NEW YORK STATE OF OPPORTUNITY. | Agriculture and Markets

Food Product Recalls: New Procedures and Booklet

January 17, 2024

Kathy Hochul
Governor

Richard A. Ball
Commissioner

John Arnold
Division of Food Safety and Inspection

2023 Recalls in New York State

Class 1 – 20

Class 2 – 78

Class 3 – 12

Total = 110

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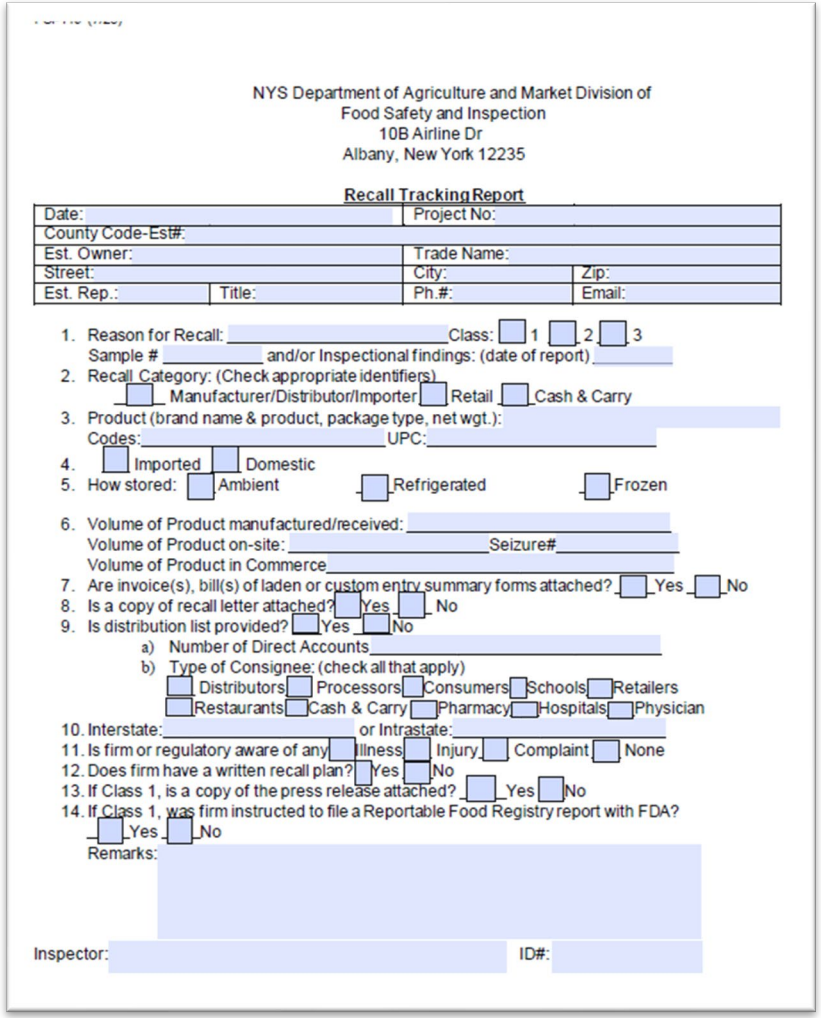
Department Forms



NYS Department of Agriculture and Market Division of
Food Safety and Inspection
10B Airline Dr
Albany, New York 12235

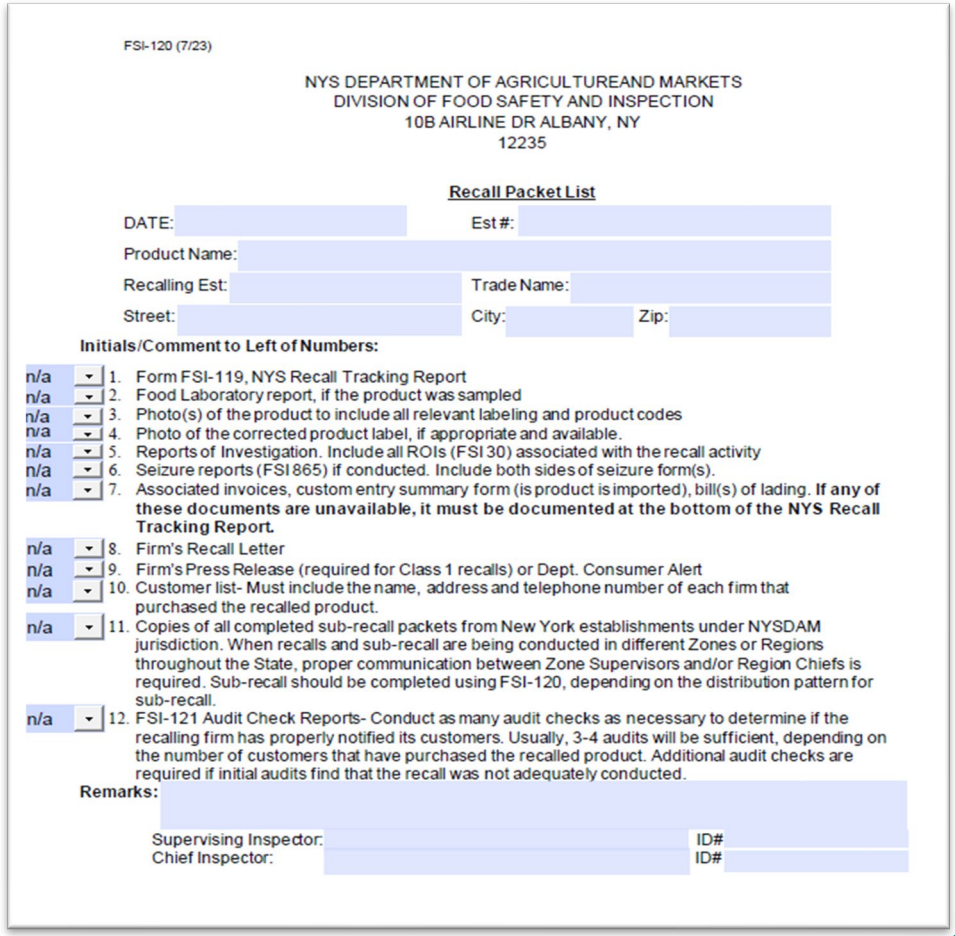
Recall Tracking Report

Date:		Project No:	
County Code-Est#:			
Est. Owner:		Trade Name:	
Street:		City:	Zip:
Est. Rep.:	Title:	Ph.#:	Email:

