

A Preliminary Analysis of the Import Safety Regulatory Framework under the United States Food Safety Modernization Act

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Abstract

Together with the globalization of economic activities and the expansion of food supply chains, food safety has emerged as a challenging global governance issue which transcends borders and impacts public health in individual nation-states. This challenge is shared by both developed and developing countries, including the United States, where regulatory flaws and food safety outbreaks are commonplace. The Food Safety Modernization Act was recently introduced to address the regulatory inadequacies in the United States, and aims to expand administrative authorities in regulating food products as well as to monitor the entire supply chain based on a “preventive” regulatory philosophy. The new law also mandates a series of reforms in the regulatory system governing import food safety, with the general objective of ensuring the same level of safety and law compliance between domestic and imported products. This article judiciously examines the three major axes of regulatory reform under the Food Safety Modernization Act, with a particular analytical focus on the import safety rules, including the Foreign Supplier Verification Program, Voluntary Qualified Importer Program, and Third Party Audit and Certification Systems. Based on the analysis, the article concludes by offering an in-depth evaluation on the challenges and opportunities arising from the innovative institutional designs of the new law.

Key Words: food safety, US FDA Food Safety Modernization Act, import regulation