



JAMPRO
TRADE & INVESTMENT JAMAICA

**Working for Jamaica.
Working for You.**

“The FSMA and You”



About the United States Food Safety Modernization Act (USFSMA)

Why the Law?

The Food Safety Modernization Act (FSMA) was signed into law by US President Barack Obama on January 4, 2011. The Act enables the US Food and Drug Administration (FDA) to better protect public health by strengthening the food safety system and seeks to bolster the accountability for the prevention of food safety problems throughout the entire food safety system rather than reacting to problems after they occur.

Food borne diseases continue to be a significant public health burden on the US economy. Such illnesses are largely preventable if everyone in the global food chain is held accountable at each step for controlling potential food borne

hazards. The FSMA was therefore enacted to give the FDA a legislative mandate to require prevention-based controls across the food supply.

Exporters of all types of food are now required to evaluate the hazards in their operations, implement and monitor effective measures to prevent contamination and have a plan in place to correct problems that arise.

In addition, the FDA will establish science-based minimum standards for the safe production and harvesting of fruits and vegetables and issue regulations to protect against intentional contamination of food.

FSMA

Requirements

The new FSMA is the most significant change to the US food safety laws since the Federal Food, Drug and Cosmetic Act in 1938 and will have far reaching implications for virtually all the companies that produce, manufacture, transport, distribute and import food into the US market. The new Act stipulates that food exports must meet new assessments for safety which include being tested by an accredited laboratory, before being allowed entry into the US. Key requirements of the Act make it necessary for companies to:

- Write and implement new food-safety protocols to mitigate potential hazards - Hazard Analysis Critical Control Points (HACCP) Systems. .
- Document and update their food safety plans every two years or sooner if the company changes suppliers, processes or ingredients.
- Implement acceptable traceability and recall procedures as well as strategies to prevent intentional contamination of food.
- Meet not only the requirements of the FSMA, but also the requirements of all other relevant FDA regulations governing the production and trading of food products.

The FSMA establishes a mandated inspection frequency based on risk, for food facilities. Within one year of enactment, the law directs the FDA to inspect at least 600 foreign facilities and double those inspections every year for the next five years.

The FDA now has the authority to suspend importation and detain products that may pose a risk to public health as well as order a mandatory recall when the agency determines that there is a reasonable probability that the food poses a health hazard.

Implications for Jamaica's Export Sector

Why must companies become compliant?

Food exports could be denied entry to the US market if firms are not compliant with the new Act. This could result in a serious fall-out for Jamaica's food exports to the U.S. which was valued at approximately US\$118 million in 2010.

Under the terms of the FSMA, countries wishing to export food and food products to the U.S. must become compliant with the regulations of the Act as they are imposed.

If Jamaican exporters are not able to address these new FDA regulations

within the stipulated time-frames, it can adversely affect the sector as a whole.

The FDA has advised that starting January 2012, it will be conducting fifty (50) audits among Jamaican firms and food facilities that export to the U.S. Companies will be required to share their food-safety plans with the FDA upon request. Under the new Act, **the FDA will have the authority to restrict the importation of foods from facilities that fail or refuse FDA inspections.**



Government of Jamaica Response

Role of Local Support Agencies

The Ministry of Industry, Investment & Commerce (MIIC) is working closely with key public and private sector institutions to implement a number of initiatives in response to this new legislation. These bodies encompass: the Bureau of Standards, Jamaica Promotions Corporation (JAMPRO), EXIM Bank, the Ministry of Agriculture and Fisheries (MoAF), Scientific Research Council (SRC) and Jamaica Exporters Association (JEA). This is in keeping with the National Export Strategy (NES) which is built on stakeholder collaboration as the key approach to achieving improved export performance and export-led growth. The role of each local support institution is as follows:

The Bureau of Standards of Jamaica



The BSJ is the focal point for coordination of activities in support of Jamaica's preparedness for the US FDA inspections. The agency has taken the following steps:

