

# AGRICULTURAL ADVISORY BOARD

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

## AGENDA




6:30 PM, MONDAY, April 8th, 2019

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

1. Call to Order
2. Public Comment
3. Election of vice-chairman
4. Produce safety coordinator
5. Coordination & Communication
6. Comprehensive Plan / Corridor Plan update
7. Goals/ Vision for the year
8. Old Business
9. New Business
10. Adjourn

Anyone wishing to submit written comments to the Agricultural Advisory Board can send their comments to the Planning Department by mail or by emailing them to the email address below. Please Note: If you would like to receive a copy of the agenda via email please contact our office, or email us at [achapman@oconeesc.com](mailto:achapman@oconeesc.com).

Business Size	 Compliance Dates for Sprouts	 Compliance Dates For Most Produce	 Water Related Compliance Dates <sup>1</sup>	Compliance Date for Qualified Exemption Labeling Requirement <sup>2</sup>	Compliance Date for Retention of Records Supporting a Qualified Exemption
All other businesses (>\$500K)	1/26/17	1/26/18	1/26/22	1/1/2020	1/26/16
Small businesses (>\$250K-500K) <sup>3</sup>	1/26/18	1/28/19	1/26/23		
Very small businesses (>\$25K-250K) <sup>4</sup>	1/28/19	1/27/20	1/26/24		

<sup>1</sup> According to the [Proposed Rule](#) issued 9/13/17, Compliance dates for Subpart E, Agricultural Water, allow an additional four years.

<sup>2</sup> A farm eligible for a qualified exemption must notify consumers as to the complete business address of the farm where the food is grown, harvested, packed, and held. <sup>3</sup> A farm is a small business if, on a rolling basis, the average annual monetary value of produce sold during the previous 3-year period is no more than \$500,000.

<sup>4</sup> A farm is a very small business if, on a rolling basis, the average annual monetary value of produce sold during the previous 3-year period is no more than \$250,000.

Before the compliance date, every covered farm that does not qualify for an exemption must have a supervisor (such as a farm owner/operator) complete a standardized food safety training program. You can find out more about food safety training from the Produce Safety Alliance. <https://producesafetyalliance.cornell.edu/training>

Revised 10/09/17

# STANDARDS FOR PRODUCE SAFETY

## Coverage and Exemptions/Exclusions for 21 PART 112

The Preventive Controls for Human Food rule clarified the definition of a farm to cover two types of farm operations, primary production farms and secondary activities farms. The same definition is used in the Produce Safety rule (section 112.3(c)). Below are basic criteria that determine whether an operation that meets the definition of “farm” is subject to the produce rule.

**Does your farm grow, harvest, pack or hold produce?**

Sections 112.1 and 112.3(c)  
We define “produce” in section 112.3(c).

NO



Your farm is NOT covered by this rule.

YES

**Does your farm on average (in the previous three years) have \$25k or less in annual produce sales?**

Section 112.4(a)

YES



Your farm is NOT covered by this rule.

NO

**Is your produce one of the commodities that FDA has identified as rarely consumed raw?**

Section 112.2(a)(1)

If you grow, harvest, pack or hold more than one produce commodity, you must ask this question separately for each one to determine whether that particular produce commodity is covered by this rule.

YES



This product is NOT covered by this rule.

NO

**Is your produce for personal/on-farm consumption?**

Section 112.2(a)(2)

YES



This produce is NOT covered by this rule.

NO

**Is your produce intended for commercial processing that adequately reduces pathogens (for example, commercial processing with a “kill step”)?**

Section 112.2(b)

YES



This produce is eligible for exemption from the rule, provided you make certain statements in documents accompanying the produce, obtain certain written assurances, and keep certain documentation, as per Sections 112.2(b)(2) through (b)(6).

NO

**Does your farm on average (in the previous three years) as per Section 112.5: have < \$500k annual food sales, AND a majority of the food (by value) sold directly to “qualified end-users”?**

Section 112.3(c)

“Qualified End-User” as defined in Section 112.3(c) means:

- the consumer of the food OR
- a restaurant or retail food establishment that is located—
  - (i) in the same State or the same Indian reservation as the farm that produced the food; OR
  - (ii) not more than 275 miles from such farm.

(The term “consumer” does not include a business.)

YES



Your farm is eligible for a qualified exemption from this rule, which means that you must comply with certain modified requirements and keep certain documentation, as per Sections 112.6 and 112.7.

NO

**YOU ARE COVERED BY THIS RULE.**



South Carolina  
**DEPARTMENT OF AGRICULTURE**  
CONSUMER PROTECTION DIVISION  
PRODUCE SAFETY DEPARTMENT  
123 Ballard Court, West Columbia, SC 29172

Hugh E. Weathers, Commissioner

## APPLICATION FOR PRODUCE SAFETY RULE EXEMPTION

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### Requirements for Basic Exemption:

One of the following requirements must be met.

- A. Only grow produce that is rarely consumed raw, specifically the produce on the following exhaustive list: asparagus, black beans, great Northern beans, kidney beans, lima beans, navy beans, pinto beans, beets, garden (roots and tops) beets, 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, mature southern field peas (such as black-eyed peas, cowpeas, crowder peas, purple hull peas, sea island peas, silver peas, and speckled peas), winter squash, sweet potatoes, and water chestnuts.
- B. Produce grown is used only for personal consumption or produced for consumption on the farm or another farm under the same management.
- C. Produce grown receives commercial processing that adequately reduces the presence of microorganisms of public health significance.
- D. During the previous 3-year period your average of all produce sales was less than \$25,000 (on a rolling basis) adjusted for inflation using 2011 as the baseline year for calculating the adjustment.

### Requirements for Qualified Exemption:

Both of the following requirements must be met.

- A. During the previous 3-year period, annual food\* sales are less than \$500,000 adjusted for inflation, and the amount of sales sold to qualified end-users exceeded the amount sold to all other buyers.

\*The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

AND

- B. You sell more than 50% of your annual food sales to qualified end-users (consumer of the food and/or a restaurant or retail food establishment) located in South Carolina or within the same Indian Reservation or within 275 miles of your farm.

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Consumer Services  
803-737-9690

Food and Feed Safety & Compliance  
803-734-7321

Laboratory Services  
803-737-9700

Metrology Services  
803-253-4052



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**APPLICATION FOR PRODUCE SAFETY RULE EXEMPTION**

Name of Applicant \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
 Street City State Zip Code

Name of Farm: \_\_\_\_\_ Phone: \_\_\_\_\_

Farm Address: \_\_\_\_\_  
 Street City State Zip Code County

Type of Exemption:  Basic Exemption\*\*  Qualified Exemption

\*\*If selecting Basic Exemption, please circle one of the following categories (see previous page for definition): A B C D

Pursuant to Section 39-26-30 and 39-26-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, Amended May 19, 2017, above named Applicant certifies compliance with requirements for exemption of inspections and regulations required under the Produce Safety Rule. Details of such exemptions are listed on page one of this application.

Farms must apply annually to qualify for exemption.

Date of application: \_\_\_\_\_

Applicants Signature: \_\_\_\_\_

Applicants Title: \_\_\_\_\_

**For official use only**

\_\_\_\_ Paperwork reviewed and in compliance  
 \_\_\_\_ Exemption Certificate No. \_\_\_\_\_

Send application to: Kelly Johnson  
 123 Ballard Court  
 West Columbia, SC 29172

Email: [kjohnson@scda.sc.gov](mailto:kjohnson@scda.sc.gov)  
 Phone: (803) 737-9700

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