

# Strategies, Standards, and Regulations to Increase Access to Safe and Nutritious Foods

June 6, 2023



Photo Credit: Samuli Ahsan/Abt Associates

# AGENDA

1. Opening remarks
2. Presentation I: African Union Food Safety Strategy
3. Presentation II: Bending the Curve of Foodborne Illness Through International Engagement
4. Presentation III: The Global Food Donation Policy Atlas
5. Live Q&A discussion
6. Closing remarks

# SPEAKERS



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# FEED THE FUTURE

The U.S. Government's Global Hunger & Food Security Initiative

## A Food Safety Strategy for Africa

Mary Enschede  
United States Department of Agriculture  
Foreign Agricultural Service





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## Content

1. Introduction and Context
2. USDA's Partnership with the African Union
3. The Food Safety Strategy for Africa (FSSA)
4. A Way Forward





## Introduction and Context



**The modernization of Africa's food safety system has become a crucial factor in the attainment of its most significant development objectives, including:**

**Public health:** A robust food safety system can help safeguard public health by ensuring that the food consumed by the people is safe and free from harmful contaminants, thereby reducing the incidence of foodborne illnesses and diseases.

**Food security:** A reliable and efficient food safety system can promote food security by enhancing the availability and accessibility of safe, nutritious, and affordable food for all, particularly for vulnerable populations.

**Trade and Development:** A robust food safety system can facilitate trade by ensuring compliance with international food safety standards and regulations, thereby increasing market access for African food products and promoting economic development.



## African Union Partnership

Since 2017, USDA has partnered with the African Union and has provided support to the AUC to deliver:

1. SPS Policy Framework for Africa (2019)
2. Food Safety Strategy for Africa (2022)
3. Plant Health Strategy for Africa (2022)





## Major Institutions Working in SPS in Africa



**African Union  
Commission  
(AUC)**



**AUC- Department of Agriculture, Rural  
Development, Blue Economy, and Sustainable  
Environment (DARBE)**



**Regional  
Economic  
Communities  
(RECs)**



**Member  
States (MS)**



**International  
Standard  
Setting Bodies  
(ISSB) (IPPC,  
OIE, Codex)**



**The United  
Nations  
System and  
International  
Organizations  
(UN and IO)**



**Development  
Partners (DP)**



**Civil Society,  
Non-  
Governmental  
Organizations  
and the  
Private Sector  
(CSO, NGO,  
PS)**



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## Continental SPS Policy Frameworks and Strategies



	AU Policy Framework	Food Safety Strategy for Africa	Plant Health Strategy for Africa	Animal Health Strategy for Africa
Strategic Objective 1	Establish harmonized science-based SPS systems	Strengthen food safety policy, legal and institutional frameworks	Improve legislative frameworks for plant health interventions	Strengthen animal health policy and institutional frameworks
Strategic Objective 2	Strengthen collaboration and trade facilitation	Strengthen the human and infrastructure capacity for food control systems	Strengthen institutional capacity and coordination for plant-health systems	Reduce disease risks and impacts on animals
Strategic Objective 3	Build technical capacity	Promote food safety culture, evidence-based advocacy, communication, information and knowledge	Improve and build capacities for research, pest monitoring and management strategies, and control measures	Strengthen animal health interventions to address current, emerging and re-emerging issues of public health concern
Strategic Objective 4	Increase political support and public and private sector investment in SPS Systems	Facilitate trade and market access at national, regional, continental and global levels	Enhance continental harmonization of phytosanitary policies, regulations and standards	Improve access to inputs, markets and trade in animal resources
Strategic Objective 5		Strengthen research, innovation, technology development and transfer	Strengthen phytosanitary capacity for market access	Strengthen Science, Innovation, Research and Knowledge Management
Strategic Objective 6		Establish and strengthen coordination mechanisms and enhance cooperation and investments	Enhance participation in international coordination mechanisms and plant health positions	Enhance partnerships, coordination, investment and resourcing of the animal health sector
Strategic Objective 7			Strengthen phytosanitary capacity for market access	



