

Information sheet

Food Safety Modernization Act changes

To comply with the Foreign Supplier Verification (FSV) program under the Food Safety Modernization Act (FSMA), the FDA is requiring additional data from food importers. This requirement's going into effect on May 27, 2017.

The FDA has advised that there won't be a phase-in period, and the implementation date won't be extended.

What's changing?

For each food product being imported into the United States, the following information must be included for the U.S. owner or consignee:

1. DUNS number
2. Company name
3. Company address
4. Contact email
5. Optional additional elements: contact individual name, telephone number

If there's no U.S. owner or consignee at the time of importation, the importer must provide the same information for an agent or representative. This must be confirmed in a signed statement of consent between the two parties.

What do I need to do first?

Start by reviewing the requirements of the FSV provision of the Food Safety Modernization Act (2011). Talk to your U.S. consignees and make sure they're also aware of these regulations.

Read more on the FSMA Final Rule on FSV programs for importers of food for humans and animals: <https://www.fda.gov/food/guidanceregulation/fsma/ucm361902.htm>.

Do all food products require this additional contact information?

No. The following products are exempt:

- Juice, fish, and fishery products subject to Hazard Analysis Critical Control Point (HACCP)
- Food sent for research/evaluation
- Food for personal consumption
- Alcoholic beverages
- Food sent for further manufacturing and export under the import for export (IFE) program
- Foods regulated by USDA, such as meat and poultry

Read more on exemptions and modified standards:

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

What about food manufactured and shipped from Canada and New Zealand, which are recognized as having equivalent food safety programs? (21CFR 1.513)

The recognition means that foods from these countries have modified requirements. Some of the modified requirements include exemptions from having a hazard analysis plan, evaluation of foreign supplier performance, and use of approved supplier.

However, importers must still comply with the contact information as outlined above.

Visit the following link and type in 1.513 in the search to see the particular Code of Federal Regulations 21CFR: <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm>

How is this information to be provided to Livingston?

Starting May 27, 2017, you must provide the consignee's FSV information on your Customs documents for every shipment. You'll need to speak with your U.S. consignees and have them advise you how this information should be provided for their operation. Livingston will be able to permanently store this information on your account, just as we store your consignee's IRS number.

What's a DUNS number? What if my U.S. consignee doesn't have one?

A DUNS number is a unique nine-digit identification number obtained from Dun & Bradstreet. Companies that don't already have a DUNS number can obtain one free of charge at the following link: <https://fedgov.dnb.com/webform>

Also, to look up a company's DUNS number, visit: <https://fdadunslookup.com/>

If you have additional questions, please contact your Client Service Manager or Customer Service Team.