

USDA

Food Safety and Inspection Service—Prerule Stage

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Foreign Agricultural Service—Final Rule Stage

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Foreign Agricultural Service—Long-Term Actions

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USDA—FNS

Long-Term Actions

Service Program regulations; it is only a reorganization and rewriting of the existing text in plain language. Our goal in rewriting is simple and two-fold: allow the reader to quickly find and understand desired subject matter. The rewrite accomplishes our first goal by presenting material in a more logical sequence where needed, and most importantly, by splitting the text into much smaller and more easily scanned units. We have greatly increased the number of sections within the part, also increased the number of paragraphs within each of the new sections, and made greater use of italicized headings. By increasing the number of sections, we have "flattened" the regulation's structure. This in turn generally allows the elimination of at least one level of

codification, despite the increased number of paragraphs and subparagraphs within each section. The result is much easier scanning of the sections for subject matter, further aided by the italicized headings. Each section is headed by a question on a major aspect of the regulations, which is then answered in the headings and paragraphs which follow. Finally, our second goal, greater comprehensibility, is accomplished by the use of shorter sentences, the active voice, and common words, except for necessary technical terms. (01-011)

Timetable:

Action	Date	FR Cite
Direct Final Rule	04/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal

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RIN: 0584-AD17
**Department of Agriculture (USDA)
Food and Nutrition Service (FNS)**

Completed Actions

188. DETERMINING ELIGIBILITY FOR FREE AND REDUCED-PRICE MEALS AND FREE MILK IN SCHOOLS: PROVISION 2 AND PROVISION 3
Priority: Other Significant**CFR Citation:** 7 CFR 245**Completed:**

Reason	Date	FR Cite
Final Action	09/20/01	66 FR 48323

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local

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RIN: 0584-AC25**BILLING CODE** 3410-30-S
**Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)**

Prerule Stage

189. POULTRY INSPECTION: REVISION OF FINISHED PRODUCT STANDARDS WITH RESPECT TO INGESTA
Priority: Economically Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 21 USC 451 to 470 et seq**CFR Citation:** 9 CFR 381**Legal Deadline:** None

Abstract: FSIS is seeking to clarify its Poultry Inspection regulations regarding visible ingesta on poultry carcasses and parts. A preliminary regulatory impact analysis conducted by FSIS determined that costs to achieve a zero tolerance for ingesta far outweighed benefits. This action was precipitated by a civil suit filed against USDA.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 104 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AC77
190. • STANDARDS AND LABELING REQUIREMENTS FOR MECHANICALLY SEPARATED (SPECIES) AND PRODUCTS IN WHICH IT IS USED (SECTION 610 REVIEW)
Priority: Info./Admin./Other**Legal Authority:** 5 USC 610 (c)**CFR Citation:** 9 CFR 317.2(j)(13); 9 CFR 319.5(a)

Legal Deadline: Other, Statutory, April 2003, Review must be completed within the 12 months succeeding this publication. Provisions of the RFA mandate that all reviews be conducted and completed within the 12 months succeeding this publication.

Abstract: Brief Description:

On June 29, 1982, the Department of Agriculture amended the Federal meat inspection regulations with promulgation of the final rule (47 FR

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28214) to (1) modify the definition, standard, and permitted use for the finely comminuted product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle of livestock carcasses and parts of carcasses, and the labeling requirements for meat food products in which it is used as an ingredient; and (2) to establish labeling requirements for such products.

Promulgation Purpose and Legal Basis:

Sections 1(m), (n), 7 and 10 of the Federal Meat Inspection Act (FMIA) established the Secretary of Agriculture's statutory responsibility for ensuring that meat and meat food products, prepared and intended to be distributed in commerce, are not adulterated, misbranded or improperly marked, labeled, and packaged. (21 U.S.C. 601 (m)(n), 607, 610) The final rule governing the production and use of mechanically separated species was issued in 1978 (43 FR 26416). However, despite the availability of technology and raw materials, a potential food source was not being made available to the general public. In the interim, the Pacific Coast Meat Association (PCMA) and the American Meat Institute (AMI) contended that its failure to market products containing Mechanically Processed (Species) Product (MP(S)P) was due to regulatory requirements that extended beyond the perimeters necessary to protect the public, and argued that they were effectively precluded from producing or

marketing mechanically deboned beef, pork, veal, or lamb by the misleading labeling and the unreasonable compositional standards imposed by the regulations. PCMA and the AMI petitioned the agency to reconsider the requirements in light of information compiled since the promulgation of the 1978 regulations. PCMA and AMI submitted a report on a series of consumer focus groups' sessions exploring attitudes towards various types of meat food product labeling, and as a result of an analysis of the economic impacts of the 1978 rule and the Agency's internal review and re-evaluation of its regulations in accordance with Executive Order 12291 (now Executive Order 12866), the Department decided to amend the requirements and issue a new final rule entitled "Standards and Labeling Requirements for Mechanically Separated (Species) and Products in Which It Is Used."

