

FINAL RULE

Sanitary Transportation of Human and Animal Food

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Who is Covered?

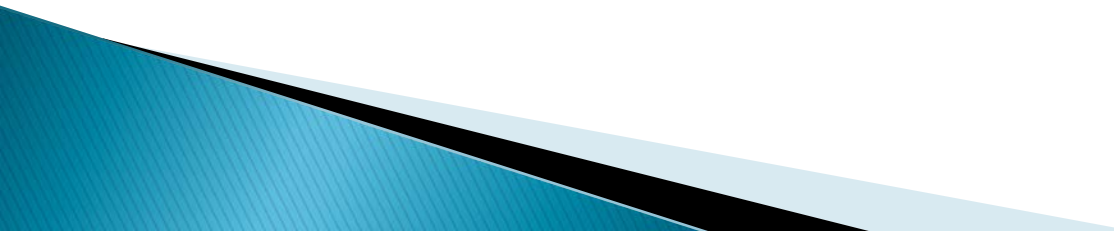
- ▶ Transportation operations of shippers, loaders, carriers and receivers
- ▶ Rule covers movement of food in commerce by motor vehicles and rail
- ▶ Includes transportation of food in intrastate commerce



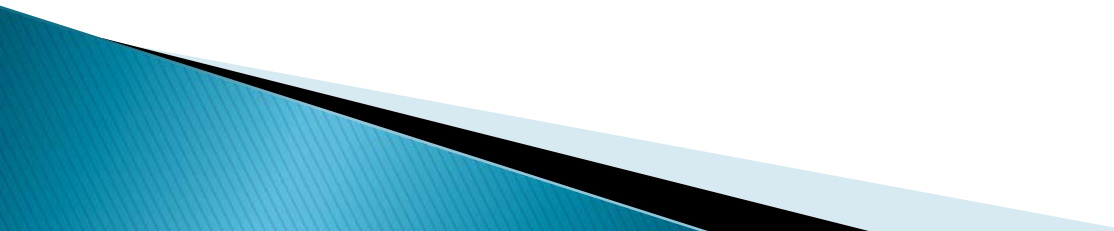
Who is Covered?

- ▶ Companies involved in the transportation of food intended for export are covered by the rule until the shipment reaches a port or U.S. border.
- ▶ Shippers outside the U.S. who:
 - Ship food to the U.S. directly (by truck or rail) or by ship or air, and arrange for the transfer of the intact container onto a motor or rail vehicle for transportation within the U.S., if that food will be consumed or distributed in the United States.
- ▶ The rule does not apply to exporters who ship food through the U.S. if the food does not enter U.S. distribution.

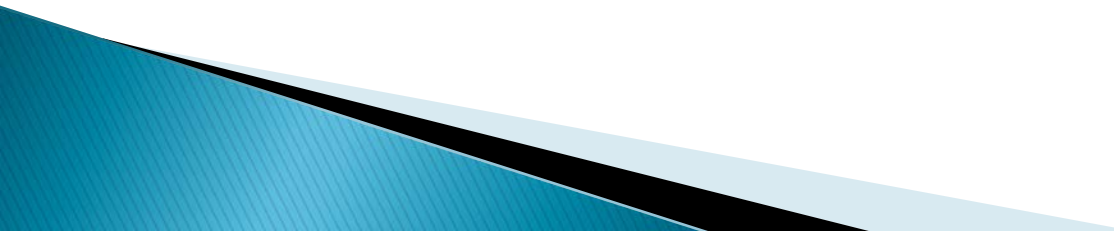
Exemptions

- ▶ Companies with less than \$500,000 in annual revenue
 - ▶ Transportation activities performed by a farm
 - ▶ Food transshipped through the US to another country
 - ▶ Food imported for future export and that is not consumed or distributed in the US
 - ▶ Compressed food gases and food contact substances
 - ▶ Human food byproducts transported for use as animal food without further processing
 - ▶ Food that is completely enclosed by a container except a food that requires temperature control for safety
 - ▶ Live food animals, except molluscan shellfish
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Rule Overview

- ▶ **Goal:** Prevent practices during transportation that create food safety risks, such as failure to properly refrigerate food, inadequate cleaning of vehicles between loads, and failure to properly protect food.
 - ▶ Focus on food safety risks – not quality
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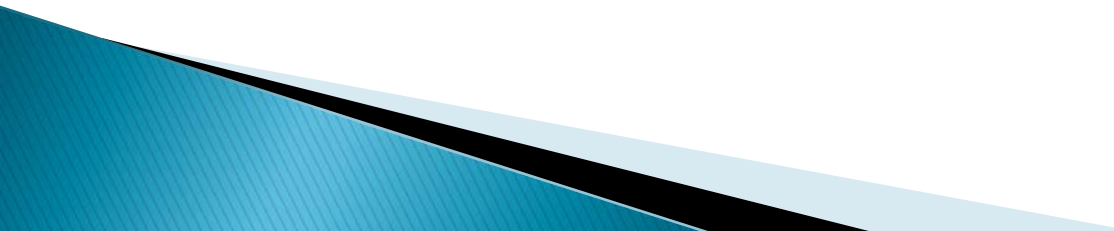
Key Requirements

