



FARM COMMONS

# Whether and When Farms Must Comply with FSMA: Flowchart

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**DISCLAIMER:** This guide does not provide legal advice or establish an attorney client relationship between the reader and author. Always consult an attorney regarding your specific situation.

## Does the PRODUCE RULE apply to my farm?

Start here: Does your farm operation grow, harvest, pack, or hold "produce"? (see pg.6 for definition of produce)

YES

The PRODUCE RULE applies but exemptions or modified rules may be available. Proceed.

NO

The PRODUCE RULE does not apply to you. But you may be subject to the PREVENTIVE CONTROLS RULE. Proceed to the next page.

- Do you gross \$25K or less per year in all produce sales (averaged across 3 yrs)?
- Do you grow/harvest/pack/hold only produce that's rarely consumed raw (before answering see exhaustive list on pg. 6)?
- Do you grow/harvest/pack/hold produce only for personal/on-farm consumption?
- Do you grow/harvest/pack/hold only produce that's destined for commercial processing?

If you can answer "yes" to any of these questions, follow the YES path. If the answer is "no" to all of them, follow the NO path.

YES

NO

You are not required to comply with the PRODUCE RULE. At the same time, you must keep full and complete records establishing that you meet the exemption options above. Proceed below.

You're eligible for a **Qualified Exemption**, which involves:

- **Labeling:** If your produce requires a food packaging label, the label must include the farm's name & complete address. For produce without a label, you must clearly display this info at every point of sale.
- **Records:** You must keep sales records to prove you meet the requirements for a qualified exemption.
- **Enforcement:** If an incident is linked to your farm, enforcement action can still be taken.
- **Withdrawal of Exemption:** FDA may withdraw your qualified exempt status—after giving notice and an opportunity to rectify—if a foodborne illness is directly linked to your farm or they learn of unsafe conditions/conduct. It can be reinstated later on.

### Qualified Exemption Compliance Dates:

- **Labeling:** If a packaging label is required, you must comply with the name & address requirement by Jan 1, 2020. Otherwise, by the general compliance dates (see far right).
- **Records:** The FDA expects you to keep sales records as of the effective date of the rule—Jan 26, 2016. You'll need to do an annual review and verification at the end of each year to demonstrate that you continue to satisfy the qualified exemption.

**All farmers are still legally obligated to sell only safe food under various federal and state laws.** Plus, safe food is what your customers want!

**Reduce your risk of liability overall by learning about and complying with the PRODUCE RULE standards and requirements, including adopting a food safety plan.**

1. Do you gross less than \$500K/yr in all food sales? AND
2. Is more than 50% of the value of those sales to "qualified end users"?  
A "qualified end user" is:
  - » An individual consumer of food (not a business) or
  - » A restaurant or retail food establishment that is either in the same state as the farm or within 275 miles.

If you answer "yes" to BOTH 1 and 2, follow YES. If the answer is "no" to either, follow NO.

YES

NO

You have **No Exemption**. You must comply with the full PRODUCE RULE which addresses standards for the following:

- Agricultural water (irrigation, washing)
- Biological soil amendments (raw manure, compost)
- Domesticated and wild animals
- Personnel qualifications and training, and health and hygiene
- Equipment, tools, and building sanitation.
- Growing sprouts

### General Compliance Dates:

- **Very Small Farms:** If you gross \$250k or less/yr in all produce (avg 3 yrs), you must comply by Jan 26, 2020.
- **Small Farms:** If you gross \$500k or less a year in all produce (avg 3 yrs), you must comply by Jan 26, 2019.
- **Everyone else:** By Jan 26, 2018.
- **Agricultural Water testing:** You have 2 additional years to comply.
- **Sprouts:** 1 less year to comply.

Proceed to next page to determine if the PREVENTIVE CONTROLS RULE applies.

# Does the PREVENTIVE CONTROLS RULE apply to my farm?

Start here: Does your farm operation manufacture, process, pack, or hold any food for human consumption?