1. Reason for Recall: _____ Class: ☐ 1 ☐ 2 ☐ 3
   Sample # _____ and/or Inspectional findings: (date of report) _____
2. Recall Category: (Check appropriate identifiers)
   ☐ Manufacturer/Distributor/Importer ☐ Retail ☐ Cash & Carry
3. Product (brand name & product, package type, net wgt.):
   Codes: _____ UPC: _____
4. ☐ Imported ☐ Domestic
5. How stored: ☐ Ambient ☐ Refrigerated ☐ Frozen
6. Volume of Product manufactured/received: _____
   Volume of Product on-site: _____ Seizure# _____
   Volume of Product in Commerce _____
7. Are invoice(s), bill(s) of laden or custom entry summary forms attached? ☐ Yes ☐ No
8. Is a copy of recall letter attached? ☐ Yes ☐ No
9. Is distribution list provided? ☐ Yes ☐ No
   a) Number of Direct Accounts _____
   b) Type of Consignee: (check all that apply)
   ☐ Distributors ☐ Processors ☐ Consumers ☐ Schools ☐ Retailers
   ☐ Restaurants ☐ Cash & Carry ☐ Pharmacy ☐ Hospitals ☐ Physician
10. Interstate: _____ or Intrastate: _____
11. Is firm or regulatory aware of any ☐ Illness ☐ Injury ☐ Complaint ☐ None
12. Does firm have a written recall plan? ☐ Yes ☐ No
13. If Class 1, is a copy of the press release attached? ☐ Yes ☐ No
14. If Class 1, was firm instructed to file a Reportable Food Registry report with FDA?
    ☐ Yes ☐ No

Remarks:

Inspector: ID#:



FSI-120 (7/23)

NYS DEPARTMENT OF AGRICULTUREAND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DR ALBANY, NY
12235

Recall Packet List

DATE: Est #:

Product Name:

Recalling Est: Trade Name:

Street: City: Zip:

Initials/Comment to Left of Numbers:

n/a 1. Form FSI-119, NYS Recall Tracking Report
n/a 2. Food Laboratory report, if the product was sampled
n/a 3. Photo(s) of the product to include all relevant labeling and product codes
n/a 4. Photo of the corrected product label, if appropriate and available.
n/a 5. Reports of Investigation. Include all ROIs (FSI 30) associated with the recall activity
n/a 6. Seizure reports (FSI 865) if conducted. Include both sides of seizure form(s).
n/a 7. Associated invoices, custom entry summary form (is product is imported), bill(s) of lading. **If any of these documents are unavailable, it must be documented at the bottom of the NYS Recall Tracking Report.**
n/a 8. Firm's Recall Letter
n/a 9. Firm's Press Release (required for Class 1 recalls) or Dept. Consumer Alert
n/a 10. Customer list- Must include the name, address and telephone number of each firm that purchased the recalled product.
n/a 11. Copies of all completed sub-recall packets from New York establishments under NYSDAM jurisdiction. When recalls and sub-recall are being conducted in different Zones or Regions throughout the State, proper communication between Zone Supervisors and/or Region Chiefs is required. Sub-recall should be completed using FSI-120, depending on the distribution pattern for sub-recall.
n/a 12. FSI-121 Audit Check Reports- Conduct as many audit checks as necessary to determine if the recalling firm has properly notified its customers. Usually, 3-4 audits will be sufficient, depending on the number of customers that have purchased the recalled product. Additional audit checks are required if initial audits find that the recall was not adequately conducted.

Remarks:

Supervising Inspector: ID#
Chief Inspector: ID#

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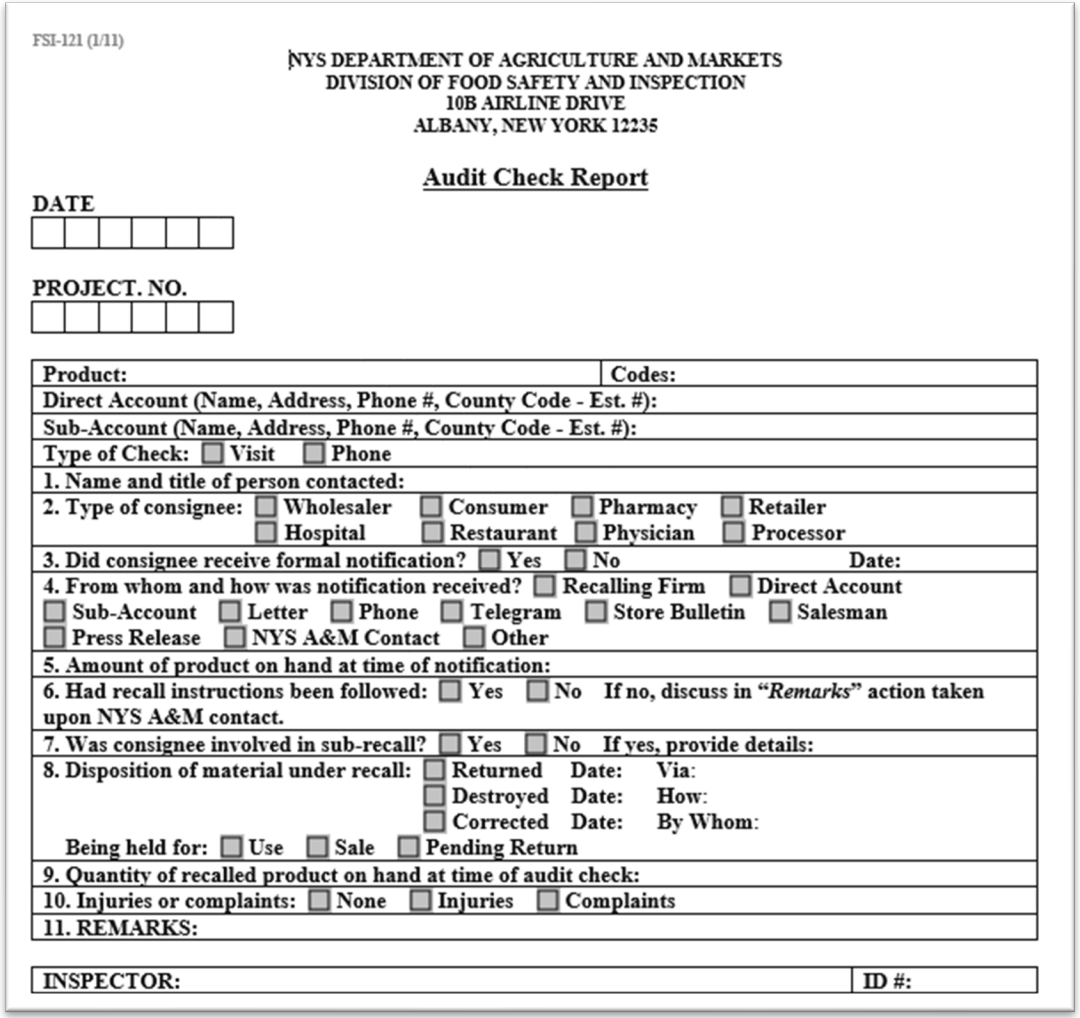
Department Forms