- ▶ Vehicles and transportation equipment:
 - The design and maintenance of vehicles and transportation equipment to ensure that it does not cause the food that it transports to become unsafe.
 - Must be suitable and adequately cleanable for their intended use
 - Capable of maintaining temperatures necessary for the safe transport of food.
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Key Requirements

- ▶ Transportation operations:
 - Adequate temperature controls
 - Preventing contamination of ready to eat food from touching raw food
 - Protection from contamination by non-food items in the same load or previous load
 - Protection from cross-contact, i.e., the unintentional incorporation of a food allergen.

Key Requirements

- ▶ Training:
 - Training of carrier personnel in sanitary transportation practices and documentation of the training.
 - Required when the carrier and shipper agree that the carrier is responsible for sanitary conditions during transport.
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Key Requirements

- ▶ Records:
 - Maintain records of written procedures, agreements and training (carrier specific).
 - The required retention time for these records depends upon the type of record and activity, but does not exceed 12 months.

Definitions: Shippers

- ▶ ***“Shipper”*** is defined as 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.
- ▶ ***Note:*** the Final Rule makes is very clear that brokers and other third-party providers can (and will) be considered shippers under the rule.

Definitions: Loaders*

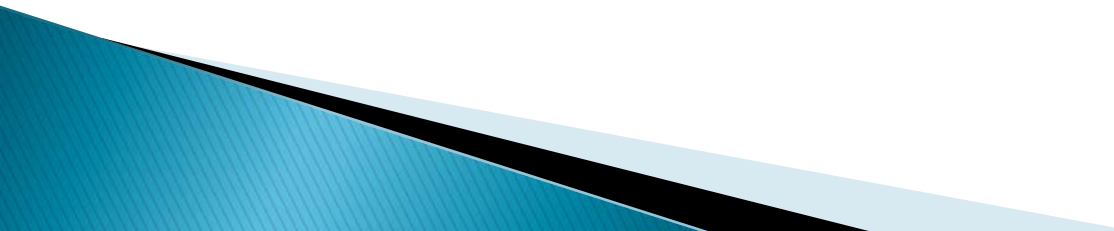
- ▶ “Loader” is defined as a person that loads food onto a motor or rail vehicle during transportation operations.

**Loader* definition added in Final Rule.

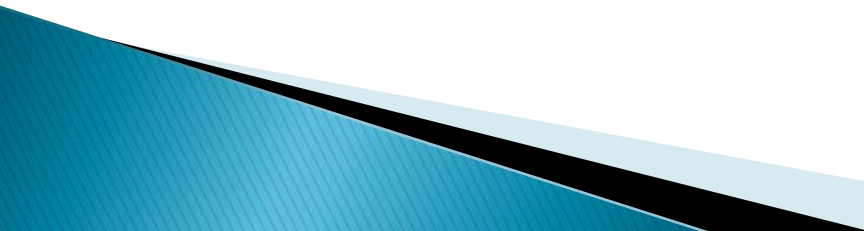
Definitions: Carriers

- ▶ ***“Carrier”*** is defined as 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.

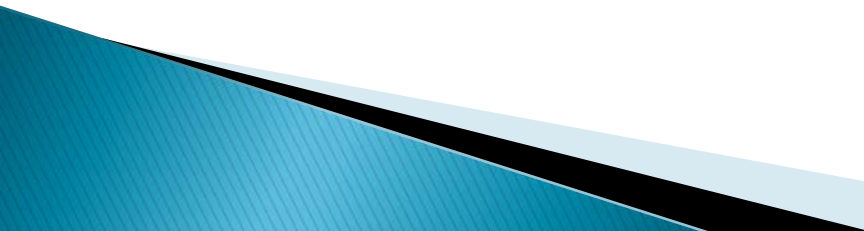
Definitions: Receivers

- ▶ *“Receiver”* is defined as 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.
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General Requirements of All Entities (Shippers, Loaders, Carriers & Receivers)

- ▶ Protect food from contamination during transportation operations by raw foods and non-food items in the same load.
 - ▶ Take measures to protect food transported in bulk vehicles or food not completely enclosed by a container from contamination and cross-contact during transportation operations.
 - ▶ Ensure proper temperature control to prevent the food from becoming adulterated.
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Shipper Specific Requirements

