

2011-2012 AFDO FINAL COMMITTEE REPORT

Laws and Regulations Committee

***Chair:** Terri Wenger, WI Dept. of Ag, Trade & Consumer Protection, Madison, WI

Charge 1: Continue to identify information on federal laws/regulations/proposals of interest to AFDO members. Forward information identified to the AFDO office for eNEWS and the website.

Discussion: Information is being supplied by committee members on a daily work-day basis and forwarded to the AFDO Office for listing in the weekly AFDO eNEWS. It is also posted on the AFDO website in the Laws and Regulations Committee Update section for reference by the active membership.

Recommendation: This charge should be continued. It captures current information from multiple federal agencies in one place and provides direct links for more detailed information. Additionally, this effort should be coordinated with the Food Safety Regulatory Program Manager Information Portal which AFDO wishes to provide for regulatory officials. The federal laws information provided by this Committee could be integrated with state/local agency laws information provided by the National Council of State Legislators.

Executive Committee Action:

Approval Disapproval Date 5/23/12

Charge 2: Track federal food safety legislation which may impact federal/state food protection agencies. The primary focus should be on following new proposed legislation, evaluating whether it includes an integrated strategy for working with the states, and alerting membership of new proposals which are being considered.

Discussion: The FDA Food Safety Modernization Act (FSMA) was signed into law by President Obama on January 4, 2011. The law was the culmination of major food safety reform legislation passed by the 111th Congress. FSMA aims to ensure the U.S. food supply is safe by shifting the focus of federal regulators from responding to contamination to preventing it. However, funding for FSMA continues to be an area of controversy as Congress continues to struggle with the federal budget deficit.

The new law contains key sections devoted to prevention of food safety hazards, detection of and response to food safety problems, improving the safety of imported foods, and other miscellaneous provisions. It also includes key elements for working with the states in the development of a national integrated food safety system.

AFDO participates on the Produce Safety Alliance [PSA] and the Food Safety Preventive Plan Alliance which awaits passage of 2 key components of FSMA – the requirement for manufacturers to have food safety plans in place and the produce safety rule. The activities of these Alliances have been slowed somewhat until the new rules are posted.

Recommendation: AFDO must remain active on these 2 Alliances. Continue this charge. Within the next year new rule proposals will continue to be issued for the implementation of FSMA. Both our regulatory and industry members will have a strong interest in the latest rule developments.

Executive Committee Action:

Approval Disapproval Date 5/23/12

**Responsible for submission of reports*

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Charge 3: Identify and address areas of inconsistency raised by interpretations of state laws and/or regulations based on model codes following the process established by the committee in 2008.

Discussion: The committee has been in communication with the AFDO office to develop a form for placement on the AFDO website. The form is intended to gather information from AFDO members who may identify areas of inconsistency that warrant attention from AFDO. The content of the form has previously been approved by the AFDO Board and will capture the following information:

- Name and affiliation of the person requesting AFDO involvement
- Contact information, including mailing address, email address, and phone number
- A citation to, and copy of, the law(s), regulation(s), or guideline(s) at issue
- A reference to the relevant model standard(s), including model standards prepared by AFDO and other organizations, such as the *Food Code*
- A brief description of the issue, including an explanation of the perceived inconsistency and why it is problematic

Recommendation: The AFDO Board should identify a practical way of utilizing the issue form that they approved. Enlist the assistance of other committee members, industry members, and the AFDO office to complete the form for posting on the AFDO website.

Executive Committee Action:

Approval Disapproval Date 5/23/12

Charge 4: Solicit states for bill analyses as requested by President for emerging issues such as: trans fat bans, labeling of meat or milk from cloned animals, RBST labeling, nanotechnology labeling, farmers market and cottage food bills, smoking bans, or any other trend in legislative attention.

Discussion: No requests have been made by the President related to this charge during the past year.

Recommendation: This charge may be continued to provide a mechanism for serving specific needs that may be identified by the AFDO President in the future.

Executive Committee Action:

Approval Disapproval Date 5/23/12

**Responsible for submission of reports*