

WORLD TRADE ORGANIZATION

G/SPS/N/USA/2156
14 February 2011

(11-0749)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1.	Notifying Member: <u>UNITED STATES</u> If applicable, name of local government involved:
2.	Agency responsible: US Food and Drug Administration (FDA)
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Food for human and animal consumption, except for meat, poultry, and egg products that are exclusively regulated by the US Department of Agriculture (USDA). The Act does not alter the jurisdiction between FDA and USDA.
4.	Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5.	Title of the notified document: Food Safety Modernization Act Language(s): English Number of pages: 89
6.	Description of content: The United States President signed the Food Safety Modernization Act into law on 4 January 2011. The intent of the law is to increase the safety of the US food supply. Some of the key features of the new law are: prevention (e.g., preventive controls for food facilities, produce safety, intentional contamination); inspections and compliance (frequency of inspection, expanded records access, third party laboratory testing); enhanced enforcement tools (e.g., recall, administrative detention, suspension of registration); enhanced partnerships (e.g., surveillance, inspection, food laboratories) and import safety (e.g., foreign supplier verification by importers, mandatory certification for high risk foods, accreditation of third party auditors).
7.	Objective and rationale: <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input checked="" type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.
8.	Is there a relevant international standard? If so, identify the standard: <input type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text) <input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number) <input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number)

<p><input checked="" type="checkbox"/> None</p> <p>Does this proposed regulation conform to the relevant international standard? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, describe, whenever possible, how and why it deviates from the international standard:</p>
<p>9. Other relevant documents and language(s) in which these are available: The Enrolled Bill version of the Public Law No. 111-353 can be found at: http://www.gpo.gov/fdsys/pkg/BILLS-111hr2751enr/pdf/BILLS-111hr2751enr.pdf.</p> <p>Once the law is officially published, an addendum containing an electronic link to the law will be sent to WTO.</p>
<p>10. Proposed date of adoption (dd/mm/yy): The law was enacted on 4 January 2011.</p> <p>Proposed date of publication (dd/mm/yy): Not applicable</p>
<p>11. Proposed date of entry into force: <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): The Food Safety Modernization Act (Public Law No: 111-353) entered into force on 4 January 2011. Subsequent regulations will be developed later to implement different aspects of the statute.</p> <p><input type="checkbox"/> Trade facilitating measure</p>
<p>12. Final date for comments: <input type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): Not applicable</p> <p>This notice serves as information to the WTO Members.</p> <p>The United States will provide outreach to trading partners through various means in the coming months. Your comments will help the US Food and Drug Administration develop outreach efforts so that US trading partners can gain a better understanding of the law. The United States will notify related proposed implementing regulations as they are promulgated. WTO Members will be able to submit comments to the dockets of the respective proposed rules at time of notification.</p> <p>Agency or authority designated to handle comments: <input type="checkbox"/> National Notification Authority, <input type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body: Please send comments, preferably electronically, to US Food and Drug Administration, Center for Food Safety and Applied Nutrition, by e-mail to FSMAWTO@fda.hhs.gov or by fax to +(1 301) 436-2618. Additional information can be found at: http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm239907.htm</p>
<p>13. Texts available from: <input checked="" type="checkbox"/> National Notification Authority, <input type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body: United States SPS National Notification Authority, USDA Foreign Agricultural Service, International Regulations and Standards Division (IRSD), Stop 1027, Washington D.C. 20250; Tel: +(1 202) 720 1301; Fax: +(1 202) 720 0433; E-mail: us.spsenquiry@fas.usda.gov</p> <p>Text can be also be found on the Internet: "http://www.gpo.gov/fdsys/pkg/BILLS-111hr2751enr/pdf/BILLS-111hr2751enr.pdf"</p>