



Local Produce Procurement Guidance for School Meals Programs in Arkansas*

Farm to School programs connect schools to local farmers by serving local produce in school cafeterias and providing agriculture, health, and nutrition education opportunities.

1. **Q: Can I purchase food for my school meals program directly from a producer or school garden? Is a local farm or school garden an approved source?**

A: Yes. School nutrition programs and associated kitchens and cafeterias are subject to the Arkansas Food, Drug & Cosmetic Act (Act 415 of 1953) as well as the Arkansas Department of Health Rules and Regulations pertaining to Retail Food Establishments. The kitchens are under mandatory surveillance inspections conducted by the Arkansas Department of Health on a routine basis.

The above named regulations state the following:

3-201.11 Compliance with Food Law.

(A) FOOD shall be obtained from sources that comply with LAW

3-302.15 Washing Fruits and Vegetables.

(A) Except as specified in paragraph (B) of this section and except for whole, raw fruits and vegetables that are intended for washing by the CONSUMER before consumption, raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO-EAT form.

(B) Fruits and vegetables may be washed by using chemicals as specified under §7-204.12.

Under current State and Federal regulations, (21 CFR Part 110. 19), whole, uncut fruits and vegetables are defined as “raw agricultural commodities” and are excluded from coverage by current good manufacturing practices. The Federal Food, Drug & Cosmetic Act states: (r) The term “raw agricultural commodity” means any food in its raw or natural state. It stands to reason then, that whole, uncut fruits and vegetables are in compliance with Section 3-201.11 above.

We know of no approval or certification for gardens or farms that supply whole, uncut fruits and vegetables. We are aware of “organic” certifications and pesticide residue regulations, and of Good Agricultural Practices (GAP).

GAP’s are voluntary and we strongly urge suppliers to follow these and other practices and for purchasers to require suppliers to follow them.

Action step: Is the product a raw agricultural product sold directly to you from the person who grew it?

- i. **If yes-** This is an approved source. Go to step 2.
- ii. **If no-** This vendor must have a Food Establishment permit from the Arkansas Department of Health.
- iii. For more information on Arkansas Department of Health Rules and Regulations visit <http://www.healthy.arkansas.gov/aboutADH/Pages/RulesRegulations.aspx> or contact Will Hastings at 501-661-2576.



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2. Q: What licenses are required of farmers?

A: The only license required for a farm selling raw, unprocessed agricultural commodities directly to a school is a Private Applicators (see below) pesticide license issued by the Arkansas State Plant Board unless they are USDA certified Organic. Those farms producing organically under the \$5,000 USDA Organic Exemption and thus are not USDA Certified Organic would need to provide a spraying log to the purchaser of the produce.

Private Applicators are certified applicators who use restricted-use pesticides to produce agricultural commodities on property owned or rented by them or their employer. This does not include the home gardener. Restricted-use pesticides are not labeled for home gardens. A home garden is one where the produce or fruits is not sold, but instead only consumed by family members. To be eligible for a Private Applicator License one must be a producer of an agricultural commodity.

Action step: Is the farm using regulated pesticides?

- i. **If yes-** Make sure the producer has their Private Applicator pesticide license from the Arkansas State Plant Board.
- ii. **If no-** Be very cautious if a farmer tells you that they do not spray pesticides. All farmers, including chemical-free and organic growers spray; they just may not be spraying restricted use chemicals. You need to request a spraying log. All farmers spraying produce crops for commercial production (I.e. Farm to School) should have a Private Applicators license; however some will skip the license and illegally purchase for-home-use-only chemicals at a public retailer. Restricted-use pesticides can be purchased without a license if the quantity of the container of the pesticide purchased is below a certain size. Thus, a farmer may tell you that they do not have to have a Private Applicators license, but they may still be spraying a restricted-use pesticide by purchasing it in a home-use sized container
- iii. For more information on pesticide use regulation, visit the Arkansas State Plant Board website at <http://plantboard.arkansas.gov/Pesticides/Pages/default.aspx>
- iv. Go to step 3.

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3. **Q:** If it is by definition an approved source, and using pesticides safely or not at all, what do I need to know before purchasing from a local source? How can I be sure the product is safe?

A: Good Agricultural Practices (GAPs) are a set of standards for production, harvesting, processing and transportation that help producers minimize the risk of food borne illness. There are two levels of certification that producers can obtain to show they are implementing these practices.

The first level is a self-certification checklist, available from the Arkansas Cooperative Extension Service. This checklist will make sure the producer is aware of the major sources of contamination.

The second level is a third party audit process in which an auditor visits the farm to ensure they are following GAPs. These can be done through USDA GAP or a 3rd party commercial certifier, which must be paid for by the producer. These certifications are currently not required for schools, but many large purchasing institutions and distributors do require them. Third party audits are more thorough than the self-certification and require producers to document all of their food safety practices on a set of work sheets.

More information on GAP certifications can be found at <http://www.uark.edu/ua/gap/index.html>.

Action Step: Is the producer GAP certified?

- i. **If yes-** If they provide documentation of either USDA or 3rd party GAP certification, you can be assured they are taking the proper safety precautions. Once you have verified the farm is GAP certified, you can feel safe purchasing from them.
- ii. **If no-** If the farm is not GAP certified, ask them to fill out the volunteer GAP self-assessment form and go over it with you. Discuss these questions and get assurance from the producer that they are taking these safety precautions on the crops that will be sold to your school. Once you and the producer have reviewed and completed this checklist, you can be assured the proper precautions will be taken to ensure food safety.

To learn about the Arkansas GAP self-certification program and to obtain a copy of the form visit <http://www.uark.edu/ua/gap/Volunteer%20Certification%20Program/index.html>.

* This information is current as of 08-01-2012 and is subject to change. All efforts will be made to provide up to date information should there be any changes in procurement regulations.

If you have questions or would like to learn more about how you can implement farm to school, contact:

Andrew Carberry, Program Development Coordinator, Arkansas Grow Healthy Study

ACHRI Childhood Obesity Prevention Research Program, Office (501) 364-6555, Cell (501) 813-5646

<http://growhealthy.uark.edu/> <http://achri.archildrens.org/ObesityPrevention.htm> ancarberry@uams.edu

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Question: Is a farm an approved source for school food service?

1. Is the product a raw agricultural product sold directly to you from the person who grew it?

If Yes

If No

The product is an approved source through the Arkansas Department of Health.

If the product is processed in any form (such as peeling, cutting or dicing), or sold through a distributor, the producer will require a license from the Arkansas Department of Health.

2. Does the producer use regulated pesticides?

If Yes

If No

The producer is required to have a pesticide license issued by the Arkansas State Plant Board.

If the producer does not use pesticides, there are no other licenses required to sell to school foodservice.

Question: If it is an approved source and meets all licensing requirements, what else can I do to ensure the product is safe?

1. Is the producer GAP Certified?

If Yes

If No

Once you have verified that they are 3rd party GAP certified, you can be assured they are taking the proper safety measures

You can ask the producer to use the Arkansas GAP self-assessment to make sure they are following Good Agricultural Practices related to food safety. Available at: <http://www.uark.edu/ua/gap/index.html>. For school gardens, use School Garden Safety Checklist found at www.arteengarden.com.