- ▶ Ensure that vehicles and equipment in appropriate sanitary condition
 - Specify sanitary specifications/measures in writing
 - ▶ Ensure adequate temperature control during transportation
 - Specify temperature (including precooling requirements) in writing
 - ▶ Ensure that a previous cargo does not make the food unsafe for bulk shipments
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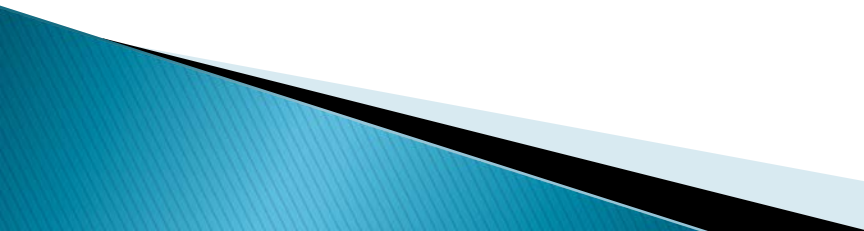
Loader Specific Requirements

- ▶ Prior to loading:
- ▶ Determine whether the vehicle or equipment is in appropriate sanitary condition.
 - Must meet shipper specifications
- ▶ Determine that refrigerated compartment/container is adequately prepared, including pre-cooling (when applicable)

Carrier Specific Requirements

- ▶ When there is a written agreement with shipper that carrier is responsible for sanitation:
 - Ensure vehicles and equipment meet the shipper's specifications
- ▶ Pre-cool each refrigerated compartment as specified by the shipper
- ▶ At completion of transportation, and upon request of shipper:
 - provide the operating temperature specified by the shipper
- ▶ Develop and implement written procedures for:
 - Cleaning, sanitizing and inspecting vehicles
 - How it will comply with temperature control requirements
 - Compliance with bulk veh
- ▶ If requested by shipper:
 - Identify previous cargo for bulk vehicles
 - Describe the most recent cleaning of bulk vehicle

Receiver Specific Requirements

- ▶ Take steps to adequately assess that the food was not subject to significant temperature abuse
 - ▶ Steps may include:
 - Determining temperature of food
 - Checking ambient temperature of vehicle and its temperature setting
 - Conducting a sensory inspection (odors)
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Record Requirements: Shippers

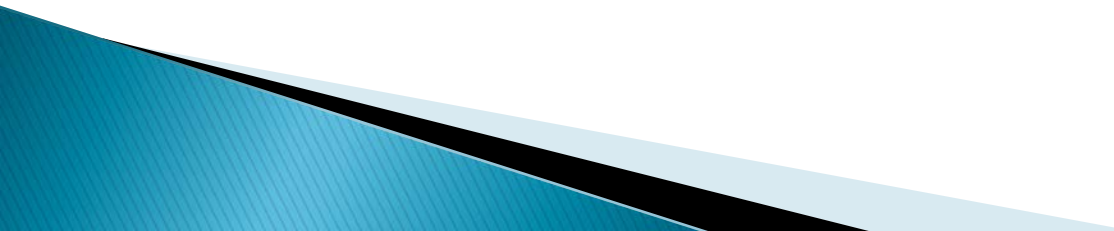
- ▶ Records demonstrating that they provide specifications and operating temperatures to
- ▶ Any written agreements and written procedures
- ▶ Retain for 12 months beyond termination of agreements or procedures



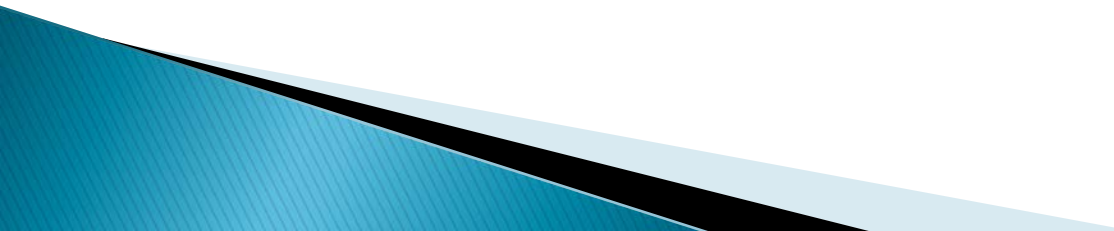
Record Requirements: Carriers

- ▶ Written procedures to address cleaning, sanitation and temperature control
- ▶ Training records
- ▶ Retain for 12 months beyond termination of agreements or procedures

Other Written Agreements

- ▶ Parties are allowed to enter into agreements to assign their respective responsibilities under the regulation
 - ▶ Such written agreements must be retained by all parties for 12 months beyond the termination of the agreement.
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Effective and Compliance Dates

- ▶ Effective Date: June 6, 2016
 - ▶ Compliance date for large businesses:
June 6, 2017
 - ▶ Compliance date for small businesses:
April 2018
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Questions?

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