This regulation will be reviewed under the Regulatory Flexibility Act's Section 610 provisions within the succeeding twelve months. As such, the Food Safety and Inspection Service (FSIS) invites all interested parties to submit comments on: (1) the continued need for the rule; (2) the complexity of the rule; (3) the extent to which the rule overlaps, duplicated or conflicts with other Federal, State and local rules; (4) the nature of complaints or comments received concerning the rule from the public; and (5) the technology and economic conditions, or other factors,

which have changed the specific area affected by the rule. Copies of comments may be submitted to the Docket Clerk within 30 days after this publication at: United States Department of Agriculture, Food Safety & Inspection Service, Office of Policy, Program Development and Evaluation, Regulations and Directives Development Staff, 300 12th Street SW, Room 112, Washington, DC 20250-3700.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Businesses, Organizations

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Referencing docket number 81-016F, 47 FR 28214

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RIN: 0583-AC90

Department of Agriculture (USDA)
 Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

191. GRANT AND INAUGURATION OF INSPECTION

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 304; 9 CFR 305

Legal Deadline: None

Abstract: FSIS is proposing to clarify the regulations in 9 CFR parts 304 and 305, which provide for grant and inauguration of inspection in meat and poultry establishments to address issues raised by the Office of Inspector General and others.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 0583-AC07

192. ANTE-MORTEM AND POST-MORTEM INSPECTION OF LIVESTOCK AND POULTRY

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 21 USC 601 to 695 et seq; 7 USC 138 et seq; 21 USC 450 et seq; 7 USC 2.18 to 2.53 et seq; 21 USC 451 to 470 et seq

CFR Citation: 9 CFR 309; 9 CFR 310; 9 CFR 381

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Legal Deadline: None

Abstract: FSIS is proposing to reform the regulations governing ante-mortem and post-mortem inspection of livestock and poultry. A number of the current regulations are no longer appropriate for the conditions under which meat and poultry products are produced and distributed today (e.g., splitting of sterna, prohibition of inflating carcasses). Others are duplicative regulations (e.g., those dealing with bruises and contamination) applying separately to meat and to poultry that could be combined into single regulations applying to both meat and poultry. Most emphasize the procedures for achieving regulatory objectives rather than the objectives themselves. This proposal would remove these prescriptive, detailed, or obsolete regulations or convert them to performance standards that are consistent with FSIS requirements for establishment-operated hazard analysis and critical control points (HACCP) systems and with the Agency's food safety regulatory strategy.

Under the proposal, the current ante-mortem requirements, listing objectionable diseases or conditions and corresponding actions to be taken, would be replaced by performance standards intended to ensure that only "normal," healthy animals that do not pose an evident hazard to public health are permitted to enter a slaughtering establishment. "Normal" animals would include those, for example, that are not running a temperature or that do not exhibit lesions of disease or behaviors characteristic of central nervous system disorders. Similarly, the post-mortem regulations, with their lists of conditions and detailed, command-and-control procedures, would be streamlined. The prescriptive provisions would be replaced by performance standards relating to food safety (prevention of economic adulteration).

This proposal would also recodify the ante-mortem and post-mortem inspection regulations for livestock and poultry. To the extent possible, consistent with the Federal Meat Inspection Act and the Poultry Products Inspection Act, regulations concerning livestock and meat carcasses and parts, and those concerning poultry carcasses and parts, would be designated to the same parts

and sections of the Code of Federal Regulations. These changes would be part of the ongoing Agency effort to make the regulations more streamlined and user-friendly.

This proposal would focus on the performance standards that establishments should meet through operation of their HACCP systems for slaughtering and dressing operations. It would remove impediments to the development and operation of HACCP plans by making the current regulations compatible with the HACCP approach to food safety.