NO

The PREVENTIVE CONTROLS RULE does not apply to you. However, **food safety should always be a top priority.** See Farm Commons's "Farmer's Guide to Reducing Legal Risks of a Food Safety Incident" or watch our Tutorial on "Food Safety Liability and Regulations" for more information on food safety liability risks and how to manage them.

YES

The PREVENTIVE CONTROLS RULE applies, but exemptions or modified rules may be available. Proceed.

Does all of the manufacturing, processing, packing and holding of food occur on *your* farm?

NO

Are all of the manufacturing, processing, packing, or holding of food products done on farms that are under the same management and in the same general location devoted to growing crops and raising animals?

This includes farms with multiple parcels of land, so long as all parcels are in the same general vicinity and all are under the same management.

NO

Are all the manufacturing, processing, packing, or holding of food products done at an off-farm facility where the majority of the ownership is held by farms that also supply a majority of the food the facility is handling (e.g. packing warehouse that's 50.1% or more owned by farms)?

NO

Is your primary function to sell food directly to consumers which means that 50.1% or more of the monetary value of your annual food sales are made directly to individuals, not businesses?

*Note: This may include roadside stands, farmers markets, and CSAs that hold and distribute food not grown on the farm (the FDA will issue a final clarifying rule soon).*

NO

YES

NO

You may still be eligible for the **Qualified Exemption** or a **Partial Exemption**. Proceed to the next page to find out.

You have a FSMA-defined "Retail Food Establishment." Proceed to find out more.

YES

You have a FSMA-defined "Primary Production Farm." You may have a full exemption. Proceed to find out.

YES

You have a FSMA-defined "Secondary Activities Farm." You may have a full exemption. Proceed to find out.

YES

Are your on-farm manufacturing, processing, packing, and holding activities limited to the following:

- Packing/holding and very limited processing activities (e.g. dehydrate but not slice—see exhaustive list on pg. 7 before answering);
- Packing/holding food from other farms; and/or
- Processing/manufacturing foods to be consumed solely on the farm?

YES

You have a **Full Exemption** from the Preventive Controls Rule, but you may be subject to the Produce Rule. And, your farm must comply with other applicable state and federal laws! For example:

» If 50.1% or more of the food your farm sells is not produced on your farm, or your farm processes product in any way (including dehydrating or freezing whole produce), you may need a food safety-related license under your state's Food Code.

See Farm Commons' resources including our tutorial and guide on "Adding Value Without Adding Liability" for more information.

