



The Impact of FSMA to Your Brewery Operation

The U.S. Food Safety Modernization Act, more commonly known as FSMA (pronounced Fyz-ma) was signed into law in January 2011 with compliance dates now in effect for all applicable businesses regardless of size. Importantly, FSMA specifically defines alcoholic beverages as food, therefore, breweries now additionally fall under FDA regulation (the U.S. Tax and Trade Bureau (TTB) retains their regulatory authority). More recently, you may have heard about FSMA's compliance regulations and wondered how these regulations apply to your brewery operation. Below is a quick primer to help you learn more about FSMA and its impact to the brewing industry.

What is FSMA?

The intent of the law is to enhance public health and food safety through the proactive management of food safety hazards associated with the manufacture and transport of FDA-regulated food products including imports. It requires all food and feed companies to implement proactive control measures to control food safety hazards. In many cases they will need to develop and implement a food safety plan specific to their product, process and facility.

Is my brewery subject to FSMA?

It depends. Of course, always consult with your legal expert or counsel, but at high level, if you sell beer to distributors and/or wholesalers (or are allowed to self-distribute as is the case in some states), you are considered a manufacturer, packer, or holder of human food; therefore, **your production business is subject to FSMA**. Aside from your production area, if you have a taproom, restaurant or service area, that area will continue to be subject to the FDA Food Code.

If you do not sell beer to distributors and/or wholesalers (i.e., you only sell direct to consumers and/or off-premise via a taproom, growlers, or crowsers) you are considered a restaurant/retail operation, and **you are not subject to FSMA due to the restaurant/retail exception**. Don't forget that your taproom, restaurant or service area will continue to be subject to the FDA Food Code.

If I am subject to FSMA, what do I have to do?

There are several regulations you must follow to be in compliance with FSMA. If you already have a food safety plan, you're likely already doing some of them:

- FDA Facility Registration ([21 CFR 1.225 Subpart H](#))
- Compliance with Definitions ([21 CFR 117 Subpart A](#))
- Compliance with Good Manufacturing Practices ([21 CFR 117 Subpart B](#))
- Compliance with proper management of human food byproducts sold/donated for animal feed ([21 CFR 117.95](#))
- Compliance with record keeping requirements ([21 CFR 117 Subpart F](#))

Ultimately, the objective of FSMA is to protect food safety throughout the supply chain and consequently the safety of consumers. This is a good thing for breweries and beer drinkers everywhere.

To learn more about FSMA, visit the document developed by Ecolab's Dr. Tatiana Lorca in conjunction with the Brewers Association and the Master Brewers Association of the Americas posted at BrewersAssociation.org.

To learn more about how Ecolab can help protect your brewery operation and your customers, visit Ecolab.com or contact us at 1.800.35.CLEAN.