

National Fisheries Institute Template: Supplier Written Agreement (v.2 December 28, 2023)
Please cut and paste the below text on to your company letterhead. Modify as needed for your business.

Effective date:

FDA Food Traceability Supplier Written Agreement

This letter serves as a written agreement between _____, the shipper of the food named below which is on the FDA Food Traceability List (FTL) and _____, the receiver of the food.

The receiver agrees to apply a kill step to the food OR change the food so that it is no longer on the Food Traceability List OR the receiver agrees to only ship the food to another entity that also agrees in writing to the same.

Specific item names/descriptions/SKU of food item(s):

Please check as appropriate:

Food will be subject to a kill step by the receiver. (Please note that the receiver cannot be a restaurant, retailer, or consumer). [Kill step is defined by FDA](#) as lethality processing that significantly minimizes pathogens in food. The receiver will keep records documenting that the kill step was appropriately applied.

OR

Food will be transformed by the receiver so that it is no longer considered a food on the Food Traceability List. (Please note that the receiver cannot be a restaurant, retailer, or consumer).

OR

If immediate receiver is not performing either action above, the receiver agrees to only ship the food to a subsequent receiver who has entered into a similar written agreement stating that a kill step will be applied to the food or that the food will be transformed such that it is no longer on the Food Traceability List.

(§ 1.1305 (d)(6)(i) and (ii))

Shipper Name:

Receiver Name:

Shipper Signature:

Receiver Signature:

Shipper Company Name:

Receiver Company Name:

Shipper Facility Address(es):

Receiver Facility Address(es):

This written agreement must be maintained by both named parties above for as long as it is in effect and must be renewed at least once every 3 years.

Support Information

- FDA's Food Traceability List
- 21 CFR 1.1305 (d)(6)
- FDA kill step definition clarification (Response #185):
<https://www.federalregister.gov/d/2022-24417/p-566>

Note:

- This written agreement can be used as a stand-alone document, or the above language can be written into existing contracts or other documents between the shipper and receiver.
- The written agreement can be written to cover the FTL food on a per-lot/per-shipment, or other basis (*e.g.*, all products the shipper provides to the receiver will receive a kill step).