

# CONFUSED IF THE FOOD TRACEABILITY RULE APPLIES TO YOUR OPERATION?

CLICK BELOW TO USE OUR INTERACTIVE  
GUIDE TO UNDERSTAND HOW THE RULE DOES  
OR DOES NOT IMPACT YOUR BUSINESS.

GET STARTED →

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NEED HELP WITH FOOD TRACABILITY  
REQUIREMENTS? SES OFFERS A FULL  
SUITE OF FOOD SAFETY AND  
INTEGRITY SERVICES INCLUDING  
HACCP, VACCP, AND TACCP PLANS.

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**SES**, INC.

Informational purposes only.

# FOOD TRACEABILITY FINAL RULE AM I EXEMPT?

DO YOU MANUFACTURE, PROCESS, PACK,  
OR HOLD FOODS LISTED ON THE FOOD  
TRACEABILITY LIST? (SEE LIST)

YES

NO

You are NOT subject to  
the final rule.

You are subject unless an exemption  
applies, please select the category for  
your operation to continue.

Farm

Mix of raw  
agriculture  
commodities  
(RACS)

Fishing  
vessels

Retail food  
establishments  
(RFES), restaurants

Personal  
consumption, holding  
food for specific  
consumers

Certain types of  
processing

Other

PLEASE CLICK YOUR CATEGORY

# FARMS

Are you a produce farm that is not covered under 21 CFR part 112.4(a)?

**YES**

You are NOT subject to the final rule.

**NO**

Does your average produce sales and the market value of your produce total less than \$25,000 during the previous 3-year period?

**YES**

You are NOT subject to the final rule.

**NO**

Are you a shell egg producer with less than 30,000 laying hens?

**YES**

You are NOT subject to the final rule.

**NO**

Are you a producer of raw agricultural commodities other than produce or shell eggs for which the average annual sum of sales and the market value of your products during the previous 3-years are total no more than \$25,000?

**YES**

You are NOT subject to the final rule.

**NO**

Are you a farm that produces and packages food where the food remains on the farm until it reaches the consumer?

**YES**

Does the food packaging maintain the integrity of the product and prevent contamination or alteration?

**YES**

You are NOT subject to the final rule

**YES**

Does the labeling of the food include contact/business information of the farm where it was produced/packaged?

**NO**

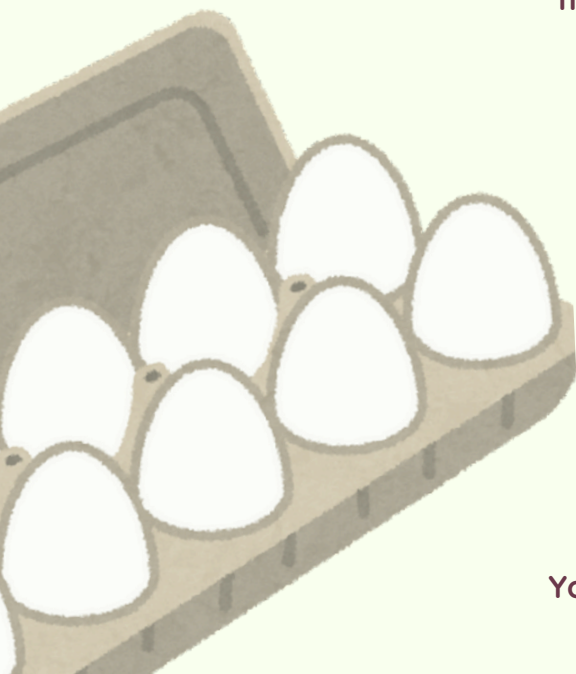
You are NOT subject to the final rule.

**YES**

Are you a farm that sells or donates food directly to consumers that is produced on the farm?

**NO**

You are NOT eligible for this exemption.



# COMMINGLED RAW AGRICULTURAL COMMODITIES (RACS)

Do you manufacture, process, pack or hold a raw agricultural commodity that is combined or mixed after harvesting but before processing?

