



May 21, 2026

***Re: Questions and Answers About Requirements for Additional Traceability Records for Certain Foods: Guidance for Industry Regarding Food Traceability Requirements for Certain Foods, FDA-2025-D-2837-0002***

To whom it may concern:

The National Restaurant Association appreciates the opportunity to provide comments on the draft guidance document concerning additional traceability requirements and respectfully offers the following recommendations and requests for clarification.

Founded in 1919, the National Restaurant Association is the leading business association for the restaurant industry, which comprises nearly 1 million restaurant and foodservice outlets and a workforce of 15.7 million employees. Together with 52 state associations, the National Restaurant Association creates a network of professional organizations dedicated to serving every restaurant through advocacy, education, and food safety.

Food safety is the restaurant industry's top priority, and we are committed to increasing traceability throughout the supply chain. Since the FDA's final traceability rule was published in 2022, the Association has worked diligently to educate our members on the rule's requirements, timelines, exemptions, and compliance strategies. However, a number of challenges remain for many of our members who are working to comply with the rule.

**Question 6 – Clarification Regarding KDE Expectations in Limited Circumstances**

The draft guidance acknowledges that there may be circumstances in which maintaining the full set of required Key Data Elements (KDEs) is not feasible for restaurants or retail food establishments. However, the guidance does not clearly identify what information FDA would expect operators to maintain in those circumstances.

The Association respectfully requests that FDA provide additional clarification regarding what minimum KDEs or alternative documentation would be considered acceptable when full KDE collection is not operationally feasible. Additional clarity would help restaurants better understand FDA's expectations and support more consistent implementation across the industry.

**Question 7 – Clarification of “Ad Hoc” Transfers and “Shipping Events”**

The Association is concerned that the answer provided in Question 7 could unintentionally classify emergency or incidental food transfers between restaurants as “shipping events” subject to full traceability requirements.



Restaurants frequently encounter unexpected shortages due to equipment failures, delivery disruptions, weather events, or sudden increases in customer demand. In these circumstances, operators may obtain food from a nearby grocery store, distributor, or another restaurant location on a temporary emergency basis to continue serving customers safely and avoid food waste.

The Association believes these emergency transfers should continue to qualify as “ad hoc” events, regardless of whether the food is obtained from an approved source, such as a permitted grocery store or another restaurant. For consistency, the determining factor should be the emergency and incidental nature of the transfer- not the type of establishment providing the food.

Importantly, occasional or recurring emergency shortages are a common operational reality in the restaurant industry and should not, by themselves, convert these transactions into formal “shipping events” requiring full traceability recordkeeping.

The Association therefore respectfully recommends that FDA revise the answer to clarify that:

- Emergency or incidental food transfers conducted to address temporary shortages remain “ad hoc” events;
- The classification should not depend on whether the food originates from a grocery store, restaurant, or similar retail food establishment; and
- Such transfers should only be considered “shipping events” when they are part of a structured or routine distribution model.

The Association agrees that a “shipping event” designation may be appropriate in situations where:

- A restaurant or commissary routinely purchases food for multiple locations;
- A central kitchen regularly distributes food to affiliated locations; or
- A business operates as an ongoing distribution hub rather than conducting incidental emergency transfers.

Clarifying this distinction would improve consistency and reduce confusion for restaurant operators attempting to comply with the rule.

### **Request for Clarification Regarding “Parent Company” and “Same Company”**

The Association also requests additional clarification regarding FDA’s use of the terms “parent company” and “same company” in Question 7.

The current response appears to assume that many restaurants operate under centralized corporate ownership structures. However, a substantial portion of the restaurant industry consists of independently owned small businesses, franchisees, family-owned operations, and informal business relationships that may not fit neatly within a traditional corporate framework.

For example, two restaurants may be separately owned by brothers within the same family and operate as independent businesses despite using similar ingredients and occasionally transferring

food items between locations to address temporary shortages. Although the restaurants may compete with one another and are not part of the same legal entity or corporate parent company, these occasional transfers may still occur as part of normal operational realities. Similarly, franchise operators often do not consider themselves part of the “same company,” even when operating under the same brand name.

Additional clarification regarding how FDA intends these concepts to apply to franchise systems, independently owned locations, and family-operated ownership arrangements would significantly improve compliance understanding across the restaurant industry.

### **Additional Recommendations**

The Association respectfully offers the following additional observations regarding the draft guidance:

- The guidance would benefit from additional plain-language explanations and operational examples tailored to restaurant and retail food establishment audiences.
- There appear to be several typographical inconsistencies where “FTL” and “FLT” are used interchangeably when referring to the Food Traceability List.
- FDA should consider including additional examples that distinguish incidental emergency transfers from formal distribution activities.

### **Conclusion**

The Association appreciates FDA’s continued engagement with stakeholders on implementation of the traceability rule and looks forward to continued collaboration to support practical, risk-based, and operationally feasible compliance approaches for the restaurant industry.

Sincerely,

A handwritten signature in black ink that reads "Laura Abshire". The signature is written in a cursive, flowing style.

Laura Abshire  
Senior Director of Food and Supply Chain Policy  
National Restaurant Association