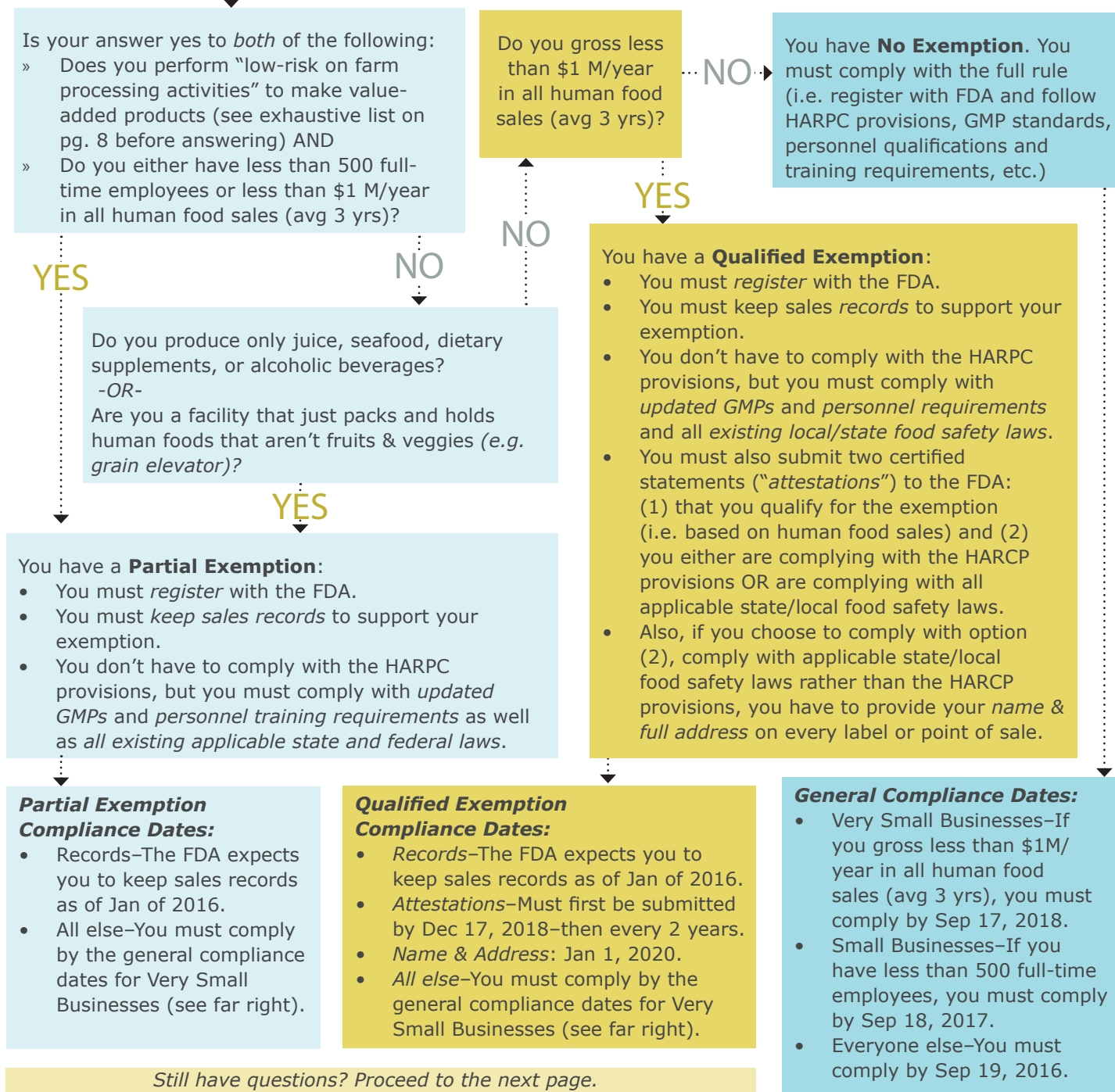
Still have questions? Proceed to page 5.

## Does the Preventive CONTROLS RULE apply to my farm (cont'd)?

If you've gotten here, you're a FSMA-defined "Farm-Mixed Type Facility." You're going to have to comply with all or part of the PREVENTIVE CONTROLS RULE. In a nutshell, this rule:

- Updates and requires facilities to follow *current good manufacturing processes* (GMPs);
- Establishes a new set of prevention-oriented food safety requirements referred to as *Hazard Analysis and Risk Based Preventive Controls* or "HARPC", which require facilities to implement a food safety plan, analyze potential hazards, establish risk-based preventive controls, and follow a *supply chain program*.
- Requires *training and qualification of employees*; and
- Requires facilities to *register with the FDA* and follow certain *labeling* and *recordkeeping requirements*.

The following will help you determine which parts of the rule you'll have to comply with and by when.



## Still have questions?

You're not alone!! These are complex rules, and it's going to take some time to figure it all out. The following provides some guidance to get you started.

## I'm still confused on whether I must comply with either or both rules

### ***How do I know whether the produce I grow is covered by the Produce Rule (generally consumed raw)?***

The rule provides a definition of produce. The definition specifies that grains and oilseeds are not covered by the rule, but things like mushrooms and sprouts are. The rule includes a non-exhaustive list of produce that's generally consumed raw to offer examples of what's covered by the rule. The rule also provides an exhaustive list of produce that's not generally consumed raw (i.e. not covered). Take a look at these lists, as it's not intuitive. When in doubt, unless you're ONLY growing produce on the exhaustive list, assume that the produce you grow is generally consumed raw! The definition and lists are included in the appendix (p. 6).

