FDA looking for new ways to check food imports

By Justin Bachman, Bloomberg Businessweek

Food destined for the U.S. would be inspected abroad and importers would be held more accountable for ensuring its safety, under new rules proposed by the Food and Drug Administration.

Federal regulators are pushing to tackle a problem that has long plagued the food supply: too few inspectors facing more and more imports. As it stands now, only a tiny fraction of foreign-made foods is examined at the border before completing that inexorable procession to grocery stores and into American bellies.

In essence, the government is seeking to outsource work to companies that already have food-sourcing operations overseas — a way to "leverage the private sector," as a former FDA official told the New York Times. Under the rules proposed in late July, food importers would need to ensure that their foreign suppliers comply with FDA safety rules or that local regulations meet U.S. requirements. The measures also outline accreditation procedures for third-party auditors who would inspect food suppliers.

The new rules are also designed to reduce the occurrence of recalls and the outbreaks of food-borne illnesses that can prove fatal. About 48 million Americans get sick, some 128,000 are hospitalized and about 3,000 die each year from food-borne diseases, according to federal officials.

Food imports have surged in recent years as Costco, Walmart, Target and other retailers have responded to consumer demand for a greater variety of foods and fresh produce available year-round. About 15 percent of the U.S. food supply is imported, including a fifth of vegetables and half the nation's fresh fruit. Strawberries, for example, were once a seasonal product in U.S. stores but can now be purchased year-round.

At the same time, Americans continue to perceive domestically sourced foods as safer than imports, says Marianne Rowden, president and chief executive of the American Association of Exporters & Importers, a trade group that counts several large importers such as Target and Mondelez International as members. (That perception gap remains, Rowden notes, even after several illness outbreaks tied to U.S.-grown produce.)

The FDA portrays the changes as a more effective method of targeting the sources of contaminated foods rather than merely responding after people get sick.

"We will continue to check food at our borders," Michael Taylor, the FDA's deputy commissioner for foods and veterinary medicine, said in a statement on the agency's website.

"However, rather than relying almost entirely on FDA's investigators at the ports to detect and respond to food safety problems, importers would – for the first time – be held accountable for verifying, in a manner transparent to FDA, that the food they import is safe."

Major food importers generally support the rule, mainly because the FDA consulted with the industry and conducted a thorough cost-benefit analysis, says Michael Robach, vice president of corporate food safety, quality and regulatory affairs for Cargill, a large U.S. food importer with operations in 55 countries.

"If you are doing the proper oversight … you're actually in the long term going to be saving yourself money," he says of costs associated with the inspection changes.

The Grocery Manufacturers Association, which represents U.S.

food and drink companies such as Kraft Foods and General Mills was also supportive. The new law's implementation "can serve as a role model for what can be achieved when the private and public sectors work together to achieve a common goal," the association said in a statement.

What's less clear, according to Rowden, is how smaller players without the infrastructure and supply-chain expertise of major food importers will comply with the law. She predicts "critiques around the edges of some technical aspects" but no major industry backlash against the regulations.

"The food companies are very conscious about their brands," she says. "We look at this as brand protection, rather than just new regulation."

The measures are open for public comment for 90 more days. They do not apply to seafood and fruit juices, two categories covered by other federal rules.

"To me, the real thrust of these regulations will always be about the FDA struggling to deal with the globalization of the food supply," Rowden says. The agency, with its current staff and funding, is "just not equipped" to address so much food from abroad.