

Top Issues in 2020: Agribusiness, Food & Beverage

WATER ISSUES (SOURCING, REUSE AND DISPOSAL)

Farming and food production have always been water intensive businesses. In 2020, concerns about the impact of agriculture on surface and ground water quality and quantity are driving renewed regulatory interest in water issues across the U.S., and especially in the nation's breadbasket. Water scarcity in western states continues to drive conversations about sourcing, use, and reuse of water. And growing consumer and supply chain interest in sustainability are spurring more voluntary efforts to quantify and reduce environmental impacts of water use in the food and beverage sector.

FOOD SAFETY ISSUES, RECALLS & CRISIS COMMUNICATION

Food safety issues and product recalls have dominated headlines in recent years and predictably rank near the top concerns of food industry executives. While no food or beverage manufacturer expects to experience a food safety issue, being prepared to respond to potential recall situations can make all the difference. 2020 will also bring continued implementation of foundational rules promulgated under the Food Safety Modernization Act (FSMA) and FDA's recently announced "New Era of Smarter Food Safety" initiative designed to address the food system's biggest food safety challenges.

CBD ADDITIVE REGULATION

Fueled by growing consumer interest and demand, cannabidiol (CBD) products experienced exponential growth in 2019. FDA has taken a deliberate and measured approach to regulating CBD products. Though FDA states that it continues to explore pathways for CBD products to be lawfully marketed, the agency recently announced that it cannot conclude CBD is generally recognized as safe (GRAS) for use in human or animal food and issued more than a dozen new Warning Letters targeting CBD products, including some to food and beverage manufacturers adding CBD to their products.

EMERGING CONTAMINANTS

In 2019, the U.S. EPA and a growing group of states announced major policy efforts to more closely regulate per- and polyfluoroalkyl substances (PFAS), a group of nearly 5,000 man-made chemicals that have been used in a wide variety of industrial and commercial applications for decades, including in the food & beverage industry. Rapidly developing scientific knowledge and growing public interest in PFAS is likely to ensure these regulatory efforts will accelerate in 2020.

HOW WE CAN HELP

Michael Best helps clients plan for the future while navigating today's shifting terrain of federal, state, and local regulations and enforcement. We have deep experience in regulatory compliance and defense, coupled with the capability to deliver a broad range of legal services.

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