

ADVISORY | Food & Drug

February 21, 2014

FSMA DEADLINES EXTENDED AS FDA REACHES SETTLEMENT IN LITIGATION

Yesterday, FDA entered into a settlement agreement with the Center for Food Safety (CFS) and the Center for Environmental Health (CEH) regarding the agency's deadlines for issuing final rules under the Food Safety Modernization Act (FSMA). FDA, CFS, and CEH have been entangled in litigation since August 2012, when CFS and CEH sued FDA for missing the deadlines dictated by FSMA. The district court had ordered FDA to promulgate final FSMA regulations by June 30, 2015, and FDA appealed. The parties have now settled and FDA will drop its appeal.

Under the settlement agreement, FDA will issue final rules by the following deadlines –

- Preventive controls for human food and for animal food/feed: August 30, 2015
- Produce safety standards: October 31, 2015
- Foreign supplier verification program: October 31, 2015
- Accreditation of third party auditors: October 31, 2015
- Sanitary transportation of food: March 31, 2016
- Intentional adulteration: May 31, 2016

Covington & Burling LLP continues to monitor FDA's implementation of FSMA and will keep our clients updated regarding developments and next steps.

If you have any questions concerning the material discussed in this client alert, please contact the following members of our food & drug practice group:

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