

## What food transportation companies need to know about the FSMA

Coming into compliance with new regulations can throw industries into chaos as they rework procedures, policies, and the documentation of those processes. With significant changes aimed at the food transportation industry, the Food Safety Modernization Act of 2011 — the most sweeping reform of America's food safety laws in more than 70 years — has the potential to do just that.

It's now been a year since the FDA issued the FSMA final rules concerning the sanitary transportation of human and animal food, meaning most shippers and carriers must take immediate action to come into compliance with the new rules. However, if your company operates with less than 500 employees or less than \$27.5 million in annual receipts, you have one more year to comply.

Of course, taking a more proactive approach to understanding these new regulations and revising your policies now can save you from big headaches further down the road.



## What is FSMA: Background and goals

Congress passed the FSMA in response to several major Listeria and salmonella outbreaks around the country, mainly stemming from the manufacturing, processing, and handling of food. With a goal of regulating the entire life cycle of manufactured food “from farm to fork,” the rule puts into law many best practices that trucking companies have already put into place.

The rule takes a new approach to food safety regulation. Instead of focusing primarily on how companies must respond to food outbreaks, the rule aims to prevent food from ever becoming unsafe. To that end, the rule beefs up not only the requirements about records that must be kept concerning manufacturing and transportation processes, but also the agreements between companies that detail who’s responsible for which safety measures. In the event that a food item is found to be unsafe, the additional records should make it possible for a third party to identify the exact step where contamination occurred.

For transportation companies, there are three main concerns to keep in mind:

- 1) ensure that food is properly refrigerated;
- 2) ensure that vehicles and equipment are properly cleaned and sanitized; and
- 3) ensure that food is properly protected during transport.

“The FSMA gave the FDA the opportunity to go in and tie all the facets of the supply chain together to make sure that if there is a problem at this stage in the process, then they can go back and figure out exactly where that came from,” says Jon Samson, the executive director of the Agricultural and Food Transporters Conference for the American Trucking Association.

The rule also includes a new one-hour FSMA training requirement to educate workers on food safety.



“It’s very common sense stuff that’s already taking place in the industry,” Samson says. “The rules are based on a lot of the current best industry practices that are out there today.”

The Sanitary Transportation of Human and Animal Food is one of seven major sections in the FSMA, and it builds on a 2005 rule concerning the safe transport of food that was never fully implemented.



**Jon Samson**

The Executive Director of the Agricultural and Food Transporters Conference for the American Trucking Association.

## What's covered and what's not under the new FSMA rules?

The FSMA broadened the scope of types of workers whose activities now fall under regulation. The transportation rule now covers shippers, carriers, loaders, and receivers.

“Looking at the definition, one of the big changes that was made was the definition of a shipper,” Samson says. “It’s now a person who arranges for the transportation of food, which now includes potentially the manufacturer and definitely anybody that’s brokering out loads for the shipper.”

One other notable change in jurisdiction includes the loader, who places the product in the trailer or railcar. Meanwhile, the definition of a carrier, meaning the truck driver or other person that moves the product, didn’t change.

“The FDA put the substantial liability onto the shippers,” Samson says. “The reason they ended up doing this is because they believe — and rightly so — that the shipper understands the product the best.”

The rule also specifies the businesses and types of food that are exempt from these regulations, although they may fall under other regulations.

### You're exempt if you're a...

- Small business that makes less than \$500,000 per year
- Shipper or carrier who moves food from Mexico to Canada, or vice versa, without stopping for any deliveries in the U.S.
- Restaurant or grocery that delivers food directly to consumers

### Exempt foods include...

- 1) Food that is completely enclosed in a container and does not require temperature control for safety
- 2) Compressed food gases
- 3) Human food byproducts that are transported for use as animal food without further processing
- 4) Grade “A” milk
- 5) Molluscan shellfish

### SHIPPER:

“A person who arranges for the transportation of food, which now includes potentially the manufacturer and definitely anybody that’s brokering out loads for the shipper.”

