

# FDA Traceability Rule Is Unworkable

The National Grocers Association (NGA) represents 21,000 independent community grocers and wholesalers across the United States. Independent community grocers account for 33 percent of all grocery sales, exceeding \$250 billion, and more than 1 million American jobs.

## What is the FDA Traceability Rule?

The FDA issued a Food Traceability Rule in November of 2022 that is overly complex and virtually impossible to implement in the given timeframe. It requires the tracking of a large list of foods from the exact spot in the field where ingredients are grown through every single step and process in the food supply chain until the food is sold to consumers. It requires a complex web of communication between technological systems that do not talk to each other and some that do not even exist. It is also likely that the FDA exceeded its authority when writing this rule went well beyond the scope and magnitude intended when Congress passed the Food Safety Modernization Act (FSMA).

## What can Congress do to help?

We request language be included in the agriculture appropriations bill to clarify the requirements of this rule and ask for additional implementation support from the FDA. **We ask that the legislation include:**

### Appropriations Request

- ◆ Require the FDA identify what technology can feasibly be used by the food industry to meet the rule requirements.
- ◆ Require the FDA to develop the complete list of the thousands of products they intend to be traced.
- ◆ Until the FDA can take these steps, the Agency should not be allowed to implement or enforce the Food Traceability Rule.

**Requested Bill Language:** No funds appropriated by this Act may be used to implement, administer, or enforce the requirements of the Final Rule "Requirements for Additional Traceability Records for Certain Foods" (21 CFR Part 1 Subpart S) until the U.S. Food and Drug Administration provides a comprehensive, electronically downloadable list of each food product subject to the rule; and submits a report to this Committee identifying the low cost technology available to maintain lot code information for foods subject to the rule.

**Requested Report Language:** The Committee directs the Food and Drug Administration, before implementing or enforcing the compliance requirements of the Final Rule "Requirements for Additional Traceability Records for Certain Foods" (21 CFR Part 1 Subpart S) to: develop a comprehensive, electronically downloadable list of each food product subject to the rule; submit a report to this Committee identifying the low cost technology solutions currently available to maintain lot code information for foods subject to the rule; and publish a protocol detailing consistent investigation practices the Agency will use to respond to food borne illness and outbreak investigations.

# At the HEART of the community.