**YES**

Is the commodity a fruit or vegetable that is covered by the Produce Safety Rule (21 CFR Part 112)?

**YES**

You are NOT eligible for this exemption.

**NO**

Was the food obtained from a fishing vessel?

**YES**

Did the combination or mixing involve food from different landing vessels and occur after the vessels had landed?

**NO**

You are NOT eligible for this exemption.

**NO**

You are NOT eligible for this exemption.

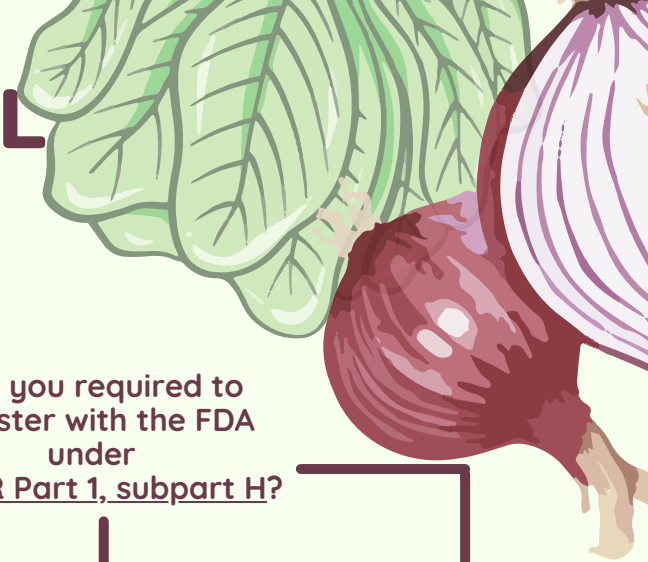
Are you required to register with the FDA under 21 CFR Part 1, subpart H?

**YES**

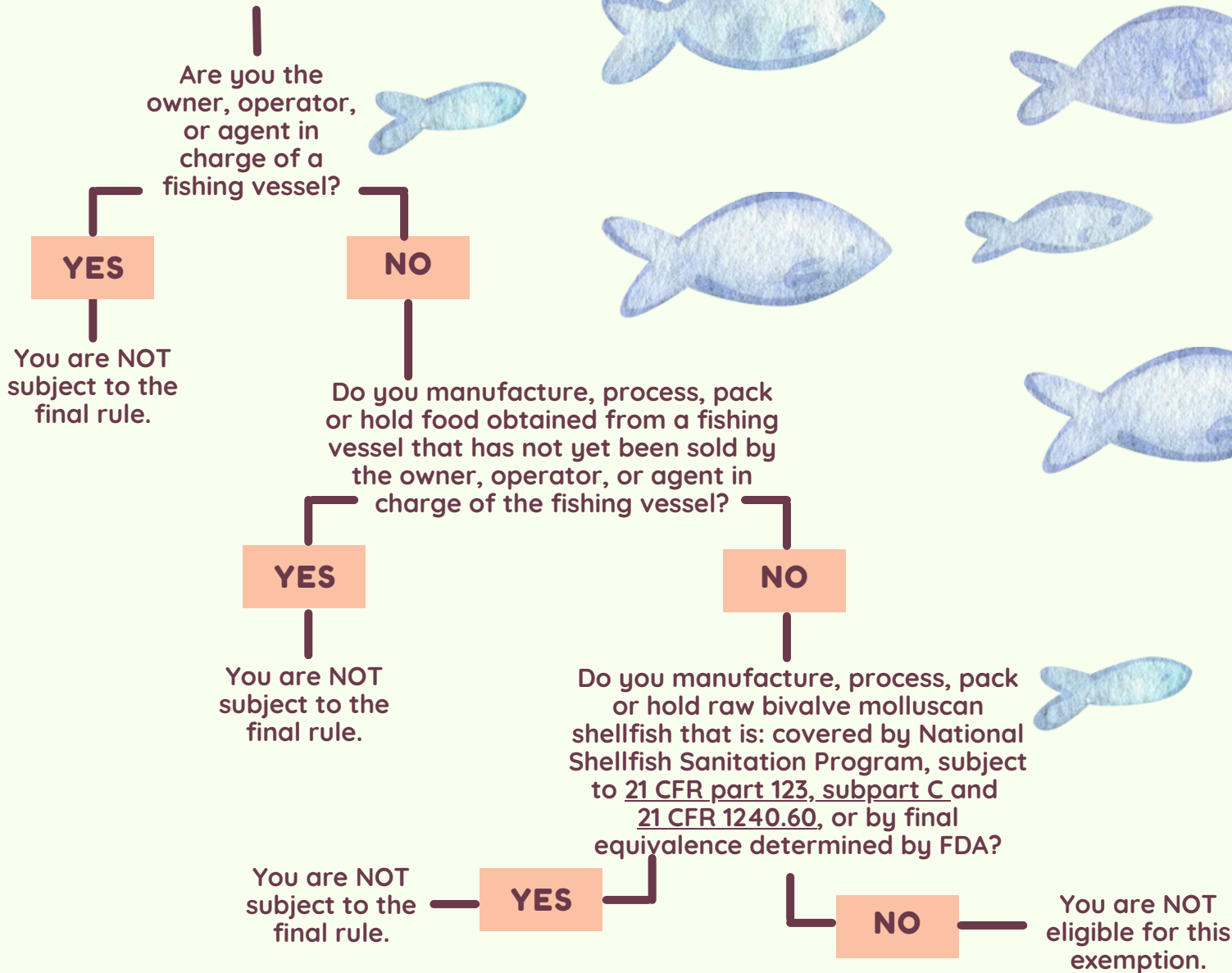
You are not subject to the rule with respect to the food that meets these conditions, except that you must maintain records (for 2 years) identifying the immediate previous source and the following immediate recipient of the food in accordance with [§ 1.337](#) and [§ 1.345](#).

