

# Food Safety Modernization Act

## Frequently Asked Questions



### What is the FSMA?

The Food Safety Modernization Act (FSMA), signed into law by President Obama in 2011, is a new set of rules to prevent contamination in food and animal feed production. The new regulations require inspections and record-keeping to improve food safety practices throughout the food chain.

### What is the FSMA produce safety rule?

The produce safety rule (PSR), specific to foods that are frequently consumed raw, will be implemented by Nevada Department of Agriculture (NDA) staff. The rule is primarily focused on three things:

1. agricultural water sources
2. animal intrusion
3. worker sanitation and hygiene

### How does the FSMA affect consumers?

The United States has a very secure food system. However, there is a constant learning curve on further reducing risks. An outbreak in one state has implications across the country and impacts Nevada's food and agriculture industry. As a result, states are evolving together to establish a safe food system.

### Why is the FSMA needed?

Though many food production and manufacturing operations have used food safety for many years, the new rules are intended to minimize risk to our food supply, beginning on the farm. Much has been learned about how to prevent food contamination, and the FSMA regulations are aimed at applying these lessons to prevent future outbreaks.

The FSMA is focused on **preventative** controls to avoid food-borne illness as opposed to the reactive controls that have previously been in place.

### How will the FSMA make food safer?

FSMA rules will require inspections, record keeping and traceability from agriculture production through processing, packaging, manufacturing and sale to the end user. The intent is to minimize the risk of harmful pathogens being introduced to our food supply via agricultural water, animal intrusion and human error.

All of this helps improve the safety of food at every stage, protecting Nevadans from food-borne illness. To protect the food supply being imported into the United States, foreign suppliers will also be required to comply with food safety regulations.



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### How does the FSMA affect Nevada agricultural operations?

Growers that sell on average (over a three year period) of \$25,000 or less of produce sales are exempt from the FSMA PSR. Small agricultural businesses that sell more than half of their farm products directly to consumers within a 400-mile radius and gross less than \$500,000 fall under a qualified exemption from the FSMA rules. Operations that fall under the qualified exemption must still maintain farm records to verify that they are eligible for the exemption.

In Nevada, the animal feed side of FSMA required a new system because feed crops were not registered or inspected. In the 2015 session of the Nevada Legislature, Senate Bill 495 established the necessary laws and provided for a feed registration system.

### Who is implementing the FSMA PSR in Nevada?

The NDA received a \$2 million grant over a five-year period to coordinate with the Food and Drug Administration (FDA) and develop a state education and regulatory program specific to the PSR. Staff will provide a series of trainings to help growers increase awareness on produce safety and meet compliance. The NDA will make trainings available to all growers, even if they are not required to comply, in an effort to encourage adoption of safe practices.

### Will these new requirements mean added inspection costs to growers?

Grant funds and existing producer certificate fees will cover inspections under the FSMA PSR. However, animal feed registration fees are required: a \$75 per year registration fee plus \$0.15 per ton.

### What are Nevada's next steps?

Farm information is needed to first identify growers that are exempt from the rules. This farm inventory is required of all states that received funding to develop a produce safety program. To fulfill this requirement, the NDA will modify the existing Producer Certificate program to capture farm data. This tool will be used since Nevada growers selling produce are already required to obtain a producer certificate, the NDA's current mechanism for tracing food.


### When will the FSMA be effective in Nevada?

The FSMA rules were published by the FDA in January 2016 and will be implemented in phases, starting with the largest producers. Most farms will be required to be compliant by January 2020, though there are some exemptions, which will be determined during the farm inventory phase.



#### Contact

##### ► Plant Industry

 775-353-3670

**Nevada Department of Agriculture**  
405 S. 21st Street • Sparks, NV 89431