

Advocacy Urges FSIS to Analyze the Impacts of Making the Lists of Retail Consignees Publicly Available During Meat and Poultry Recalls

On May 4, 2006, the Office of Advocacy (Advocacy) filed a comment letter with the Food Safety and Inspection Service (FSIS) concerning a proposed rule that would make meat and poultry producers' lists of retail consignees available on FSIS' website during meat and poultry product recalls. A complete copy of Advocacy's comment letter may be accessed at <http://www.sba.gov/advo/laws/comments>.

- On March 7, 2006, FSIS published a proposed rule in the *Federal Register* titled, "Availability of Lists of Retail Consignees During Meat or Poultry Recalls." The proposed rule seeks to amend the federal meat and poultry products inspection regulations. FSIS proposes to make available to the public lists of the retail consignees of meat and poultry products that have been voluntarily recalled by a federally inspected meat or poultry product establishment if the product has been distributed to the retail level. This proposed change in the inspection regulations will change FSIS' practice that distribution lists obtained during recalls are confidential business information, exempt from release under the Freedom of Information Act (FOIA).
- In the proposed rule FSIS certified that the regulation would not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act (RFA). Such a certification absolves the agency from having to complete an initial regulatory flexibility analysis (IRFA) which requires the analysis of the economic impact of the rule on small entities, and requires the agency to describe any significant alternatives to the rule that would minimize any significant economic impact on affected small entities.
- In its comment letter, Advocacy encouraged FSIS to perform an IRFA because FSIS was unable to quantify certain costs associated with the rule. Advocacy disagreed with the agency on the rule's potential to impact small meat and poultry producers, wholesale distributors and grocery stores. Small business groups believe that they will be at a competitive disadvantage if their client lists are made publicly available.

For more information, visit Advocacy's web page at www.sba.gov/advo or contact Linwood Rayford at (202) 205-6533.