**NO**

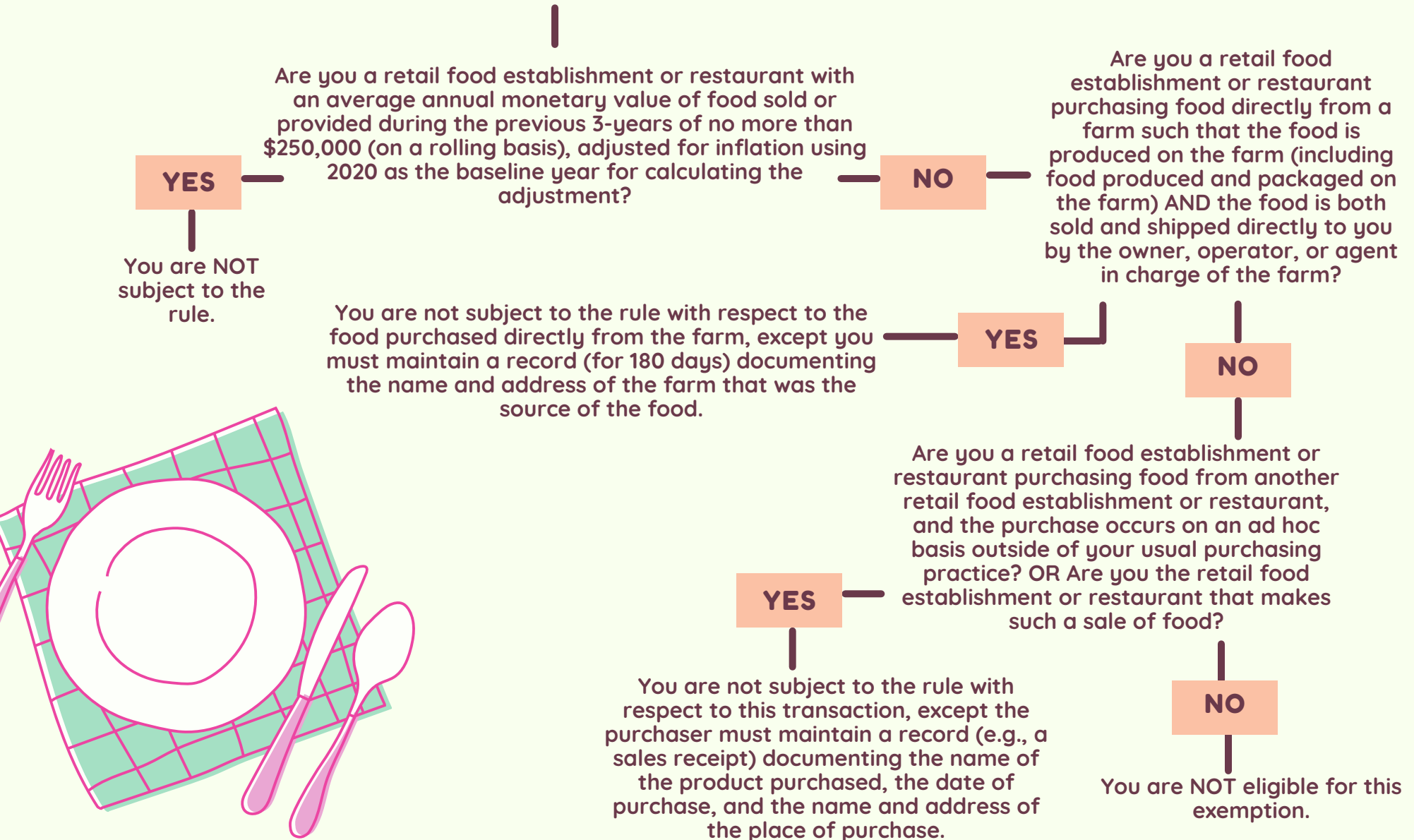
You are NOT eligible for this exemption.



