# Implications of the Food Safety Modernization Act on Florida citrus

### By Michelle Danyluk, Renée Goodrich and Mark A. Ritenour

n January 2011, the Food Safety Modernization Act (FSMA) was signed into law, representing the most significant change in food safety requirements since the enactment of the original Food Drug and Cosmetic Act in 1938. The Food and Drug Administration (FDA) is responsible for ensuring the safety of nearly all food products in the United States with the exception of meat and poultry, which falls under the jurisdiction of the United States Department of Agriculture (USDA). FSMA grants the FDA a number of new powers, including mandatory recall authority, and requires it to create more than a dozen rules and at least 10 guidance documents, as well as a number of other responsibilities. This article summarizes FSMA and its potential impacts on the Florida citrus industry.

#### **OVERVIEW OF FSMA**

The overall theme of FSMA is to build a new system of food safety oversight which focuses on applying common sense and the best science available to prevent foodborne outbreaks. This is a fundamental shift in fresh produce food safety legislation, away from reactionary responses to outbreaks of foodborne illness, and toward preventative measures that are risk-based and built into the entire food system.

Prevention-based programs are not new to FDA. Hazard Analysis Critical Control Point (HACCP) programs for seafood, juice and eggs (regulated by FDA), for meat and poultry (regulated by USDA), and similar programs used by numerous others in the food industry are tangible examples of how preventative-based food safety programs can work.

What is new about FSMA is its expanded use and focus on the farmto-fork approach. It recognizes that breakdowns in food safety systems at any point during food production, processing, transportation and retailing can lead to foodborne outbreaks, which in turn can lead to consumer distrust and economic loss. The Tester Amendment to FSMA exempts small farms and business operations from some food safety requirements; however, substantial documentation will be required to qualify as a small farm or business.

New inspection and enforcement tools for FDA are also included under FSMA. The FDA, with state partners and third-party companies (registered with FDA), will conduct more frequent inspections to verify that preventative controls are implemented. This will include increased access to food safety plans and records required to document their implementation. Within the prevention framework, facilities that are judged to be "higher risk" (yet to be defined) will be targeted for more frequent inspection (likely once in the first five years, and every three years thereafter). "Low risk" facilities will likely be required to be inspected once in the first seven years and every five years thereafter. Failure to comply with a voluntary recall of unsafe food



will result in a mandatory recall issued by FDA.

FSMA also has provisions that ensure imported food will be as safe as domestic food. Currently about 15 percent of the food consumed in the United States is imported. FSMA mandates that importers verify that the required preventative controls are in place in foreign food facilities that export food to the United States. If a foreign food facility does not permit an FDA inspection, FDA can refuse the importation of that food.

#### IMPACTS OF FSMA ON FLORIDA CITRUS - PRODUCERS

One of the FSMA objectives is a proposed rule to ensure the safe production, harvesting and packing of fresh produce, including citrus. This change of FDA's authority to include production is an example of how FSMA is integrating a farm-to-fork, preventative programs approach.

FDA conducted a number of listening sessions and toured farms and packinghouses (including citrus operations in March 2011) to gain insight into production and packing processes. Working groups at FDA are currently completing the proposed produce safety rule. They expect to publish a proposed rule by the end of 2011, with a comment period of perhaps 75 days. It is expected there will be specific regulations for some commodities that are considered by FDA to be high risk (e.g., leafy greens, tomatoes and melons). For other commodities, like citrus, there likely will be a less specific umbrella regulation. Each operation will be responsible for implementing the necessary procedures and systems once the specific minimum standards are published in the rule.

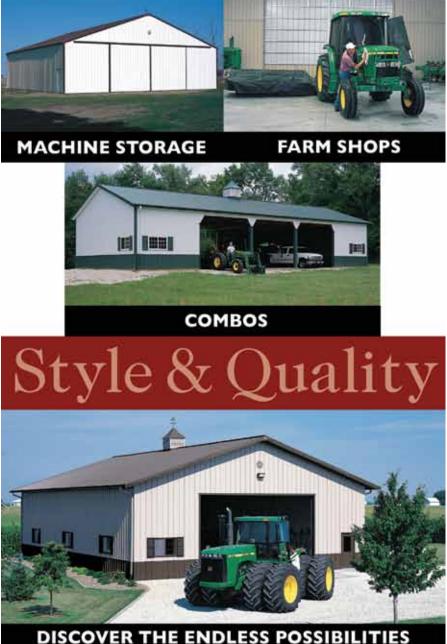
While FDA has not previously been fully authorized to regulate produce production, it has issued guidance related to food safety and production practices that can provide a clue as to where the produce safety regulation will head. Guidance given in the original 1998 Good Agricultural Practices (GAPs) guide (*The Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables*) has been used for the development of many food safety and GAPs programs and likely contains many of the key principles to the produce safety regulation. Additionally, a collaborative project between FDA, USDA and Cornell University, called the Produce Safety Alliance (PSA), has been created. The overall goal of PSA is to develop and provide training and educational opportunities related to current best practices and guidance, and future regulatory requirements. PSA consists of food safety experts from many of the top universities from around the United States. PSA is currently developing a nationwide curriculum to increase the understanding of the principles of GAPs and to facilitate the implementation of food safety practices on fresh fruit and vegetable farms and in packinghouses (including citrus). Visit www.producesafetyalliance.cornell. edu/psa.html for more information or if you are interested in working with PSA on the curriculum development or other objectives.

#### IMPACTS OF FSMA ON FLORIDA CITRUS – PROCESSORS

FSMA provides for exemptions or modified requirements under certain circumstances, such as when a facility is already subjected to and operating in accordance with FDA's Juice HACCP regulation, which required implementation by most commercial citrus processors in January 2002. Therefore, Florida juice processors operating under the Juice HACCP regulation will likely see minimal impact from FSMA.

It is important for Florida's fresh citrus industry to stay informed about proposed rules and guidance that are developed as a result of FSMA, and to be active in providing feedback during the comment period. For the most current information and details about FSMA, visit www.fda.gov/ FSMA. This site also provides a way to sign up to receive FSMA updates via e-mail. Remember, active industry collaboration and comment on FDA proposed rules and guidelines will result in regulations that are commercially viable while increasing consumer safety and confidence in the food consumers buy.

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