

AFDO Guidance for Interpretation of Approved Source as it relates to Retail Food Establishments and the Produce Safety Rule



With the passage of the Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA), the FDA has adopted [21 CFR 112](#) Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (referred to as the Produce Safety Rule). The Produce Safety Rule is complex and has led to many questions from the state and local regulatory food safety jurisdictions as to how it may impact the interpretation of the “approved” source at the retail level. This guidance document will help clarify the issues surrounding fresh produce, which are Raw Agricultural Commodities (RACs) that are locally grown, sourced, and sold in retail food establishments.

Question:

Regulatory authorities ask if produce (RACs) from any source, including farmer’s markets or direct from the farm, is considered an “approved” source for retail?

Guidance:

The Produce Safety Rule establishes, for the first time, science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption.

- The Produce Safety Rule does not require all produce (RACs) to meet all requirements of the rule.
- The Produce Safety Rule does not require all farms to be inspected or require registration of farms with regulatory authorities.

The definition of “approved” in the 2017 Food Code 1-201.10(B) says it “means acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.” Paragraph 3-201.11(a) states “food shall be obtained from sources that comply with law”.

Produce (RACs) sourced directly from a farm, from a farmer’s market, or grown by the retail establishment, can be considered an “approved” source at retail unless there are factors that call into question such a conclusion, for example, evidence of contamination, microbial contamination through surveillance testing, or foodborne illness outbreaks.

All farms do have a responsibility to produce food that complies with the Federal Food, Drug, and Cosmetics Act and farms not subject to the Produce Safety Rule are still subject to adulteration provisions in regulations.

Buyers for retail establishments should ensure produce sourced directly from farms or farmer’s market vendors are following safe food handling practices. Current resources can be used to help buyers when selecting their local produce. Due diligence on the buyer’s side is important.

Resources:

- Iowa Checklist for Retail Purchasing of Local Fresh Produce - <https://store.extension.iastate.edu/product/12938>
- Buying Local – Approved Food Sources for Food Establishments – Michigan Department of Agriculture & Rural Development - <https://www.michigan.gov/mdard/food-dairy/regulators/evaluation/buying-local-approved-food-sources-for-food-establishments>
- Verifying On-Farm Food Safety - <https://theicn.org/resources/179/produce-safety/105766/verifying-on-farm-food-safety-fact-sheet.pdf>
- Ensuring Traceability of Fresh Produce - <https://theicn.org/resources/652/produce-safety-best-practices-fact-sheets/107985/traceability.pdf>