FSI-121 (1/11)

NYS DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE
ALBANY, NEW YORK 12235

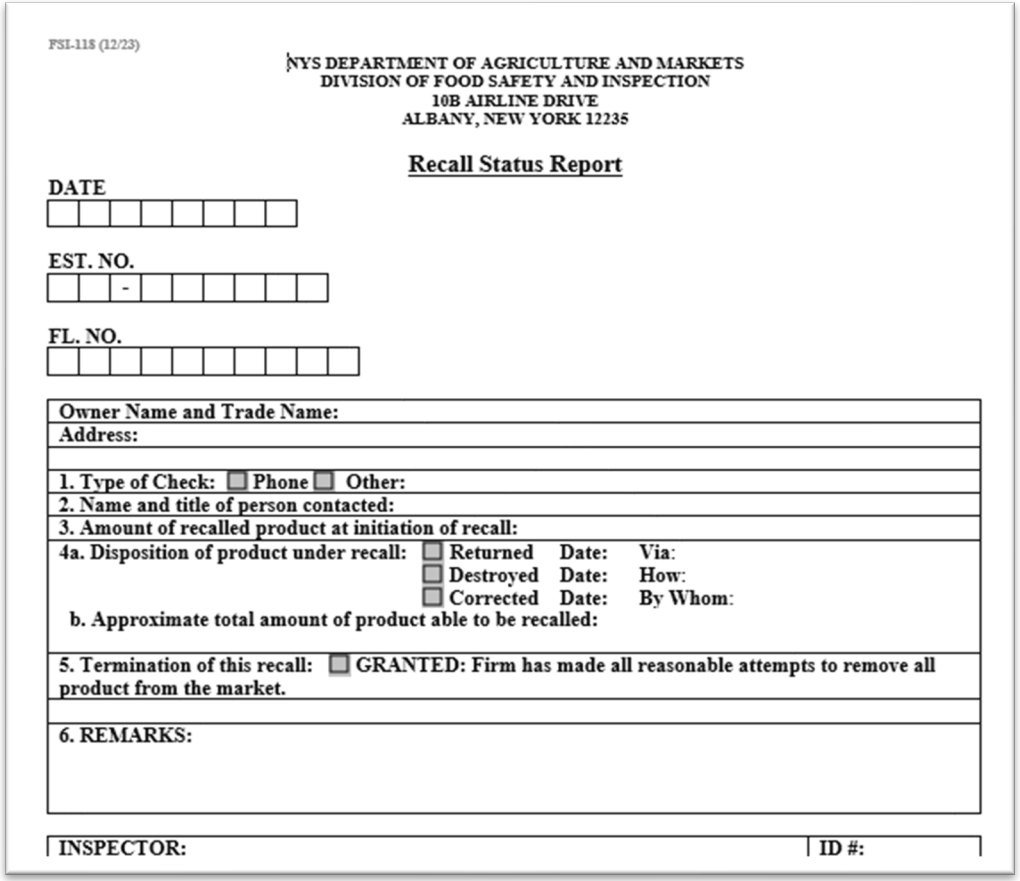
Audit Check Report

DATE

PROJECT. NO.

Product:	Codes:
Direct Account (Name, Address, Phone #, County Code - Est. #):	
Sub-Account (Name, Address, Phone #, County Code - Est. #):	
Type of Check: ☐ Visit ☐ Phone	
1. Name and title of person contacted:	
2. Type of consignee: ☐ Wholesaler ☐ Consumer ☐ Pharmacy ☐ Retailer ☐ Hospital ☐ Restaurant ☐ Physician ☐ Processor	
3. Did consignee receive formal notification? ☐ Yes ☐ No	Date:
4. From whom and how was notification received? ☐ Recalling Firm ☐ Direct Account ☐ Sub-Account ☐ Letter ☐ Phone ☐ Telegram ☐ Store Bulletin ☐ Salesman ☐ Press Release ☐ NYS A&M Contact ☐ Other	
5. Amount of product on hand at time of notification:	
6. Had recall instructions been followed: ☐ Yes ☐ No If no, discuss in "*Remarks*" action taken upon NYS A&M contact.	
7. Was consignee involved in sub-recall? ☐ Yes ☐ No If yes, provide details:	
8. Disposition of material under recall: ☐ Returned Date: Via: ☐ Destroyed Date: How: ☐ Corrected Date: By Whom: Being held for: ☐ Use ☐ Sale ☐ Pending Return	
9. Quantity of recalled product on hand at time of audit check:	
10. Injuries or complaints: ☐ None ☐ Injuries ☐ Complaints	
11. REMARKS:	

INSPECTOR:	ID #:



FSI-118 (12/23)

NYS DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE
ALBANY, NEW YORK 12235

Recall Status Report

DATE

EST. NO. -

FL. NO.

