

Welcome to the Kansas
Food Protection Task Force
Annual Meeting

June 13, 2019

Manhattan, Kansas



Goals of the FPTF

- Continue to organize Food Protection Task Force meetings and produce a quarterly newsletter.
- Target hard-to-reach stakeholders
- Foster communication, cooperation and collaboration within the state among federal, state, and local food protection, public health, agriculture, and regulatory agencies, academia, and other interested parties.

Food Safety and Lodging Program Update

Steve Moris, Program Manager



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Hemp in Feed



Ken Bowers, Technical Specialist



Feed Regulations

- Kansas Department of Agriculture (KDA)
 - Commercial Feeding Stuffs Law
- U.S. Food and Drug Administration (FDA)
 - Code of Federal Regulations, Title 21

Feed Ingredients

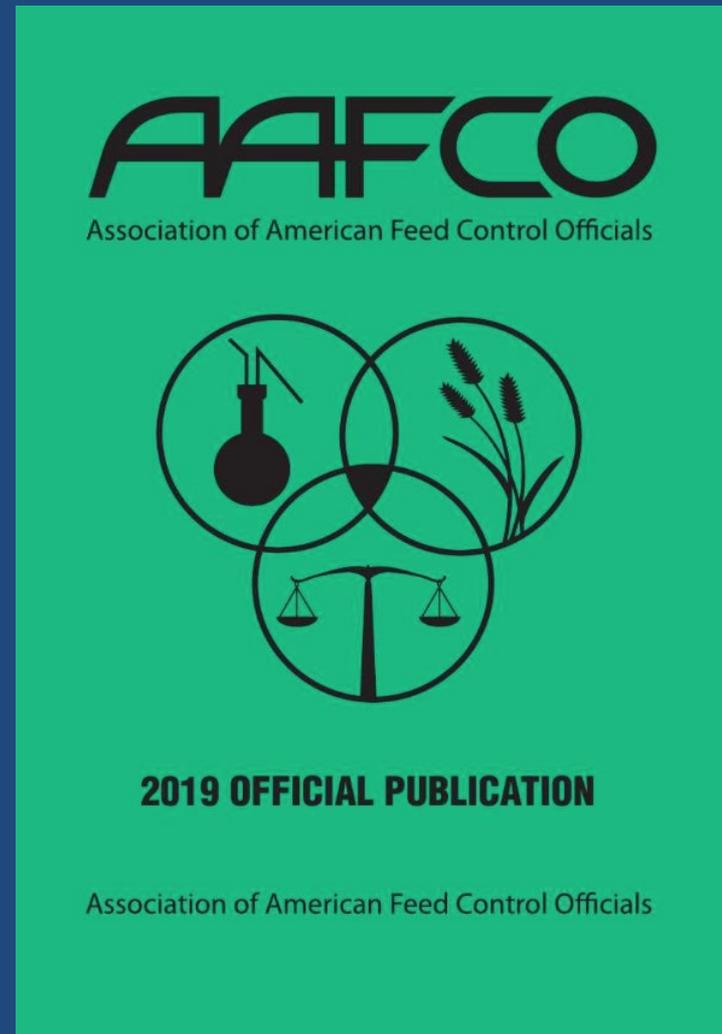
- Association of American Feed Control Officials (AAFCO) Official Definition
- Generally Recognized as Safe (GRAS)
- Food Additive Petition (21 CFR 572)
- Common or usual

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AAFCO

- Official Publication, Chapter 6
- Ingredient Definitions Committee
- Voted on by Membership
- MOU with FDA
- Adopted by Reference



Feed Ingredients

- Association of American Feed Control Officials (AAFCO) Official Definition
- **Generally Recognized as Safe (GRAS)**
- Food Additive Petition (21 CFR 572)
- Common or usual

GRAS

- Generally Recognized as Safe for Intended Use
 - Species
- Petition review by FDA
- Letter of No Questions from FDA

Feed Ingredients

- Association of American Feed Control Officials (AAFCO) Official Definition
- Generally Recognized as Safe (GRAS)
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- Common or usual

Food Additive Petition

- Code of Federal Regulations
 - 21 CFR 573
- Reviewed and approved by FDA
- Describes required conditions for use

Feed Ingredients

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Common or Usual

- Official definition not required
- Blueberry, Apple, Wheat, Corn

Hemp

- *Cannabis sativa L*
 - <0.3% THC
- Cannabidiol (CBD)
- Delta-9-tetrahydrocannabinol (THC)

Hemp

- No approved hemp or hemp-derived feed ingredients for animal feed
- GRAS approvals for human food
- CBD and THC considered drugs in animal food

Questions

Ken Bowers, Technical Specialist

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George Blush, Division Director

