


Produce Safety Rule (PSR) Exemption for Taro

For taro to be exempt from the Food Safety Modernization Act Produce Safety Rule, the taro grower must:

1. Provide documentation to the buyer that the taro “is not processed to adequately reduce the presence of microorganisms of public health significance” and
2. Obtain documentation from the buyer that they have established protocols to adequately reduce the presence of microorganisms through a validated kill step, such as heating. Refer to the Certified Federal Regulation (CFR) Section § 112.2(b)

SCENARIO 1	GROWER		CUSTOMER A [PROCESSOR]
		Disclosure Statement to Customer A	Annual Processor Written Assurance to Grower

Sample Disclosure Statement
Taro “is not processed to adequately reduce the presence of microorganisms of public health significance”

SCENARIO 2	GROWER	DISTRIBUTOR [CUSTOMER A]	PROCESSOR [CUSTOMER B]
	Disclosure Statement to Customer A	Disclosure Statement with taro sale to Processor Sell only to customers that agree to provide Processor Written Assurance to Grower	Annual Processor Written Assurance to Distributor

Sample Processor Written Assurance
“Commercial processing follows procedures that adequately reduce the presence of microorganisms of public health significance through a validated kill step, such as heating”

SCENARIO 3	GROWER	DISTRIBUTOR [CUSTOMER A]	DISTRIBUTOR [CUSTOMER B]	PROCESSOR [CUSTOMER C]
	Disclosure Statement to Customer A	Disclosure Statement with taro sale to Processor Sell only to customers that agree to provide Processor Written Assurance to Grower	Disclosure Statement with taro sale to Processor Obtain a similar Written Assurance from processor and provide to Distributor (Customer A)	Provide annual Written Assurance to Distributor

Farms that grow, harvest, pack, or hold taro and meet the average annual monetary value of produce sales of \$25,000 or more, are expected to comply with the relevant provisions of the PSR.

The PSR provides an exemption for produce that receives commercial processing that adequately reduces the presence of microorganisms of public health significance if certain disclosures are made and written assurances are received, with appropriate documentation. The exemption in § 112.2(b) applies to produce that receives commercial processing that adequately reduces the presence of pathogens. Thus, the exemption is only available to produce that is processed in a manner that adequately reduces pathogens.

For taro to be eligible for this exemption, the taro grower must: 1) provide documentation to the buyer that the taro **“is not processed to adequately reduce the presence of microorganisms of public health significance”** and 2) obtain documentation from the buyer that they have established protocols to adequately reduce the presence of microorganisms through a validated kill step, such as heating [§112.2(3) and (4)].

Specifically, taro may be eligible for exemption from the requirements of this part under the following conditions:

1. Taro will receive 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 21 CFR part 113, 114, or 120, 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. The covered farm discloses in documents accompanying the taro, that the taro **“is not processed to adequately reduce the presence of microorganisms of public health significance.”**
3. Taro Growers must either:
 - i. Annually obtain a written assurance from Customer “A” that performs the commercial processing that the customer has established and is following procedures (identified in the written assurance) that **adequately reduce the presence of microorganisms of public health significance**; or
 - ii. Annually obtain a written assurance from Customer “A” that an entity (Customer “B”) in the distribution chain after Customer “A” will perform commercial processing and that Customer “A”:
 - Will disclose in documents accompanying the taro, in accordance with the practice of the trade, that the taro **“is not processed to adequately reduce the presence of microorganisms of public health significance”**; and
 - Will only sell to another entity (Customer “B”) that agrees, in writing, it will either:
 - a. Follow procedures (identified in a written assurance) that **adequately reduce the presence of microorganisms of public health significance**; or
 - b. Customer “A” will obtain a similar written assurance from Customer “B” that the taro will receive commercial processing and that there will be disclosure in documents accompanying the taro, that it **“is not processed to adequately reduce the presence of microorganisms of public health significance.”**

Furthermore, it is worth noting that there are taro farms that may be eligible for the qualified exemption and associated modified requirements based on average monetary value of all food sold and direct farm marketing under 21 CFR § 112.5, as follows:

- (1) The farm must have food sales averaging less than \$500,000 per year during the previous 3 years; and
- (2) the 3-year average annual monetary value of the farm's food sales to qualified end-users must exceed the average annual monetary value of the farm's food sales to others during that period (See [21 CFR § 112.5](#)).

A qualified end-user is either: (1) The consumer of the food or (2) a restaurant or retail food establishment that is in the same State or the same Indian reservation as the farm or not more than 275 miles away (See 21 CFR § 112.3).

Part 113 – Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Part 114 – Acidified Foods; Part 120 – Hazard Analysis and Critical Control Point (HACCP) System / Subpart B - Pathogen Reduction