Owner Name and Trade Name:
Address:
1. Type of Check: ☐ Phone ☐ Other:
2. Name and title of person contacted:
3. Amount of recalled product at initiation of recall:
4a. Disposition of product under recall: ☐ Returned Date: Via: ☐ Destroyed Date: How: ☐ Corrected Date: By Whom: b. Approximate total amount of product able to be recalled:
5. Termination of this recall: ☐ GRANTED: Firm has made all reasonable attempts to remove all product from the market.
6. REMARKS:

INSPECTOR:	ID #:

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Booklet Background

July 2023:

- Edited to provide step-by-step process for industry

December 2023:

- Edited to advise “food safety consumer alerts” will be issued for all Class 1 and 2 recalls
- Appendix A – provides the most complete list of lab tests and results that initiate a recall
- Appendix B – provides a broad overview of our process and interagency cooperation for recalls

Provides New York Retail Food Stores, Food Manufacturers, and Food Businesses with an Easy-to-Follow Protocol to use During a Product Recall

Department Also Updates Food Safety Alert Process to Increase Consumer Awareness of Recalled Products

The New York State Department of Agriculture and Markets' Division of Food Safety and Inspection today announced it has updated its Food Product Recall Book to provide New York retail food stores, food manufacturers, and food businesses with an easy-to-follow protocol to use should they need to initiate a product recall at their facility. Both the US Food and Drug Administration (FDA) and the Department issue recalls or consumer alerts about potentially harmful food products affecting the New York State marketplace, making it critically important that the stores selling or businesses manufacturing the food product understand what triggers a recall and what actions they should take to ensure harmful products do not reach consumers. Most recently, FDA issued a major multi-state recall for certain applesauce pouches for children that contained high levels of lead. The Department has been assisting FDA's efforts by inspecting hundreds of retail stores across New York to verify the products are no longer being sold in the state.

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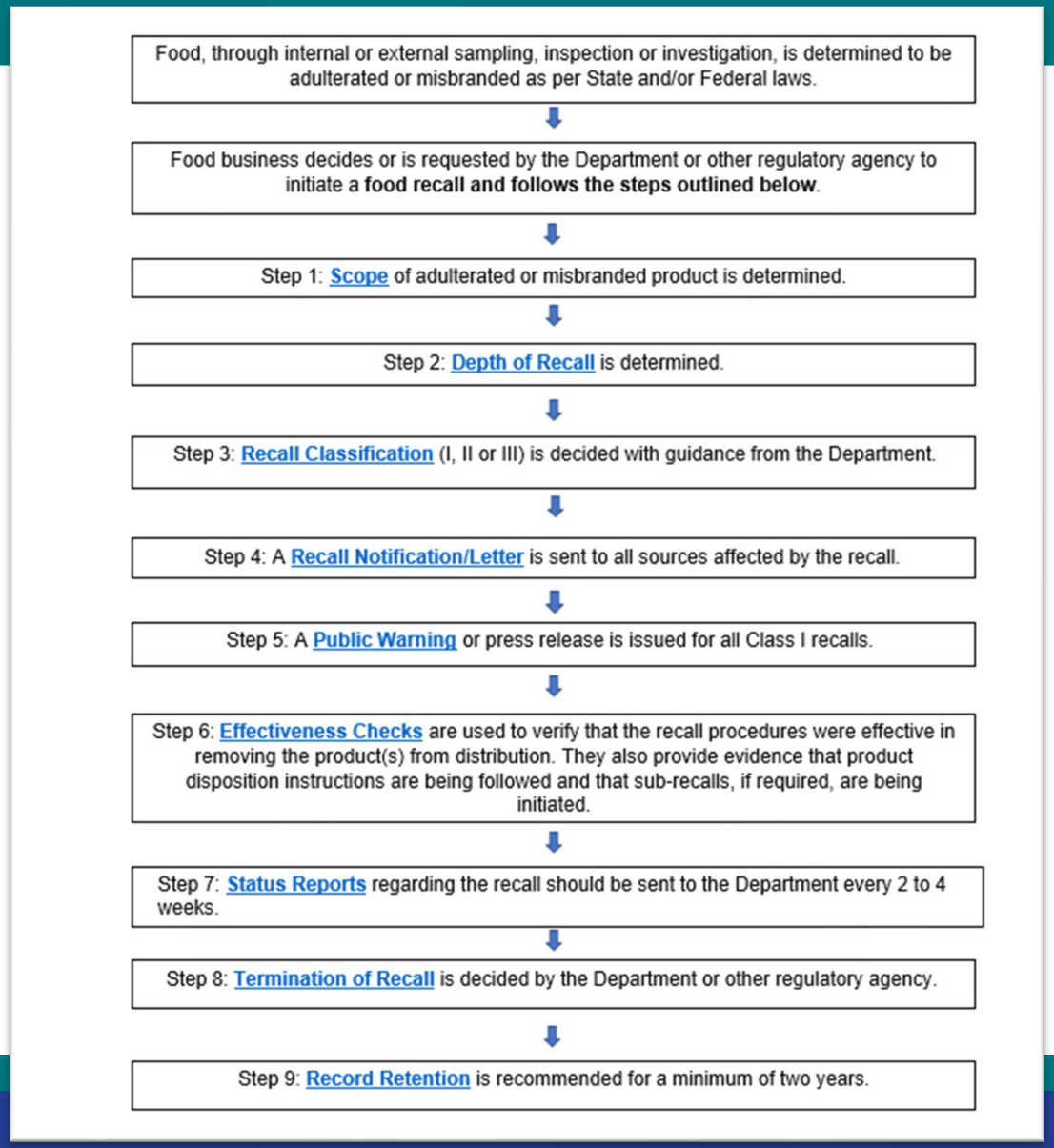
Food Recall Process Flow Chart



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Process Flow Steps

Step 1: **Determine the Scope**
This defines the type of product, when a product is made, where it is manufactured and the amount of product. It identifies all product(s), sizes, and codes/lots to be included in the recall. The scope of a recall may change as new information is received, such as laboratory testing data and results.

