

# URGENT

## Important Dec. 12<sup>th</sup> changes to food Export Regulations to the U.S.A.

We would like to inform you that the USA government has added new requirements to their *Public Health Security and Bioterrorism Preparedness and Response Act* regarding food articles exported to the USA.

The Act defines food as “articles for food or drink for man **or** animals including even items such as chewing gum. The FDA has provided examples of food among which are fruits, vegetables, raw agricultural commodities for food or as components of food, food and feed ingredients, food and feed additives, infant formula, dietary supplements, vitamins, live food animals and canned goods”. The new requirements under the Act, all of which take effect **December 12, 2003**, include:

### Registration

Every owner, operator or agent-in-charge of a facility in the manufacturing/processing, packing or holding of food for consumption in the United States, **must** register each facility with the Food and Drug Administration (“FDA”), **before December 12, 2003**. You can register on the FDA website at [www.access.fda.gov/oa/index.jsp](http://www.access.fda.gov/oa/index.jsp). The FDA registration form requires the name and the emergency phone number of your US agent.

### U.S. Agent

Each food facility engaged in manufacturing/processing, packing, or holding food for consumption **must** appoint a US based agent, **before** registering. Appoint your US agent **as soon as possible**. If you have a USA based customs broker they may act as your US agent for FDA purposes if you specifically appoint them as your US agent.

### Prior Notice

Prior Notice is required for **every** food type shipment from **every** owner, operator or agent-in-charge of a facility in the manufacturing/processing, packing or holding of food for consumption in the USA. **All** food type shipments, regardless of value, sold or as a gift, will require a Customs entry Prior Notice and **approval** from the FDA before the item leaves Canada. There are up to 34 data elements required as part of the Prior Notice. The FDA requires you to go on to their website, [www.fda.gov](http://www.fda.gov) for a Prior Notice approval label for **each** food type shipment to the USA which must be affixed to the package. Any food type package sent to the USA that does not have the pre-approved FDA label attached will be returned to sender at the sender’s expense.

These rules will apply to any food type shipments that you send to the USA. FDA type items **CANNOT** be sent as Commercial Expedited Parcel USA.

If you have any questions regarding these new USA government regulations you can contact the FDA in the United States at 301-575-0156 or visit the FDA website at [www.fda.gov](http://www.fda.gov) for more details.

We look forward to continuing to help you export your shipments to the USA!

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