Convenience Distribution ASSOCIATION

# FSMA News

## AN UPDATE ON FSMA ISSUES

**FDA Food Traceability Rule Bulletin No. 9:**
**FDA FSMA Listening Session Scheduled;**
**FDA Proposed Guidance on Small Retail Food Establishments**
*Prepared by Tom Briant, CDA Policy Advisor*

With Section 204(d) of the federal Food Safety Modernization Act (FSMA) going into effect on July 20, 2028, distributors should begin taking steps to prepare for complying with the food traceability requirements of this law. While the FDA delayed the implementation of FSMA Section 204(d) to July 20, 2028, the agency has indicated that no additional delays in the implementation date will be made. This means that distributors have approximately 22 months to plan and undertake steps to ensure their company and employees are ready to implement the food tracing requirements. This FSMA Bulletin summarizes two announcements by the FDA.

**FDA FSMA Listening Session:** In early October, the FDA issued an announcement that the next **FSMA Listening Session** will be held on Friday, November 6, 2026, from 12:00 Noon to 3:30 PM ET. This Listening Session is open to the public so that the FDA can receive comments on challenges to implementing the food traceability rule and also possible flexible solutions to tracing the high-risk food products regulated by FSMA Section 204(d).

**FDA Proposed Guidance Notice:** The FDA issued a second announcement on October 8, 2026, of a proposed **guidance document** that the FDA plans to exercise its enforcement discretion to not enforce any of the FSMA Section 204(d) food traceability requirements for "retail food establishments" and restaurants that have an average annual monetary value of food sold greater than $250,000 and not more than $1 million. An exemption from FSMA Section 204(d) regulations already applies to small retail food establishments and restaurants with average annual food sales of no more than $250,000. Under FSMA, a retail food establishment includes grocery stores, convenience stores and restaurants.

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**Food Traceability Resources:**



**FSMA Webinar Series**



**FSMA Bulletin Series**



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