



# Current and Impending Food Safety Regulations That May Affect Honey Producers June 1, 2013

Since 9/11 and repeated large scale food borne illness outbreaks traced back to food producers there has been much focus on the production, storage and handling of food nationwide. New Jersey producers, packers and handlers of raw agricultural commodities will need to keep up-to-date on current and impending regulation of their products. The following information is specific to NJ beekeepers and includes the FDA Food Facility Registration, the Food Safety Modernization Act and guidelines specific to NJ regarding honey production. Please keep in mind that these rules are evolving. Rutgers Cooperative Extension seeks to provide relevant and timely information so you can better understand and prepare for current and impending regulations.

## **FDA FOOD FACILITY REGISTRATION**

The food facility registration is an effort of the United States government to know where food storage locations and distribution points are in case of terrorism attack on our food supply. The registration period for those required to register is open from October 1 through December 31<sup>st</sup> in even numbered years. (2010, 2012, 2014...) Manufacturing, processing, packing and/or holding of food for human and animal consumption is the focus of the food facility registration. More details can be found at the FDA Food Facility Guidance website: <http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm>

## **What allows for an exemption of this FDA Food Facility Registration Rule?**

1. Farms are exempt if they “pack or hold food, provided that all food used in those activities is grown, raised, or consumed on that farm or another farm under the same ownership”

**AND/OR**

2. Farms are exempt if they “manufacture/process food, provided that all food used in such activities is consumed on that farm or another farm under the same ownership”

**AND/OR**

3. Structures that can be considered part of a private residence are not considered a facility

**AND/OR**

4. Retail food establishments – annual food sales directly to the consumer of the product are of greater dollar value than annual sales to other buyers (i.e. retail sales vs wholesale sales)

## **Key FDA definitions to be familiar with:**

**Annual Food Sales** – The total dollar amount of food sold for both human and animal consumption. This includes fruits and vegetables, grain, baked goods, animal food, chewing gum etc.

**Harvest** – Honey is not mentioned in this rule, nor is it mentioned in the FDA guidance documents for this rule (it qualifies as a “raw agricultural commodity”). It does state that the gathering of sap from maple trees is harvesting, so one might assume that the gathering of honey is also deemed as a harvest and not processing.

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**Processing** – Deliberately changing the raw commodity prior to sale (additives). This is important to remember in regards to the Food Safety Modernization Act Preventive Controls Rule (discussed later in this document).

**What to expect if you registered your facility with the FDA**

- An inspection of your production activities as they occur
- Questions can be asked of anyone involved in the process of extracting and bottling honey
- A review of your records (paper or electronic) specifically:
  - \* Sources of food you have purchased to resell
  - \* Recipients of the food you produce (wholesale buyers and any of your retail locations)

**PROPOSED FOOD SAFETY MODERNIZATION ACT (FSMA)**

This act was signed into law January 2011 and is the most sweeping legislation to impact food in the United States since the creation of the FDA. Several individual rules from this Act are now open to the public for comment. **FSMA will not go into effect for several years.** Sections of this law include:

- Imports
- Inspection and Compliance
- Preventive Controls
- Produce Safety
- Product Tracing

The Preventive Controls rule would apply to honey producers **who are required to comply with the FDA Food Facility Registration only.** The comment period for the Preventive Controls portion of the FSMA is open until September 16, 2013. We encourage producers who will be affected by this rule to read and comment. You can do so at: <http://www.fda.gov/Food/guidanceregulation/FSMA/ucm334115.htm> See the Food Facility Registration section on page one of this document for exemption information. Those required to register will need to have a written food safety plan detailing their production practices relating to food safety.

**Current NJ Standards for Honey Producers**

Chapter 24 Sanitation in Retail Food Establishments and Food and Beverage Vending Machines does not mention honey. Here is what the New Jersey Department of Agriculture and the New Jersey Department of Health does say about honey sales at farmers markets:

Sale Item	Specialty Conditions	Licensure Requirements	Comments
Honey and Maple Syrup	Processing and storage facility maintained in good sanitary condition.	None	Product label shall contain: name and address of seller or processor, name of product, ingredient list in descending order and the net weight of the product.

<http://www.state.nj.us/health/foodanddrugsafety/rfp.shtml>