

Food Safety Program, for Processors and Distributors

FACT SHEET #32

Food Safety Modernization Act in the United States

The U.S. Food Safety Modernization Act (FSMA) came into effect January 4, 2011 and has a direct impact on Canadian food processors. The U.S. is currently implementing the requirements of this act and Canadian food exporters will have to comply with them.

The goals of the act are to:

- protect public health in the U.S. by strengthening the U.S. food safety system
- prevent food safety problems in the U.S., rather than reacting to them
- hold **imported foods** to the U.S. to the same standards as U.S. domestic foods

Canadian processors doing business in the U.S. must be familiar with the requirements of the FSMA and how they apply to their operations. This includes:

- **Importer accountability:** Importers are responsible for verifying that their Canadian suppliers have adequate food safety prevention controls in place to ensure their products are safe and meet U.S. standards.
- **Voluntary qualified importer program:** This program makes it easier and faster for Canadian food exporters to get their products across the border. One of the requirements to be eligible for this program is to have your operation certified by someone (a third party certification) authorized to do so by the U.S. Food and Drug Administration (FDA).
- **Third Party Certification:** The FDA is authorizing third parties (auditors) to inspect/audit Canadian food processors' facilities and operations to ensure they comply with U.S. food safety standards under the new FSMA.
- **Authority to deny entry:** If third party auditors are denied access (either at the Canadian border or at the food processing facility) to inspect the Canadian food processor's operations, the FDA can deny entry of food from that facility into the U.S.
- **Mandatory prevention controls for food facilities:** Food facilities are required to implement a written prevention control plan (ex: Hazard Analysis Critical Control Point (HACCP)). The FDA also requires:
 - **Mandated inspection frequency based on risk:** Within one year of enactment, the law directs FDA to inspect at least 600 foreign facilities and double those inspections every year for the next five years.
 - **Records access:** the FDA will require access to records kept by Canadian facilities. This includes industry food safety plans and the records facilities must keep to verify the implementation of these plans.

FSMA requires:

- Testing by accredited laboratories: Certain food safety testing must be done in Canadian facilities by accredited laboratories.

- **Mandatory food recalls:** FSMA authorizes the FDA to issue a mandatory product recall.
- **Suspension of registration:** the FDA can suspend registration of a facility if it finds that the food poses a reasonable probability of serious health risks or death. A facility that is under suspension is prohibited from distributing food in the U.S.

The full effect of the FSMA on Canadian food processors is still under evaluation as new regulatory requirements are being developed. Final rules and exemptions will be released in the near future.

Food processors should keep checking on the implementation of new FSMA requirements by going to: fda.gov/Food/FoodSafety/FSMA/default.htm.

The website includes:

- the full text of FSMA
- frequently asked questions
- subscription to electronic updates on FSMA
- presentations and webinars

For information on the Food Safety Program contact the [CVO/Food Safety Knowledge Centre](#).
For technical information, call 204-795-7968 or 204-795-8418 in Winnipeg; or e-mail foodsafety@gov.mb.ca.
For general information, contact your local [GO Centre](#).