

## MEMORANDUM

**From:** Elizabeth Barr Fawell  
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**Date:** May 2, 2019

**Re: FDA Acting Commissioner Sharpless and Deputy Commissioner Yiannas Issue Statement on Steps to Usher the U.S. into a New Era of Smarter Food Safety**

U.S. Food and Drug Administration (FDA) Acting Commissioner Ned Sharpless, M.D., and Deputy Commissioner for Food Policy and Response Frank Yiannas recently issued a public statement on steps to usher the U.S. into a new era of smarter food safety (the Statement). <sup>1/</sup> The Statement reflects on the evolution of our food system from an “around the corner” network to one that is “around the world.” It posits the next 10 years will see more innovation in the food sphere than the past 20. As such, the agency is looking to augment its food safety work such as implementing FDA Food Safety Modernization Act (FSMA) requirements and its use of technologies such as whole genome sequencing and the GenomeTrackr Network, by leveraging, among other things, the use of new and emerging technologies to create “a more digital, traceable, and safer system.” The Statement announces two new FDA initiatives – one an artificial intelligence pilot program for imported foods review, the other a “Blueprint for the New Era of Smarter Food Safety.” The agency will seek stakeholder input through a public meeting later this year on the Blueprint, addressing the key areas traceability, digital technologies, and evolving business models. In brief, the agency views the new era of smarter food safety as one that is “people-led, FSMA-based, and technology-enabled.”

### *Food Traceability*

The Statement notes that new technologies must be explored to improve the tracking and tracing of food. For example, the agency compares paper-based food tracking systems to more comprehensive digital tracking systems used by other industries, like planes, ride sharing, and delivery of packaged goods to track the movement of product throughout the supply chain. FDA believes that new technologies that could help trace the origin of contaminated foods in as little as

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<sup>1/</sup> Statement from Acting FDA Commissioner Ned Sharpless, M.D., and Deputy Commissioner Frank Yiannas on steps to usher the U.S. into a new era of smarter food safety (Apr. 30, 2019), available at [https://www.fda.gov/news-events/press-announcements/statement-acting-fda-commissioner-ned-sharpless-md-and-deputy-commissioner-frank-yiannas-steps-usher?utm\\_campaign=04302019\\_Statement\\_FDA%20announces%20steps%20to%20usher%20the%20U.S.%20into%20a%20new%20era%20of%20smarter%20food%20safety&utm\\_medium=email&utm\\_source=Eloqua](https://www.fda.gov/news-events/press-announcements/statement-acting-fda-commissioner-ned-sharpless-md-and-deputy-commissioner-frank-yiannas-steps-usher?utm_campaign=04302019_Statement_FDA%20announces%20steps%20to%20usher%20the%20U.S.%20into%20a%20new%20era%20of%20smarter%20food%20safety&utm_medium=email&utm_source=Eloqua)

seconds could help identify the root cause of contamination more quickly and thus identify future preventive actions. Accordingly, “the new era of smarter food safety work will explore opportunities and specific actions to evaluate new technologies and upgrade our abilities to rapidly track and trace food through the supply chain.”

### *Digital Technologies*

FDA hopes to improve food safety in part by leveraging emerging technologies, the Internet of Things, and artificial intelligence. FDA asserts that these technologies could create “a more digital, transparent and safer” food system while also addressing consumer demands for quick access to information about where their foods come from, how they’re produced and, if the food is the subject of an ongoing recall. As an example, the Statement shares that FDA plans to pilot an artificial intelligence and machine learning program to enhance the agency’s review of imported foods. As import volume continues to rise, FDA is seeking “the best predictive and analytical tools [to] help ensure [the agency is] targeting the greatest risks.”

### *Evolving Food Business Models*

FDA is responding to increased consumer interest in and reliance on e-commerce supplied food. The agency hopes to collaborate with federal, state, and local agencies, as well as industry stakeholders to identify and problem-solve the novel risks and regulatory concerns e-commerce raises. For example, “new methods, packaging materials, temperature control approaches and nodes (such as ‘last mile’ delivery in cars and bikes),” may require new regulatory frameworks.

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We will continue to follow FDA statements and policy related to food safety initiatives. Please contact us if you have any questions on this or any other matter in the meantime.