

## Is My Business Covered by the FSMA Rule for Transportation of Food?

### 1. I've heard that FSMA includes food safety requirements for food transportation. Do these requirements apply to my food business?

FSMA's rule on Sanitary Transportation of Human and Animal Food sets food safety standards for vehicles and equipment used to transport food. The rule covers any business that is a shipper, loader, motor or rail carrier, or receiver of human and animal foods, unless that business meets one of the exemptions in the rule.

According to the Sanitary Transportation Rule:

- A **shipper** is an operation that arranges for the transportation of food in the United States by a carrier or multiple carriers, including the manufacturer of the food or a broker that distributes it;
- A **loader** is an operation or person that physically loads food onto a motor or rail vehicle;
- A **carrier** is an operation or person that physically moves food by rail or motor vehicle in commerce within the United States;  
**NOTE:** 'Carrier' does not include parcel delivery services that transport food (such as UPS or FedEx).
- A **receiver** is an operation or person in a food supply chain that receives food transported in the United States.

### 2. Those categories are very broad. What are the exemptions from the rule?

Several classes of operations are exempt from compliance with the Sanitary Transportation Rule even if they fall within those definitions of shipper, loader, carrier, and receiver:

- A business that meets FSMA's definition of a farm. For information on the FSMA Farm Definition, see the FSMA FAQ ['Is My Food Business a Farm?'](#)
- An establishment engaged in food transportation that has less than \$500,000 in average annual revenues over the previous three years, as adjusted for inflation. For 2019, this means the operation had 2016-18 average annual revenues less than \$550,551<sup>1</sup>.
- An operation that only transports live food animals that are not molluscan shellfish.
- An operation that only transports Grade "A" milk and milk products that is permitted and inspected under the National Conference on Interstate Milk Shipments (NCIMS).
- An establishment that ships, carries, or receives food and has a permit from a local, state, or tribal agency to distribute food directly to retail customers, including restaurants, supermarkets, and home grocery delivery operations.
- An operation that only transports human food byproducts to be used as animal food without further processing, such as byproducts sold directly to farmers to be fed to livestock.
- An operation that only transports food that is completely enclosed by a container and that does not require refrigeration or any other form of temperature control for safety.

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<sup>1</sup> This threshold amount is good for 2019. The dollar threshold for this exemption are to be adjusted annually for inflation, and FDA publishes the adjusted numbers every April.

- An establishment that only transports food that is transshipped through the United States to another country, or that is imported for future export and neither consumed nor distributed in the United States.
- An operation that only transports compressed food gases (for example, carbon dioxide, nitrogen or oxygen authorized for use in food and beverage products), or food contact substances.

### 3. What if my business ships, loads, carries, or receives food and doesn't meet any of these exemptions?

You are covered by the STR. Under the rule:

- Vehicles and transportation equipment you use must be designed and maintained to ensure that they do not cause the food that they transport to become unsafe. They must be adequately cleaned prior to loading, and must be able to maintain the proper temperature if temperature control is necessary for the safe transportation of the food.
- You must ensure that food that requires temperature control for safety is transported at the proper temperature.
- You must prevent ready-to-eat food from touching raw food.
- You must protect food from contamination by non-food items in the same load or a previous load.
- You must protect food from unintentional contact with food allergens.
- You must ensure that the personnel involved in physically moving foods are trained in sanitary transportation practices.
- You must maintain records of written transportation procedures, transportation agreements, and carrier personnel training, and keep those records for as long as 12 months, depending on the type of record and when the transportation activity occurs.

The rule gives shippers the primary responsibility for determining the transportation operations necessary to meet these requirements. Shippers must develop and implement written procedures to ensure that:

- equipment and vehicles are in appropriate sanitary condition;
- food transported in bulk is not contaminated by cargo previously carried in a bulk container; and
- food that requires temperature control for safety is transported under adequate temperature control.

**NOTE:** Shippers may use contracts to assign some of their responsibilities to other entities in the supply chain.

The FDA has developed resources to assist entities covered by the STR to comply with the rule, including a compliance guide for small businesses and [a training module](#). For more information, see [the FDA's website on the STR](#).

*This document is not legal advice and is for educational purposes only. It has not been approved by the FDA.*