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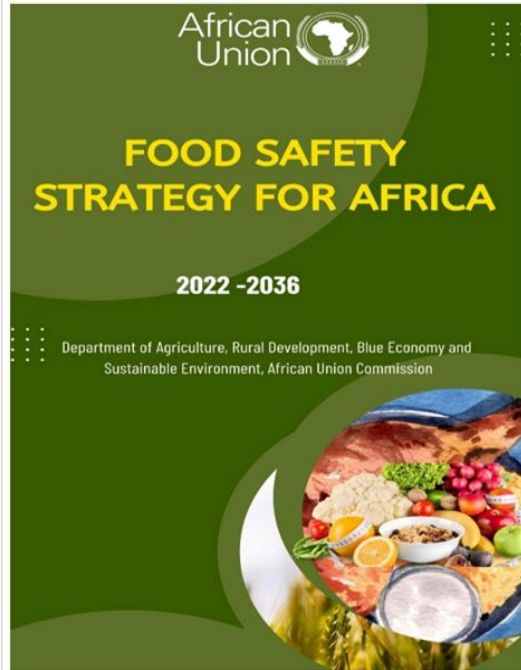
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African Union





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## The Food Safety Strategy for Africa



**Goal:** Contribute to improved public health, food and nutrition security, sustainable livelihoods and economic growth

Enhanced consumer protection

Increased safe food trade

**Expected Outcomes**

**Mission:** Strengthen food safety systems to protect consumers and ensure fair practices in food trade

**Strategic Objectives**

SO1: Strengthen food safety policy, legal and institutional frameworks

SO2: Strengthen the human infrastructure capacity for food control systems

SO3: Promote food safety culture, evidence-based advocacy, communication, information & knowledge sharing

SO4: Facilitate trade and market access at national, regional, continental and global levels

SO5: Strengthen research, innovation, technology development and transfer

SO6: Establish & strengthen coordination mechanisms & enhance cooperation and investments at national, regional, continental and global levels



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## The Food Safety Strategy is Aligned with Global Strategies on Food Safety

### FAO Strategic Priorities for Food Safety within the FAO Strategic Framework 2022-2031

Strategic Outcome 1 – Intergovernmental and intersectoral coordination of food safety governance is reinforced at all levels

Strategic Outcome 2 – Sound scientific advice and evidence are provided as the foundation for food safety decision-making;

Strategic Outcome 3 – National food control systems are further strengthened and are continuously improved

Strategic Outcome 4 – Public and private stakeholder collaboration is promoted to ensure food safety management and controls throughout agrifood systems.

### Food Safety Strategy for Africa 2022-2036

Strategic Objective 1: Strengthen food safety policy, legal and institutional frameworks

Strategic Objective 2: Strengthen the human and infrastructure capacity for food control systems

Strategic Objective 3: Promote food safety culture, evidence-based advocacy, communication, information and knowledge

Strategic Objective 4: Facilitate trade and market access at national, regional, continental and global levels

Strategic Objective 5: Strengthen research, innovation, technology development and transfer

Strategic Objective 6: Establish and strengthen coordination mechanisms and enhance cooperation and investments

### WHO Global Strategy for Food Safety 2022 - 2030

Strategic Priority 1: Strengthening National Food Control Systems

Strategic Priority 2: Identifying and responding to food safety challenges resulting from global changes and food systems transformation

Strategic Priority 3: Improving the use of food chain information, scientific evidence and risk assessment in making risk management decisions

## A Way Forward

- **AU is developing implementation plans** with RECs, Member States, and other development partners on regional and country specific activities
  - **ECOWAS**
- High level sensitization with the AUC and others to increase **African political will, and investment**, in SPS systems and measures
  - SPS Policy Dialogue in Nairobi, Kenya
- Within CAADP - **African Food Safety Index**
  - **Akademiya2063**



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# THANK YOU!