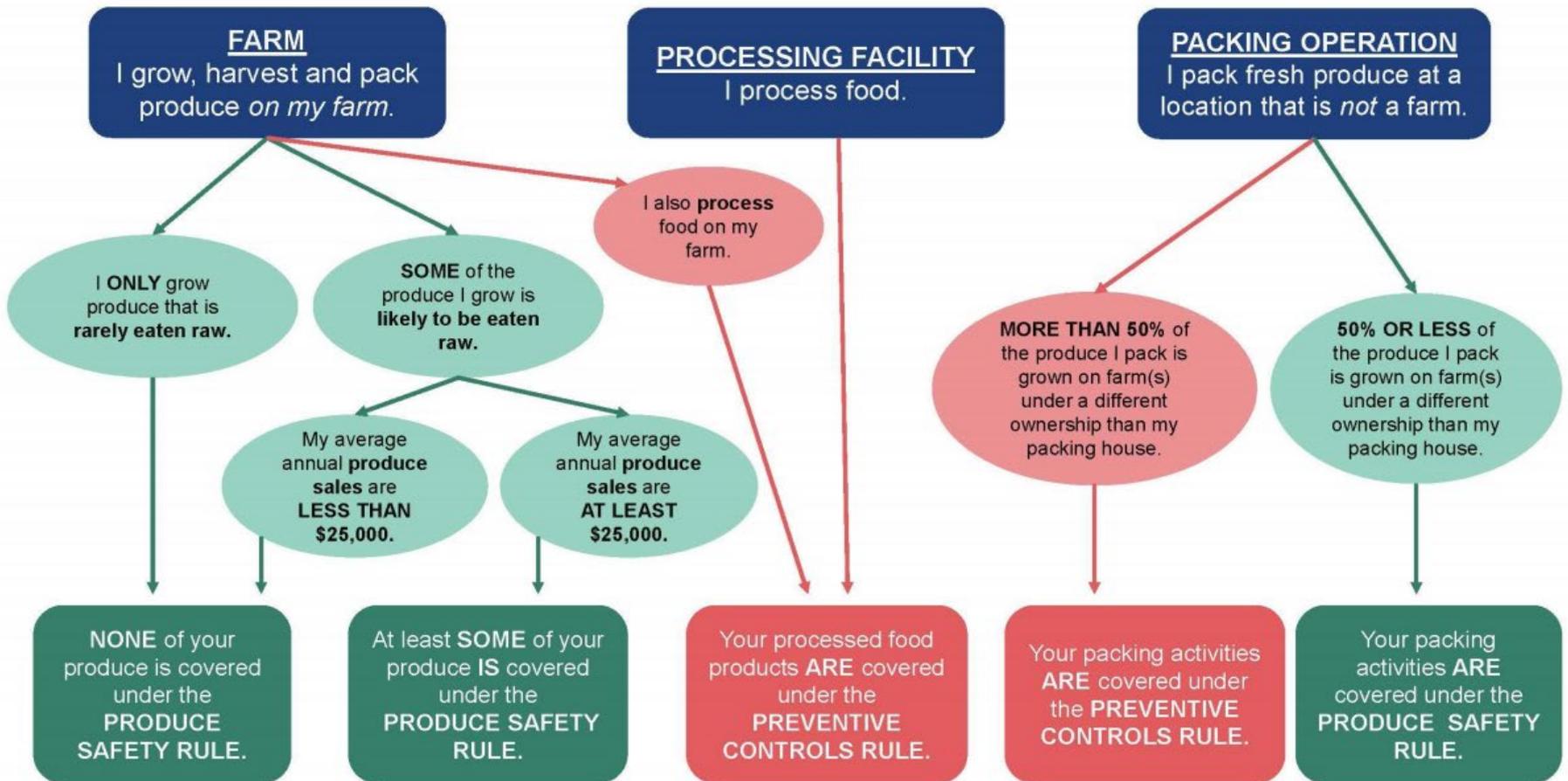
George.Blush@ks.gov

Produce Safety Rule

Who is Exempt and What is a Qualified
Exemption?



Which regulation is my produce or food products covered under?



Yikes! That's complicated!

Start with the basic question: Do I sell food?

- For people

Keep Going

- For animals

Stop

Contact Dairy and Feed Safety



The food I sell is a.....

- Raw, unprocessed agricultural product
 - Live animals (not pets)
 - Grain
 - Honey
 - Fresh fruits and vegetables
 - Live plants
 - Sprouts, shoots or microgreens?
 - Other live plants
- Processed product
 - Baked items
 - Cooked food
 - Cut produce
 - Honey with added flavors
 - Infused oils, vinegars, beverages, etc.
 - Processed meat

Stop: Contact KDA Animal Health

Stop: Contact KDA Grain Warehouse

Stop: Contact KDA Food Safety and Lodging

Keep
Going

Stop: Contact KDA Plant Protection

Stop: Contact KDA Food
Safety and Lodging to see if
you need a food
establishment or food
processing license

Stop: Contact KDA Meat and Poultry



Is the produce I sell commonly eaten raw?