Besides the proposed action, FSIS considered the alternative of no rulemaking and the alternative of eliminating all regulations on livestock, poultry, and the carcasses and parts of livestock and poultry, affected by specific diseases and conditions. The first alternative would leave in place numerous detailed prescriptions and procedural requirements inconsistent with, or duplicative of, HACCP systems. The second would risk exposing the public to products that may be unwholesome or otherwise adulterated.

The Agency believes the alternative represented by this proposal—converting to performance standards the ante-mortem and post-mortem inspection regulations—would offer the best prospect for the efficient and effective implementation of HACCP. It would also maximize the flexibility establishments have to adopt technological innovations that would increase the assurance of food safety.

Timetable:

Action	Date	FR Cite
NPRM	03/00/03	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

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RIN: 0583-AC43

193. REQUIREMENTS FOR DISPOSITION AND DISPOSAL OF INSPECTED RAW MEAT AND POULTRY PRODUCTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 450; 21 USC 451 to 470 et seq; 21 USC 601 to 695 et seq; 7 USC 1901 to 1906

CFR Citation: 9 CFR 311; 9 CFR 314; 9 CFR 320; 9 CFR 325; 9 CFR 381; 9 CFR 428; 9 CFR 455

Legal Deadline: None

Abstract: FSIS is proposing to reform the regulations governing the disposition of inspected raw meat and poultry products and the disposal of such products that are condemned or otherwise inedible. A number of the current regulations are no longer appropriate for the conditions under which meat and poultry products are produced and distributed today. Others are duplicative regulations applying separately to meat and to poultry that should be combined into single regulations applying to both meat and poultry. Most emphasize the procedures for achieving regulatory objectives rather than the objectives themselves. The proposal would remove these prescriptive, detailed, or obsolete regulations or convert them to performance standards that are consistent with FSIS requirements for establishment-operated hazard analysis and critical control points (HACCP) systems and with the Agency's food safety regulatory strategy.

Besides the proposed action, FSIS considered the alternative of no rulemaking and the alternative of eliminating all regulations on the disposition and disposal of inspected raw products. Among these regulations are those concerning the handling of raw product moving between official establishments and the disposal of condemned or inedible carcasses and parts. The first alternative would leave in place numerous detailed prescriptions and procedural requirements inconsistent with, or duplicative of, HACCP systems. The second would risk exposing the public to products that may be unwholesome or otherwise adulterated.

This proposal would convert to performance standards the regulations governing the disposition, handling,

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and disposal of raw carcasses and parts. The Agency believes this alternative would offer the best prospect of permitting the efficient and effective implementation of HACCP and of maximizing the flexibility official establishments and other entities have to adopt technological and other innovations that could increase the assurance of food safety.

This proposal would also recodify the regulations on the disposition, handling, and disposal of raw meat and poultry products. To the extent possible, consistent with the Federal Meat Inspection Act and the Poultry Products Inspection Act, regulations affecting both meat and poultry would be designated to the same parts and sections of the Code of Federal Regulations. These changes would be part of the ongoing Agency effort to make the regulations more streamlined and user-friendly.

Timetable:

Action	Date	FR Cite
NPRM	03/00/03	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State

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RIN: 0583-AC44**194. PERFORMANCE STANDARDS FOR BACON****Priority:** Other Significant**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq**CFR Citation:** 9 CFR 424.22(b)**Legal Deadline:** None

Abstract: FSIS is proposing to revise the regulatory provisions concerning the production and testing of pumped bacon (9 CFR 424.22(b)). FSIS is proposing to remove provisions that require the Agency to test pumped bacon for nitrosamines and to remove

provisions that prescribe the substances and amounts of such substances that must be used to produce pumped bacon. FSIS is proposing to replace these provisions with an upper limit for nitrite and a performance standard that establishments producing pumped bacon must meet. To meet the proposed performance standard, the process used would be required to limit the presence of nitrosamines when the product is cooked. Under the hazard analysis and critical control points (HACCP) system, establishments would incorporate the proposed performance standard into their HACCP plans.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

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RIN: 0583-AC49**195. EGG AND EGG PRODUCTS INSPECTION REGULATIONS****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 21 USC 1031 to 1056

CFR Citation: 9 CFR 590.570; 9 CFR 590.575; 9 CFR 590.146; 9 CFR 590.10; 9 CFR 590.411; 9 CFR 590.502; 9 CFR 590.504; 9 CFR 590.580; 9 CFR 591; ...

