

FSMA FACT SHEET

What Do I Need to Do to Comply with the Sanitary Food Transportation Rule?

Overview

The FDA's regulation on Sanitary Transportation of Food establishes general requirements for all transportation operations and specific obligations for different roles in the transportation chain. The rule generally reflects longstanding industry best practices for food transportation. However, there are certain responsibilities that only apply when they are assigned by a written agreement, so it's important to pay attention to contracts under this rule.

Who is Covered?

The rule applies to shippers, receivers, loaders and carriers who transport food in the United States by motor or rail vehicle, whether or not the food is offered for or enters interstate commerce. Relevant exemptions for the almond industry include:

- Shippers, receivers or carriers engaged in food transportation operations that have less than \$500,000 in average annual revenue;
- Transportation activities performed by a farm;
- Transportation of human food byproducts transported for use as animal food without further processing; and
- Transportation of food that is completely enclosed by a container (so long as it does not require temperature control for safety).

Requirements for Vehicles and Transportation Equipment

Vehicles and transportation equipment must be designed and maintained to ensure that they do not cause the food that they transport to become unsafe. For example, they must be suitable and adequately cleanable for their intended use. "Transportation equipment" includes bulk and non-bulk containers, bins, totes, pallets, fittings, loading systems and unloading systems.

General Requirements for Shippers, Carriers, Loaders and Receivers

The regulation establishes general requirements that apply to all shippers, loaders, carriers and receivers engaged in transportation covered by the rule. Specifically:

- Responsibility for ensuring that transportation operations are carried out in compliance with the regulation must be assigned to competent supervisory personnel;
- All transportation operations must be conducted under appropriate conditions and controls to prevent the food from becoming unsafe during transportation operations (e.g., using segregation to protect food from contamination from raw foods and non-food items in the same load);
- The type of food (e.g., animal feed, pet food, human food) and its production stage (e.g., raw material, ingredient, finished food) must be considered in determining the necessary conditions and controls for the transportation operation; and
- If a shipper, loader, carrier or receiver becomes aware of conditions that may render the food unsafe, the food cannot be sold or otherwise distributed unless a determination is made by a qualified individual that the condition did not render the food unsafe.

Requirements for Shippers

Shipper means a person (e.g., the manufacturer or a freight broker) who arranges for the transportation of food in the United States by a carrier or multiple carriers sequentially.

Shippers must specify to the carrier, and when necessary the loader, in writing, all necessary sanitary specifications for the carrier's vehicle and transportation equipment, including any specific design specifications and cleaning procedures. The shipper also must develop and implement written procedures adequate to ensure that:

- Vehicles and equipment used in transportation operations are in appropriate sanitary condition to prevent the food from becoming unsafe during transportation; and
- A previous cargo does not make the food unsafe if food is transported in bulk.

Requirements for Loaders

Loader means a person that loads food onto a motor or rail vehicle during transportation operations.

The only requirements for loaders apply when they load food that is not completely enclosed by a container. Before loading such food, the loader must determine (considering, as appropriate, the specifications provided by the shipper) that the vehicle or transportation equipment is in appropriate sanitary condition for the transport of the food. For example, the loader must confirm that the equipment is in adequate physical condition, free of visible evidence of pest infestation, and free of previous cargo that could cause the food to become unsafe during transportation.

Requirements for Carriers

Carrier means a person who physically moves food by rail or motor vehicle in commerce within the United States. (The term carrier does not include any person who transports food while operating as a parcel delivery service.)

The following requirements for carriers only apply when the carrier and the shipper have a written agreement that the carrier is responsible, in whole or in part, for sanitary conditions during transportation operations. Therefore, written agreements with carriers have particular importance under the rule. In such situations, the carrier is responsible for the following, as applicable per the written agreement:

- Ensuring that vehicles and transportation equipment meet the shipper's specifications and are appropriate to prevent the food from becoming unsafe during transportation.
- If requested by the shipper for food transported in a bulk vehicle, providing information to the shipper that identifies the previous cargo transported in the vehicle and/or the most recent cleaning of the bulk vehicle.
- Developing and implementing written procedures that:
 - Specify practices for cleaning, sanitizing if necessary, and inspecting vehicles and transportation equipment that the carrier provides for use in food transportation to maintain appropriate sanitary condition; and
 - Describe how the carrier will comply with the provisions for identifying previous cargo and the most recent cleaning for bulk vehicles.
- Providing training to personnel (upon hiring and as needed) that covers:
 - Awareness of potential food safety problems that may occur;
 - Basic sanitary practices to address those problems; and
 - The responsibilities of the carrier under the rule.

Requirements for Receivers

Receiver means any person who receives food at a point in the United States after transportation, whether or not that person represents the final point of receipt for the food. The requirements for receivers are not applicable for the almond industry, as they only apply for receipt of food that requires temperature control for safety under the conditions of shipment.

Record Keeping

The regulation includes some record keeping requirements, but does not require retention of load-by-load records. Issues requiring records maintenance include 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.

Compliance Dates

The compliance date for businesses employing 500 or more persons was April 6, 2017. For small businesses with under 500 employees (or motor carriers having less than \$27.5 million in annual receipts), the compliance date is April 6, 2018.