A Established a National FSMA Task Force, comprised of technical experts and representatives from key stakeholder agencies, to conduct gap audits to assess Jamaica's state of readiness for the US FDA inspections;

B Developed a programme to adequately train and equip inspectors in requisite food safety management systems and risk management

skills to be better able to guide local processors in taking preventive actions before shipping overseas;

C Offered a 25% reduction on the cost of FSMA related services for example, inspection, training and technical assistance;

D Partnered with other key public sector institutions to host a series of national sensitization sessions on the FSMA focused on developments pertaining to the US FDA Food Safety Modernization Act.

Role of Local Support Agencies

Jamaica Promotions Corporation



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As the national Trade Promotion Agency, JAMPRO continues to sensitise and facilitate the exporting community on FSMA developments. Some specific initiatives include:

A On-going dissemination of information to the export community on developments with the FSMA.

B Continued dialogue with international donor organizations with a view to identifying technical assistance and funding support to assist exporters in preparing to meet the FSMA requirements;

C Provision of guidance to exporters in accessing the technical assistance grants through agencies such as the Caribbean Export Development Agency (CEDA);

JAMPRO is collaborating with the BSI on the following:

- Implementation of islandwide sensitization workshops for exporters to build awareness of the FSMA;
- Specific interventions for the food companies selected under JAMPRO's Export Max: *Enterprise Development for Export Growth Programme*, to help bring their operations up to international standards. The Scientific Research Council will also partner with JAMPRO on this initiative.

JAMPRO also has representation on the National Task Force.

For further information, contact Jamaica Promotions Corporation (876) 978-7755; 978-3337 or email info@jamprocorp.com

Role of Local Support Agencies



Ministry of Agriculture and Fisheries (MoAF)

MoAF is taking steps to implement several initiatives to support the efforts of farmers, middlemen and exporters of fresh produce and animal products in meeting the requirements of the FSMA. Some of these initiatives include:

A. The packaging and dissemination of information, from various FDA documents, in simple language to this group;

B. Implementation of an island wide sensitization forum for this target group.

C. Training of RADA officers in accordance with the new FSMA requirements regarding fresh produce and livestock;

D. Development of a Food and Good Manufacturing Practice Safety Plan for farmers and fresh produce exporters respectively;

E. Conducting GAP audits of dairy and meat processors.

MoAF also has representation on the National Task Force.

For additional information on these and other initiatives contact MoAF at (876) 927-1731-50



Role of Local Support Agencies

The Scientific Research Council (SRC)



The SRC is offering, as part of the FSMA Task Force, support to exporters in the following areas:

A. Consultancy to Agro-processors in relation to:

- Gap Audits – identification of gaps between where the company is and where it should be as regards the FSMA requirements; assists entity to document and implement recommendations; train nstaff to implement HACCP.
- Retort Inspection on behalf of BSJ and scheduled Process (Thermal Processing) a requirement of the FDA as well as filing of FDA forms

B. Analytical testing for food and water. Its analytical labs are already accredited at ISO 17025 which means that its experienced staff is competent in executing certain tests. SRC have adopted an aggressive programme to fast track accreditation of food tests;

C. Certificate of Analysis for herbs and spices. This speaks to quality of product and supports need for exporter to identify source of origin;

D. Implementation of a HACCP certified food Pilot Plant by December 2011 to facilitate MSMEs producing under HACCP certified conditions.

For additional information, contact the SRC (Marketch Limited) at (876) 977-2192 or marketch@src-jamaica.org

Role of Local Support Agencies



Jamaica Exporters Association (JEA)

Jamaica Exporters' Association

To prepare exporters to meet the requirements under the FSMA, the Jamaica Exporters' Association has been collaborating with Technological Solutions Limited (TSL) and the EXIM Bank to host a series of workshops. The workshops are being coordinated in two series under the theme, "Ensuring Compliance with US FDA Requirements".