- Yes **Keep Going**

- No **Stop:
Exempt**

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

The amount of produce I sell is....

- Less than \$25,000 per year

Stop: **Exempt**

Keep records to support the exemption (3 years of tax returns or sales receipts)

- More than \$25,000 per year

Keep Going

I sell my produce to...

- The consumer of the food

Keep Going

- Another business
- A little of both

Keep Going: you **may** be eligible for a Qualified Exemption

Selling produce to another business

- Is the produce going for further processing, like a cannery?

Stop:

Eligible for a Qualified Exemption

Produce sold must include documentation stating that the food is “not processed to adequately reduce the presence of microorganisms of public health significance”

- Is the produce going to a broker or auction house?

Keep Going

- Is the produce going to a grocery store or restaurant?

Keep Going



I sell less than \$500,000 in food sales per year AND a majority of the food is sold to a qualified end user?

- What counts as a food sale?
 - Produce, grain for human or animal consumption, animals raised for human food, dairy products, farm processed food products
- What is a qualified end user?
 - The consumer of the food
 - A restaurant or retail food establishment (does not include re-sellers) that is located
 - In the same state or the same Indian reservation as the farm that produced the food
 - Not more than 275 miles from such farm

Yes

Stop:

Eligible for a Qualified Exemption
You must comply with modified requirements of the produce safety rule and keep documentation

No

Stop:

You are fully covered by the
Produce Safety Rule

So – I'm qualified exempt...now what?

No Farm is exempt from the responsibility to produce safe food

- A Qualified Exempt Farm must include its name and complete business address on either a food packaging label on the produce, on a sign that is displayed at the point of sale with the produce, on documents delivered with the produce in the normal course of business, or an electronic notice in an internet sale.

Can I lose my exemption or qualified exemption?

YES

- If you change what you are doing
 - Start growing something commonly eaten raw
 - Start selling to someone other than a processor
 - Business is booming and you are making more money
- If your farm is implicated in a foodborne illness outbreak, you will be subject to the full provisions of the Produce Safety Rule

Should I be afraid of being covered by the Produce Safety Rule?

No

- We are here to help
 - Classes and workshops
 - Templates and info sheets
 - On-Farm Readiness Reviews
 - Assistance with writing on-farm food safety plans

Questions?

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agriculture.ks.gov/foodsafety

References and Helpful Information

- <https://umesssmallfarm.com/wp-content/uploads/2018/11/CH-GAP-FSMA-informational-session.esbversion.pdf>
- <https://www.fda.gov/media/94332/download>
- <https://www.ksre.k-state.edu/foodsafety/produce/>
- <https://www.fda.gov/media/94332/download>
- <http://sustainableagriculture.net/fsma/learn-about-the-issues/qualified-exemptions-and-modified-requirements/>



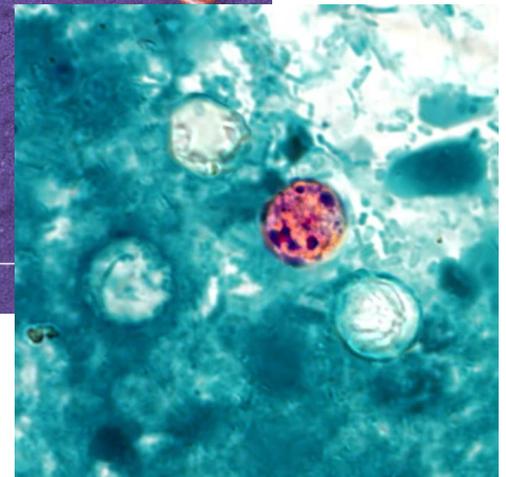
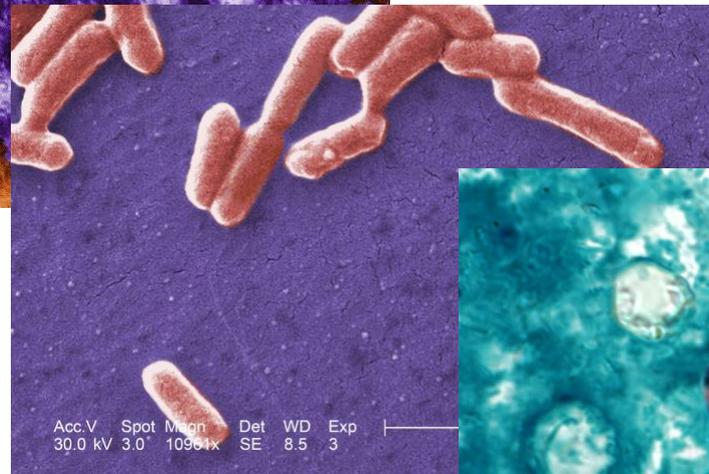
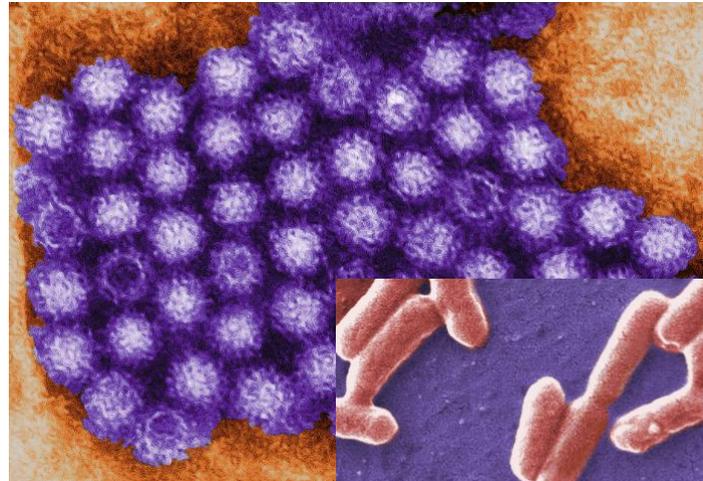
Pathogen Control 101 (or less)