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# Bending the Curve of Foodborne Illness

Through International Engagement



**Fazila Shakir, Staff Director**

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Office of International Engagement

Center for Food Safety and Applied Nutrition

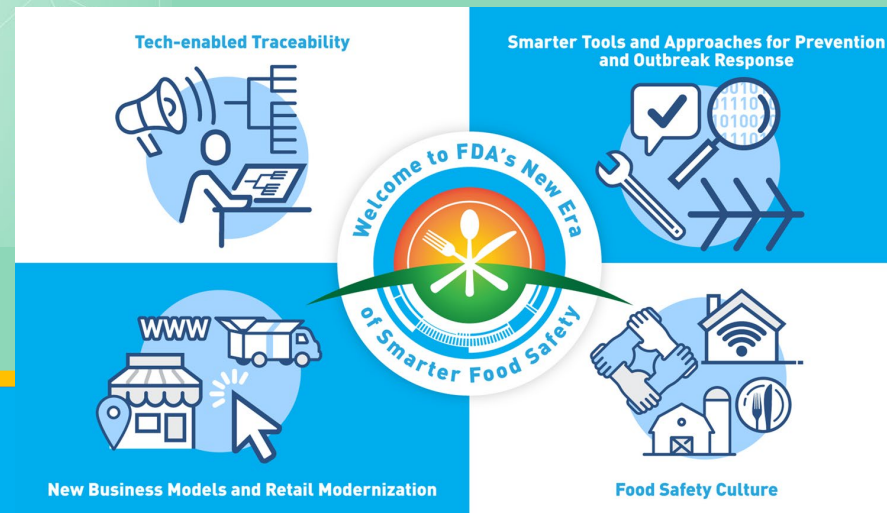
U.S. Food and Drug Administration (FDA)



**10 Year Anniversary**  
**FDA FOOD SAFETY**  
**MODERNIZATION ACT**



# A Modern Approach for Modern Times



## People-Led \* FSMA-Based \* Data-Driven \* Technology-Enabled

# Bending the Curve of Foodborne Illness

## Food Traceability Rule

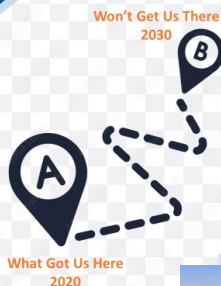


## Agricultural Water Standard

- Proposed rule on agricultural water quality standards released in December
- Goal - reduce burden, increase flexibility, protect public health



## Winning the Battle With Better Data



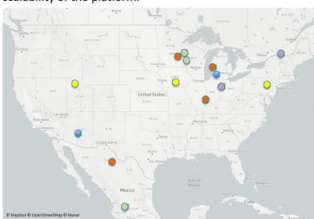
- Tech-enabled product traceback
- Root cause investigations
- Analysis, dissemination of outbreak data
- Operational improvements

## Food Poison

FDA issues improvement plan focused on modernizing foodborne illness outbreak responses

## 21 Forward Platform

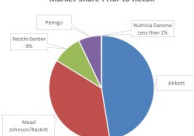
Powdered Infant Formula Manufacturing analysis using high volumes of data, enabled but the scalability of the platform.



21 Powdered Infant Formula Facilities Serving the U.S. Market (12 Domestic, 9 International Facilities)



Market Share Prior to Recall



## Using AI to Prevent Violative Foods



## *Why do we engage with international organizations?*

- To strengthen the global food safety system
- To ensure safe and fair trade in food
- To encourage the harmonization of science-based food safety standards

## *Examples of Current FDA/CFSAN Partnerships?*

- [World Health Organization](#) (WHO)
- [Food and Agriculture Organization](#) (FAO)
- World Trade Organization's [Standards and Trade Development Facility](#) (WTO STDF)
- [Asia Pacific Economic Cooperation](#) (APEC) 's Food Safety Cooperation Forum (FSCF)

# *Do we also engage with the interagency to advance international initiatives?*

FDA

- United States Department of Agriculture
  - Food Safety and Inspection Service
  - USDA Foreign Agricultural Service
- U.S. Agency for International Development
- Department of Commerce
- Office of the United States Trade Representative
- Department of State



