# A picture containing shape Description automatically generatedOklahoma Vineyards and the FDA Produce Safety Rule

The Food Safety Modernization Act is a federal regulation that updated the food manufacturing inspection laws for the FDA and included the first food safety regulations for produce farms. The FDA pays the Oklahoma Department of Agriculture, Food, and Forestry to do the outreach, education, and inspection for this law within the state of Oklahoma. Within that responsibility, ODAFF must also create an inventory of all the produce farms in the state. To create and maintain this inventory, we have a state rule requiring all produce farms with a three-year average of annual produce sales equaling $25,000 or more to register with us annually.

The good news for most vineyards in Oklahoma is that their produce is only used for wine, and the fermentation process kills the pathogenic bacteria that could be present on the grapes. Therefore, the grapes used for wine is exempt from the inspection requirements of this law. As the law is written, there are record keeping requirements for this exemption. However, the FDA is placing this record keeping requirement on hold while they consider rewriting this portion of the rule to make it easier for wine grapes and hops growers. More information on the wine grape and hops enforcement discretion can be found here: <https://www.fda.gov/news-events/fda-brief/fda-brief-fda-announces-enforcement-discretion-accommodate-unique-circumstances-faced-producers-hops>. When FDA publishes an update to this rule, we will send that information out as another article.

Even though your farm may be exempt due to this processing exemption, we are still required to have your farm in our inventory and therefore you will need to register annually with the ODAFF Produce Safety Program. If the only produce you grow is used for wine making, then we will have no reason to inspect your farm. Your registration with us is protected and your farm information will not be shared with the FDA or other agencies. The only information we will share with FDA is the total number of exempt farms in the state.

If your vineyard sells any grapes for fresh consumption (table grapes), then you may be required to have your farm inspected. This will depend on if you sell more than $25,000 in produce sales and that most of your sales are not direct to the consumer or a local retail store/restaurant. By completing the following registration, we will be able to determine if your farm can be exempt or if it must be inspected and give you further information by e-mail. Either way, we will work with our partners at OSU to help you learn about food safety on the farm and prevent foodborne illnesses.

Qr code

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If you have any questions, feel free to call 405-522-3928 or e-mail [food.safety@ag.ok.gov](mailto:food.safety@ag.ok.gov).