GLOBAL FOOD PROTECTION INSTITUTE

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The Impacts of FSMA on Industry: Regulations, Private Standards, and Third-Party Audits Consensus Statement

On October 30, 2013, the Global Food Protection Institute convened its fifth food safety symposium, *The Impacts of FSMA on Industry: Regulations, Private Standards, and Third-Party Audits.* The meeting, held in Ann Arbor, Michigan, attracted over one hundred food protection professionals from academia, private industry, trade associations, and local, state, and federal government. The symposium focused on the Food Safety Modernization Act (FSMA), signed into law in response to the continued incidence of foodborne illness and foodborne disease outbreaks. Through a series of presentations, panel sessions, and open discussion, the following consensus items emerged from the meeting.

Not all of the FSMA rules are final (e.g., FDA is accepting comments on foreign supplier verification programs until January 27, 2014*). However, affected stakeholders generally have an overarching understanding of the law's new requirements, along with an understanding that certain requirements may prove problematic, especially in two distinct areas: 1) foreign importers and 2) access to records.

First, companies that wish to import a food product to the U.S. – not only finished products, but also ingredients intended for finished products – will have to verify that the product/ingredient is safe. As part of this verification process, foreign suppliers will have to develop written plans that identify potential food safety risks within their operations, and describe measures to prevent such risks (i.e., preventive controls). However, many foreign importers are still unaware of the new FSMA requirements, and run the risk of losing their share of the U.S. market due to non-compliance. Language barriers, limited resources, unclear definitions of key terms (e.g., the term "importer"), and a lack of training also represent potential hurdles to FSMA implementation overseas. It is crucial, then, for

* FDA is also still accepting comments on other aspects of FSMA. Visit http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm261689.htm for more information.

foreign suppliers to become knowledgeable about FSMA as soon as possible in order to ensure their continued contribution to the U.S. food supply.

Secondly, FSMA will grant the FDA enhanced access to an industry's records; however, manufacturers will likely be uncomfortable sharing potentially proprietary information, especially during "consultative" audits not performed by public regulators, but rather outsourced to third parties.

Successful implementation of FSMA will involve varying degrees of difficulty, depending on the type of industry and the type of food product. However, one certainty is that the new law will result in a new mindset, or business model, regarding food protection. Industry must become educated on the new provisions as soon as possible, in order for a smooth transition. While not all training lends itself to joint participation, ideally, regulators and industry should be trained in the same room and at the same time, in order to consistently address any potential problems such as those mentioned above. What is more, convening industry and regulators can help define FSMA's impact on the relationship between *standards* developed in the private arena (such as SQF, ISO, GFSI, and GlobalGAP) and *regulations* developed by local, state, and federal government.

By convening future symposia which attract the private and public sectors, GFPI will continue to help foster successful implementation of FSMA, and achieve the ultimate goal of a truly integrated food safety system in the U.S. and abroad.