Fire Kills Everything



What, Us Worry?

- Pathogens
 - Viruses
 - Bacteria
 - Parasites



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What do
we do?

One Goal, Different Paths

- Food Code Interventions
- Preventive Controls
 - Human Food
 - Animal Food (Feed)

Food Code Interventions

- Let's look closer at one path...

135 ° F

Minimum Hot Holding



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Contains Non-binding Recommendations
Draft-Not for Implementation

Hazard Analysis and Risk-Based Preventive Controls for Human Food: Draft Guidance for Industry¹

This draft guidance, when finalized, will represent the current thinking of the Food and Drug Administration (FDA or we) on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. To discuss an alternative approach, contact FDA's Technical Assistance Network by submitting [your question](mailto:your_question@www.fda.gov/Food/GuidanceRegulation/FSMA/ucm459719.htm) at <http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm459719.htm>.

Appendix 1: Potential Hazards for Foods and Processes

Appendix Organization

This appendix contains information on the potential biological, chemical, and physical hazards that are food-related and process related. The potential hazard information presented covers the following 17 food (including ingredients and raw materials) categories:

- Bakery
- Beverage
- Chocolate and Candy
- Dairy
- Dressings and Condiments

Fish and Fishery Products
Hazards and Controls Guidance
Fourth Edition – APRIL 2011



DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
FOOD AND DRUG ADMINISTRATION
CENTER FOR FOOD SAFETY AND APPLIED NUTRITION
OFFICE OF FOOD SAFETY

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Topeka, Kansas 66612
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KANSAS FOOD CODE 2012

(Based on the US PHS 2009 Model Food Code)



Food Establishments
July 1, 2012



FOOD SAFETY PLAN BUILDER

#245

Hazard Analysis and Risk-Based Preventive Controls for Food for Animals Guidance for Industry

DRAFT GUIDANCE

This guidance document is being distributed for comment purposes only.

Submit comments on this draft guidance by the date provided in the *Federal Register* notice announcing the availability of the draft guidance. Submit electronic comments to <https://www.regulations.gov/>. Submit written comments to the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. You should identify your comments with the docket number listed in the notice of availability that publishes in the *Federal Register*.

What About RTE?

Contains Nonbinding Recommendations

Control of *Listeria monocytogenes* in Ready-To-Eat Foods: Guidance for Industry Draft Guidance

This guidance is being distributed for comment purposes only.

Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that FDA considers your comment on this draft guidance before we begin work on the final version of the guidance, submit either electronic or written comments on the draft guidance within 180 days of publication in the *Federal Register* of the notice announcing the availability of the draft guidance. Submit electronic comments to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number FDA-2007-D-0494 listed in the notice of availability that publishes in the *Federal Register*.

For questions regarding this draft document contact the Center for Food Safety and Applied Nutrition (CFSAN) at 240-402-1700.

**U.S. Department of Health and Human Services
Food and Drug Administration
Center for Food Safety and Applied Nutrition
January 2017**

[https://www.fda.gov/media/102633
/download](https://www.fda.gov/media/102633/download)



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Discussion

- What is your biggest challenge with pathogen control?
- How can the FPTF help?

Kansas Value Added Foods Lab

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Information Sharing

For those on the weblink, use the chat feature to ask questions.