# FISHING VESSELS



# RETAIL FOOD ESTABLISHMENTS (RFES), RESTAURANTS



# PERSONAL CONSUMPTION, HOLDING FOOD FOR SPECIFIC CONSUMERS

Are you holding food on behalf of specific individual consumers AND you are not a party to the transaction involving the food you hold AND you are not in the business of distributing food?

**YES**

You are **NOT** subject to the rule.

**NO**

Are you manufacturing, processing, packing or holding the food for personal consumption?

**YES**

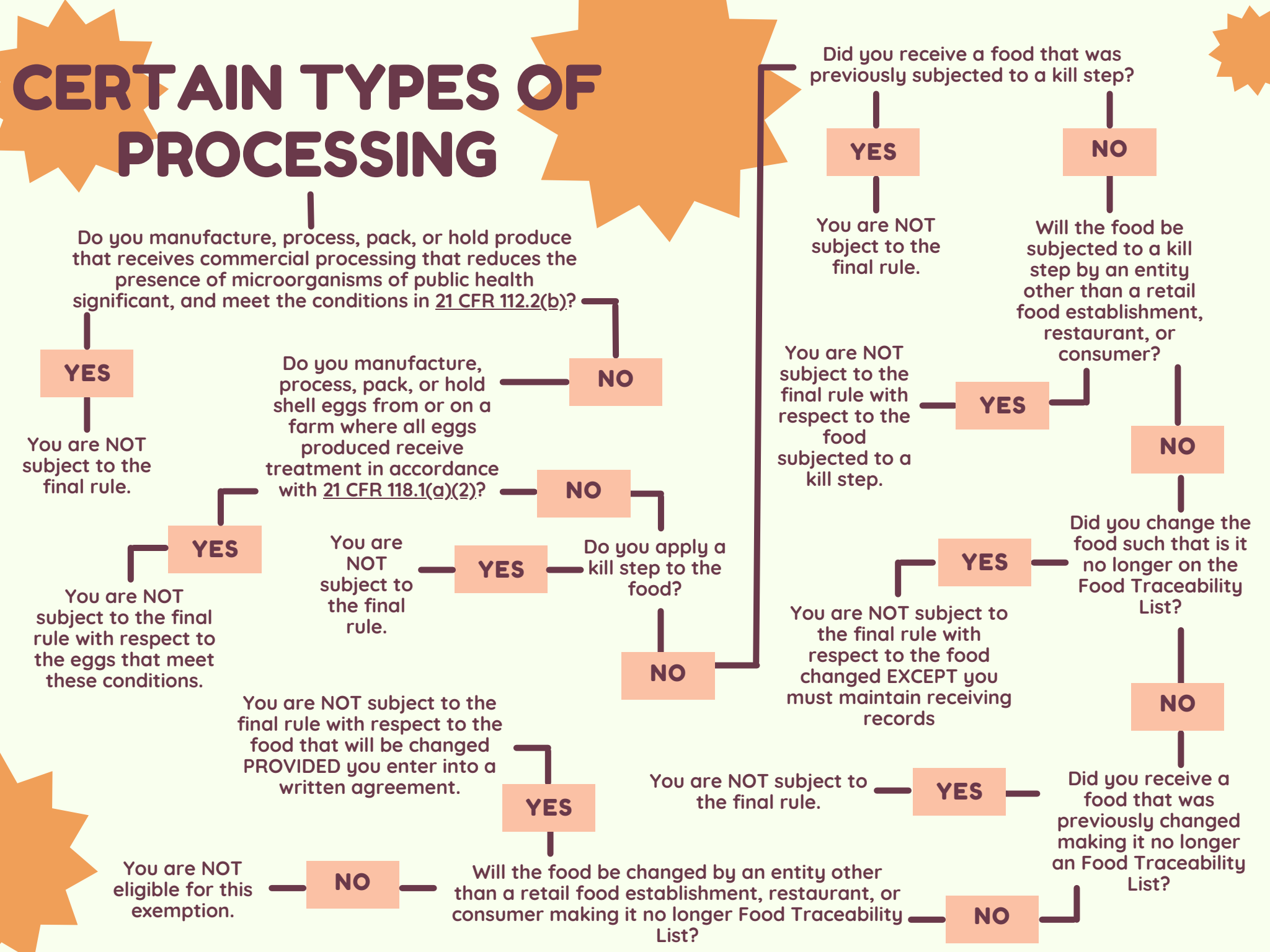
You are **NOT** subject to the rule.

**NO**

You are **NOT** eligible for this exemption.









# OTHER

Do you manufacture, process, pack or hold produce that is listed as rarely consumed raw in the Produce Safety Rule (21 CFR 112.2(a)(1))?

**YES**

You are NOT subject to rule 21 CFR 11.2(a)(1).

You are not subject to the rule with respect to such food, EXCEPT the school food authority or relevant food procurement entity must maintain (for 180 days) a record documenting the name and address of the farm that was the source of the food.

You are NOT subject to the rule with respect to that food.

You are NOT subject to the rule with respect to that food.

**YES**

**NO**

Do you conduct a farm-to-school or farm-to-institution program? If so, is the food produced on a farm (including food produced and packaged on the farm) and sold or donated to the school or institution?

**YES**

**NO**

Are you manufacturing, processing, packing, or holding food during or after the time when the food is within the exclusive jurisdiction of the USDA under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act?

**YES**

**NO**

Are you a transporter of food?

**NO**

Are you a non-profit food establishment?

You are NOT subject to the rule.

**YES**

**NO**

1. Do you manufacture, process, pack or hold a food that has been produced and packaged on a farm such that the packaging of the food remains in place until the food reaches the consumer?

2. Does the food packaging maintain the integrity of the product and prevent subsequent contamination or alteration of the product?

3. Does the labeling of the food that reaches the consumer include the name, complete address (street address, town, State, country, and zip or other postal code for a domestic farm and comparable information for a foreign farm), and business phone number of the farm on which the food was produced and packaged?

**YES**

You are NOT subject to the rule.

**NO**

Is the food for research or evaluation use, AND the food is not intended for retail sale and is not sold or distributed to the public, AND the food is accompanied by the statement: "Food for research or evaluation use"?

You are NOT subject to the rule.

**YES**

You are NOT eligible for this exemption.

