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Keeping It Clean: FDA Proposes New Food Transportation Rule

The US Food and Drug Administration (FDA) recently announced that it will publish the Sanitary Transportation of Human and Animal Food Proposed Rule after hosting a series of public meetings. This proposed rule will be the seventh and final rule under the FDA Food Safety Modernization Act (FSMA) and would establish criteria for the sanitary transportation of human and animal food.

Generally, the proposed rule would apply to all shippers, receivers, and carriers who transport food in the United States by motor or rail, whether or not the food enters interstate commerce. The rule would also apply to foreign persons – such as importers overseas – who ship food to the United States, only if that food will be consumed or distributed in the US. Accordingly, parties involved in transporting food through US commerce on its way to another country would be exempt from the rule.

Specifically, the proposed rule would establish the following requirements:

- **Vehicles and transportation equipment**
Design and maintain vehicles and transportation equipment to ensure that they do not cause transported food to become contaminated.
- **Transportation operations**
Implement measures during transportation to ensure food is not contaminated, such as adequate temperature controls and separation of food from non-food items.
- **Information exchange**
Establish procedures for exchange of information about prior cargos, cleaning of transportation equipment, and temperature control between the shipper, carrier, and receiver.
- **Training**
Train carrier personnel in sanitary transportation practices.
- **Records**
Maintain written procedures and records related to transportation equipment cleaning, prior cargos, and temperature control.
- **Waivers**
Create procedures by which the FDA will waive any of these requirements if it determines that the waiver will not result in unsafe transportation conditions.

Stakeholders are encouraged to attend the public meetings on this proposed rule. The first meeting and second meetings will be held on February 27th in Chicago, IL and March 13th in Anaheim, CA, respectively, and will also cover other matters. The third meeting will discuss solely the proposed rule, and will take place on March 20, 2014 in College Park, MD. These meetings are designed to solicit oral stakeholder and other public comments, and respond to questions about the proposed rule.

Please contact Venable's [International Trade Practice Group](#) or [Food and Drug Practice Group](#) with any questions you may have about the proposed rule, or if you are interested in submitting comments. The proposed rule will be available for public comment until May 31, 2014.