FDA FACT SHEET

COMMISSIONING PROGRAM

Program Description

- Officers or employees of state/local/territorial/tribal public health regulatory agencies are eligible for commissioning by the FDA. See Section 702(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act).
- Being commissioned with Food & Drug Administration (FDA) authority enables state or local officials:
  - To conduct inspections and collect samples under contract with FDA, even if their own state laws do not give them the required authority.
  - To operate under the FD&C Act which, in some situations, may afford more enhanced consumer protection authority.
- A state or local government official commissioned by FDA pursuant to 21 U.S.C. 372(a) shall have the same status with respect to disclosure of FDA records as any special government employee.

Intended Outcomes

- The Commissioning Program has been developed to make inter-agency cooperation more effective and, hence, increase the amount of protection afforded the American consumer.
- Allows states to fulfill FDA contractual inspectional obligations.
- Holding an FDA commission enables state and local officials to review confidential FDA investigative files and other non-public information (NPI).

Program Metrics

- Total Commissions: 3,550 (Approx.)
  - Non-Tobacco Commodities: 2700
  - Tobacco Commodities: 850

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The FDA, an agency within the U.S. Department of Health and Human Services, protects the public health by assuring the safety, effectiveness, and security of human and veterinary drugs, vaccines and other biological products for human use, and medical devices. The agency also is responsible for the safety and security of our nation's food supply, cosmetics, dietary supplements, and products that give off electronic radiation, and for regulating tobacco products.

U.S. Food and Drug Administration
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