

Food Safety Bill provision
type of producer regulated

**New Requirements for Producers
in the Food Safety Bill**

The Tester amendment

**Sec. 103 - Hazard Analysis
and Risk Based Preventive
Control**

Processed food facilities

FDA would require all producers, regardless of size and product volume to create a written hazard analysis (HACCP) plan to:

- Identify and evaluate reasonably foreseeable hazards of contamination, including biological, chemical, physical, etc.
- Implement preventive controls to provide assurances that hazards will be minimized or prevented
- monitor the effectiveness of the preventive controls implemented
- establish procedures if the preventive controls are found to be ineffective
- maintain, for not less than 2 years, records documenting the monitoring of the preventive controls, instances of nonconformance, the results of testing and other verification, instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.
- conduct a reanalysis every 3 years or whenever a significant change is made in the activities conducted at the facility

Facilities qualify for the amendment if:

- They fit FDA’s new definition of “very small business,” **or**
- They sell the majority of their product directly to consumers, or restaurants and retailers within the same state, or within 400 miles and have annual sales of less than \$500,000.

Facilities that qualify will continue to be regulated by state health laws, and county and municipal health codes. Federal regulation would only require them to:

- submit documentation to the FDA showing that they are in compliance with state, local or county food safety laws, and;
- include their business name and address on product labels

**Sec. 105 – Standards for
Produce Safety**

Farms

FDA, in coordination with USDA and state departments of Agriculture, would “*establish science-based minimum standards for the safe production and harvesting*” of fruits and vegetable. These federal regulations would cover:

- Growing, harvesting, sorting, packing, and storage operations, minimum standards related to soil amendments, hygiene, packaging, temperature controls, animal encroachment, and water. ([Click Here](#) for an example of FDA’s current voluntary guidance for leafy greens growers.)

Farms that qualify will not be regulated by the federal Standards for Produce Safety, though they would still be responsible for meeting any state standards. Instead they would include a notice at the point of purchase (farmers’ market stand, etc.) with name and address of the farm.

Farms qualify if:

- They sell the majority of their product directly to consumers, or restaurants and retailers within the same state, or within 400 miles and have sales of less than \$500,000 per year.