

## FSMA Registration Now Requires Attestation On Volume of Human Food Sales

The period to register or re-register your maple operation under the FDA Food Safety Modernization Act (FSMA), will start October 1 and run until December 31. At the past January Ohio Maple Days Workshops, Dan Milo (ODA) and I have been telling you that you may initially register anytime if not currently registered. You must re-register again during the October 1 to December 31 registration period on even years. Does not matter if you already registered once in 2018 as the ONLY official registration period is October 1 to December 31. If your registration has lapsed and you still need to be registered, you must do so as a totally new registration.

Who needs to register? “If a maple producer Wholesales more syrup in dollar value than is sold Retail or directly to the consumer, that producer is required to register with FDA as a food facility.” This is a simplified explanation of the FDA FMSA guidelines.

Basically, if you sell a greater amount of syrup in dollar value directly to consumers from your farm (Retail), you do not need to register. If you sell a greater amount of syrup in dollar value away from your farm (Wholesale): either bulk, wholesale in jugs for resale, or at farmers’ markets, you are required to be registered as a food facility.

For those that are currently registered and need to re-register pay close attention to this year as FDA requires operations to attest to their annual amount of income from human food sales. NO, you do not have to tell them how much you make. But if you are registering as an operation with less than \$1 million in annual human food sales you must attest to this. To attest means: to provide or serve as clear evidence, or to declare something exist, or to certify formally. Again, it’s not telling them the dollar amount you make it is just verifying that you make under the \$1 million in human food sales.

It is important that when registering that you complete this attestation portion of the registration (Form FDA 3942a). Food facilities that are registered and under \$1 million in human food sales are not required to have a Food Safety Plan. Without the attestation, the FDA would expect to see a Food Safety Plan if they inspect your operation.

So when you register or re-register between October 1 to December 31 of this year be sure to play close attention to the section which asks for you to attest to the fact that you qualify for the under \$1 million in human food sales. If you are not registered, then the attestation is not an issue.

Last year at the Ohio Maple Days Workshops each operation was given a copy of the “Summary of the Regulations Governing Maple Syrup Production in Ohio.” Within this packet starting on page 8 is FDA Title 21 – Chapter I – Subchapter A – Part 1 – Subpart H, which covers the registration of food facilities. Then on page 19 is a simplified explanation as to who needs to register with FDA. Finally, on page 20 is the Ohio FDA contact in case you have further questions with the registration process with FDA. If you did not receive the summary packet at last year’s Ohio Maple Days Workshops you can contact me at my office to receive one. If you stop in at the office, it is free. If you want a copy mailed, you’ll need to send a check for \$3.00 for postage. To have a copy mailed to you send a \$3 check made out to OSU Extension to OSU Extension, Holmes County, 75 East Clinton Street, Millersburg, OH 44654.

Submitted by:

Dr. Gary Graham, OSU Extension & Mr. Dan Milo, Ohio Department of Ag