



PPI POSITION PAPER:

The Produce Safety Rule Does Not Apply to Farms that Grow and Sell Produce to Establishments that Process the Products into Pickled Vegetables.

The Produce Safety Rule establishes detailed requirements for growing, harvesting, packing, and holding produce for human consumption. PPI member companies include the farmers that are growing vegetables for processing into pickles. We are aware of instances when state or federal regulators have questioned whether the farmers must comply with the Produce Safety Rule. PPI is issuing this position paper to make it clear that farmers are not subject to the Produce Safety Rule when they are growing produce that will be further processed in a manner that controls food safety such as being processed into pickled vegetables.

The Produce Safety Rule issued under the Food Safety Modernization Act (FSMA) establishes detailed requirements for the growing, harvesting, packing, and holding of produce for human consumption.¹ The Produce Safety Rule explicitly exempts produce that will receive commercial processing sufficient to control for microorganisms of public health significance. The rule states:

“Produce is eligible for exemption from the requirements of this part when the produce receives commercial processing that adequately reduces the presence of microorganisms of public health significance. Examples of commercial processing that adequately reduces the presence of microorganisms of public health significance are processing in accordance with the requirements of part 113, 114, or 120 of this chapter, treating with a validated process to eliminate spore-forming microorganisms (such as processing to produce tomato paste or shelf-stable tomatoes), and processing such as refining, distilling, or otherwise manufacturing/processing produce into products such as sugar, oil, spirits, wine, beer or similar products.”²

In addition, the preamble states numerous times “The rule provides an exemption for produce that receives commercial processing that adequately reduces the presence of microorganisms of public health significance (e.g. via a “kill step”) as long as certain disclosures are made and written assurances are received, with appropriate documentation.”³

Farms that grow fresh produce that will be processed into pickled vegetables are specifically exempt and are not subject to the requirements of the Produce Safety Rule.

¹ See, [21 CFR Part 112](#).

² See, [21 CFR 112.2\(b\)\(1\)](#).

³ See, 80 Fed. Reg. 74354, 74355 (Nov. 27, 2015) (accessed Oct. 26, 2023 at: [80 FR 74354, 74355](#)).

