



Foreign Supplier Verification Program Requirements Go into Effect on May 30

CIAA wants to remind all members that the [Foreign Supplier Verification Program Rule](#) (FSVP) developed by FDA will take effect for many members on May 30, 2017. All cheeses imported into the United States must be certified as being in compliance with the Preventive Controls Rule for Human Food. The intent of these rules is to ensure that all foods imported into the United States meet US food safety standards.

CIAA through its QIP program provided a FSVP training session attended by 50 individuals on April 5-6, following a Preventive Controls for Human Food course attended by nearly 45 individuals last November 10 and 11.

The FSVP rule provides that all importers must comply by this May 30, 2017 ***or within 6 months after*** their foreign supplier reaches their FSMA compliance date - whichever is later. If your importer business qualifies as (1) a very small business (importing less than \$1 million in human food or \$2.5 million in animal food) or (2) you are importing food from very small foreign suppliers ("qualified facilities" under the Preventive Controls for Human Food or the Preventive Controls for Animal Food rules; farms with annual sales of \$25,000 or less, and shell egg producers with fewer than 3,000 laying hens), you are subject to modified requirements.

The Preventive Controls for Human Food Regulations define a "*small business*" as "... a business (including any subsidiaries and affiliates) employing fewer than 500 full-time equivalent employees." A "*qualified facility*" is defined as one "... (when including the sales by any [subsidiary](#); [affiliate](#); or subsidiaries or affiliates, collectively, of any entity of which the [facility](#) is a [subsidiary](#) or affiliate) a [facility](#) that is a [very small business](#) as defined in this part, or a [facility](#) to which both of the following apply:

- (1) During the 3-year period preceding the applicable calendar year, the average annual monetary value of the food manufactured, processed, packed or held at such [facility](#) that is sold directly to qualified end-users (as defined in this part) during such period exceeded the average annual monetary value of the [food](#) sold by such [facility](#) to all other purchasers; and
- (2) The average annual monetary value of all [food](#) sold during the 3-year period preceding the applicable calendar year was less than \$500,000, adjusted for inflation.

A "very small business" means, "... a business (including any subsidiaries and affiliates) averaging less than \$1,000,000, adjusted for inflation, per year, during the 3-year period preceding the applicable calendar year in sales of human [food](#) plus the market value of human [food](#) manufactured, processed, packed, or held without sale (e.g., held for a fee)."

Beginning May 30, Customs and Border Protection's Importers of Record will have to designate the company serving as the "FSVP importer" on its Customs forms. The FSVP Importer will need to develop its FSVP program which includes approving suppliers through a review of information on foreign suppliers. These activities will need to be done by (a) "Qualified Individual(s)". The rule defines "*qualified individual*" as "...a person who has the education, training, or experience (or a combination thereof) necessary to perform an activity required under this subpart, and can read and understand the language of any records that the person must review in performing this activity. A qualified individual may be, but is not required to be, an employee of the importer. A government employee, including a foreign government employee, may be a qualified individual.

The FSVP Importer does not have to be the Customs and Border Protection's Importer of Record, and there may be several different FSVP Importers for a single shipment. Who is the FSVP Importer is something that can be negotiated between you and in some cases your customers. But there needs to be a clear understanding among the parties as to who is the FSVP Importer. Failure to designate an FSVP Importer is likely to result in delaying the clearance of any imported shipment.

According to FDA, FSVP Importers are responsible for actions that include:

- Determining known or reasonably foreseeable hazards with each food
- Evaluating the risk posed by a food, based on the hazard analysis, and the foreign supplier's performance
- Using that evaluation of the risk posed by an imported food and the supplier's performance to approve suppliers and determine appropriate supplier verification activities
- Conducting supplier verification activities
- Conducting corrective actions
- FSVP Importers must establish and follow written procedures to ensure that they import foods only from foreign suppliers approved based on an evaluation of the risk posed by the imported food and the supplier's performance or, when necessary on a temporary basis, from unapproved suppliers whose foods are subjected to adequate verification activities before being imported.
- FSVP Importers are required to develop, maintain and follow an FSVP for each food brought into the United States and the foreign supplier of that food. If the FSVP Importer obtains a certain food from a few different suppliers, a separate FSVP program would be required for each of those suppliers.

FSVP requirements will apply to all food imported by the FSVP Importer or agent of the FSVP Importer, with limited exemptions:

- Food for research or evaluation;
- Food for personal consumption;
- Food that is imported for processing and future export;
- Food that is transhipped, meaning it stops in the U.S. en route to another country; and
- U.S. food that is exported and returned without further manufacturing or processing in a foreign country.

The Preventive Controls for Human Foods Rule requires food facilities, including all food

facilities from which you import product, to have a written food safety plan that includes a hazard analysis and preventive controls. The written food safety plan required of food facilities must be prepared, or its preparation overseen, by one or more preventive controls qualified individuals. And the preventive controls qualified individual is charged with overseeing the validation that preventive controls are capable of controlling identified hazards and the records review. A preventive controls qualified individual is someone that has successfully completed certain training in the development and application of risk-based preventive controls or is otherwise qualified through job experience to develop and apply a food safety system.

Further information about the Preventive Controls for Human Foods Rule can be found at [Preventive Controls for Human Food At-A-Glance Fact Sheet](#).

Should you have any questions, please contact Roger Szemraj at rszemraj@theciaa.org or (202) 789-1212.

DATES TO REMEMBER

April 22, 2017
Raw Milk Cheese Appreciation Day

May 4, 2017
Member Meeting
9:30 am - 11:30 am
Saddle Brook Marriott, Saddle Brook, NJ

May 5, 2017
CIAA Dinner Dance
Macaluso's, Hawthorne, NJ
Dinner Dance [Registration](#)

July 1, 2017
Last day for an exporting country that is not designating importers for calendar year 2017 to notify FAS.

August 31, 2017
Last day to Enter dairy products into U.S. Customs territory that may be used to qualify and establish eligibility for a calendar year 2017 license.

* If a deadline date falls on a Saturday, Sunday, or Federal holiday, the deadline will be the next business day (Section 6.36(a) of the Dairy Tariff-Rate Import Quota Licensing Regulation). This does not apply to dates of entry for eligibility.

Cheese Importers Association of America

Ken Olsson
President
email: president@theciaa.org
phone: 202-547-0899

Cheese Importers Association of America
204 E Street, NE
Washington, DC 20002
202-547-0899 Fax: 202-547-6348
Email: info@theciaa.org