

Produce Not Covered by the Produce Safety Rule

Most fruits, nuts and vegetables are covered by the Produce Safety Rule with a few exemptions for products that are rarely consumed raw or are processed in a way that prevents contamination. Please note that only farms exclusively producing these commodities are not subject to the Produce Safety Rule. If your farm produces any commodity other than those listed below, you are subject to the Produce Safety Rule and must implement required practices for any covered commodity.

Produce That is Grown for Personal Consumption

Produce that is grown by an individual for personal consumption is exempt from the Produce Safety Rule.

Products Rarely Consumed Raw

The FDA has identified the following commodities that are exempt from the Produce Safety Rule because they are rarely consumed raw:

- Asparagus
- Black, great Northern, kidney, lima, navy and pinto bean
- Garden beet (root & top)
- Sugar beet
- Cashew
- Sour cherry
- Chickpea
- Cocoa bean
- Coffee bean
- Collard
- Sweet corn
- Cranberry
- Date
- Dill (seed and weed)
- Eggplant
- Fig
- Ginger
- Hazelnut
- Horseradish
- Lentil
- Okra
- Peanut
- Pecan
- Peppermint
- Potato
- Pumpkin
- Winter squash
- Sweet potato
- Water chestnut

Almonds, Hops, Pulses* & Wine Grapes

In March 2019, FDA issued guidance stating it intends to exercise enforcement discretion with respect to the Produce Safety Rule for entities growing, harvesting, packing or holding hops, wine grapes, pulse crops and almonds. This means growers of these commodities are not expected to meet any of Produce Safety Rule requirements. More details about these exemptions are available here: <https://www.fda.gov/media/122904/download>

**This applies to the following pulse crops that are not already included on the above list of Products Rarely Consumed Raw and includes: dry beans; broad beans; dry peas; chick-peas; cow peas; pigeon peas; lentils; Bambara beans; vetches; lupins. The exemption does not apply to succulent peas and succulent podded peas.*

Produce Processed in a Way That Would Kill Pathogens

The FDA has determined produce items that receive commercial processing to adequately reduce the presence of microorganisms are eligible for exemption from the Produce Safety Rule. This includes items such as tomatoes or peaches grown for canning purposes.

To qualify for this exemption, your farm must disclose, in documents accompanying the produce when it is delivered to a handler or processor, that it has not been grown in accordance with the Produce Safety Rule. The disclosure statement can be provided using a wide variety of documents that accompany the food, such as labels, bills of lading, freight bills, shipment-specific certificates or other documents or papers associated with the shipment.

It is highly recommended that producers verify with their processor or handler that their processes are eligible for this exemption and to ensure the language used in the disclosure statement complies with the regulation.

More information about the exemption for processed foods can be found in FDA's Draft Guidance document [here](#) under the section titled *Produce Eligible for Exemption by Commercial Processing that Adequately Reduces the Presence of Microorganisms of Public Health Significance*.

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