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EXECUTIVE OFFICE OF THE PRESIDENT

# QUESTIONS?



- To submit a FSMA regulatory interpretation question, visit: [FSMA Technical Assistance Network \(TAN\) | FDA](#)
- Scientific and technical questions can be submitted to the FSPCA TAN: [FSPCA Technical Assistance Network | Food Safety Preventive Controls Alliance \(FSPCA\) | Institute for Food Safety and Health \(IFSH\) | Illinois Institute of Technology \(iit.edu\)](#)
- General enquiries (that do not fit the criteria for the FDA FSMA or FSPCA Technical Assistance Networks) and requests for collaboration can be sent to: [fda-cfsan-international-engagement@fda.hhs.gov](mailto:fda-cfsan-international-engagement@fda.hhs.gov)



**FDA**

**U.S. FOOD & DRUG  
ADMINISTRATION**

**CENTER FOR FOOD SAFETY & APPLIED NUTRITION**



# Regan Plekenpol

Program Coordinator,  
Harvard Food Law and Policy Clinic

# THE GLOBAL FOOD DONATION POLICY ATLAS

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**PROJECT OVERVIEW TO DATE**



With support from

**Walmart**  **org**



## WHAT'S THE ISSUE?

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An estimated **1.3 billion tons of food** is lost or wasted globally and more than **820 million people** suffer from hunger.



## A CRITICAL SOLUTION



is to adopt **clear** and **comprehensive** laws and regulations for food donation.

# About the "Atlas Project"

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Supported by  
**Walmart**  **org**

FLPC and GFN are working together to do the following:

## **TO IDENTIFY AND ANALYZE**

Laws related to food donations and common legal barriers in countries around the world (24 to date).

## **TO RECOMMEND POLICY CHANGE**

For stronger, more sustainable food donation operations.

## **TO CREATE A PLATFORM FOR GLOBAL ENGAGEMENT**

Though an online, interactive atlas tool that allows for comparison between countries and through webinars and conferences.

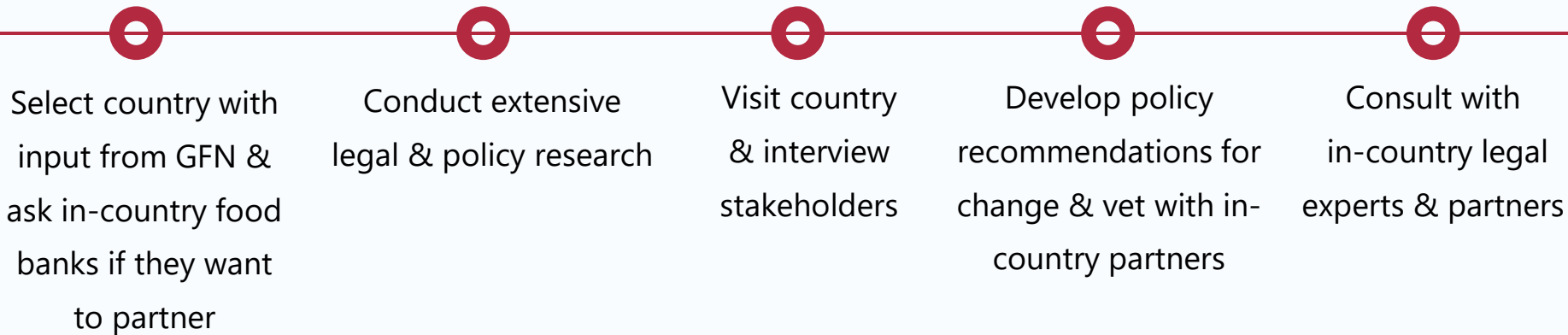
## **TO DELIVER TAILORED TECHNICAL ASSISTANCE**

For the implementation of strategic policy change.



