

What is the Food Safety Modernization Act?

The Food Safety Modernization Act was signed into law by President Obama in January 2011. Aimed at making America's food safer, the law contains **the first private sector whistleblower protections enacted specifically for the food industry**, empowering millions of workers to come forward before harm occurs.

The law safeguards "employees of entities involved in the manufacturing, processing, packing, transporting, distribution, reception, holding, or importation of food who provide information relating to any violation of the Federal Food, Drug and Cosmetic Act." Therefore, workers who report FDA violations are covered.

What Foods are Regulated by the FDA?

With the exception of meat, poultry and some egg products, the FDA regulates virtually all food. This includes fruit, vegetables, cereal, nuts, milk, cheese, baby food, and even pet food.



Contact Us

Before you blow the whistle, know your rights. Know how you can speak out and protect yourself against retaliation. Or learn how to blow the whistle and still remain anonymous, if you prefer.

Visit the Food Integrity Campaign website at:

foodwhistleblower.org

— or call —

(202) 457-0034

The mission of the **Food Integrity Campaign** – a program of the Government Accountability Project (GAP) – is to enhance overall food integrity by protecting the rights of employees in the food industry and government who speak out against unsafe, unhealthy and inhumane practices.

The **Government Accountability Project**, the nation's leading whistleblower protection and advocacy organization since 1977, provides confidential expert legal advice and counseling to workers who expose wrongdoing on the job. We offer independent and objective information—and we'll protect your privacy.

Government Accountability Project

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Whistleblower Protections in the Food Safety Modernization Act



The Government Accountability Project supports a community of whistleblowers, truth-tellers and advocates to safeguard our food through the Food Integrity Campaign.

GAP GOVERNMENT ACCOUNTABILITY PROJECT
Truth be told.

The Food Safety Modernization Act

This act provides sweeping protections for private sector food industry employees who report a violation of food laws enforced by the Food and Drug Administration (FDA). Employers may NOT retaliate against an employee who blows the whistle on any violation of these laws.

Who Is Protected?



An employee who discloses a food safety violation to the proper authorities

Example: A peanut butter plant manager who is fired for providing FDA inspectors negative pathogen test results, **OR** a forklift operator who is transferred to another facility for notifying the FDA that animal droppings are adulterating fresh produce.



A worker who refuses to engage in activity that could harm consumers

Example: A line worker who refuses to package eggs she reasonably believes could be contaminated with salmonella, **OR** a trucker who refuses to transport imported goods that don't meet safety standards.



An employee that participates in any legal or government proceeding related to Food Safety Modernization Act violations

Example: A plant supervisor who is threatened by a superior for cooperating with FDA investigators or who serves as a witness in a whistleblower case.

Not all food industry employees are protected under the law. The Food Safety Modernization Act covers violations of FDA regulations – generally not USDA violations – but other whistleblower protections may apply to you! Visit FIC's website to learn more about your rights: foodwhistleblower.org.

What Is Considered Retaliation?

- Job termination
- Demotion
- Harassment or other discrimination for engaging in whistleblowing
- Suspension
- Threat

Victims of Retaliation May Receive:

- Job reinstatement
- Back pay plus interest
- Restoration of all terms, conditions, and privileges associated with the job
- Reimbursement by employer for legal costs and expenses

If You Are Retaliated Against for Whistleblowing:

You can get help and advice from GAP by calling:

(202) 457-0034

You can also file a complaint with the **Department of Labor's Occupational Safety and Health Administration (OSHA)**. Contact your regional office directly (www.osha.gov) or make a toll-free call to **1-800-321-OSHA**.