

Food Safety Modernization Act Compliance

National Sugar Marketing (NSM) LLC is compliant with the United States Food and Drug Administration's (FDA) Food Safety Modernization Act (FSMA). Compliance to the various provisions of the law and revised current Good Manufacturing Practices (cGMPs) are met via the following:

Development: The quality assurance team members at NSM have gained accredited, preventive controls qualified individual (PCQI) certification in addition to our comprehensive hazard analysis and critical control point (HACCP) training. The additional certification ensures that all HACCP plan updates are compliant with new regulations, based on corroborated science, and assures continued food safety.

Hazard Analysis and Risk-Based Preventive Controls: All NSM facilities have a functional HACCP program in place. The efficacy of these programs are validated by industry-specific science, empirical evidence of safety, and continued verification through internal audits and third-party certification.

- A. **Hazard Analysis:** Our thorough hazard analysis conducted for every process step includes the latest information relating to emerging biological, chemical, and physical hazards. Our quality team has also considered radiological hazards from various sources, including proximity of radioactive materials and use of contaminated water resulting from nuclear accidents. NSM has concluded that a radiological risk to our food is nonexistent; no NSM facility is located near a nuclear reaction source.
- B. **Intentional Contamination:** NSM facilities maintain active food defense plans which are assessed regularly and verified by third-party audits. Some food defense measures are limited employee access, video surveillance, and employee sign-in at critical product areas. In addition, our assessments also consider adulteration for economic gain and, based on the low-cost nature of our products, deemed it improbable.
- C. **Sanitary Transportation of Food:** NSM has imported measures to meet the FSMA requirements for the sanitary transportation of human food rule through rigorous transport inspections, wash certificate documentation, and prior load verification.

Incident Response: NSM has an effective recall policy and procedure in place. The procedures are verified by mock trace exercises conducted a minimum of biannually. We are also fully aware of the Reportable Food Registry, whereas, under section 415(a) of the FD&C Act (21 U.S.C. 350d), we are "required to report when there is a reasonable probability that the use of, or exposure to, an article of food will cause serious adverse health consequences or death to humans or animals." In addition, storage locations of NSM are

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such that detention of raw or finished goods is readily achievable in the event that we or the FDA deem it as necessary.

Supply-Chain Program and Foreign Supplier Verification: NSM facilities do not directly import sugar and we ensure that our importing partners meet Foreign Supplier Verification Program requirements through the implementation of facility Supply-Chain Programs. These programs verify that domestic and foreign sugar suppliers are audited to the highest food safety standards and that suppliers maintain an adequate HACCP plan.

Recordkeeping: NSM strives for exceptional recordkeeping in spite of being classified as low-risk. Records are maintained for a minimum of three years and are easily retrievable if requested.

Enhanced Partnerships: NSM has developed relationships with local FDA and Health Department officials and complies with all regulations, such as labeling and equipment specifications. We have also partnered with industry associations including American Society of Sugar Beet Technologists (ASSBT), International Society of Beverage Technologists (ISBT), and the Institute of Food Technologists (IFT).

Inspection and Compliance: NSM's continued compliance with food regulations is verified by FDA inspection and third-party certification. Due to a risk assessment conducted by the FDA, their inspections are very irregular (typically once every 2-3 years). During these inspections, no food safety nonconformities have ever been documented.

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