# Methodology

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# Legal Issues

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Food Safety



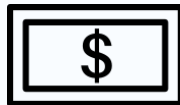
Date Labeling



Liability



Tax Incentives  
& Barriers



Requirements  
& Penalties



Govt. Grants  
& Incentives



Food Waste  
Law & Policy

# Deliverables: Online Library & Web Atlas

## Argentina



ENGLISH  
ESPAÑOL

[Legal guide](#)  
[Policy recommendations](#)  
[Executive summary](#)

## Australia



ENGLISH

[Le](#)  
[Po](#)  
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## Canada



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## Chile



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## Colombia



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## Dominican Republic



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## Ecuador



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## European Union

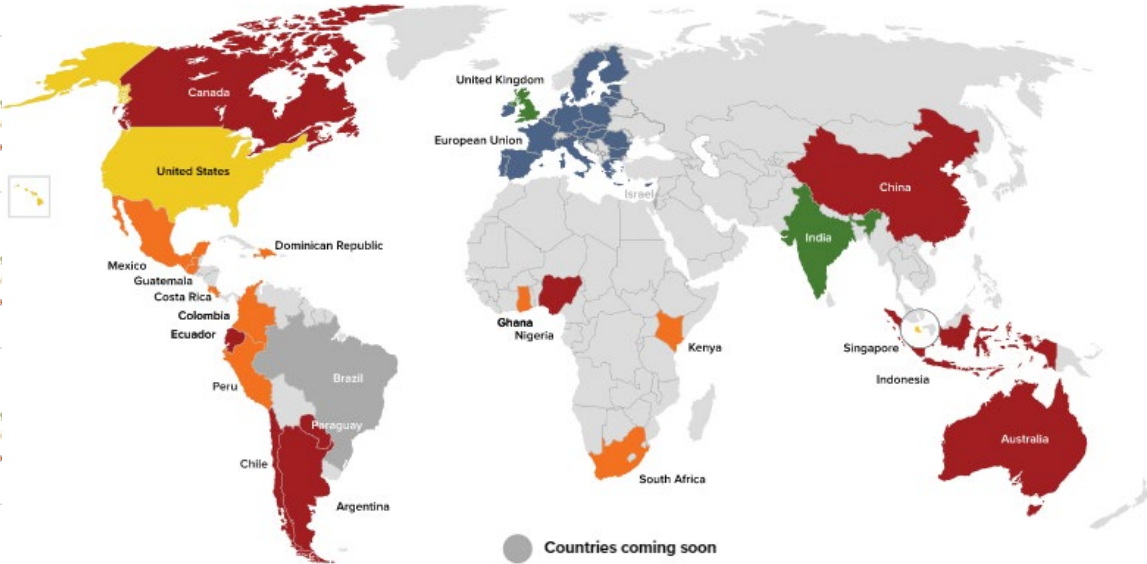


ENGLISH

[Le](#)

## Quick-view food donation policy atlas

Roll over or click countries for more information



● Countries coming soon

# Food Safety

Choose a policy area ▼

## Food safety for donations

All donated food should be safe for consumption and comply with relevant food safety laws and regulations. Yet in many countries there is a lack of knowledge or readily available guidance as to which food safety procedures apply to donations.