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to require shell egg packers and egg products plants to develop and implement Hazard Analysis and Critical Control Points (HACCP) systems and Sanitation Standard Operating Procedures (SOPs). FSIS also is proposing pathogen reduction performance standards that would be applicable to pasteurized shell eggs and

egg products. Plants would be expected to develop HACCP systems that ensure products meet the pathogen reduction performance standards. Finally, FSIS is proposing to amend the Federal egg and egg products inspection regulations by removing current requirements for prior approval by FSIS of egg products plant drawings, specifications, and equipment prior to their use in official plants. The Agency also plans to eliminate the prior label approval system for egg products.

The actions being proposed are part of FSIS's regulatory reform effort to improve FSIS's egg and egg products food safety regulations, better define the roles of Government and the regulated industry, encourage innovations that will improve food safety, remove unnecessary regulatory burdens on inspected egg products plants, and make the egg and egg products regulations as consistent as possible with the Agency's meat and poultry products regulations. FSIS is also taking these actions in light of changing inspection priorities and recent findings of salmonella in pasteurized egg products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State**Federalism:** Undetermined

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RIN: 0583-AC58**196. LABELING—GENERIC APPROVAL AND REGULATION CONSOLIDATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 451 to 470; 21 USC 601 to 695

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Proposed Rule Stage

CFR Citation: 9 CFR 317; 9 CFR 327; 9 CFR 381; 9 CFR 412

Legal Deadline: None

Abstract: This rulemaking will continue an effort initiated several years ago by amending FSIS's regulations to expand the types of labeling that are generically approved. FSIS plans to propose that the submission of labeling for approval prior to use be limited to certain types of labeling, as specified in the regulations. In addition, FSIS plans to reorganize and amend the regulations by consolidating labeling rules that currently are stated separately for livestock products and poultry products (in part 317, subpart A, and part 381, subpart N, respectively) and by amending their provisions to set out clearly various circumstances under which these products are misbranded.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 104 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AC59

197. PATHOGEN REDUCTION; HAZARD ANALYSIS AND CRITICAL CONTROL POINTS (HACCP) SYSTEMS; ADDITIONS TO GENERIC E. COLI CRITERIA

Priority: Other Significant

Legal Authority: 21 USC 601 to 695; 21 USC 451 to 470

CFR Citation: 9 CFR 310; 9 CFR 381

Legal Deadline: None

Abstract: FSIS is proposing to add generic E. coli criteria to the regulations. In addition, FSIS is proposing to revise the terms used to identify and define certain classes of product listed in the Salmonella tables.

FSIS is proposing to delay making the proposed criteria and standards applicable for 1 year for small establishments and for 2 years for very small establishments.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 104 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AC63

198. FOOD STANDARDS; GUIDING PRINCIPLES AND FOOD STANDARDS MODERNIZATION

Priority: Other Significant

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) are proposing to modernize their food standards. The agencies are proposing a set of guiding principles that define how modern food standards should be structured to protect the interest of consumers, provide for technological advances in food production, be consistent with international food standards, and be clear, simple, and easy to use for both manufacturers and the agencies that enforce compliance with the standards. If this proposed rule is adopted, the agencies will not consider a petition to establish, revise, or eliminate a standard unless the proposed action is consistent with these guiding principles. If this proposed rule is adopted, the agencies may publish proposed rules to establish, revise, or eliminate standards based on petitions fulfilling the requirements of this proposal that they receive.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 205-0279

RIN: 0583-AC72

199. PETITIONS FOR RULEMAKING

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553

CFR Citation: 9 CFR 392

Legal Deadline: None

Abstract: FSIS is proposing to amend its regulations to add a new part that prescribes procedures for the submission, consideration, and disposition of petitions for rulemaking. The proposal also describes the Agency's expectations for the type of documentation that must be submitted in support of a petition and that will facilitate regulatory development. FSIS is proposing this action to provide clear guidance to those who would like to participate in the rulemaking process by petitioning FSIS to issue, amend, or repeal a rule administered by the Agency.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 104 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AC81

USDA—FSIS

Proposed Rule Stage

200. CLASSES OF POULTRY UPDATING POULTRY CLASS STANDARDS

Priority: Other Significant

Legal Authority: 21 USC 451

CFR Citation: 9 CFR 381.170(a)