### ***I'm confused about the FDA's definition of a "farm"— how do I know whether my farm operation or co-farming arrangement falls within the definition?***

The FDA's definition of a farm is not easy to decipher. The definition evolved over time to address the sustainable farming community's concerns about aggregator and co-managed farming arrangements such as CSAs and food hubs. But it is not clear how the FDA will interpret the rule in certain scenarios as ambiguities remain. The FDA will be coming out with a guidance document on the "farm" definition, which may be helpful. Also, the FDA has encouraged folks to ask questions through their online Technical Assistance Network or "TAN." The FDA will send these questions to their lawyers and will respond. Be sure you are as specific as possible so you can get a specific answer. The FDA has begun posting frequently asked questions and answers on their website to provide guidance to the community. So you can look there as well for more guidance!!

### ***How do I know which limited activities my so called "primary production farm" or "secondary activities farm" can engage in without being subject to the Preventive Controls Rule?***

These activities are limited to: (1) packaging and labeling raw agricultural commodities (RACs), (2) drying/dehydrating RACs (but no slicing or dicing) and packaging and labeling dried/dehydrated RACs, and (3) treating RACs to manipulate ripening. You can also do activities that fall within the definitions of "harvesting," "packing," or "holding"—which includes things like coating for storage/transportation. These definitions are included in the appendix (p. 7).

### ***How do I know which low-risk activities my so called "farm-mixed type facility" can engage in when making value added products and still qualify for the partial exemption of the Preventive Controls Rule?***

The full list of such low-risk activities provided in the rule is included in the appendix (p. 8).

### ***I still have more questions about whether I need to comply with either or both of the rules!***

Don't panic, resources are out there and are forthcoming to help you.

- The National Sustainable Agricultural Coalition (NSAC) has done an amazing job at pulling together this information. Check out their materials at: [www.sustainableagriculture.net/fsma/](http://www.sustainableagriculture.net/fsma/)
- You can ask the FDA specific questions: <http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm459719.htm>
- We at Farm Commons are committed helping you navigate these rules, so look out for more materials soon!

## I know that I must comply; how can I learn more about what's required?

The good news is you have time! Here are a few steps you can take to stay on top of it all:

- The FDA will be issuing specific guidance documents on things like water quality requirements, updated GAP standards, requirements for sprouts for the Produce Rule; updated GMP standards for the Preventive Controls Rule; as well as a Small Business Compliance Guide for both rules. You can also ask the FDA specific questions through their Technical Assistance Network (TAN) (<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm459719.htm>) and review the FAQs (<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247559.htm>).
- Check out NSAC's website for latest updates and resources: [sustainableagriculture.net/fsma/](http://sustainableagriculture.net/fsma/)
- Watch for workshops and classes offered by extensions, support groups, and GAP and GMP training providers.
- Look out for more materials soon from Farm Commons!

## Use the “produce” definition and lists to determine whether the produce you grow is “generally consumed raw” and subject to the Produce Rule

*The following is the definition of “Produce” and lists included in the Produce Rule to help farmers determine whether the produce they grow, harvest, pack, and hold is subject to or “covered” by the Produce Rule.*

**Definition of “Produce”:** Produce means any fruit or vegetable (including mixes of intact fruits and vegetables) and includes mushrooms, sprouts (irrespective of seed source), peanuts, tree nuts, and herbs. A fruit is the edible reproductive body of a seed plant or tree nut (such as apple, orange, and almond) such that fruit means the harvestable or harvested part of a plant developed from a flower. A vegetable is the edible part of an herbaceous plant (such as cabbage or potato) or fleshy fruiting body of a fungus (such as white button or shiitake) grown for an edible part such that vegetable means the harvestable or harvested part of any plant or fungus whose fruit, fleshy fruiting bodies, seeds, roots, tubers, bulbs, stems, leaves, or flower parts are used as food and includes mushrooms, sprouts, and herbs (such as basil or cilantro). Produce does not include food grains meaning the small, hard fruits or seeds of arable crops, or the crops bearing these fruits or seeds, that are primarily grown and processed for use as meal, flour, baked goods, cereals and oils rather than for direct consumption as small, hard fruits or seeds (including cereal grains, pseudo cereals, oilseeds and other plants used in the same fashion). Examples of food grains include barley, dent- or flint-corn, sorghum, oats, rice, rye, wheat, amaranth, quinoa, buckwheat, and oilseeds (e.g., cotton seed, flax seed, rapeseed, soybean, and sunflower seed).

