location), then the packing operation would need to register.

We would be glad to run any specific situations by FDA or other experts on this regulation if that is helpful to evaluating individual situations.

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Travis Blacker would also be happy to help with any questions.

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