

R. McCONNELL GROUP PLLC

A BOARD GUIDE

# Food Safety

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Safe, high-quality food from farm to fork

The food-safety management system: supplier and facility standards, traceability, distribution and store controls, audits, training, and product removals



## WHY IT MATTERS

# Why Food Safety Matters

In food, a control failure can become a public-health event

### Protect customers

A comprehensive system delivers safe, high-quality food from farm to fork

### Meet legal duties

All markets must comply with applicable food-safety laws and regulations

### Guard the brand

Food-safety events directly impact customer trust and reputation

### Drive maturity

A maturity model lets each market measure and improve its program

## THE COMMITMENT

The organization is committed to providing safe, high-quality food in every market in which it operates

## UPSTREAM CONTROLS

# Safety Starts at the Source

Supplier approval, certification, and traceability govern what enters the chain

### Supplier pre-approval

A formal, consistent approval process applies to suppliers and factories

### Risk-based classification

A documented framework classifies suppliers by inherent and reputational risk

### Recognized certification

Facilities must hold a globally recognized food-safety certification

### Food-safety specifications

Documented specifications define safety requirements by product category

### Traceability

One-step-back, then full supply-chain visibility for materials and products

### Label & claim review

Regulatory review verifies ingredients, allergens, and claims

THROUGH THE CHAIN

# Operations & Oversight

Distribution, stores, audits, and rapid removals keep product safe

## Receiving standards

Formal receiving and load-rejection standards apply to incoming product

## Storage & protection

Proper storage, rotation, and protection run through distribution

## Sanitation & pest control

Maintenance, sanitation, and pest-management plans run on schedule

## Food defense

Site-security plans include vulnerability assessment and review

## Food-safety audits

Standardized audits run at distribution centers and stores

## Product removals

Formal procedures enable prompt recalls and removals

## THE SYSTEM

# Nine Program Domains

The domains that define a mature food-safety program

Suppliers & manufacturing

eCommerce

Labeling

Distribution & transport

Store operations

Training

Communication

Pest management

Food fraud

### TRACEABILITY

Full end-to-end traceability is the goal; under the U.S. Food Traceability Rule (FSMA Section 204), enhanced traceability records are required for foods on the FDA Food Traceability List, with compliance required by July 20, 2028

## KEY TERMS

# Definitions

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### **Traceability**

The ability to follow a product and its raw materials through the supply chain

### **Recall / product removal**

A formal procedure to identify and remove affected product promptly

### **Food defense**

Protecting food from intentional contamination through security and vulnerability assessment

### **Food fraud**

Intentional deception involving food for economic gain, addressed by dedicated controls

# Questions the Board Should Ask

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A few questions test how safe the food chain really is

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## What share of supplier facilities are certified?

Certification coverage is a leading indicator of upstream control

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## Can we trace product through every node?

Full traceability determines how fast and clean a recall is

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## How quickly can we execute a recall?

Removal speed directly limits customer harm and liability

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## Are audit exceptions tracked to closure?

Open exceptions are where food-safety failures accumulate unseen

# Firm Lawyers

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## Matthew Boyden

is a trial lawyer and former federal prosecutor with more than thirty-five years of experience. He represents companies and executives in high-stakes criminal, civil, regulatory, and governance matters, and is regularly engaged where litigation risk, regulatory scrutiny, and institutional exposure intersect. His practice includes federal criminal defense, complex civil litigation, internal investigations, and board-level advisory work, including securities, sanctions and trade controls, anti-corruption, and anti-money laundering.

## Larry Finder

is a trial lawyer and former United States Attorney with more than four decades of experience handling complex criminal, civil, and regulatory matters of national significance. He represents individuals, corporations, and boards confronting serious legal, institutional, and reputational risk. He served in increasingly senior roles at the U.S. Department of Justice, including Chief of the Criminal Division and First Assistant U.S. Attorney, before being appointed United States Attorney for the Southern District of Texas in 1993.

## Ryan McConnell

is a former federal prosecutor and trial lawyer who represents companies, boards, and executives in high-stakes criminal, civil, and governance matters. He has tried nearly twenty federal jury trials and conducted hundreds of investigations involving complex fraud, cross-border enforcement, and sensitive regulatory issues. His practice focuses on federal criminal defense, complex civil litigation, internal investigations, and advising boards and senior executives on matters requiring judgment under pressure.