

PolicyPennings by Daryll E. Ray & Harwood D. Schaffer

FDA to oversee accreditation bodies that certify safety auditors of imported food

In last week's column, we examined one of two new proposed rules published by the US Food and Drug Administration (FDA). The Foreign Supplier Verification Program requires importers to certify to the FDA that the human and animal food they import meets the same safety standards as food grown and processed in the US.

One of the ways that importers could do this is to rely on certification provided by third-parties auditors who "conduct food safety audits of foreign food entities, including registered foreign food facilities, and...issue food and facility certifications." The second proposed rule, "Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications" (<http://tinyurl.com/mxapjee>), "will help FDA ensure the competence and independence" of these auditors and the organizations that accredit them.

The FDA maintains control of this process by recognizing accreditation bodies that accredit third-party auditors who do the audits of foreign food facilities and issue the food and facility certifications. Many of the needed accreditation bodies have already been established in response to industry needs. To maintain confidence in the program, the FDA says it "will exercise oversight" of these bodies and "can remove an accreditation body or an auditor/certification body for good cause, by revoking recognition of the accreditation body or by withdrawing accreditation of the third-party auditor."

"By way of background, [the FDA explains], third-party audits are conducted by an entity independent of the audited firm or those who buy its products. Second-party audits are conducted by buyers for their suppliers and contractors or by one division within a firm of another division within the same firm. First-party audits are internal audits a firm conducts itself."

In developing the proposed rule, the FDA seeks to ensure "the competency and independence" of both the accreditation bodies and the third-party auditors. This, the FDA writes, "will help assure us of the validity and reliability of certifications and other information resulting from the food safety audits they conduct."

The FDA notes that "as a result of consolidation

within the food industry and the globalization of the marketplace, coupled with some high-profile food safety incidents, many food retailers and food service providers began to require their suppliers to be audited against their standards (more commonly known as "buyer requirements").... Some of these supplier audits were conducted by auditors/certification bodies employed by, or acting as agents of, buyers. Other auditors were third parties, independent of both buyers and suppliers."

The result of this is that many suppliers have been faced with "multiple food safety audits," creating economic inefficiencies. "This proposal," the FDA says, "will [enable us to] oversee a certification program that will, we believe, create efficiencies by reducing the number of redundant food safety audits and by allowing us to better target resources for verifying compliance with applicable requirements."

"Having comprehensive oversight of a credible and reliable program for third-party audits and certifications of foreign food facilities will help us prevent potentially harmful food from reaching US consumers and thereby improve the safety of the US food supply, [the FDA writes]....

"More broadly, we [FDA] think that by capitalizing on private sector food safety efforts and linking them to the public assurance system, accredited third-party certification can help transform the way we ensure the safety of globally traded food that is consumed in the United States. In our vision of the future, we do not see third-party audits replacing public oversight, but rather helping us ensure that we make the best, most efficient use of both public and private resources to produce a safe food supply."

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