



Sanitary Food Transportation What's in Store for the Food Industry?

Erik R. Lieberman
Regulatory Counsel
Food Marketing Institute



Sanitary Food Transportation Act

Key Concerns

- **Segregation of Foods and Non-Foods**
- **Temperature Monitoring**
- **Distinction Between Packaged Foods v. Bulk Commodities**
- **Trailer/Truck Washing Requirements**



Sanitary Food Transportation Act

Background

- During the late 1980s, there were a number of press reports that trucks that hauled garbage from NY/NJ were subsequently used to carry meat, poultry and produce.
- GAO looked into the matter and could not find any conclusive evidence that this was a common practice.
- In spite of this, after receiving the report, Congress enacted the Sanitary Food Transportation Act in 1990.



Sanitary Food Transportation Act

Background

- **The Sanitary Food Transportation Act directed the Dept. of Transportation to prescribe regulations regarding the transportation of food and food additives in motor and rail vehicles that are used to transport nonfood products that would make food/additives unsafe.**
- **DOT issued a proposed rule in 1993.**
- **In 1998, DOT's OIG determined the agency did not have the expertise to implement the law and FDA did have it.**
- **In 2005 Congress amended the law and directed FDA to implement it, but no deadline.**
- **FDA has yet to issue a rule, FSMA requires a rule by June 2012.**



Sanitary Food Transportation Act

Background

FDA maintains SFTA grants them authority to address:

- Sanitation
- Vehicle use limitations
- Packaging, isolation
- Recordkeeping
- Prohibited prior and co-cargoes



Sanitary Food Transportation Act

Is action on transportation sanitation needed?

- **FDA cited only six events over the course of 36 years to justify the need for the regulation.**
- **None of these incidents involve the transportation of food by the supermarket industry.**
- **Agency cited 2007 Interstate Food Transportation Assessment Project that notes there were “little or no areas of concern” with large semi-trucks—the mode of transportation used by the supermarket industry.**



Effectiveness of Existing Industry Practices

- **The fact that no events involving the supermarket industry can be cited by the agency is testament to the effectiveness of industry practices.**
- **A typical distribution center facility ships in excess of 545,000 cases of product every week and more than 47 million pounds of food every four weeks.**
- **More than 600 million pounds of food is shipped out of the typical distribution center annually.**



Existing Laws and Regulations are Working

- **The few incidents that FDA cited to justify the rule are violations of current law and regulations.**
- **FMI believes the development of additional food transportation related guidance is preferable to a new regulatory regime.**
- **DOT has acknowledged that “taken together, the . . . FDA regulations and implementing guidance adequately address the overarching goal of protecting food and food products from contamination during transportation.”**



Bulk v. Packaged: Risk-Based Approach

- **FMI believes that FDA must take a risk-based approach in implementing SFTA.**
- **In grocery industry the risk of microbial contamination to food occurring from the trailer is extremely remote as effectively all products are contained in packaging and are not in direct contact with the trailer.**
- **Different concerns with bulk transportation.**
- **Current industry practices make the risk of cross contamination of food and nonfood products very improbable.**
- **FDA should implement SFTA in such a manner which gives the supermarket industry the flexibility to maintain current industry practices which have been proven effective over the decades.**



Temperature Control Practices

- **Virtually all distributors in the supermarket industry have a quality control process to check and inspect the temperature of products during unloading activities.**
- **Nearly all companies check temperatures of fresh, temperature-sensitive products when making backhaul pick-ups.**
- **The vast majority of firms have implemented policies to record product temperatures en route to the distribution center.**
- **Some fleets run dual temperature trailers, though the majority operate single temperature ones.**



In-Transit Temperature Monitoring Devices





Industry Practices for Cleaning Vehicles

- Trailers are frequently swept to remove any debris.
- Retailers and wholesalers have developed effective methods which meet the needs of their individual supply chain systems.
- Spills and odors addressed promptly and thoroughly.
- Some fleets run dual temperature trailers, though the majority operate single temperature ones.



Cleaning Vehicles

- **Foods being transported by the industry are enclosed in packaging and do not come into direct contact with trailer surfaces.**
- **A proscriptive trailer washing regimen determined by FDA is not appropriate or necessary.**
- **Excessive washing of trailers results in damage including corrosion of interior parts.**
- **Counterproductive by introducing excessive moisture into environments and on materials that are designed to be kept dry.**



Food/Nonfood Transportation Practices

- **Foods may be transported simultaneously and sequentially with nonfood products.**
- **All foods are enclosed by packaging and any risk of cross-contamination from nonfood items is extremely remote.**
- **Any requirement to segregate foods from nonfoods would be tremendously costly to industry and lead to higher prices for consumers.**
- **Such a requirement would result in the wasting of vast quantities of fuel, excessive wear and tear on trucks, and a needless increase in greenhouse gas emissions.**



Existing Recordkeeping Requirements

- **Receivers of food are required to maintain records of the immediate previous source of food under the FDA Bioterrorism regulations.**
- **Under the Perishable Agricultural Commodities Act retailers are required to keep records and accounts that fully disclose all transactions related to the purchase of produce.**
- **Retailers also must maintain records pursuant to USDA's country of origin regulations which identify the covered commodity and retail supplier.**
- **FMI does not believe that additional records would be useful or necessary to achieve the goals of SFTA.**



Questions?

Thank You!

Erik R. Lieberman
Regulatory Counsel
FMI
202-220-0614
elieberman@fmi.org