### **Non-exhaustive list of produce that is “generally consumed raw” (i.e. covered produce):**

Fruits and vegetables such as almonds, apples, apricots, apriums, Artichokes-globe-type, Asian pears, avocados, babacos, bananas, Belgian endive, blackberries, blueberries, boysenberries, brazil nuts, broad beans, broccoli, Brussels sprouts, burdock, cabbages, Chinese cabbages (Bok Choy, mustard, and Napa), cantaloupes, carambolas, carrots, cauliflower, celeriac, celery, chayote fruit, cherries (sweet), chestnuts, chicory (roots and tops), citrus (such as clementine, grapefruit, lemons, limes, mandarin, oranges, tangerines, tangors, and uniqfruit), cowpea beans, cress-garden, cucumbers, curly endive, currants, dandelion leaves, fennel-Florence, garlic, genip, gooseberries, grapes, green beans, guavas, herbs (such as basil, chives, cilantro, oregano, and parsley), honeydew, huckleberries, Jerusalem artichokes, kale, kiwifruit, kohlrabi, kumquats, leek, lettuce, lychees, macadamia nuts, mangos, other melons (such as Canary, Crenshaw and Persian), mulberries, mushrooms, mustard greens, nectarines, onions, papayas, parsnips, passion fruit, peaches, pears, peas, peas-pigeon, peppers (such as bell and hot), pine nuts, pineapples, plantains, plums, plumcots, quince, radishes, raspberries, rhubarb, rutabagas, scallions, shallots, snow peas, soursop, spinach, sprouts (such as alfalfa and mung bean), strawberries, summer squash (such as patty pan, yellow and zucchini), sweetsop, Swiss chard, taro, tomatoes, turmeric, turnips (roots and tops), walnuts, watercress, watermelons, and yams; and Mixes of intact fruits and vegetables (such as fruit baskets).

### **Exhaustive list of produce that is NOT generally consumed raw (i.e. not covered produce):**

Asparagus, beans (black, great Northern, kidney, lima, navy, pinto), beets (garden (roots and tops) and sugar beets), cashews, sour cherries, chickpeas, cocoa beans, coffee beans, collards, sweet corn, cranberries, dates, dill (seeds and weed), eggplants, figs, ginger, hazelnuts, horseradish, lentils, okra, peanuts, pecans, peppermint, potatoes, pumpkins, winter squash, sweet potatoes, and water chestnuts.

## Types of limited activities farms can engage in while still being fully exempt from the Preventive Controls Rule

### **“Primary production farms” and “secondary activities farms” as defined can engage in the following limited activities while still being exempt from the Preventive Controls Rule:**

- Pack or hold raw agricultural commodities;
- Pack or hold processed food, provided that all processed food used in such activities is either consumed on that farm or another farm under the same management; and
- Manufacture/process food, provided that:
  - » All food used in such activities is consumed on that farm or another farm under the same management; or
  - » Any manufacturing/processing of food that is not consumed on that farm or another farm under the same management consists only of:
    - (1) Drying/dehydrating raw agricultural commodities to create a distinct commodity (such as drying/dehydrating grapes to produce raisins), and packaging and labeling such commodities, without additional manufacturing/processing (an example of additional manufacturing/processing is slicing);
    - (2) Treatment to manipulate the ripening of raw agricultural commodities (such as by treating produce with ethylene gas), and packaging and labeling treated raw agricultural commodities, without additional manufacturing/processing; and
    - (3) Packaging and labeling raw agricultural commodities, when these activities do not involve additional manufacturing/processing (an example of additional manufacturing/processing is irradiation).