- Jon Samson



**In recognition of the high standards already in place for the transportation of Grade “A” milk and molluscan shellfish, both of these foods are exempt from new requirements in the FSMA.**

## FSMA training and recordkeeping requirements

In practice, the biggest impact on your company may be the FSMA rules concerning recordkeeping. The aim of the rules is to enable a third party to review the process that food went through, including details such as the temperature it was stored at, and records of proper sanitation of transport vehicles.

“There’s a lot of vagueness in the rule, there’s a lot of ambiguity,” Samson says. “The best practice is to start talking to your shipper customers and figure out if you’re on the same page or not, and if you aren’t, let them know what you’re doing.”

Here’s an example of a pitfall to avoid, according to Samson. If you work with multiple shipping customers, you may end up dealing with multiple recordkeeping systems. To avoid “a logistical nightmare,” Samson recommends finding a way to standardize recordkeeping across all customers. You may even find that your investments in efficient reporting methods pay off in time savings for yourself and your customers, giving you a competitive advantage.

In contrast to the recordkeeping requirement, the FSMA training requirement will be simple to implement. The FDA will provide a one-hour online FSMA training course covering sanitary transportation practices and providing documentation of the training.

“It’s going to be the basics of food safety, handling the product, and what’s in the sanitary transport rule, and then it’ll provide a certificate with the date and the name of the person,” Samson says. “That would be sufficient for meeting that minimum training requirement, and it would also be sufficient for the recordkeeping of that training.”

### Required Proof of Training



## Best practices for food transportation companies to ensure FSMA compliance

To comply with the new rules, you may need to evaluate your procedures, especially concerning temperature-sensitive foods.

Kevin Boydstun, with Sharp Transportation, says you should pay special attention to the need to thoroughly clean trucks, especially when switching between different materials. If a truck makes a nighttime delivery, your planner will need to factor time into the next day's schedule to allow for cleaning before reloading the truck with different products. There are many nuances of cleaning that inexperienced drivers need to learn, such as keeping an emptied truck that had carried frozen chickens cool all night, so that any blood or other animal parts don't melt and create a bigger mess. And before your drivers receive a new load of frozen products, they need to make sure their truck is at the correct temperature.

"Dispatch, we want them to communicate with the drivers," Boydstun said. "Again, make sure they're getting pre-cooled, make sure they understand what they're loading and how it's to be loaded."

Your drivers also need to play an active role in monitoring the temperature of materials during transit, and systems need to be in place to allow them to communicate those temperatures to customers. Under the new rules, your customers will want to know much more detail about the transportation of temperature-sensitive products. Customers receiving products may reject a product if you can't prove that the temperature held steady during the trip and did not compromise the safety of the product.

To avoid assuming the liability for making a product unsafe, drivers must also take the time to inspect products on the dock before they're loaded onto their trucks, Boydstun said. For products that need to remain frozen at all times, there are signs that indicate that products were not properly stored prior to loading.

"If a pallet comes out of a freezer dock onto a warm dock, you'll get the condensation in the plastic and you can kind of see it's been sitting there for a while," Boydstun said. "Also, if you've got heavy ice buildup on there, that could be a telltale sign that it sat on a warm dock prior to going into the freezer, so you just want to be aware of that."



**Kevin Boydstun**  
Director of Operations,  
Sharp Transportation

### HOW TECHNOLOGY CAN HELP

Trailer tracking solutions which incorporate temperature monitoring and reporting help fleets document the safe handling of food from farm to fork. Contact Spireon or visit <http://www.spireon.com/fleetlocate-temperature-monitoring/> to learn how the FleetLocate trailer management system can alleviate the burden of ensuring proper temperatures are maintained and providing proof to shippers that their loads were handled according to FSMA guidelines.

## Conclusion

With the exception of new requirements regulating recordkeeping and training, most of the final rules in the FSMA concerning food transportation will align with best practices already existing in the industry. However, some of the rules, especially those mandating documentation of processes, are still vague and leave room for varying interpretations. To avoid logistical headaches and potential rule violations, you should be proactive about communicating how you're implementing the new safety precautions with your customers. And, as always, stay tuned for further clarification from the FDA.



To learn how Spireon FleetLocate's Temperature Monitoring trailer management solutions can help you successfully navigate the documentation and reporting requirements of the FSMA, visit [Spireon](#) to sign up for a live demo.

### Get Started

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