



Food Safety Modernization Act **What You Need To Know**

Tell FDA that You Support Sustainable Local Agriculture!

What is the Food Safety Modernization Act?

Each year in the United States about 48 million people get sick from foodborne diseases. The Food Safety Modernization Act (FSMA), signed into law in 2011, is aimed at preventing food illness outbreaks. It is the biggest overhaul of our food safety system since 1938.

How does the FSMA work?

FDA is drafting regulations to implement the FSMA. The **Produce Rule** regulates how *farms* grow fruits and vegetables. The **Preventive Controls Rule** regulates how *facilities* process or manufacture food.

What's the problem?

As originally drafted, the Produce Rule and the Preventive Controls Rule threatened to crush local farms and food. The rules were one-size-fits-all, written for industrial-scale farms. They undermined conservation practices for soil, water, and wildlife, limited opportunities for family farms to diversify their products, and lacked due process. Ultimately, the rules would have led to greater consolidation of our food system, meaning less fresh, local produce for all of us. Fortunately, FDA listened to the thousands of comments received and **redrafted significant portions of both rules! The changes are a win for sustainable local agriculture.** But there are still problems FDA needs to address before finalizing the rules.

What can I do?

The FDA **needs to hear from you!** Learn about the issues. Then, **submit a comment.**

Learn more at www.sustainableagriculture.net/fsma/.

PRODUCE RULE ISSUES

Conservation (Learn more [here.](#))

PROBLEM: The original rule risked forcing farms to destroy critical habitat around farm fields. This would have decreased biodiversity and increased erosion.

FDA's FIX: FDA changed the rule so that it does not *require* farms to harm endangered species, exclude animals from farm fields, destroy animal or pollinator habitat, or clear vegetative farm borders.

HOW TO MAKE IT BETTER: FDA should *affirmatively encourage* conservation practices that enhance food safety.

Agricultural Water (Learn more [here.](#))

PROBLEM: The testing standards for surface water that farmers use on crops and for other farm needs were scientifically unsound. They would have risked increasing the use of groundwater in drought-stricken areas, encouraged chemical treatment, and forced some small farms in New England out of business due to excessive costs.

FDA's FIX: FDA made the agricultural water testing requirements more flexible.

HOW TO MAKE IT BETTER: Reduce the testing frequency and amend the standards to allow farmers to respond to specific risks in their water systems.

Natural Fertilizers (Learn more [here.](#))

PROBLEM: The original rules discouraged using raw or composted manure and encouraged using synthetic fertilizers that can be more damaging to watersheds.

FDA's FIX: FDA is taking a science- and risk-based approach to understanding and regulating raw manure. The standards dealing with applying raw and composted manure no longer conflict with the National Organic Program standards.

HOW TO MAKE IT BETTER: Make it easier for farmers to use compost by getting rid of unscientific requirements for what is considered acceptable compost.

PRODUCE RULE & PREVENTIVE CONTROLS RULE ISSUES

Farm Definition (Learn more [here.](#))

PROBLEM: FDA defined a farm based on industrial-size operations, not the reality of how smaller-scale, diversified, and sustainable operations farm in New England. This definition risked regulating farms under *both* the Produce Rule *and* the Preventive Controls Rule as a facility.

FDA's FIX: The definition now allows for the common practice of farms packing and holding produce from other farms.

HOW TO MAKE IT BETTER: The farm definition needs to make it even easier for farmers to work together to get fresh produce into local schools, hospitals, grocery stores, and markets.

Due Process (Learn more [here](#) and [here.](#))

PROBLEM: The FSMA exempts smaller farms and facilities from the rules. In the original proposed rules, FDA did not build in adequate due process if the agency decided to withdraw an exemption.

FDA's FIX: The re-proposed rules now specify actions FDA must take before withdrawing an operation's exemption and establish a process to regain that exemption after it has been withdrawn.

HOW TO MAKE IT BETTER: FDA needs to provide even more clarity around withdrawing and reinstating the exemption.