### **In addition, farms can engage in “harvesting,” “packing,” and “holding” activities as defined below without being subject to the Preventive Controls Rule:**

**Definition of “Harvesting”:** Harvesting applies to farms and farm mixed-type facilities and means activities that are traditionally performed on farms for the purpose of removing raw agricultural commodities from the place they were grown or raised and preparing them for use as food. Harvesting is limited to activities performed on raw agricultural commodities, or on processed foods created by drying/dehydrating a raw agricultural commodity without additional manufacturing/processing, on a farm. Harvesting does not include activities that transform a raw agricultural commodity into a processed food as defined in section 201(gg) of the Federal Food, Drug, and Cosmetic Act. Examples of harvesting include cutting (or otherwise separating) the edible portion of the raw agricultural commodity from the crop plant and removing or trimming part of the raw agricultural commodity (e.g., foliage, husks, roots or stems). Examples of harvesting also include cooling, field coring, filtering, gathering, hulling, removing stems and husks from, shelling, sifting, threshing, trimming of outer leaves of, and washing raw agricultural commodities grown on a farm.

**Definition of “Packing”:** Packing means placing food into a container other than packaging the food and also includes re-packing and activities performed incidental to packing or re-packing a food (e.g., activities performed for the safe or effective packing or re-packing of that food (such as sorting, culling, grading, and weighing or conveying incidental to packing or re-packing), but does not include activities that transform a raw agricultural commodity into a processed food. *Note: Packaging means placing food into a container that directly contacts the food and that the consumer receives. Packaging activities will subject the farm to the Preventive Controls Rule.*

**Definition of “Holding”:** Holding means storage of food and also includes activities performed incidental to storage of a food (e.g., activities performed for the safe or effective storage of that food, such as fumigating food during storage, and drying/dehydrating raw agricultural commodities when the drying/dehydrating does not create a distinct commodity (such as drying/dehydrating hay or alfalfa)). Holding also includes activities performed as a practical necessity for the distribution of that food (such as blending of the same raw agricultural commodity and breaking down pallets), but does not include activities that transform a raw agricultural commodity into a processed food as defined in section 201(gg) of the Federal Food, Drug, and Cosmetic Act. Holding facilities could include warehouses, cold storage facilities, storage silos, grain elevators, and liquid storage tanks.

**Note: While farms may be exempt from the Preventive Controls Rule, the Produce Rule may still apply.**

## List of processing/manufacturing activities a farm mixed-type facility may do and still qualify for a partial exemption under the Preventive Controls Rule

