



Office for Elementary, Middle, Secondary and Continuing Education  
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### FDA Food Manufacturer's Requirement

Recently, the Food and Drug Administration (FDA) published a regulation that requires all food facilities that manufacture, process, pack or hold food for human or animal consumption in the United States to register with the FDA by December 12, 2003. Some school districts have contacted this office regarding this requirement.

The purpose of the regulation is to implement key provisions of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. This regulation provides the FDA with new tools to protect the nation's supply against actual or threatened terrorist acts and other food-related emergencies. This action will allow quick identification and notification of food processors and other establishments involved in any deliberate or accidental contamination of food. These new requirements represent the latest steps in their efforts to respond to new threats and improve the safety of all the foods that we eat in this country.

USDA's Food and Nutrition Service (FNS) is currently working on a policy to more specifically define how this regulation will affect the Child Nutrition food programs. The USDA will meet with the FDA within the next two weeks regarding the requirements for food facilities to register with the FDA. FNS has received conflicting information as to the exemption status for schools including central kitchens. FDA has indicated that there will be a four-month grace period, during which no penalties will be assessed for facilities that have not yet registered.

We will keep you updated as to when or if you will need to register your facility. If you have any questions please contact Jamie Ralston at 518-474-3956 or [jralsto2@mail.nysed.gov](mailto:jralsto2@mail.nysed.gov).