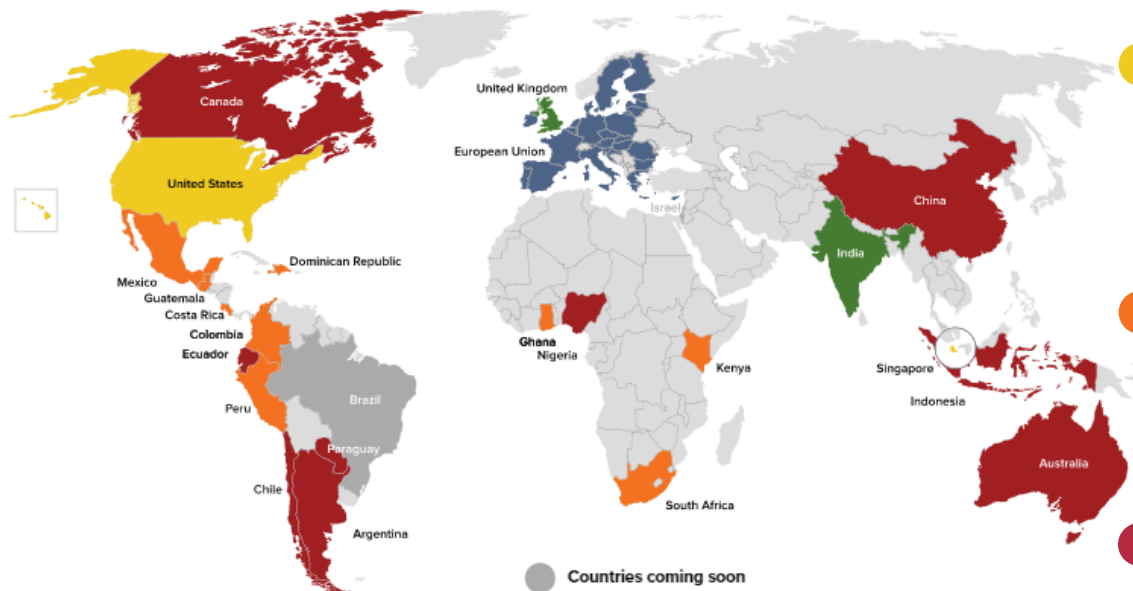
[BACK TO MAIN MAP](#)

- Strong policy
- Moderate policy
- Limited policy
- No policy
- Third-party research

Methodology

## Quick-view food donation policy atlas

Roll over or click countries for more information



**Strong policy:** Government explains clear and distinct food safety requirements that apply to donated food in food safety laws, policies, or regulations *and* offers clear, useful guidance on food safety for donations. Government may partner with agencies to engage in efforts to raise awareness among relevant actors.

**Moderate policy:** Government clearly references food donation in food safety laws, policies, and regulations. Government either elaborates on specific safety standards that apply to donated food in laws and policies *or* offers detailed guidance on food safety for donation.

**Limited Policy:** Government clearly references food safety in food safety laws, policies, and regulations, but it does not elaborate on specific safety standards that apply to donated food nor specify which rules apply to food donation as opposed to sale.

**No policy:** Government regulates food safety, but relevant laws, policies, and regulations do not clearly reference food donation. Government offers no additional guidance on food safety for donations.

# New Release: Food Safety for Donations Issue Brief



# New Release: Food Safety Issue Brief

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## Key Issues

- Many food safety laws or policies do not explicitly mention food donation in their provisions
  - This leaves donors and recovery organizations unsure of which provisions and requirements apply to safe but unsaleable food
  - In some cases, donors are unclear whether food donation is even permissible at all under the law.
- Broad food safety requirements paired with limited guidance for businesses and nonprofits lead many to pursue the least risky option: throwing away safe, edible food.
  - This is particularly pertinent in countries where liability protection is offered contingent upon following food safety laws.

# New Release: Food Safety Issue Brief

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## Key Recommendations

1. Adopt a donation-specific food safety law or policy or amend the relevant national food safety law or policy to feature a donation-specific chapter, section, or provision.
  - a) Explicitly permit the donation of unsaleable food with labeling or permitting flaws that do not affect food safety or suitability for human consumption
  - b) Explicitly allow the donation of food past a quality-based date label
2. Designate a department or agency to develop and disseminate clarifying guidance on food safety requirements.



# Best Practice: Food Safety for Food Donation Policy

## 1. Definitions:

- a. Specific terminology related to food donation should be included in the definitions section of the law.

## 2. Establish legality of food donation:

- a. The law should make clear that donating food is legal in the country and explain how the law interacts with any liability protection for food donors and nonprofit organizations donating or distributing food in accordance with food safety requirements.

## 3. Food safety for donations:

- a. The law should specify which types of foods *cannot* be safely donated and clearly outline required distribution timelines or temperature control and other hygiene requirements for safe donation of foods, including storage, transportation, and handling.

