Info Alert

National Conference of State Legislatures
Office of State-Federal Relations

Nov. 16, 2015

FDA Releases Final Rules for Implementation of Food Safety Modernization Act

On Nov. 13, the Food and Drug Administration (FDA) released final versions of a number of new rules: Produce Safety, Foreign Supplier Verification Programs and the Accredited Third-Party Certification, which aim to fully implement the Food and Safety Modernization Act (FSMA). FSMA, passed in 2011, was an attempt by Congress to improve the safety of the U.S. food supply by focusing on preventing contamination rather than reacting to it and provides the FDA with new authority to regulate as such.

Specifically, the produce rule attempts to establish science-based standards for growing, harvesting, packing and holding produce. It includes requirements for water quality, employee health and hygiene, wild and domesticated animals, compost and manure along with equipment, tools and buildings. The Foreign Supplier Verification Programs rule requires food importers to verify that foreign suppliers are producing food in a manner that meets U.S. safety standards. The Accredited Third-Party Certification rule establishes a program for the accreditation of third-party certification bodies (auditors) to conduct food safety audits and certify that foreign food facilities and food produced by such facilities meet applicable FDA food safety requirements.

The FDA now has finalized five of the seven rules that implement the major components of FSMA, following the issuance of the final rules in September for both the Preventive Controls for Human Food and the Preventive Controls for Animal Food.

For any additional questions or concerns please contact NCSL staff Ben Husch (202-624-7779) or Doug Farquhar (303-856-1397).

Important Links

- Food and Safety Modernization Act
- Produce Safety Final Rule
- Foreign Supplier Verification Programs Final Rule
- Accredited Third-Party Certification Final Rule
- Preventive Controls for Human Food Final Rule
- Preventive Controls for Animal Food Final Rule