

# **Food Safety and Modernization Act: How Might it Apply to Meat Processors? Fact Sheet version 2.7.2017**

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## **What is the Food Safety and Modernization Act?**

- The Food Safety and Modernization Act (FSMA) is a law that expands how companies regulated by the Food and Drug Administration (FDA), including farms, food manufacturers, and food distributors, must approach and document their food safety programs.
- FSMA was signed into law in 2011, and went into effect in 2016. As of September 2017, small businesses must be in compliance with the new FSMA rules. As of September 2018, very small businesses must be in compliance with the new FSMA rules. The FDA defines “small businesses” as farm or food manufacturing/distribution businesses with fewer than 500 employees. The FDA defines “very small businesses” as farm or food manufacturing/distribution businesses with less than \$1 million in total annual sales of human food or farms with less than \$500,000 in gross annual sales to “qualified end users,” which is defined as a consumer, restaurant, or retail food establishment that is located in the same state as the farm that produced the food, or not more than 250 miles from the farm.
- Meat production facilities that do value added production will need to know and document that their suppliers of non-meat food products are FSMA compliant.
- Previously, the FDA regulated food in a reactive way, looking at problems in finished products and in infrastructure that did not conform with Good Manufacturing Practices. FSMA focuses on preventative controls, looking at food safety systems and the safeguards they put in place. FSMA’s new rules include:
  - Preventive Controls for Human Food—<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm>
  - Preventive Controls for Animal Food—<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm366510.htm>
  - Sanitary Transport Rules—<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm383763.htm>
  - Foreign Supplier Verification Rules—<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm361902.htm>

## **How is FSMA changing the climate of food safety regulation?**

Since it was enacted, FSMA has brought the FDA’s food safety regulation in line with the methods used by the USDA, focusing on preventive controls and documented food safety systems. Additionally, local health inspectors will have an expanded role in food safety regulation, as they will be the primary inspectors to enforce the new regulation.

### **What is the definition of a small meat processor?**

As defined by the USDA for regulatory purposes, a small plant denotes a facility that has fewer than 500 employees.

### **Who currently regulates small meat processors?**

- Small processors who sell at their own retail locations are regulated by their local health inspectors under their local Food Code.
- Small processors who sell wholesale can be regulated by either their state Department of Agriculture (in participating states), or by the USDA. USDA inspected plants can ship across state lines, while sales of state inspected meat can only be sold within the state.

### **How will small meat companies be affected by FSMA?**

#### **If the operation is diversified:**

If you raise animals and compost the manure for a garden where you sell ready to eat veggies, then you will need to conform to the FSMA Manure Composting Rules:

<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334114.htm>

#### **If you co-pack or run your own packing house:**

If you run your own packing house, the only piece of FSMA that will affect you is in your supply chain.

- You will need to assess whether all your non-meat food suppliers are FDA inspected and compliant. This includes suppliers of fruits and vegetables, spices, dairy products, eggs, additives, and restricted ingredients such as nitrates and nitrites.
- If you import items that are covered by the Foreign Supplier Verification Program, those items need to be in compliance. Keep in mind that this only affects you if you are the consignee (the person who is actually bringing the food into the country).
- If you run your own packing house, then all supplies--food, including meat, and packaging--must come in under the sanitary transport rules.

#### **If you do your own distribution:**

All distribution companies, including USDA establishments or farms that run their own trucks, will need to conform to the FDA's Sanitary Transport rule. The Sanitary Transport rule establishes requirements for:

- **Vehicles and transportation equipment:** The design and maintenance of vehicles and transportation equipment must be designed to ensure that it does not cause the food that it transports to become unsafe. For example, they must be suitable and adequately cleanable for their intended use and capable of maintaining temperatures necessary for the safe transport of food.
- **Transportation operations:** The measures taken during transportation to ensure food safety, such as adequate temperature controls, preventing contamination of ready to eat food from touching raw food, protection of food from contamination by non-food items in the same load or previous load, and protection of food from cross-contact, i.e., the unintentional incorporation of a

food allergen.

- **Training:** Training of carrier personnel in sanitary transportation practices and documentation of the training. This training is required when the carrier and shipper agree that the carrier is responsible for sanitary conditions during transport.
- **Records:** Maintenance of records of written procedures, agreements and training (required of carriers). The required retention time for these records depends upon the type of record and when the covered activity occurred, but does not exceed 12 months.

### **If you make animal food:**

Previously, animal feed regulations and pet food regulations were separated and enforced by different agencies. Under FSMA, all animal food is regulated under one rule and must now be made under the Good Manufacturing Practices for Animal Food:

<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm366510.htm> These will require Hazard and Risk-based Preventive Controls for production, as well as Good Manufacturing Practices. This is significantly different than the current rules on pet foods and is much more in line with the rules for the production of human food.

### **What can small meat companies do to plan ahead?**

The best thing that small meat companies can do to plan ahead is to look at what comes into the plant and talk to any non-meat suppliers to understand their plans to become FSMA compliant. Questions to ask include:

- What areas has the supplier identified that need to be compliant?
- Have they identified what sort of food safety documentation they are going to need to be compliant?
- Can they supply any of that documentation? All of these questions must be answered to ensure that the entire supply chain is thoroughly committed to food safety.

If the small meat company owns its distribution system, they should begin by reading the Sanitary Transportation part of the rule to assess their compliance:

<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm383763.htm>

If the small meat company uses imported foods such as fruits, vegetables, salts, spices, dairy products, etc., they should begin by reading the Foreign Supplier Verification Program and assessing what their suppliers need to do to be compliant:

<http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm361902.htm>

If you have any additional questions or seek more clarification, please contact Dr. Michele Pfannenstiel at [michele@dirigofoodsafety.com](mailto:michele@dirigofoodsafety.com)

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