Legal Deadline: None

Abstract: FSIS is proposing to amend the official U.S. classes of poultry so that they more accurately and clearly describe the characteristics of poultry in the market today. Poultry classes are defined primarily in terms of age and sex of the bird. Genetic improvements and new poultry management techniques have reduced the grow-out period for some poultry classes while extensive cross breeding has produced poultry with higher meat yields but blurred breed distinctions. This action is being taken to ensure that poultry products are labeled in a truthful and non-misleading manner.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
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RIN: 0583-AC83

201. ELIMINATION OF CHILLING TIME AND TEMPERATURE REQUIREMENTS FOR READY-TO-COOK POULTRY (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 21 USC 451 to 470

CFR Citation: 9 CFR 381.66

Legal Deadline: None

Abstract: FSIS is proposing to eliminate the time and temperature requirements for chilling ready-to-cook poultry carcasses and giblets. The Agency is taking this action because the requirements are inconsistent with the Agency's Pathogen Reduction/Hazard Analysis and Critical Control Point (HACCP) System regulations, with its final rule further restricting retained water in raw meat and poultry, and

with the Agency's regulatory reform program. Moreover, because of these regulations, the meat and poultry industries receive disparate regulatory treatment: No regulations that apply to the chilling of poultry apply to the chilling of meat. This proposal responds to longstanding petitions by industry trade associations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0583-AC87

Department of Agriculture (USDA)

Final Rule Stage

Food Safety and Inspection Service (FSIS)

202. BEEF OR PORK WITH BARBECUE SAUCE; REVISION OF STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 319

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations by removing a meat yield requirement for the standardized products "Beef With Barbecue Sauce" and "Pork With Barbecue Sauce." Current regulations for these products require that the product contain not less than 50 percent of the species identified on the label and that the weight of the cooked pork or beef not exceed 70 percent of the uncooked weight of the meat. The first requirement is consistent with other meat and sauce requirements, but the second requirement is not. The petitioner asserts that the product

standard (promulgated in 1952) does not reflect current production practices or the commercial marketability of beef or pork with barbecue sauce. The petitioner further states that producers of these products are at a competitive disadvantage with other meat and sauce producers, because other meat and sauce producers do not have a 70 percent yield requirement. For example, producers of the standardized products "Beef with Gravy," "Meat Pies," and "Spaghetti with Meat and Sauce" and similar standardized products do not have any meat yield requirements.

FSIS has determined that the petitioner's request should be granted. This action would permit fair competition between meat and barbecue sauce producers, and poultry and sauce producers, and would provide consistent requirements in both the meat and poultry inspection regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/03/97	62 FR 46450
NPRM Comment Period End	11/03/97	
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583-AC09

USDA—FSIS

Final Rule Stage

203. PERFORMANCE STANDARDS FOR READY-TO-EAT MEAT AND POULTRY PRODUCTS**Priority:** Economically Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq**CFR Citation:** 9 CFR 317; 9 CFR 381; 9 CFR 430**Legal Deadline:** None

Abstract: FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat and partially heat-treated meat and poultry products. The performance standards spell out the objective level of pathogen reduction that establishments must meet during their operations in order to produce safe products but allow the use of customized, plant-specific processing procedures other than those prescribed in the earlier regulations. Along with HACCP, food safety performance standards will give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with those already in place for certain ready-to-eat meat and poultry products. FSIS also is proposing testing requirements intended to reduce the incidence of Listeria in ready-to-eat meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	02/27/01	66 FR 12590
NPRM Comment Period End	05/29/01	
NPRM Extended Comment Period	07/03/01	66 FR 35112
NPRM Comment Period End	09/10/01	
Final Action	12/00/02	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

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RIN: 0583-AC46**204. MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND RECOVERY SYSTEMS****Priority:** Economically Significant**Legal Authority:** 21 USC 601 to 695**CFR Citation:** 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 320.1(b)(10)**Legal Deadline:** None

Abstract: In 1994, the Food Safety and Inspection Service amended its regulations to recognize that product resulting from advanced meat/bone separation machinery comes within the definition of meat when recovery systems are operated to assure that the characteristics and composition of the resulting product are consistent with those of meat. Subsequent compliance problems and other concerns have made it apparent that the regulations are inadequate to prevent misbranding and economic adulteration. Therefore, FSIS is developing a rule to clarify the regulations and supplement the rules for assuring compliance.