Step 2: **Determine the Depth of Recall**

This defines the level of product distribution to which the recall is to extend:

- **Consumer or User level:** This includes household consumers as well as all other levels of distribution.
- **Retail level:** This includes all retail sales of the recalled product, including any intermediate wholesale level
- **Wholesale level:** This is the distribution level between the manufacturer and the retailers. This level may not be encountered in every recall situation (e.g., the recalling food business may sell directly to the retail or consumer/user level).

Knowing the level of product distribution will assist a food business in determining the best manner to distribute the recall notifications and the best disposition plan for handling the return/destruction/relabeling of the recalled product.

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Process Flow Steps

Step 3: Determine the Food Recall Classification

Class I recalls are the most serious and are deemed likely to cause serious, adverse health effects or death.

When a food business conducts a Class I recall, the food business is required to file a report through the FDA's Reportable Food Registry (RFR) electronic portal as soon as practicable, but in no case later than 24 hours after the recall is initiated.

Class II recalls indicate that consumption of the food could cause a temporary health hazard, or the likelihood of serious adverse health issues is remote.

Class III recalls are situations where eating the food is unlikely to cause a health problem, but rather violates regulations.

For Recall Classification Assistance Contact Your Local New York State Department of Agriculture and Markets Office Listed Below:

Region	Address	Phone Number
Albany	10B Airline Drive Albany, New York 12235	(518) 457-4492
Brooklyn	55 Hanson Place – 3rd Floor Brooklyn, New York 11217-1583	(718) 722-2876
Buffalo	535 Washington Street Suite 303 Buffalo, New York 14203	(716) 847-3185
Hauppauge	Suffolk State Office Bldg., Room 13A, 4th Floor 250 Veteran's Memorial Highway Hauppauge, New York 11788	(631) 952-3079
New Windsor	103 Executive Drive, 3rd Floor, Suite 300 New Windsor, New York 12553	(845) 220-2047
Rochester	1530 Jefferson Road Rochester, New York 14467	(585) 427-2273
Syracuse	581 State Fair Blvd. Syracuse, New York 13209	(315) 487-0852

Step 4: Prepare and Distribute Recall Notification Letters to Direct Businesses

A food business should prepare a recall notification letter and distribute it to all businesses that may have received the recalled product.

The recall notification letter must include the following:

1. Statement: "Urgent food recall"
2. Recalling food businesses' name, address, phone number
3. Name of product(s) being recalled
4. Product packaging type and container size
5. Product manufactured/distributed by
6. Container code, including sell by or use by date, affected by the recall
7. Reason for the recall
8. Disposition of the recalled product (i.e., Product return process, on-site destruction, or re-labeling instructions)
9. Sub-recall action
10. Requested response – effectiveness check

A model recall letter is available on page 11.

A **sub-recall** must be initiated when a recipient of a recall communication has direct accounts that may have also received the affected product.

The manner in which the recall notification is sent to the direct accounts may vary. The letters can be communicated via mail, email, direct messaging, etc. Where necessary, follow-up communication should occur for any direct account that fails to respond to a recall communication to ensure the direct account has received and understands the recall communication.

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Recall Letter

MODEL FOOD RECALL LETTER
TO BE SENT BY RECALLING FOOD BUSINESS TO CUSTOMER

Name, Address, & Telephone Number of Recalling Food Business
Date

CERTIFIED MAIL or via Email
Name and Address of Customer

URGENT RECALL LETTER *(Bold Print)*

Dear Customer:

Our food business is voluntarily recalling ***(brand/name of product)*** due to ***(reason for recall)***. *The product is packaged in a (size) (container description including UPC code, product code and manufacturer or distribution information if not recalling food business).*

Our records show that your food business purchased ***(amount)*** case(s) of above product from us in the past ***(months/years)***. We would like you to discontinue selling your existing stock of ***(brand/name of product)*** and return the recalled product to ***(indicate name of food business's contact person)*** as soon as possible. In addition, if you have further distributed this product, please identify your customers and notify them at once of this product recall.

To advise the ***(regulatory authority)*** about the effectiveness of this recall, please inform us of the quantity of the above product on hand immediately after you receive this recall letter. Please sign and email (***email address***) or FAX ***(FAX number)*** this letter back to us as soon as possible.

Thank you for your cooperation in this recall. If you have any questions regarding this recall, please feel free to contact ***(food business's contact person)*** at ***(contact person's telephone number)***.

(This space would contain dual language portion of the letter)

_____

Quantity on Hand:__Cases/Cans/Packages/Other (Circle One)
Was a sub-recall required: ____YES____NO If yes, please attach copies of recall notifications sent to accounts.

I have removed the product(s) listed above from sale and followed the disposition instructions as prescribed in the recall notification.

_____
(Customer/Business Name)
Sincerely,
_____ (Recall Food Business Representative)
(Signature)

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Process Flow Steps

Step 5: Prepare and Distribute Public Warnings – *Class I Recalls Only*

Public notification is important, particularly in situations where the recalled product may pose a significant health hazard and may be in the hands of consumers. A food business is required[5] to prepare and issue a press release for all Class I recalls.

A press release template is available on page 13.

Sample press releases for different contaminants are available on pages 14 – 17.

When public notification is necessary, the Department will work with the New York food business initiating a recall to issue a press release as soon as the recall situations are identified. The food business will be informed that if it does not issue a press release within 24 hours, the Department will issue its own.

The Associated Press will only accept press releases via email. Recalls for products distributed in New York State only or the immediately surrounding states should be emailed to:

ALBANY		NEW YORK CITY
apalbany@ap.org	OR	apnyc@ap.org

Press releases for products distributed nationwide should be emailed to the Washington DC desk of the Associated Press at:

WASHINGTON, D.C.
wdcdesk@ap.org

Retail Store Notifications:
Retail businesses selling products that are subject to a recall should post a public notification in stores to alert consumers.

A model in-store notification is available on page 12.