The first series of workshops –"How to Prepare your Export Business for FDA Inspection" was held on September 14, 28 and October 4, 2011 in Kingston, Mandeville and Montego Bay respectively. The second series comprising three workshops on "Implementing Compliant Food Safety and Traceability Systems to Meet FDA and GFSI Requirements" commenced in Kingston on October 19 and 20 and

will continue in Mandeville on October 31 and November 1 and Montego Bay on November 3 and 4.

To ensure the strengthening of the export value chain, the JEA will be partnering with key stakeholders in the agricultural sector to provide training to the farming community. These sessions will be coordinated by the JEA through its Export Centres & Business Information Points which are located in Manchester, St. Catherine, St. Mary, St. Thomas, St. Elizabeth and Portland.

The Association is also engaging other private and public sector stakeholders to leverage support to prepare its members to meet the requirements.

For enquiries contact the JEA @968-5812 or visit www.exportjamaica.org

Funding Initiatives / Programmes to Assist Companies



A special J\$100m FSMA loan facility available for exporters of food products to the USA has been established to assist them in meeting the new food safety requirements of the FSMA.

The loan facility provided by EXIM Bank, targets exporters of fresh produce, meat, conch, shrimp, baked goods, sweets, condiments, sauces and spices and other processed foods. Interest

rates range between 6.5% p.a. to 7% p.a. of J\$ loans and 5%p.a. to 6%p.a. US\$ loans.

Under this facility, exporters can use the funds to:

- Purchase new equipment
- Upgrade existing facility
- Conduct training
- Access technical assistance related to the execution of GAP analysis and implementation of new food safety systems

You can apply online at www.eximbankja.com or directly at the offices of EXIM Bank at 11 Oxford Road, entrance on Norwood Avenue, Kingston 5.



As the regional body charged with building the export capacity of CARIFORUM companies, CEDA will implement the following:

A A Special Assistance Pilot Project in support of companies affected by the FSMA to be launched in Jamaica on Wednesday October 26, 2011;

B Direct Assistance Scheme Programme for which qualified firms can apply for up to €30,000 (euros) to carry out eligible activities to meet FSMA requirements. The first call for proposals under the programme was published on October 21, 2011 and the deadline for submission of proposals is November 28, 2011.

For additional details visit www.carib-export.com or call JAMPRO's Export Development Department at (876)978-7755

Key Steps in getting Ready

- A. Be knowledgeable about the requirements of the US Food Safety Modernization Act;
- B. Have baseline gap audits conducted;
- C. Understand the financial implications in meeting the requirements, as against the risk in not meeting the requirements of the Act;
- D. Engage an experienced and knowledgeable Food Safety Consultant;
- E. Seek guidance from competent authorities and your industry associations;
- F. Be committed to the process in becoming compliant “Do what you say and say what you do”.

FAQs

1. Q. What is the role of the National FSMA Task Force?

The role of the FSMA Task Force is to drive the process of ensuring Jamaica’s preparedness for the US FDA inspections.

2. Q. Who sits on the Task Force?

The Task Force is being led by the Bureau of Standards Jamaica and consists of technical experts and other representatives from key public and private sector entities. Some of these institutions include: Scientific Research Council (SRC), Jamaica National Agency for Accreditation (JANAAC), National Certification Body of Jamaica (NCBJ), Ministry of Agriculture & Fisheries - Plant Quarantine Inspection, South East Regional Health Authority - Ministry of Health, JAMPRO, Jamaica Customs, Technological Solution Limited (TSL) and JEA.

3. Q. Where can I find qualified food safety consultants?

A list of consultants has been prepared by the National Task Force and can be accessed from the BSJ, JAMPRO and JEA .

4. Q. Where I can find details on the FSMA?

For information on the FSMA, please visit the US FDA website at: <http://www.fda.gov/Food/FoodSafety/FSMA/ucm247559.htm> or contact the FSMA Secretariat.



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