Overview: FDA’s Sanitary Transportation of Human and Animal Food

Background
The Proposed Rule on Sanitary Transportation of Human and Animal Food is part of the FDA’s efforts related to the Food Safety Modernization Act (FSMA), which was signed into law on January 4, 2011. In addition to this proposed rule on sanitary transportation, the FDA has proposed six additional rules as part of the FSMA: (1) Preventive controls requirements for human food, (2) preventive controls requirements for animal food, (3) standards for produce safety, (4) a Foreign Supplier Verification Program for importers, which requires importers to take steps to help ensure that imported human and animal food is as safe as that which is produced domestically, (5) a program for the accreditation of third-party auditors, also known as certification bodies, to conduct food safety audits and issue certifications of foreign facilities and the foods they produce for humans and animals, and (6) and focused mitigation strategies to prevent intentional adulteration aimed at causing large-scale public health harm.

Overview
The stated purpose of the proposed rule on the sanitary transportation of human and animal food is to prevent practices that create food safety risks – such as failure to properly refrigerate food, inadequate cleaning of vehicles between loads, and failure to properly protect food during transportation.

The proposed rule addresses the sanitary transportation of both human and animal food travelling via motor or rail vehicle by establishing criteria for the safe transportation of food. Specifically, the proposed rule would establish requirements for: vehicles and transportation equipment, transportation operations, information exchange, training, records, and waivers.

Who does this apply to?
In general, this applies to carriers, shippers and receivers who transport food to and in the United States, including trucks coming from Canada.

Specifics of the Proposed Rule
The proposed rule would establish requirements for:

Vehicles and transportation equipment: The design and maintenance of vehicles and transportation equipment to ensure food being transported does not become contaminated.

Transportation operations: The measures taken during transportation to ensure food is not contaminated, such as adequate temperature controls and separation of food from non-food items in the same load.

Information exchange: Procedures for exchange of information about prior cargos, cleaning of transportation equipment and temperature control between the shipper, carrier, and receiver, as appropriate to the situation. For example, a carrier transporting bulk liquid non-dairy foods would want to ensure that vehicles that have previously hauled milk will not introduce allergens into non-dairy foods through cross contact.

Training: Training of carrier personnel in sanitary transportation practices and documentation of the training.

Records: Maintenance of written procedures and records by carriers and shippers related to transportation equipment cleaning, prior cargos, and temperature control.

Waivers: Procedures by which the FDA will waive any of these requirements if it determines that the waiver will not result in the transportation of food under conditions that would be unsafe for human or animal health and that it is in the public interest.

Exemptions
- Shippers, receivers and carriers engaged in food transportation operations that have less than $500,000 in total sales
- Transportation activities of raw agricultural commodities performed by a farm
- Food that is transshipped through the US to another country (for example destined for Mexico)
- Food that is imported to the US for future export and that is neither consumed or distributed in the US
- Transportation of shelf stable food that is completely enclosed by a container
- Transportation of compressed food gases
- Transportation of live food animals

Comment Period
The proposed rule was posted on January 31, 2014 with comments due by May 31, 2014. Following this date the US government will decide actions and or implementation dates.

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