

New Food Safety Laws-FSMA

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The Food Safety Modernization Act (FSMA) was signed into law by President Obama in 2011. The main themes are prevention, import safety, inspections, compliance and response and enhanced partnerships. U.S. importers are now responsible for ensuring that their foreign suppliers meet U.S. safety standards. There is a Voluntary qualified importer program (VQIP). The law requires food from abroad to be as safe as domestic food.

Compliance dates range from 2016 to 2019, but there are later compliance dates for small suppliers.

Key Principles: The focus is on gaining industry compliance and reducing the risk of foodborne illness. It is not a “One Size Fits All” approach and there is a recognition that not all situations are equal relative to risk and potential for public health impact. The law encourages industry to comply and make corrections on its own in a regulatory strategy that is dynamic.

FDA may conduct inspections of foreign facilities using a risk-based approach. The primary factors contributing to a facility risk profile include the following: the food safety risk associated with the commodity (the type of food), the manufacturing process, and the compliance history of the facility, such as refusal rates for products that were denied entry into the United States. In addition, section 201 of FSMA requires FDA to identify high-risk facilities and allocate resources to inspect facilities according to the known safety risks, and includes several other factors to consider when developing a facility’s risk profile.

In addition to meeting the requirements of U.S. food regulations including food facility registration, importers must follow U.S. import procedures as well as the requirements of Prior Notice.

FSMA contains provisions to provide for international communications and engagement.