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F.D.A. proposes traceability relief for small breweries serving food

The draft guidance would withhold enforcement for qualifying brewpubs with up to $1 million in annual food sales

Saturday, November 21, 2026



The Food and Drug Administration issued draft guidance on Friday, November 20, that could ease food traceability compliance for some small breweries that serve food, including qualifying brewpubs and taprooms.

The proposal would not eliminate the agency's Food Traceability Rule. Instead, it would set out a policy under which the FDA would use enforcement discretion for establishments with an average annual monetary value of food sold or provided of more than $250,000 but no more than $1 million over the previous three years. Those figures include beer because beer falls within the FDA's definition of food. The thresholds are adjusted for inflation using 2020 as the baseline year.

Businesses at or below the adjusted $250,000 threshold already qualify for a full exemption. The new draft guidance would apply to a higher band of smaller food establishments that are above that level but still relatively limited in size.

For breweries, the change could be significant because many taprooms and brewpubs sell both beer and food and therefore can fall within the food traceability framework. If the guidance is finalized in its current form, it could reduce administrative costs and staff time for operators that now must prepare for more detailed recordkeeping requirements tied to food service. That could matter across the beverage sector because breweries with kitchens or food programs often face compliance demands that go beyond beer production alone.

The Brewers Association, which represents small and independent American craft brewers, said it estimates that about 2,300 to 2,900 brewing locations nationwide could benefit from the policy. The group said the proposal would reduce the staff time and administrative resources needed to comply with the added traceability requirements.

The traceability rule stems from the Food Safety Modernization Act, a 2011 law that directed the FDA to strengthen food safety controls and improve the ability to trace certain higher-risk foods through the supply chain. Those foods include items such as fresh leafy greens, tomatoes and some cheeses. The effort built on existing rules that already require covered businesses to keep records identifying their immediate suppliers and the next business recipients of their products.

The FDA published the Food Traceability Rule on Monday, November 21, 2022. The rule created enhanced recordkeeping requirements designed to connect traceability lot codes with standardized information at key points in the supply chain, with the goal of helping regulators and businesses identify and remove potentially contaminated food

more quickly.

Under the draft guidance issued on November 20, the FDA would leave those legal requirements in place. The agency would not rescind the rule or create a new exemption in regulation. Instead, it would state that it does not intend to enforce the rule against newly qualifying establishments within the specified sales range.

That distinction matters for affected businesses because the guidance would provide practical relief without changing the underlying regulation. It also means the proposal remains less durable than a formal rule change and can still be revised before it becomes final.

The FDA has also said it will not enforce the Food Traceability Rule before July 20, 2028. That separate delay gives businesses more time to prepare, even as the agency considers whether to finalize the new enforcement approach for smaller retail food establishments and restaurants.

For brewery operators, the draft guidance arrives as many continue to balance thin margins, labor constraints and expanding regulatory obligations tied to both alcohol and food service. A brewery that pours pints from a taproom and also sells meals can face a different compliance burden than a production-only brewery, especially when federal food safety rules require new systems for documentation and tracking.

The Brewers Association said it will continue to monitor the guidance and inform members if it is finalized. The FDA’s draft is still a proposal, so any relief described in it is not yet permanent policy.