

**Collaborative Food Safety Forum
Imports and Third-Party Certification Workshop**

November 16, 2011

Key Themes

The Pew Charitable Trusts (Pew) and the Robert Wood Johnson Foundation (RWJF) are co-sponsors of the Collaborative Food Safety Forum. On November 16, 2011, they invited representatives from industry, consumer advocacy groups, academia, state regulatory bodies, the international community, and other key stakeholders to Washington, DC to engage in a workshop focused on the imports and third-party certification provisions of the Food Safety Modernization Act (FSMA). In addition to the stakeholder groups, individuals from the US Food and Drug Administration (FDA) were invited to observe the workshop and the discussions. This workshop was a continuation of a portion of the July 20-21 meeting addressing the full range of issues associated with the imports program under the FSMA.

Throughout the meeting, participants shared information about how the existing system of third-party certification works. A full summary of the meeting can be found on RESOLVE's website. Part of the discussion focused on some of the key principles for a successful third-party certification system that could operate within the context of FSMA. Below are the principles discussed and some of the main discussion points on how to realize those principles.

- Effectiveness
 - Important factors in effectiveness of the audits are auditor competency and the governance structure for how the standard is audited.
 - To demonstrate effectiveness, it is important to develop metrics and means of evaluation.
 - It is important to bring small producers, processors, and developing countries into the system for comprehensiveness and by building capacity.
 - The following measures can help improve auditor capacity:
 - Training - a harmonized approach is needed
 - Mentoring
 - Apprenticeship
 - Incorporating auditing into educational curriculum
 - Encouraging students to choose the career path
 - Incentives for industry to participate in the certification program can help overcome the some of the costs involved and include:
 - Faster inspection, "jumping the queue" as with the Voluntary Qualified Importer Program
 - Access to markets
 - Efficiencies is a business incentive
 - Reduction of audit fatigue
- Efficiency and Accountability
 - The system operates using a "nesting doll" model of accountability. Disclosure and checks and balances are important elements of the system.

- With regard to possible auditor conflict of interest, current FDA guidelines state that auditors cannot inspect or audit a company for which they have worked within the past 12 months.
- FDA should have oversight over accreditation bodies and the entire certification process.

Transparency

- Transparency links to the credibility of the certification system.
- It is important that FDA have access to the data they need to oversee the system.
- To share information, industries need assurance that confidential business information will be protected.
- There are questions about what information should be shared more broadly and whether there should be triggers for sharing certain information. In other words, some information might be held between FDA, the certification body, and the company, while other information might be fully public accessible. Clarifying what information would be accessible by who is important to determine.

Participants also discussed the roles of foreign governments and the FDA in a system using third-party certification:

Role of Foreign Governments

- It was acknowledged that there is a sovereignty issue and that the envisioned structure should not use a third party to certify a foreign government; only governments should certify other governments to serve as a certifying bodies.
- Comparability/equivalence standards must be developed.

Role of FDA

- FDA has a role in overseeing the third-party certification system and recognizing foreign governments as certifying bodies.
- There are issues of public trust in private entities implementing governmental responsibilities. There are some models of hybrid systems to draw upon, such as EPA EnergyStar, the National Regulatory Commission, the Federal Communications Commission.

Participants identified the following issues for further discussion:

- The conflict of interest issue, in order to respond to consumer groups' concerns with third party certification
- The domestic use of third party certification
- Food safety in China (and other countries of concern); in particular:
 - Lessons learned
 - What safeguards are needed?
 - What will an effective food safety system look like?