



Regulatory compliance in the air cargo supply chain

A guide to new legislation

**USA Food and Drug Administration (FDA)
Bioterrorism Act 2002**

Australia

Bioterrorism Act 2002

<http://www.fda.gov/oc/bioterrorism/bioact.html>

This new regulation applies to participants in the import supply chain to the United States of America - Growers/Harvesters, Manufacturers/Processors, Packers/Forwarders, Purchasers/Importers. This new regulation pertains *only* to the importation of food, for consumption in the U.S.A. This regulation does not pertain to cargo transiting the USA with a final destination outside the USA e.g. SYD-AKL-LAX-LHR Examples of "food" include:

<i>Dietary supplements and dietary ingredients</i>	<i>Beverages (including alcoholic beverages and bottled water)</i>
<i>Infant formula</i>	<i>Fruits and vegetables</i>
<i>Fish and seafood</i>	<i>Dairy products and shell eggs</i>
<i>Raw agricultural commodities for use as food or components of food</i>	<i>Bakery goods, snack food, and candy (including chewing gum)</i>
<i>Canned and frozen foods</i>	<i>Live food animals</i>
<i>Animal feeds and pet food</i>	<i>NB meat, egg and poultry products are excluded</i>

The current regulations prescribe two main actions for the Australian Export supply chain.

1. **Registration:** Facilities that manufacture/process, pack, or hold food, as defined in the regulation, for consumption in the U.S.A, *must* register with the FDA between 16 October and December 12, 2003. Facilities may register online via the Internet, by completing a paper form, or submitting to FDA a CD-ROM or FAX with relevant registration information. It is mandatory to have a USA based Agent.
2. **Prior Notification:** The FDA must receive prior notice of food imported into the United States, beginning on December 12, 2003. Prior notice can be submitted either through ABI/ACS (the current USA Importer/Broker electronic channels) or a new internet based, Prior Notice (PN) System. Prior notice must be received and confirmed electronically by the FDA no more than 5 days before arrival and no fewer than - 4 hours before arrival by air.

Air New Zealand - The Proposed Export Process

1. **Booking with Air NZ Cargo:** At the booking stage, please inform us if the cargo is an FDA type commodity. We will record this in our system. We are required to alert US Customs (CBP) of every FDA shipment. If you cancel a Prior Notification where a MAWB has only a single Prior Notification, you must also inform Air NZ Sales. We will then remove the FDA indicator from our US Customs message.
2. **Prior Notification (PN):** This must be received and confirmed electronically by the FDA no fewer than 4 hours prior to aircraft arrival at the first port of entry in the USA. The PN may be sent before or after the NZ flight departure ex Australia. The purchaser or importer (or their qualified agent) who resides or maintains a place of business in the United States, is required to submit prior notice. Please email Air New Zealand at NZFDA@airnz.co.nz with every PN confirmation number obtained via the PN Internet based system. (Not applicable to PN confirmation #s obtained via ABI/ACS) We may be required to present this PN number to CBP or the FDA at the first port of entry. Email Subject line - <flight/date> , <first port of entry USA>, <MAWB#> e.g.NZ02/12 Dec, LAX, 086-12345678, (please include all PN confirmation numbers in the body of the email.)
3. **Destination:** The USA importer/agent or carrier may be informed of any cargo that is refused or detained by the FDA. Air New Zealand will assist in the recovery of the cargo, as appropriate.