- Boiling gums, latexes, and resins;
- Chopping, coring, cutting, peeling, pitting, shredding, and slicing acid fruits and vegetables that have a pH less than 4.2 (e.g., cutting lemons and limes), baked goods (e.g., slicing bread), dried/ dehydrated fruit and vegetable products (e.g., pitting dried plums), dried herbs and other spices (e.g., chopping intact, dried basil), game meat jerky, gums/ latexes/resins, other grain products (e.g., shredding dried cereal), peanuts and tree nuts, and peanut and tree nut products (e.g., chopping roasted peanuts);
- Coating dried/dehydrated fruit and vegetable products (e.g., coating raisins with chocolate), other fruit and vegetable products except for non-dried, non-intact fruits and vegetables (e.g., coating dried plum pieces, dried pitted cherries, and dried pitted apricots with chocolate are low-risk activity/food combinations but coating apples on a stick with caramel is not a low-risk activity/food combination), other grain products (e.g., adding caramel to popcorn or adding seasonings to popcorn provided that the seasonings have been treated to significantly minimize pathogens, peanuts and tree nuts (e.g., adding seasonings provided that the seasonings have been treated to significantly minimize pathogens), and peanut and tree nut products (e.g., adding seasonings provided that the seasonings have been treated to significantly minimize pathogens));
- Drying/dehydrating (that includes additional manufacturing or is performed on processed foods) other fruit and vegetable products with pH less than 4.2 (e.g., drying cut fruit and vegetables with pH less than 4.2), and other herb and spice products (e.g., drying chopped fresh herbs, including tea);
- Extracting (including by pressing, by distilling, and by solvent extraction) from dried/dehydrated herb and spice products (e.g., dried mint), fresh herbs (e.g., fresh mint), fruits and vegetables (e.g., olives, avocados), grains (e.g., oilseeds), and other herb and spice products (e.g., chopped fresh min chopped dried mint);
- Freezing acid fruits and vegetables with pH less than 4.2 and other fruit and vegetable products with pH less than 4.2 (e.g., cut fruits and vegetables);
- Grinding/cracking/crushing/ milling baked goods (e.g., crackers), cocoa beans (roasted), coffee beans (roasted), dried/dehydrated fruit and vegetable products (e.g., raisins and dried legumes), dried/dehydrated herb and spice products (e.g., intact dried basil), grains (e.g., oats, rice, rye, wheat), other fruit and vegetable products (e.g., dried, pitted dates), other grain products (e.g., dried cereal), other herb and spice products (e.g., chopped dried herbs), peanuts and tree nuts, and peanut and tree nut products (e.g., roasted peanuts);
- Labeling baked goods that do not contain food allergens, candy that does not contain food allergens, cocoa beans (roasted), cocoa products that do not contain food allergens, coffee beans (roasted), game meat jerky, gums/ latexes/resins that are processed foods, honey (pasteurized), jams/jellies/ preserves, milled grain products that do not contain food allergens (e.g., corn meal) or that are single-ingredient foods (e.g., wheat flour, wheat bran), molasses and treacle, oils, other fruit and vegetable products that do not contain food allergens (e.g., snack chips made from potatoes or plantains), other grain products that do not contain food allergens (e.g., popcorn), other herb and spice products (e.g., chopped or ground dried herbs), peanut or tree nut products, (provided that they are single ingredient, or are in forms in which the consumer can reasonably be expected to recognize the food allergen(s) without label declaration, or both (e.g., roasted or seasoned whole nuts, single ingredient peanut or tree nut flours)), processed seeds for direct consumption, soft drinks and carbonated water, sugar, syrups, trail mix and granola (other than those containing milk chocolate and provided that peanuts and/or tree nuts are in forms in which the consumer can reasonably be expected to recognize the food allergen(s) without label declaration), vinegar, and any other processed food that does not require time/temperature control for safety and that does not contain food allergens (e.g., vitamins, minerals, and dietary ingredients (e.g., bone meal) in powdered, granular, or other solid form);



## List of processing/manufacturing activities a mixed-farm facility may do and still qualify for a partial exemption under the Preventive Controls Rule (cont'd)

