

## Resources

### Food Law and Safety During COVID-19

April 1, 2020

The coronavirus pandemic has impacted the food industry, just as it has many others. The good news is that food-to-person transmission of the disease does not seem to be a risk. The challenge remains keeping workers safe from airborne and surface transmission. However, the FDA and the USDA have provided guidance and recommendations to food producers to deal with COVID-19, links to which have been provided below. The guidance focuses on stopping the person-to-person spread of the disease. There are also supply chain concerns addressed in the guidance and waivers for some in-person requirements. We will continue to update important federal, state and local laws as they appear.

- <https://www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19>. Go to industry guidance “Temporary Policy Regarding Preventative Controls and FSVP Supplier Verification Onsite Requirements During the COVID-19 Public Health Emergency”
- [gov/coronavirus](https://www.fda.gov/coronavirus)
- [ca.gov/coronavirus](https://www.ca.gov/coronavirus)
- <https://www.doh.wa.gov/Emergencies/Coronavirus/food-workers>
- <https://dshs.texas.gov/foodestablishments/default.aspx>
- <https://www.michigan.gov/coronavirus>
- <https://www.mda.state.mn.us/food-feed/food-safety-information-resources>
- [Explainer: How long can coronavirus survive on surfaces?](#)
- <https://www.fb.org/market-intel/whats-in-the-cares-act-for-food-and-agriculture> The FDA eased restrictions on nutrition labeling of certain packaged food during the COVID-19 crisis. “Restaurants that wish to sell packaged food to customers directly, or other businesses for sale to consumers, the FDA does not intend to if the packaged food lacks a Nutrition Facts label,” unless the package makes nutrition claims. In addition, the FDA will withhold objection “to further production of food labeled for use in restaurants that is intended to be sold other than to restaurants until retail packaging is available.”
- <https://www.fda.gov/food/cfsan-constituent-updates/fda-provides-temporary-flexibility-regarding-nutrition-labeling-certain-packaged-food-response-covid> The FDA has also suspended the menu labeling requirements for the duration of the national emergency. When the national emergency ends, the requirements will be in effect again.
- [https://www.fda.gov/regulatory-information/search-fda-guidance-documents/temporary-policy-regarding-nutrition-labeling-standard-menu-items-chain-restaurants-and-similar?utm\\_campaign=Outbreak\\_MenuLabeling\\_COVID-19\\_04%2F01%2F2020&utm\\_medium=email&utm\\_source=Eloqua](https://www.fda.gov/regulatory-information/search-fda-guidance-documents/temporary-policy-regarding-nutrition-labeling-standard-menu-items-chain-restaurants-and-similar?utm_campaign=Outbreak_MenuLabeling_COVID-19_04%2F01%2F2020&utm_medium=email&utm_source=Eloqua)

For more information or questions about the food law and safety during COVID-19, please contact David Graham at 612-486-1521 or [dgraham@dykema.com](mailto:dgraham@dykema.com).

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Food & Beverage

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