

# Distributor Role for Farms Exempt from Produce Safety Rule

## Question

Distributors are usually the most efficient option for Farm to School since they can aggregate many suppliers (including Food Hubs) into each school delivery. They are also better able to meet insurance and other requirements many farmers under direct school contracts cannot. Many farmers will be further impacted by FSMA and the new Produce Safety Rule due to take effect in about 18 months.

In the real world, how do I construct a produce procurement that takes full advantage of the newly permitted "locally grown or raised or caught" requirement specification when available while permitting non-local sources for out of season fulfillment?

## Answer

Most produce distributors (and DOD Fresh) require GAP certification and bar code UPC traceability is common for products from GAP certified farms. However, the Food Safety Modernization Act (FSMA) provides for some exemptions to make it easier for small farmers to participate. For this purpose, distributors (identified as "receiving facilities") are required to take on additional responsibilities to manage the supply chain to assure food safety as defined in the Final Rule. This may include adding traceability with GTINs and bar codes once the products are received by the distributor. Therefore, Distributor Procurement Specifications (see example) should consider requirements that permit participation by farms exempt from the Produce Safety Rule as described in the Final Rule. Given the complexities, it may be helpful to consider working with experts that can conduct competitive procurements and share resulting contracts that are customized to meet local market conditions .

## Additional Resources

[School Lunches Get a Local Boost from New USDA Standards | Civil Eats News Article](#)  
[FSMA Final Rule for Produce Safety Coverage and Exemptions-Exclusions Flowchart](#)  
[Draft Language for New "Locally Grown" Regulations](#)

## Final Rule (2015)

§117.405 Requirement to establish and implement a **supply-chain program**. (a)(1) Except as provided by paragraphs (a)(2) and (3) of this section, the receiving facility must establish and implement a risk-based supply-chain program for those raw materials and other ingredients for which the **receiving facility** has identified a hazard requiring a supply-chain-applied control...

§117.410 General requirements applicable to a **supply-chain program**. (a) The supply-chain program must include: (1) Using approved suppliers as required by §117.420; (2) Determining appropriate **supplier verification activities** (including determining the frequency of conducting the activity) as required by §117.425; (3) Conducting supplier verification activities as required by §§117.430 and 117.435; (4) Documenting supplier verification activities as required by §117.475; and (5) When applicable, verifying a supply-chain-applied control applied by an entity other than the receiving facility's supplier and documenting that verification as required by §117.475, or obtaining documentation of an appropriate verification activity from another entity, reviewing and assessing that documentation, and documenting the review and assessment as required by §117.475....

(b) The following are appropriate supplier verification activities for raw materials and other ingredients: (1) Onsite audits; (2) Sampling and testing of the raw material or other ingredient; (3) Review of the supplier's relevant food safety records; and (4) Other appropriate supplier verification activities based on supplier performance and the risk associated with the raw material or other ingredient. (c) The supply-chain program must provide assurance that a hazard requiring a supply-chain-applied control has been significantly minimized or prevented.