# Food and Dietary Supplement Safety and Regulation Conference

*For the Food and Dietary Supplement Industries*

**March 30-31, 2022 | Virtual Event**

**Wednesday, March 30**

**11:00 AM–12:00 PM** **FDLI Welcome and Keynote Address**
**Amy Comstock Rick,** President & CEO, FDLI
**Heili Kim,** Partner, Faegre Drinker Biddle & Reath LLP and Chair, FDLI Food and Dietary Supplement Conference Planning Committee
**Leslie Kux,** Deputy Director for Nutrition, Regulatory Policy, and Engagement, Center for Food Safety and Nutrition (CFSAN), FDA

**12:10–1:00 PM** **Food and Dietary Supplement Regulation Year-in-Review**
This session will recap the most significant recent developments in food and dietary supplement regulation and enforcement, including updates on FDA and United States Department of Agriculture (USDA) inspections, FDA and Federal Trade Commission (FTC) warning letters and enforcement, and compliance challenges faced by manufacturers and retailers. Panelists will also discuss the extent to which federal regulation and enforcement may have impacted private litigation over the past year.

**John F. Johnson,** Of Counsel, Shook Hardy & Bacon LLP
**Elizabeth B. Fawell,** Partner, Hogan Lovells
*Moderated by* **Stuart M. Pape,** Senior Partner, Polsinelli PC

**1:00–1:30 PM** **Break**

**1:30–2:30 PM** **Ingredients and Food Contact Substances: Assessing the US Approach to Safety**
Recently, FDA received a petition seeking to rescind its approval of bisphenol-A (BPA) in food packaging. This is just the latest example of safety concerns surrounding substances added to our food and food packaging, both intentionally and unintentionally. Panelists will discuss a wide range of ingredient and contact substance safety topics, including allergen disclosures and recalls, "Generally Recognized as Safe" (GRAS) notices, and the role of Proposition 65 and other state regulations in food and dietary supplement safety.

**Trenton H. Norris,** Partner, Arnold and Porter LLP
**Evangelia C. Pelonis,** Partner, Keller and Heckman LLP
**Nury Helena Yoo,** Partner, Faegre Drinker Biddle & Reath LLP
*Moderated by* **Steven Armstrong,** Senior Regulatory Advisor, Haynes and Boone, LLP

**2:40–3:40 PM** **Technology and Innovation: Can it Improve Both Food Safety and Food Access?**

Technologies such as blockchain traceability and AI-guided complaint monitoring have the potential to improve food safety. Additionally, other technologies such as automated delivery and shelf life extending packaging could potentially improve access to nutritious foods. However, cutting-edge technologies tend to be expensive, and widespread adoption could lead to higher food prices and potentially worsening food access for disadvantaged populations. This session will feature an overview of several new and emerging technologies, followed by a discussion on how they can be implemented while also removing barriers to food access, including what party or parties could or should bear the associated costs.

**Laurie Beyranevand,** Director and Professor of Law, Center for Agriculture and Food Systems, Vermont Law School
**Keith A. Matthews,** Of Counsel, Wiley Rein LLP
*Moderated by* **Brian Sylvester,** Special Counsel, Covington & Burling LLP

**3:50–4:50 PM** **Dietary Supplements: Finished Product Specifications, Serious Adverse Events (SAEs), and More**

Dietary supplements continue to thrive as consumers become increasingly health-conscience and health-focused. Panelists will address an array of considerations for dietary supplement manufacturers, including nutrient content verification, complaint monitoring, reporting SAEs, conducting recalls, third-party contracting, and insurance.

**Jonathan M. Cohen,** Partner, K&L Gates LLP
**Tara Lin Couch,** Senior Director, Dietary Supplement and Tobacco Services, EAS Consulting Group
*Moderated by* **Robert Durkin,** Of Counsel, Arnall Golden Gregory LLP

**4:55–5:30 PM** **Welcome Reception and Food Law Trivia Contest**

## Thursday, March 31

**11:00 AM–12:00 PM** **FDLI Welcome and Keynote Address**

**Steven Leslie,** Deputy Director, Educational Programs, FDLI
**Sandra Eskin,** Deputy Under Secretary for Food Safety, Office of Food Safety, USDA

**12:10–1:10 PM** **Environmental Challenges and Impacts on Product Safety**

Heavy metals, man-made chemicals, and bacteria-contaminated water are just a few of the environmental hazards that impact food safety. Panelists will survey current federal and state initiatives to combat these problems, including FDA's Closer to Zero: Action Plan for Baby Foods, the proposed Agricultural Water Rule, and Environmental Protection Agency (EPA) and state efforts to limit exposure to per- and polyfluoroalkyl Substances (PFAS) and pesticides.

**Samuel D. Jockel,** Senior Associate, Alston & Bird LLP
**Marisa Kreider,** Principal Science Advisor, Cardno ChemRisk
**Timothy York,** Chief Executive Officer, California Leafy Greens Marketing Agreement (LGMA)
*Moderated by* **Neal D. Fortin,** Director, Institute for Food Laws and Regulations, Michigan State University and Professor, Department of Food Science and Human Nutrition, Michigan State University College of Law (com)

**1:10–1:40 PM** **Break**

**1:40–2:40 PM** **Preparing for a World Where Cannabinoids are Legal for Foods and Dietary Supplements**

While still prohibited by FDA as a food or dietary supplement ingredient, products containing cannabinoids such as Cannabidiol (CBD) and delta-8 Tetrahydrocannabinol (THC) have exploded onto the market. This session will address what a federal regulatory scheme might look like before turning to the practical issues facing companies seeking to enter the market, including sourcing, testing, documenting, and marketing considerations.

**Holly J. Bayne,** Founder, The Law Office of Bayne & Associates
**Rodney Butt,** Senior Vice President – Strategic Solutions, Nutrasource Pharmaceutical and Nutraceutical Services
**T. Daniel Logan,** Associate, Kleinfeld, Kaplan & Becker, LLP
*Moderated by* **Kate W. Hardey,** Partner, McGuireWoods LLP

**2:50–3:50 PM** **Alternative Proteins and Regulating Novel Products**

Alternative proteins are a growing and highly innovative product category, with products ranging from cell-cultured meats to those derived from plants, fungi, microbes, and even insects. They also present unique and complex regulatory challenges, as do other novel foods and dietary supplements. Panelists will discuss the state of alternative protein products, current questions regarding regulation and safety, and how regulators can keep pace with rapid innovation while navigating uncertain science.

**José Alberto Campos-Vargas,** Partner, Sánchez Devanny (sub)
**Amaru J. Sánchez,** Associate, Wiley Rein LLP (sub/com)
**Eric Schulze,** Vice President of Product and Regulation, UPSIDE Foods
*Moderated by* **Deepti A. Kulkarni,** Partner, Sidley Austin LLP

**4:00–4:50 PM** **The Future of Food and Dietary Supplement Regulation: Looming Challenges and Bold Predictions**

This session will offer perspectives on the future of food and dietary supplement regulation, including the interplay between enforcement and private litigation, the increasingly complex global food market, and whether international trends may influence domestic policy. The discussion will conclude with each panelists making one bold prediction about food and/or dietary supplement regulation in the next 5 to 10 years.

**Ricardo Carvajal,** Director, Hyman, Phelps and McNamara P.C. and Member, FDLI Board of Directors
**Michael T. Roberts,** Executive Director for the Resnick Center for Food Law and Policy, UCLA School of Law
**R. Trent Taylor,** Partner, McGuireWoods LLP

**4:50 PM** **Closing Remarks and Adjournment**