



**Remarks by Brian Ronholm  
Director of Food Policy, Consumer Reports  
Before the Reagan-Udall Foundation Public Meeting  
on Enforcing the Food Safety Modernization Act's Traceability Rule  
October 7, 2024**

Thank you for the opportunity to make remarks today.

The compliance date for the traceability rule should NOT be delayed further. The Food Safety Modernization Act and the traceability provision is almost high school age now. So there has been plenty of time for everyone to prepare.

It's amazing that we're still waiting because better traceability can't wait. Tell the kids who were sickened by lead poisoning from the applesauce pouches last year that this delay is necessary. Those products were still on store shelves after the recall was announced.

Tell the families of the people who got sick or died from the Boar's Head listeria outbreak that more time is needed.

There already have been a number of pilot projects done by the FDA and by the industry. We can't continue to pilot this rule forever to the point where the process stagnates while new excuses get formulated.

Some retailers have already announced that they expect to be compliant before the FDA compliance date of January 2026.

– Last December, Kroger told suppliers that they expect them to be compliant

by July 2025, six months sooner than the compliance date.

- Several weeks ago, Walmart told their suppliers that they should be compliant before the FDA compliance date.
- Just this past August, Sysco announced that it would support the rule and implement advanced traceability measures.

This clearly demonstrates that it's possible to meet the requirements in the traceability rule, and the breakthroughs you are seeing already are occurring primarily because of the main components of FDA's rule: establishment of Key Data Elements (KDEs), Critical Tracking Events and a Food Traceability Lot Code.

Lastly, I want to express concern over how this rule has been deliberated recently.

There was a series of off-the-record meetings over the summer between FDA representatives and members of the industry groups who are seeking to delay the compliance date for the rule.

RUF did release a report about the meetings and is convening this public meeting, but that was only after FDA received complaints about the off-the-record meetings.

However, the substance of the report was only five pages long and while it identified the people who participated in the meetings, there was nothing to indicate their affiliations.

Many of us here know each other and who we represent, but for those who don't work on food policy on a continuous basis, it's not evident, and it's difficult to ascertain from the report which viewpoints were associated with which organizations.

It's difficult to believe that material covered in six plus hours of meetings could be summarized in only five pages. This is Washington, it takes that long for many of us to clear our throats when talking about an issue.

In addition to the secret, off-the-record meetings, the groups that want to delay the rule also are being provided the opportunity to make comments today. This doesn't seem like a fair process, and it raises bigger questions about the lack of transparency and how policy-making decisions are being made by the FDA.

Thank you again for the opportunity to make remarks today.