Timetable:

Action	Date	FR Cite
NPRM	04/13/98	63 FR 17959
NPRM Comment Period End	06/12/98	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

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RIN: 0583-AC51**205. INCORPORATION OF FOOD AND COLOR ADDITIVES INTO 21 CFR****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 602 et seq; 21 USC 451 et seq; 21 USC 321 et seq**CFR Citation:** 9 CFR 318.7; 9 CFR 381.147**Legal Deadline:** None

Abstract: This final rule will amend the meat and poultry inspection regulations by completing earlier efforts to incorporate current listings in 9 CFR into 21 CFR.

Timetable:

Action	Date	FR Cite
Final Action	09/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
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RIN: 0583-AC69**206. PERFORMANCE STANDARDS FOR ON-LINE ANTIMICROBIAL REPROCESSING OF PRE-CHILL POULTRY CARCASSES****Priority:** Other Significant**Legal Authority:** 21 USC 451 to 470**CFR Citation:** 9 CFR 381; 9 CFR 424**Legal Deadline:** None

Abstract: This rule is proposing to allow, on a voluntary basis, the on-line reprocessing of pre-chill poultry carcasses that are accidentally contaminated with digestive tract contents during slaughter. The treated carcasses must meet pre-chill performance standards that are substantially lower than the current performance standard and criteria.

Timetable:

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75187
NPRM Comment Period End	01/30/01	
Final Action	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No

USDA—FSIS

Final Rule Stage

Government Levels Affected: None

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RIN: 0583-AC73

207. SHARING RECALL DISTRIBUTION LISTS WITH STATE AND OTHER FEDERAL GOVERNMENT AGENCIES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 552; 7 CFR 1.3; 7 CFR 2.7

CFR Citation: 9 CFR 390

Legal Deadline: None

Abstract: FSIS will add regulations concerning sharing distribution lists with State and other Federal Government agencies during a food recall.

Timetable:

Action	Date	FR Cite
NPRM	09/19/00	65 FR 56503
NPRM Comment Period End	11/20/00	
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 0583-AC75

208. AGENCY ORGANIZATION

Priority: Info./Admin./Other

Legal Authority: 21 USC 451 to 470; 21 USC 601 to 695; 21 USC 1031 to 1056

CFR Citation: 9 CFR 300; 9 CFR 301; 9 CFR 306; 9 CFR 320; 9 CFR 381; 9 CFR 590

Legal Deadline: None

Abstract: This rulemaking will amend FSIS's regulations adopted under the FMIA, PPIA, and EPIA by updating and consolidating organizational provisions.

Timetable:

Action	Date	FR Cite
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583-AC78

209. FOOD STANDARDS: REQUIREMENTS FOR SUBSTANTIVE STANDARDIZED MEAT AND POULTRY PRODUCTS NAMED BY USE OF AN EXPRESSED NUTRIENT CONTENT CLAIM AND A STANDARDIZED TERM

Priority: Other Significant

Legal Authority: 21 USC 601; 21 USC 451

CFR Citation: 9 CFR 381.172; 9 CFR 319.10

Legal Deadline: None

Abstract: FSIS is amending the Federal meat and poultry inspection regulations to establish a general definition and standard of identity for standardized meat and poultry products that have been modified to qualify for use of an expressed nutrient content claim in their product names. These products will be identified by an expressed nutrient content claim, such as "fat free," "low fat," and "light," in conjunction with an appropriate standardized term. FSIS is taking this action to 1) assist consumers to maintain healthy dietary practices by providing for modified versions of standardized meat and poultry products that have reductions of certain constituents that are of health concern to some people, 2) increase regulatory flexibility and support product innovation and, 3) provide consumers with an informative nutrition labeling system.

Timetable:

Action	Date	FR Cite
NPRM	12/29/95	60 FR 67474
NPRM Comment Period End	02/27/96	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583-AC82

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)

Long-Term Actions

210. TRANSPORTATION, STORAGE, AND OTHER HANDLING OF POTENTIALLY HAZARDOUS FOODS

Priority: Other Significant. Major under 5 USC 801.