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Sample Press Releases

MODEL PRESS RELEASE TEMPLATE

FOR IMMEDIATE RELEASE *DATE*
COMPANY CONTACT AND PHONE NUMBER

"FOOD BUSINESS XYZ" RECALLS PRODUCT DUE TO POSSIBLE HEALTH RISK

Name of Food Business of *City, State* is recalling *Quantity and/or Type of Product*, because it may be contaminated with *Contaminant Name*, *Health Warning Paragraph (see examples below)*

Product was distributed *Listing of the states and areas where the product was distributed and how it reached consumers (e.g. through retail stores, mail order, direct delivery).*

Specific information on how the product can be identified (e.g. type of container [plastic/metal/glass], size and appearance of the product, the product's brand name, flavors, codes, expiration dates, UPC code, etc.

Status of the number of and types of related illnesses that have beenCONFIRMED to date (e.g. "No illnesses have been reported to date.")

Brief explanation about what is known about the problem, such as how it was revealed, and what is known about its source. An example of such a description –"The contamination was discovered after sampling by New York State Department of Agriculture and Markets Food Inspectors and subsequent analysis of Food Laboratory personnel revealed the presence of Listeria monocytogenes in the (product name)."

Information on what consumers should do with the product and where they can get additional information (e.g. "Consumers who have purchased Brand X are urged to return it to the place of purchase for a full refund. Consumers with questions may contact the company at 1-800-XXX-XXXX.")

XYZ Inc.
25 2nd Avenue
Brooklyn, NY 11142

FOR IMMEDIATE RELEASE
Cacio De Pepe / 518-555-5555

October 12th, 2023

XYZ INC. ISSUES ALERT ON UNDECLARED SULFITES IN "GOOD BRAND DRIED MANGO"

XYZ Inc., 25 2nd Avenue, Brooklyn, NY is recalling its 5-ounce packages of **"Good Brand Dried Mango"** because they contain undeclared sulfites. Consumers who have severe sensitivity to sulfites run the risk of serious or life-threatening allergic reactions if they consume this product.

The recalled **"Good Brand Dried Mango"** were distributed nationwide in retail stores. The product is packaged in a 5-ounce, clear plastic package marked with item no.: 61915 on the label with an expiration date of 12/31/2024 stamped on the back. The product UPC code is 89999-99888.

No illnesses or allergic reactions involving this product have been reported to date.

The recall was initiated after routine sampling by Florida Department of Agriculture and Consumer Services and subsequent analysis by Food Laboratory personnel revealed the presence of sulfites in the 5-ounce packages of Dried Mango which were not declared on the label. The consumption of 10 milligrams of sulfites per serving could occur in certain sulfite sensitive individuals upon ingesting 10 milligrams or more of sulfites. Analysis of the Dried Mango revealed they contained 22.21 milligrams per serving.

Consumers who have purchased 5-ounce packages of **"Good Brand Dried Mango"** are urged to return them to the place of purchase for a full refund. Consumers with questions may contact the company at 518-555-5555.

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Sample Recall

MODEL RETAIL/IN STORE NOTIFICATION

Voluntary Recall Notice

We were notified on <DATE> that traces of <ADULTERANT> were present in<PRODUCT> produced on <DATE(S)> in our store. We believe this to be an isolated occurrence in this one batch. We have had no other reports of <ADULTERANT> to date and are cooperating fully with the New York State Department of Agriculture and Markets with regards to the investigation of this incident.

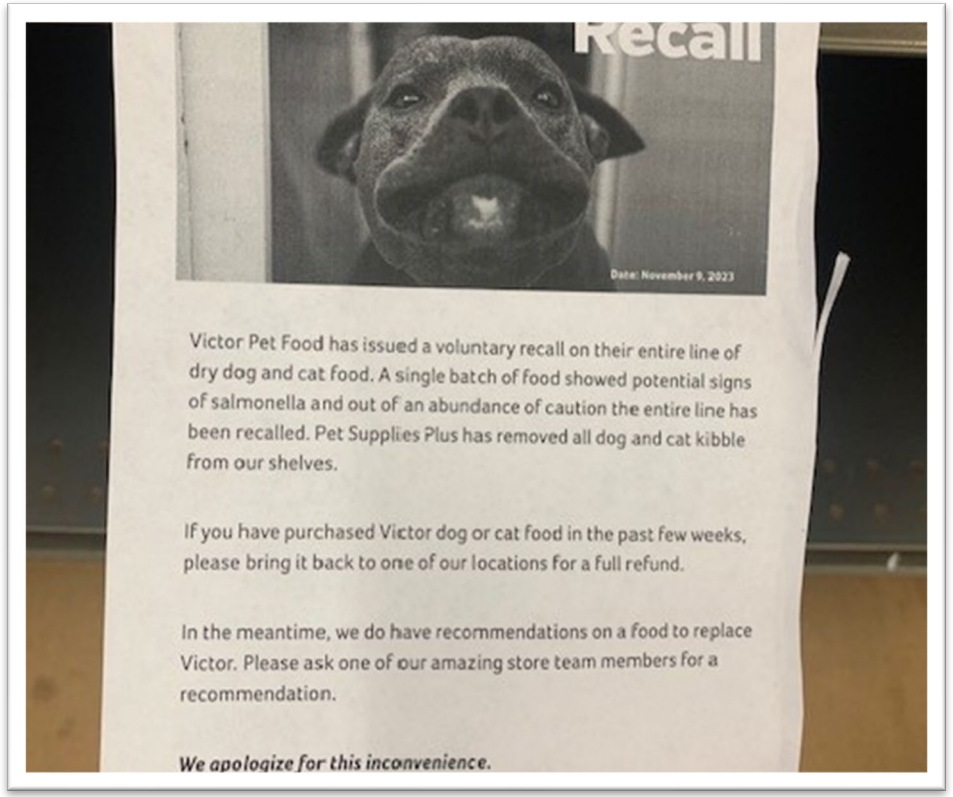
If you have any <PRODUCT> at all with a packed-on date of <DATE> and sell-by date of <DATE>, please return it for a full refund.

We appreciate your business and if you have any further questions, please feel free to call the store manager <NAME> at <PHONE NUMBER> or corporate office at <PHONE NUMBER>.