- Making baked goods from milled grain products (e.g., breads and cookies);
- Making candy from peanuts and tree nuts (e.g., nut brittles), sugar/syrups (e.g., taffy, toffee), and saps (e.g., maple candy, maple cream);
- Making cocoa products from roasted cocoa beans;
- Making dried pasta from grains;
- Making jams, jellies, and preserves from acid fruits and vegetables with a pH of 4.6 or below;
- Making molasses and treacle from sugar beets and sugarcane;
- Making oat flakes from grains;
- Making popcorn from grains;
- Making snack chips from fruits and vegetables (e.g., making plantain and potato chips);
- Making soft drinks and carbonated water from sugar, syrups, and water;
- Making sugars and syrups from fruits and vegetables (e.g., dates), grains (e.g., rice, sorghum), other grain products (e.g., malted grains such as barley), saps (e.g., agave, birch, maple, palm), sugar beets, and sugarcane;
- Making trail mix and granola from cocoa products (e.g., chocolate), dried/dehydrated fruit and vegetable products (e.g., raisins), other fruit and vegetable products (e.g., chopped dried fruits), other grain products (e.g., oat flakes), peanut and tree nut products, and processed seeds for direct consumption, provided that peanuts, tree nuts, and processed seeds are treated to significantly minimize pathogens;
- Making vinegar from fruits and vegetables, other fruit and vegetable products (e.g., fruit wines, apple cider), and other grain products (e.g., malt);
- Mixing baked goods (e.g., types of cookies), candy (e.g., varieties of taffy), cocoa beans (roasted), coffee beans (roasted), dried/dehydrated fruit and vegetable products (e.g., dried blueberries, dried currants, and raisins), dried/dehydrated herb and spice products (e.g., dried, intact basil and dried, intact oregano), honey (pasteurized), milled grain products (e.g., flour, bran, and corn meal), other fruit and vegetable products (e.g., dried, sliced apples and dried, sliced peaches), other grain products (e.g., different types of dried pasta), other herb and spice products (e.g., chopped or ground dried herbs, dried herb- or spice-infused honey, and dried herb- or spice-infused oils and/or vinegars), peanut and tree nut products, sugar, syrups, vinegar, and any other processed food that does not require time/temperature control for safety (e.g., vitamins, minerals, and dietary ingredients (e.g., bone meal) in powdered, granular, or other solid form);
- Packaging baked goods (e.g., bread and cookies), candy, cocoa beans (roasted), cocoa products, coffee beans (roasted), game meat jerky, gums/ latexes/resins that are processed foods, honey (pasteurized), jams/ jellies/ preserves, milled grain products (e.g., flour, bran, corn meal), molasses and treacle, oils, other fruit and vegetable products (e.g., pitted, dried fruits; sliced, dried apples; snack chips), other grain products (e.g., popcorn), other herb and spice products (e.g., chopped or ground dried herbs), peanut and tree nut products, processed seeds for direct consumption, soft drinks and carbonated water, sugar, syrups, trail mix and granola, vinegar, and any other processed food that does not require time/temperature control for safety (e.g., vitamins, minerals, and dietary ingredients (e.g., bone meal) in powdered, granular, or other solid form);
- Pasteurizing honey;
- Roasting and toasting baked goods (e.g., toasting bread for croutons);
- Salting other grain products (e.g., soy nuts), peanut and tree nut products, and processed seeds for direct consumption; and
- Sifting milled grain products (e.g., flour, bran, corn meal), other fruit and vegetable products (e.g., chickpea flour), and peanut and tree nut products (e.g., peanut flour, almond flour).

## List of packing/holding activities a mixed-farm facility may engage in and still qualify for a partial exemption under the Preventive Controls Rule

- Baked goods (e.g., bread and cookies);
- Candy (e.g., hard candy, fudge, maple candy, maple cream, nut brittles, taffy, and toffee);
- Cocoa beans (roasted);
- Cocoa products;
- Coffee beans (roasted);
- Game meat jerky;
- Gums, latexes, and resins that are processed foods;
- Honey (pasteurized);
- Jams, jellies, and preserves;
- Milled grain products (e.g., flour, bran, and corn meal);
- Molasses and treacle;
- Oils (e.g., olive oil and sunflower seed oil);
- Other fruit and vegetable products (e.g., flours made from legumes; pitted, dried fruits; sliced, dried apples; snack chips);
- Other grain products (e.g., dried pasta, oat flakes, and popcorn);
- Other herb and spice products (e.g., chopped or ground dried herbs, herbal extracts);
- Peanut and tree nut products (e.g., roasted peanuts and tree nut flours);
- Processed seeds for direct consumption (e.g., roasted pumpkin seeds);
- Soft drinks and carbonated water;
- Sugar;
- Syrups (e.g., maple syrup and agave syrup);
- Trail mix and granola;
- Vinegar; and
- Any other processed food that does not require time/temperature control for safety (e.g., vitamins, minerals, and dietary ingredients (e.g., bone meal) in powdered, granular, or other solid form).

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