CFR Citation: 9 CFR 308; 9 CFR 317; 9 CFR 325; 9 CFR 381

Timetable:

Action	Date	FR Cite
ANPRM	11/22/96	61 FR 59372
ANPRM Comment	02/20/97	
Period End		
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

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RIN: 0583-AC05

211. REWORKING OF MEAT AND POULTRY CARCASSES ACCIDENTALLY CONTAMINATED DURING EVISCERATION

Priority: Other Significant

CFR Citation: 9 CFR 310; 9 CFR 381; 9 CFR 433

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC53

212. REFORM OF REGULATIONS ON IMPORTED MEAT AND POULTRY PRODUCTS

Priority: Other Significant

CFR Citation: 9 CFR 327; 9 CFR 381

Timetable:

Action	Date	FR Cite
NPRM	07/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC56

213. NUTRITION LABELING OF GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS AND SINGLE-INGREDIENT PRODUCTS

Priority: Other Significant

CFR Citation: 9 CFR 317; 9 CFR 381

Timetable:

Action	Date	FR Cite
NPRM	01/18/01	66 FR 4970
NPRM Comment	04/18/01	
Period End		
NPRM Comment	07/17/01	
Period End		
Extension of Comment	07/20/01	66 FR 20213
Period		
Final Action	04/00/03	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

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RIN: 0583-AC60

214. FOOD LABELING; NUTRIENT CONTENT CLAIMS, DEFINITION OF THE TERM HEALTHY

Priority: Substantive, Nonsignificant

CFR Citation: 9 CFR 317; 9 CFR 381

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/28/99	64 FR 72490
Interim Final Rule	01/27/00	
Comment Period		
End		
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert Post
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RIN: 0583-AC65

215. ELIMINATION OF REQUIREMENTS FOR TOTAL QUALITY CONTROL SYSTEMS

Priority: Other Significant

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 381

Timetable:

Action	Date	FR Cite
NPRM	06/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

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RIN: 0583-AC68

216. EMERGENCY REGULATIONS TO PREVENT MEAT FOOD AND MEAT PRODUCTS THAT MAY CONTAIN THE BSE AGENT FROM ENTERING COMMERCE

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0583-AC88

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)
Completed Actions
217. LABELING OF NATURAL OR REGENERATED COLLAGEN SAUSAGE CASINGS

Priority: Substantive, Nonsignificant

CFR Citation: 9 CFR 317; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	08/06/01	66 FR 40843

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC80

218. MANDATORY INSPECTION OF RATITES AND SQUABS

Priority: Other Significant

CFR Citation: 9 CFR 361; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Rule	03/22/02	67 FR 13253

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC84

219. INCREASES IN FEES FOR MEAT, POULTRY, AND EGG PRODUCTS INSPECTION SERVICES—FISCAL YEAR (FY) 2002

Priority: Substantive, Nonsignificant

CFR Citation: 9 CFR 391.2

Completed:

Reason	Date	FR Cite
NPRM	10/16/01	66 FR 52548
Final Action	01/24/02	67 FR 3428

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC89

BILLING CODE 3410-DM-S

Department of Agriculture (USDA)
Foreign Agricultural Service (FAS)
Proposed Rule Stage
220. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO PROMOTE U.S. AGRICULTURAL EXPORTS TO EMERGING MARKETS (EMERGING MARKETS PROGRAM)

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: This rule proposes to establish regulations applicable to the Emerging Markets Program, currently authorized by the Food, Agriculture, Conservation, and Trade Act of 1990 and amended by the Federal Agriculture Improvement and Reform Act of 1996. The Emerging Markets Program currently operates under agency guidelines. The proposed rule would amend and codify the existing guidelines. Codification of the

guidelines should not change program administration noticeably. Because the program is already in operation under agency guidelines, this proposal would have no significant impact on the U.S. economy.

The proposed rule will provide specific regulations concerning program administration. Significant provisions include definition of emerging market and country eligibility, program objectives and priorities, eligible organizations, qualification requirements, application and review processes, decisions and appeals, reimbursement rules and procedures, reporting requirements, evaluations, and program controls.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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RIN: 0551-AA62

Department of Agriculture (USDA)
Foreign Agricultural Service (FAS)
Final Rule Stage
221. PROGRAM TO ASSIST U.S. PRODUCERS IN DEVELOPING DOMESTIC MARKETS FOR VALUE-ADDED WHEAT GLUTEN AND WHEAT STARCH PRODUCTS

Priority: Other Significant

Legal Authority: 15 USC 714c

CFR Citation: 7 CFR 1482

Legal Deadline: None

Abstract: The rule provides for a 2-year program to assist U.S. wheat gluten producers in fully adjusting to import competition by transitioning the industry from production of basic bulk

commodities to production of value-added commodities where the market potential is more viable. U.S. producers of wheat gluten, who meet the eligibility requirements of the rule and submit the required market development plans, will receive an