Thank You,

_____

(Store Owner's Name)



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Process Flow Steps

Step 6: Conduct Effectiveness Checks

Effectiveness checks should be used to verify the recall procedures successfully resulted in the removal of the affected product(s) from the food supply distribution chain. They should also provide evidence that product disposition instructions are being followed and that sub-recalls, if required, have been initiated. The recalling food business will ordinarily be responsible for conducting recall effectiveness checks.

The effectiveness checks are usually incorporated into the recall notifications. Effectiveness checks should be documented in the best manner available, such as via a telephone call log, a spreadsheet, electronic logs, email folders, paper reports, etc.

If the effectiveness checks reveal that the recall process is not achieving the intended goal, then additional steps should be taken to correct the process, such as reissuing the recall notice in another manner, contacting each entity a business sold its product to directly, etc.

A template that can be used for effectiveness checks is available as part of the Model Recall Letter on page 11.

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Process Flow Steps

Step 7: Prepare Status Reports

Food businesses affected by a food recall should compile the data received through their effectiveness checks and prepare a status report for the Department and any other state or federal agency consulting with the food businesses about the recall every two to four weeks until the recall is terminated. Status reports can be sent in the form of an email to the Department.

Step 8: Termination of Recall

When all reasonable efforts have been made to remove or correct the product(s) subject to a recall and proper disposition of the product(s) has concluded, a recall can be terminated. A food business should notify the Department and all other government agencies with which they have been interacting on the recall of their plans to consider a recall terminated. The government agency, federal or state, will determine when the recall is terminated. The Department will send a notification to the food business to indicate that corrective actions concerning the recall have been successfully completed.

Step 9: Record Retention

Food businesses are recommended to retain all records related to food recalls for a minimum of two years.[6]

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Food Safety Consumer Alerts

Food Safety Consumer Alerts

In addition to following the prescribed recall process described above, the Department also issues "Food Safety Consumer Alerts" for each Class I and Class II Recall to broadly make consumers more aware of the contamination found in foods sold, distributed and/or manufactured in New York State. Food safety consumer alerts are shared with local media outlets and are posted on the Department's website. For more information on food safety consumer alerts please click here: https://agriculture.ny.gov/food-safety-alerts

SAMPLE FOOD SAFETY CONSUMER ALERT

FOR IMMEDIATE RELEASE DATE

ABC APPLE JUICE FROM ABC FOOD & CO IS RECALLED DUE TO ELEVATED LEVELS OF INORGANIC ARSENIC

New York State Agriculture Commissioner Richard A. Ball today alerted consumers that ABC Apple Juice, manufactured by ABC Food & Co., located at 123 Alphabet Drive, Albany, NY, is recalled due to elevated levels of inorganic arsenic. Exposure to inorganic arsenic is associated with adverse human health effects, including cancer, diabetes, adverse birth outcomes, and cardiovascular and neurodevelopmental effects. No illnesses have been reported to date. Consumers concerned about an injury or illness associated with this product should immediately contact a healthcare provider.

ABC Apple Juice sold in 16-ounce bottles with UPC Code #123456789 and a "best if used by" date of January 1, 2023, are subject to this recall. A photo of the product is included in this consumer alert. The product was sold at Groceries-R-Us throughout New York State after July 1, 2022.

The contamination was discovered after sampling by New York State Department of Agriculture and Markets Food Inspectors and subsequent analysis of Food Laboratory personnel revealed the product tested above the action level for inorganic arsenic set by the U.S. Food and Drug Administration.

Consumers who purchased ABC Apple Juice products covered under this recall are urged to discard the product. Consumers with questions may contact ABC Food & Co at 1-800-000-0000.

About Food Safety Consumer Alerts: The New York State Department of Agriculture and Markets issues "Food Safety Consumer Alerts" for each Class I and Class II recall to make consumers more aware of contamination or adulteration found in foods sold, distributed, and/or manufactured in New York State. Food safety consumer alerts are shared with media outlets and are posted on the Department's website. Click here for more information on food safety consumer alerts.

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Appendix A

Appendix A: Examples of Contaminants That May Initiate a Recall and/or Consumer Food Safety Alert by NYS Department of Agriculture and Markets

(Disclaimer: This list does not contain every violation which may initiate a recall. Certain recalls may be reclassified due to the type, and/or level of contaminant found. Note: Not every laboratory analysis listed is conducted at the NYSAGM Food Laboratory)

	Class I	Class II	Class 3	Reference
Biological				
Campylobacter species	If present in ready to eat food	N/A	N/A	FDA: Bad Bug Book
Clostridium botulinum	If present	N/A	N/A	FDA: Bad Bug Book
Cryptosporidium	If present	N/A	N/A	FDA: Bad Bug Book
Cyclospora cayetanensis	If present	N/A	N/A	FDA: Bad Bug Book
E. coli O157:H7	If present	N/A	N/A	FDA: Bad Bug Book and USDA: E coli 0157:H7
Fish species	N/A	N/A	Species mislabeled	FDA: Fish Species
Hepatitis A virus	If present	N/A	N/A	FDA: Bad Bug Book
Listeria monocytogenes	If present in ready to eat foods	N/A	N/A	FDA: Listeria Link
Norovirus	N/A	If present	N/A	FDA: Bad Bug Book
Staphylococcus aureus (Staph) toxins	If present in ready to eat food	N/A	N/A	FDA: Bad Bug Book
Salmonella species	If present in ready to eat food	N/A	N/A	FDA: Salmonella Link

