U.S. FOOD & DRUG ADMINISTRATION

FDA FACT SHEET

COMMISSIONING PROGRAM

Program Description

- Officers or employees of state/local/territorial/ tribal public health regulatory agencies are eligible for commissioning by the FDA.
- Commissioning authority is expressly outlined in Section 702(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act).
- Being commissioned with FDA authority enables state or local officials:
    - To conduct inspections and collect samples under contract with FDA, even if their own laws do not give them the required authority.
    - To operate under the FD&C Act which, in some situations, may afford more enhanced consumer protection authority.
- A State or local government official commissioned by the Food and Drug Administration pursuant to 21 U.S.C. 372(a) shall have the same status with respect to disclosure of Food and Drug Administration records as any special government employee.

Intended Outcomes

- The Commissioning Program has been developed to make inter-agency cooperation more effective and, hence, increase the amount of protection afforded the American consumer.
- Allows States to fulfill FDA contractual inspectional obligations.
- Holding an FDA commission enables state and local officials to review confidential FDA Investigative files and other non-public information (NPI).

Success Story

- **Manufactured Food Firm - Alabama**

- A “For Cause” inspection was conducted and discovered *Listeria Mono* (Lm) samples during the course of inspection. This resulted in a voluntary recall by the firm.
- Officials worked in conjunction with New Orleans District Office (NOL-DO) Compliance Branch to establish a voluntary Regulatory and Public Health Agreement, between the state and the firm.
- The agreement requires comprehensively overview of retention of sanitation and microbiology expertise; documentation of environmental/product testing; state notification of presumptive positive results for Lm, root cause analysis, and training.
- Non-public information and federal regulatory authority was shared with officials from multiple states, facilitating an integrated food safety response.

U.S. Food and Drug Administration
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For more information:

- Commissioning Information
- Info-Sharing Information

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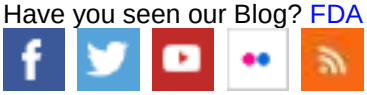

The FDA, an agency within the U.S. Department of Health and Human Services, protects the public health by assuring the safety, effectiveness, and security of human and veterinary drugs, vaccines and other biological products for human use, and medical devices. The agency also is responsible for the safety and security of our nation's food supply, cosmetics, dietary supplements, and products that give off electronic radiation, and for regulating tobacco products.

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