



FMI Comments delivered on October 20, 2021 by Stephanie Harris, Chief Regulatory Officer & General Counsel

**New Era of Smarter Food Safety Summit on E-Commerce: Ensuring the Safety of Foods Ordered Online and Delivered Directly to Consumers**

FMI Comments

Good afternoon. My name is Stephanie Harris, Chief Regulatory Officer and General Counsel at FMI- The Food Industry Association. FMI is the trade association that advocates on behalf of a wide range of members within the food industry value chain, from food wholesalers and suppliers to grocery retailers.

FMI strongly supports food safety compliance and sharing best practices in order to provide consumers with safe products and to protect public health. FMI members openly share food safety information to assist the entire industry with their food safety management programs.

We plan to submit more detailed written comments; however, there are several issues we think are important to raise at this summit.

1. Food delivery is not new. There are many different models over many decades – from pizza delivery, milk delivery and even frozen products delivered directly to consumers at home. Consumer expectations and consumer satisfaction are at the root of this business model. The market drives innovation because keeping customers is becoming more and more competitive.

2. Because business models will continue to change rapidly due to technological innovations as well as consumer expectations, the FDA and other public health regulatory agencies should focus on outcomes (that consumers receive safe food) and not the process (how they receive it). Since 2020 we have seen double digit growth in online shopping with almost 90% of FMI member companies reporting the use of online shopping and alternative delivery methods for consumers. Additionally, two thirds of consumers report that they have shopped for food online. Businesses will continue to respond to consumer demand and businesses will continue to innovate.
3. There already is a strong legal framework ensuring the safety of foods delivered through new business models. This starts with the general prohibition on introducing or receiving adulterated or misbranded food in interstate commerce, or adulterating or misbranding food. More specific details are found in the Food Code, the Preventive Controls for Human and Animal Food regulations, and the Sanitary Transportation of Food requirements to name a few. We encourage the FDA to carefully evaluate existing requirements and to exercise enforcement authority when appropriate before developing new, additional, or different regulations for new business models.
3. A strong starting point for education and evaluation should be a recently released document from the Conference for Food Protection titled "Guidance Document for Direct-to-Consumer and Third-Party Delivery Service Food Delivery" (CFP 2020). This was developed by a multidisciplinary committee within CFP and includes broad consensus of food safety and public health professionals. This document addresses

issues like temperature control, packaging, training, and other delivery considerations including allergens, traceability and recalls.

4. The food industry is committed to food safety and extends food safety practices to their e-commerce business models. FMI members report having procedures in place to support food safety for employees performing tasks related to e-commerce including temperature controls and practices to prevent contamination. The industry will continue to innovate and while ensuring food safety is at the top of the priority list when serving customers day in and day out.

Finally, we encourage the FDA to continue to engage with the food industry and food safety professionals to obtain information and encourage the sharing of novel ideas and best practices that will help protect public health.