	Class I	Class II	Class 3	Reference
Chemical				
Aflatoxin	N/A	20 ppb or above	N/A	FDA:Aflatoxin and FDA:Aflatoxin in Milk
Alcohol	N/A	If undeclared and above 0.5% volume	N/A	CFR: Alcohol Link
Antibiotics in Milk	If present	N/A	N/A	FDA: Antibiotics in Milk & CFR: New Animal Drugs
Antibiotics in Fish	N/A	Levels Vary (See Reference)	N/A	FDA: Antibiotics in Fish
Antibiotics in Honey	N/A	10 ppb or above	N/A	FDA: Antibiotics in Honey
Cadmium	N/A	1 ppm or above	N/A	NYS: Current Cadmium Levels
Cadmium in Spices	N/A	1 ppm with a *proposed* action level of above 0.260 ppm[7]	N/A	NYS: Current Cadmium Levels NYS: Proposed Levels
Ciguatera (fish toxin)	If present	N/A	N/A	FDA: Fish Toxins
Cyclamates	N/A	If present	N/A	CFR: Cyclamates
Fat in Ground Beef	N/A	N/A	Over 30% Fat above 1% of declared fat on the label	CFR: Fat in Ground Beef
Honey Authenticity	N/A	N/A	If labeled as pure honey and additives (such as corn syrup) are found.	NYS: Honey Authenticity
Inorganic Arsenic	N/A	1 ppm or above	N/A	NYS: Current Inorganic Arsenic Levels
Inorganic Arsenic in Apple Juice	N/A	10 ppb or above	N/A	FDA: Inorganic Arsenic in Apple Juice
Inorganic Arsenic in Spices	N/A	1 ppm with a *proposed action level of above 0.210 ppm*[7]	N/A	NYS: Current Inorganic Arsenic Levels NYS: Proposed Level

[7] Implementation of the proposed action levels will occur over a time period of 18 months. The start date will be posted on the spices section of our website when it has been determined

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	Class I	Class II	Class 3	Reference
Inorganic Arsenic in Rice Cereals for Infants	N/A	100 ppb or above	N/A	FDA: Inorganic Arsenic in Rice Cereal
Juice Authenticity	N/A	N/A	If labeled as pure juice and found/ not in compliance with standard for that juice.	NYS: Juice Authenticity
Lead	Above 25 ppm	1 ppm or above	N/A	NYS: Current Lead Action Levels
Lead in Spices	Above 25 ppm	1 ppm with a *proposed action level of above 0.210 ppm*[8]	N/A	NYS: Current Lead Action Levels NYS: Proposed Levels
Lead in Processed Fruits, Vegetables (excluding single-ingredient root vegetables), Mixtures (including grain and meat-based mixtures), Yogurts, Custards/Puddings, and Single-Ingredient Meats Intended for Babies and Children Less Than Two Years Old;	Above 25 ppm	1 ppm with a *proposed action level of above 10 ppb*[9]	N/A	FDA: Action Levels Draft Guidance
Lead in Processed Root Vegetables (single ingredient) Intended for Babies and Children Less Than Two Years Old;	Above 25 ppm	1 ppm with a *proposed action level of above 20 ppb*[9]	N/A	FDA: Action Levels Draft Guidance
Lead in Processed Dry Infant Cereals Intended for Babies and Children Less Than Two Years Old	Above 25 ppm	1 ppm with a *proposed action level of above 20 ppb*[9]	N/A	FDA: Action Levels Draft Guidance
Lead in Can Seams	N/A	If found	N/A	CFR: Lead Solders

[8] Implementation of the proposed action levels will occur over a time period of 18 months. The start date will be posted on the spices section of our website when it has been determined

[9] Implementation of the proposed action levels will occur over a time period of 18 months after the initial FDA announcement

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Appendix B

Appendix B: An Overview of the NYS Department of Agriculture & Markets Process and Interagency Collaboration when a Food Product that is Sold Inside NYS is Subject to Recall/Food Safety Consumer Alert

(Disclaimer: This process may change based on the severity of the situation, whether a nationwide recall has been initiated or other mitigating factors)

Foods manufactured, packaged, distributed and sold by companies operating within New York State

- NYSAGM collects and tests food products (see appendix A) from retail stores, manufacturers and distributors
- If contamination is found, the process to remove the product from sale begins
- If retailer: NYSAGM works with them to remove the contaminated lots from their store(s) and identify through invoices where the product was purchased
- If manufacturer or distributor: NYSAGM requests a recall be initiated to remove the contaminated lots from their facility and entire distribution network
- NYSAGM sends out a food safety consumer alert to inform the public of the issue with the product
- As the recall progresses, NYSAGM monitors to verify the effectiveness of the recall
- When sample results are from food products made or distributed by a NY firm and sold in other states, NYSAGM shares the laboratory results of Class 1 or Class 2 recalls with the FDA

Foods manufactured outside NYS or shipped in-state by an out-of-state distributor, NYSAGM shares this information with the FDA

- NYSAGM requests the product within NY is recalled, and sends out a food safety consumer alert to inform the public of the issue with the product
- NYSAGM shares the laboratory results of interstate Class 1 and Class 2 recalls with the FDA
- FDA reviews the NYSAGM laboratory data results
- If FDA concurs with the result, and if outside of NYS and/or the NY District, the FDA may take regulatory action if within their district and/or will share this information with their counterpart in the district that the foods were manufactured
- If the FDA does not concur with the result, the FDA may not take any regulatory action against the firm

Foods manufactured outside NYS, or shipped in-state by an out-of-state distributor, NYSAGM shares this information with the State regulatory agency where the company is located

- NYSAGM requests the product within NY is recalled, and sends out a food safety consumer alert to inform the public of the issue with the product
- NYSAGM shares the laboratory results with the State regulatory official in the state where the manufacturer is located
- The State regulatory official reviews the NYSAGM laboratory data results
- If the State regulatory official concurs with the result, that State may take their own regulatory action against the firm
- If the state regulatory official does not concur with the result, that State may not take their own regulatory action against the firm

NYSAGM receives laboratory results from the FDA or another State regulatory official for a product manufactured or distributed by a NYS company,.

- NYSAGM receives laboratory results from the FDA or another State regulatory official regarding an in-state manufactuer
- NYSAGM reviews the laboratory data and if they concur, works with the manufacturer or distributor to recall the product and sends out a food safety consumer alert to inform the public of the issue with the product

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Website Links

- Food Product Recall Booklet:

https://www.agriculture.ny.gov/food-safety/food-safety-recall-book

- Food Safety Consumer Alerts:

https://agriculture.ny.gov/food-safety-alerts

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Questions?

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