

FDA Backs Off on Food Import Fee Collections, According to FDAImports.com

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Thanks in part to a new [coalition](#) established by FDAImports.com LLC, and an immense amount of media content produced to critically assess the new FDA re-examination fees, the U.S. Food and Drug Administration has announced that they will not initiate the new food import re-examination fee program until they can resolve some “issues” with the program. According to Benjamin England, Founder and CEO of FDAImports.com LLC, and its newly established Food Importers and Foreign Food Manufacturer’s Coalition Task Force, these actions represent a major initial victory for small food businesses and food importers.

“This is a step in the right direction and clear evidence that we have FDA’s attention,” said Mr. England. “The language FDA is using to discuss the fees and timeline is an indication that they’re getting pushback, that the industry is serious about fighting this.” Mr. England’s firm, FDAImports.com, LLC launched the coalition after observing a total information vacuum within the industry in regard to the new fees. According to Mr. England, food importers and manufacturers had no idea the fees were in the offing, nor were they prepared to take action against it when they learned of it.

“In response to some behind the scenes and rather public outcries, FDA has decided to shelve the importer reinspection fee aspect of its new food fees program. In the short run, this will save a lot of importers and foreign food processors a lot of money,” says Jessica Wasserman, President of Wasserman & Associates, PLLC, who represents fresh produce importers and other food companies on FDA legislative matters.

On their website FDA has a Question and Answer area regarding the fees. It includes questions such as, “What triggers the facility reinspection fee?” and “How much money in fees does the Agency expect to collect?” Below is FDA’s response to the question, “What can be expected concerning import reinspection fees?”

A: The agency is still evaluating comments received in response to the August 1, 2011 Federal Register notice establishing fee rates for Fiscal Year 2012 (76 FR 45820). Recognizing the particular complexities involved in these issues, FDA is not in a position to assess import reinspection fees until the agency has resolved these issues and the agency notifies the public.

FDA has not announced a change in the deadline for comment, which is still set for October 31st, 2011. “Food importers and manufacturers still have opportunity to voice their opposition to the fee structure and should make sure they do so by joining our coalition,” said Mr. England. “This isn’t over yet, but we’re moving in the right direction. The time is right for food importers and manufacturers to speak out loudly now while we have FDA’s attention.”

Sources:

1. <http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodSafety/ucm274176.htm>
2. <http://www.fdaimports.com/coalition.php>

Benjamin L. England is a former 17-year veteran of the FDA and served as the Regulatory Counsel to the Associate Commissioner for Regulatory Affairs. Currently he is founder and CEO of FDAImports.com, LLC, a private firm of consultants and affiliated attorneys practicing at the intersections of complex administrative law and regulations that impact international traders in highly regulated commodities.

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