*[It is much simpler to allow donation for all foods except those that are unsafe or adulterated rather than enumerate each of the many foods that cannot be donated. This informs donors that the large majority of surplus food is safe for donation.]*

- b. The law should provide clarity to food donors and food recovery organizations regarding which food safety requirements do not apply to donations and should exempt donated food from certain unnecessary protocols or distribution limitations, such as permitting requirements, misbranding unrelated to safety, or other cosmetic/labeling flaws.

*[The law could note that food that is safe for donation but misbranded for purposes of sale be labeled "Not for Sale."]*

- c. The law should define safety protocols for donating prepared or ready-to-eat foods such as specific distribution timelines or temperature controls (e.g., freezing prepared food prior to donation).

## 4. Past-date donation:

- a. If the country currently has a dual date labeling system that distinguishes between expiration dates related to safety and those related to quality:
  - i. The law should expressly allow past-date donation if the date label relates to food quality and the food remains suitable for human consumption.
- b. If the country does not currently have a dual date labeling system that distinguishes between date labels related to safety versus quality, the law should specify that:
  - i. Ready-to-eat foods and those that require time/temperature control for safety should not be donated after the manufacturer's "best by" or "use by" date passes unless it was frozen prior to that date and has remained in a frozen state.
  - ii. Foods that are neither ready to eat nor require time/temperature control for safety may be donated after the passage of the manufacturer's "best by," "use by," or other date label so long as they remain suitable for human consumption.

## 5. Additional permissions:

- a. The law should explicitly allow for donation by governmental officials of confiscated foods, provided that the reason for confiscation is unrelated to food safety.
- b. The law should allow donation of food that is misbranded, provided the labeling error does not affect food safety. Labels related to safety that must be included on donated foods should be clearly stated and include food name, ingredients, allergens, and the name and address of the manufacturer.

# Spotlight: India

## Food Safety

- In 2019, established Regulations for the Recovery and Distribution of Surplus Food
- The Regulations explicitly state that food may be donated and set specific safety, handling, and distribution requirements for donated food



FLPC team visited India in Jan. 2020

# Spotlight: United Kingdom

## Food Safety

- The Food Safety Act 1990 permits the donation of food (in specific instances)
- UK government and its devolved countries' governments provide funding for the nonprofit Waste and Resources Action Programme (WRAP) to directly address safe redistribution of surplus food, among other food waste initiatives.



FareShare Food Bank in the UK

# Spotlight: United Kingdom

## Date Labeling

- The UK has laws that standardize and clarify date labels on products, consistent with the Codex Alimentarius and the EU's Food Information Regulation (FIR).
  - The FIR creates a dual date labeling scheme that distinguishes between safety-based and quality-based date label language.
- Food may not be sold or donated after the "use by" date, but the law explicitly states that food products past their "best before" date may be sold or donated.



Graphic from Food Standards Agency of the United Kingdom

# Issue Briefs & Webinar Series



## WEBINARS

- COVID Response
- Date Labeling
- Liability Protection
- Tax Incentives
- Food Safety
- Food Waste Deterrence Policies

## ISSUE BRIEFS

- COVID Response x2
- Date Labeling
- Liability Protection
- Tax Incentives
- Food Safety
- Food Waste Deterrence Policies



## CONTACT INFO

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## ATLAS LINK

**Website Link:**

<https://atlas.foodbanking.org/>

## FLPC WEBSITE

**Website Link:**

[www.chlpi.org/flpc](http://www.chlpi.org/flpc)



The Global Food Donation Policy Atlas was made possible through funding by the Walmart Foundation. The findings, conclusions, and recommendations presented on this website and in materials contained therein are those of the Harvard Law School Food Law and Policy Clinic alone and do not necessarily reflect the opinions of the Walmart Foundation.

# Q&A DISCUSSION

Please submit question for today's panelists in the Q&A box.



Photo Credit: Samiul Ahsan/Abt Associates

# Thank you!

Please take some time to complete the webinar feedback survey. The webinar recording and presentation slides will be made a on the USAID Advancing Nutrition website at [www.advancingnutrition.org/food-safety-day-event](http://www.advancingnutrition.org/food-safety-day-event)