**NO**

# The Food Traceability List

| Product  | Description   |
|--|---|
| Cheeses, other than hard cheeses, specifically:                            |   |
| Cheese (made from pasteurized milk), fresh soft or soft unripened          | Includes soft unripened/fresh soft cheeses. Examples include, but are not limited to, cottage, chevre, cream cheese, mascarpone, ricotta, queso blanco, queso fresco, queso de crema, and queso de puna. Does not include cheeses that are frozen or previously frozen, shelf stable at ambient temperature, or aseptically processed and packaged. |
| Cheese (made from pasteurized milk), soft ripened or semi-soft             | Includes soft ripened/semi-soft cheeses. Examples include, but are not limited to, brie, camembert, feta, mozzarella, taleggio, blue, brick, fontina, Monterey jack, and muenster. Does not include cheeses that are frozen or previously frozen, shelf stable at ambient temperature, or aseptically processed and packaged.                       |
| Cheese (made from unpasteurized milk), other than hard cheese <sup>1</sup> | Includes all cheeses made with unpasteurized milk, other than hard cheeses. Does not include cheeses that are frozen or previously frozen, shelf stable at ambient temperature, or aseptically processed and packaged.  |
| Shell eggs   | Shell egg means the egg of the domesticated chicken.  |
| Nut butters  | Includes all types of tree nut and peanut butters. Includes all forms of nut butters, including shelf stable, refrigerated, frozen, and previously frozen products. Examples include, but are not limited to, almond, cashew, chestnut, coconut, hazelnut, peanut, pistachio, and walnut butters. Does not include soy or seed butters.             |

<sup>1</sup> “Hard cheese” includes hard cheeses as defined in 21 CFR 133.150, Colby cheese as defined in 21 CFR 133.118 and caciocavallo siciliano as defined in 21 CFR 133.111. Examples of hard cheese include, but are not limited to, cheddar, Romano, and parmesan.

| Product                               | Description  |
|---------------------------------------|--|
| Cucumbers (fresh) <sup>2</sup>        | Includes all varieties of fresh cucumbers.   |
| Herbs (fresh)                         | Includes all types of fresh herbs. Examples include, but are not limited to, parsley, cilantro, and basil. Herbs listed in 21 CFR 112.2(a)(1), such as dill, are exempt from the requirements of the rule under 21 CFR 1.1305(e).  |
| Leafy greens (fresh)                  | Includes all types of fresh leafy greens. Examples include, but are not limited to, arugula, baby leaf, butter lettuce, chard, chicory, endive, escarole, green leaf, iceberg lettuce, kale, red leaf, pak choi/bok choi, Romaine, sorrel, spinach, and watercress. Does not include whole head cabbages such as green cabbage, red cabbage, or savoy cabbage. Does not include banana leaf, grape leaf, and leaves that are grown on trees. Leafy greens listed in § 112.2(a)(1), such as collards, are exempt from the requirements of the rule under § 1.1305(e). |
| Leafy greens (fresh-cut) <sup>3</sup> | Includes all types of fresh-cut leafy greens, including single and mixed greens.   |
| Melons (fresh)                        | Includes all types of fresh melons. Examples include, but are not limited to, cantaloupe, honeydew, muskmelon, and watermelon.   |
| Peppers (fresh)                       | Includes all varieties of fresh peppers.   |
| Sprouts (fresh)                       | Includes all varieties of fresh sprouts (irrespective of seed source), including single and mixed sprouts. Examples include, but are not limited to, alfalfa sprouts, allium sprouts, bean sprouts, broccoli sprouts, clover sprouts, radish sprouts, alfalfa & radish sprouts, and other fresh sprouted grains, nuts, and seeds.  |
| Tomatoes (fresh)                      | Includes all varieties of fresh tomatoes.  |

<sup>2</sup> The designation “fresh” does not include previously frozen forms of the food.

