

## THOUGHT LEADERSHIP

LEGAL UPDATES

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## Industry

Transportation

## FDA Finalizes Food Safety Transportation Rule

The U.S. Food and Drug Administration (FDA) released the final version of the long-awaited Sanitary Transportation of Human and Animal Food rule under the Food Safety Modernization Act (FSMA) on April 5, 2016. The final rule, which includes several revisions to the original proposed rule, including changes in definitions, is aimed at preventing food contamination during transportation.

### **Improving Food Safety in the U.S.**

The FDA's final rule requires that those involved in the transportation of human and animal food use sanitary practices to ensure food safety. Although there are exceptions, the rule generally applies to shippers, receivers, loaders and carriers who transport food in the U.S. by motor or rail vehicle, as well as those outside the country who transport food inbound that is to be consumed or distributed here.

#### **The final rule imposes requirements in the following key areas:**

**Vehicles and transportation equipment.** Vehicles and transportation equipment must be designed and maintained to ensure they do not cause the food they transport to become unsafe.

**Transportation operations.** Proper measures must be taken during transportation to ensure the safety of the food. Measures include adequate temperature controls, separation of ready-to-eat food from raw food, separation of food from nonfood items in the same or previous load, and protection of food from cross-contact, i.e., the unintentional incorporation of a food allergen.

**Training.** Carrier personnel must be trained in sanitary transportation practices when the carrier and shipper agree that the carrier is responsible for sanitary conditions during transport. Training must be documented.

**Records.** Written procedures, agreements and training must be maintained.

### **What This Means to You**

Those who transport food and are covered by this rule will need to act quickly to ensure compliance. Covered small businesses, meaning businesses other than motor carriers that are not also shippers and/or receivers employing fewer than 500 persons, and motor carriers having less than \$27.5 million in annual receipts, will have to comply **two** years after the publication of the final rule in the Federal Register on April 6, 2016. All other covered businesses must comply within **one** year, or by April 6, 2017.

### **Contact Us**

For questions or more information about how the Sanitary Transportation of Human and Animal Food rule may affect your business, contact Joan K. Archer or Megan R. Galey. Watch for detailed posts about the final transportation rule, as well as other FSMA compliance issues, on the Food & Ag Law Insights blog.