<sup>3</sup> The designation “fresh-cut” does not include previously frozen forms of the food.

| Product   | Description  |
|---|--|
| Tropical tree fruits (fresh)                                  | Includes all types of fresh tropical tree fruit. Examples include, but are not limited to, mango, papaya, mamey, guava, lychee, jackfruit, and starfruit. Does not include non-tree fruits such as bananas, pineapple, dates, soursop, jujube, passionfruit, Loquat, pomegranate, and sapodilla. Does not include tree nuts such as coconut. Does not include pit fruits such as avocado. Does not include citrus, such as orange, clementine, tangerine, mandarins, lemon, lime, citron, grapefruit, kumquat, and pomelo. Tropical tree fruits listed in § 112.2(a)(1), such as figs, are exempt from the requirements of the rule under § 1.1305(e). |
| Fruits (fresh-cut)  | Includes all types of fresh-cut fruits. Fruits listed in § 112.2(a)(1) are exempt from the requirements of the rule under § 1.1305(e).   |
| Vegetables other than leafy greens (fresh-cut)                | Includes all types of fresh-cut vegetables other than leafy greens. Vegetables listed in § 112.2(a)(1) are exempt from the requirements of the rule under § 1.1305(e).   |
| Finfish (fresh, frozen, and previously frozen), specifically: |  |
| Finfish, histamine-producing species                          | Includes all histamine-producing species of finfish. Examples include, but are not limited to, tuna, <i>mahi mahi</i> , mackerel, amberjack, jack, swordfish, and yellowtail.  |
| Finfish, species potentially contaminated with ciguatoxin     | Includes all finfish species potentially contaminated with ciguatoxin. Examples include, but are not limited to, grouper, barracuda, and snapper.  |
| Finfish, species not associated with histamine or ciguatoxin  | Includes all species of finfish not associated with histamine or ciguatoxin. Examples include, but are not limited to,   |

| Product   | Description   |
|---|---|
|   | cod, haddock, Alaska pollock, salmon, tilapia, and trout. <sup>4</sup><br><i>Siluriformes</i> fish, such as catfish, are not included. <sup>5</sup>   |
| Smoked finfish<br>(refrigerated, frozen,<br>and previously frozen)                      | Includes all types of smoked finfish, including cold smoked finfish and hot smoked finfish. <sup>6</sup>  |
| Crustaceans (fresh,<br>frozen, and previously<br>frozen)                                | Includes all crustacean species. Examples include but are not limited to shrimp, crab, lobster, and crayfish.   |
| Molluscan shellfish,<br>bivalves (fresh, frozen,<br>and previously frozen) <sup>7</sup> | Includes all species of bivalve mollusks. Examples include, but are not limited to, oysters, clams, and mussels. Does not include scallop adductor muscle. Raw bivalve molluscan shellfish that are (1) covered by the requirements of the National Shellfish Sanitation Program; (2) subject to the requirements of 21 CFR part 123, subpart C, and 21 CFR 1240.60; or (3) covered by a final equivalence determination by FDA for raw bivalve molluscan shellfish are exempt from the requirements of the rule under § 1.1305(f). |
| Ready-to-eat deli<br>salads (refrigerated)  | Includes all types of refrigerated ready-to-eat deli salads, including ready-to-eat deli salads that are frozen at some point in the supply chain prior to retail. Examples include, but are not limited to, egg salad, potato salad, pasta salad, and seafood salad. Does not include meat salads.   |

<sup>4</sup> For a more comprehensive list, see

[Chapter 3 of the Fish and Fishery Products Hazards and Controls Guidance.](#)

<sup>5</sup> Data for catfish were excluded from the Risk-Ranking Model because *Siluriformes* fish (such as catfish) are primarily regulated by the U.S. Department of Agriculture.

<sup>6</sup> “Smoked finfish” refers to a finfish product that meets the definition of a smoked or smoke-flavored fishery product in 21 CFR 123.3(s).

<sup>7</sup> Under 21 CFR 123.3(h), *molluscan shellfish* means any edible species of fresh or frozen oysters, clams, mussels, or scallops, or edible portions of such species, except when the product consists entirely of the shucked adductor muscle.