

USDA

Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
330	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity	0584-AC94

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
331	WIC: Requirements for and Evaluation of WIC Program Requests for Bids for Infant Formula Rebate Contracts	0584-AB52
332	FSP: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability	0584-AC91
333	Improving Access to the Food Stamp Program for Persons With Limited English Proficiency	0584-AD06
334	Determining Eligibility for Free and Reduced Price Meals in Schools—Verification Reporting and Recordkeeping Requirements	0584-AD20
335	Food Stamp Program: Administrative Review Requirements—Food Retailers/Wholesalers	0584-AD23
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Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
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Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
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342	Performance Standards for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses	0583-AC73
343	Petitions for Rulemaking	0583-AC81
344	Classes of Poultry Updating Poultry Class Standards	0583-AC83
345	Elimination of Chilling Time and Temperature Requirements for Ready-To-Cook Poultry (Section 610 Review) (Reg Plan Seq No. 23)	0583-AC87
346	Emergency Regulations To Prevent Meat Food and Meat Products That May Contain the BSE Agent From Entering Commerce (Reg Plan Seq No. 24)	0583-AC88
347	Addition of San Marino to the List of Countries Eligible To Export Meat and Meat Products to the United States	0583-AC91
348	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems (Reg Plan Seq No. 25)	0583-AD00
349	Addition of Mexico to the List of Countries Eligible for the Importation of Slaughtered (Fresh) Poultry and Egg Products Into the United States	0583-AD01

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
350	Beef or Pork With Barbecue Sauce; Revision of Standards	0583-AC09
351	Performance Standards for Ready-To-Eat Meat and Poultry Products (Reg Plan Seq No. 26)	0583-AC46
352	Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products (Reg Plan Seq No. 27)	0583-AC60
353	Agency Organization	0583-AC78

USDA

Food Safety and Inspection Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
354	Prohibition on the Use of Air-injection Stunners for the Slaughter of Cattle	0583-AD03

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Food Safety and Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
355	Food Standards: Requirements for Substantive Standardized Meat and Poultry Products Named by Use of an Expressed Nutrient Content Claim and a Standardized Term	0583-AC82
356	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry	0583-AD02

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
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358	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry	0583-AC43
359	Requirements for Disposition and Disposal of Inspected Raw Meat and Poultry Products	0583-AC44
360	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems	0583-AC51
361	Reworking of Meat and Poultry Carcasses Accidentally Contaminated During Evisceration	0583-AC53
362	Reform of Regulations on Imported Meat and Poultry Products	0583-AC56
363	Food Labeling; Nutrient Content Claims, Definition of the Term Healthy	0583-AC65
364	Elimination of Requirements for Total Quality Control Systems	0583-AC68
365	Incorporation of Food and Color Additives Into 21 CFR	0583-AC69
366	Poultry Inspection: Revision of Finished Product Standards With Respect to Ingesta	0583-AC77
367	Addition of Mexico to the List of Countries Eligible for the Importation of Slaughtered (Fresh) Poultry and Egg Products Into the United States	0583-AC92
368	Standards and Labeling Requirements for Mechanically Separated Species and Products in Which It Is Used (Completion of a Section 610 Review)	0583-AC93
369	Changes in Fees for Meat, Poultry, and Egg Products Inspection Service	0583-AC94
370	Use of Any Safe and Suitable Binder or Antimicrobial Agent in Meat and Poultry Products With Standards of Identity or Composition	0583-AC96
371	Addition of Australia and New Zealand to the List of Countries Eligible To Export Ratites and Ratite Products Into the United States	0583-AC97

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
372	Program To Provide Technical Assistance To Promote U.S. Agricultural Exports to Emerging Markets (Emerging Markets Program)	0551-AA62
373	New Provisions and Revisions to Sugar Reexport Programs Under 7 CFR 1530	0551-AA65

Foreign Agricultural Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
374	CCC Supplier Credit Guarantee Program	0551-AA30
375	Facility Guarantee Program	0551-AA35

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

Prerule Stage

337. NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS

Priority: Other Significant

Legal Authority: 5 USC 610; 21 USC 601; 21 USC 453; ...

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

Legal Deadline: Other, Statutory, June 2004, Other.

Section 610 of the RFA mandates that this review be concluded within 12 months after its commencement date.

Abstract: On January 6, 1993, the Department of Agriculture, Food Safety and Inspection Service (FSIS) amended the Federal meat and poultry products inspection regulations with promulgation of the aforementioned final rule (58 FR 632) to (1) permit voluntary nutrition labeling on single-ingredient, raw meat and poultry products; and (2) to establish mandatory nutrition labeling requirements for all other meat and poultry products, notwithstanding specific exceptions.

Promulgation Purpose and Legal Basis: Sections 1(n) of the Federal Meat Inspection Act (FMIA), and 4(h) of the Poultry Products Inspection Act (PPIA) establish 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(n)(1); 21 U.S.C. 453(4)(h)).

On November 8, 1990, the Nutrition Labeling and Education Act of 1990 (NLEA) was enacted by Public Law 101.535 (104 Stat. 2353). The statute amended certain provisions of the Federal Food, Drug, and Cosmetic Act and required: (1) Mandatory nutrition labeling for most of the Food and Drug Administration's (FDA) regulated packaged food products; and (2) issuance of voluntary nutrition guidelines to food retailers for providing nutrition information on 20 of each most frequently consumed during a year varieties of raw vegetables, raw fruits, and raw fish. However, if food retailers failed to substantially comply with the voluntary guidelines, the NLEA requires FDA to issue mandatory requirements.

FSIS' final rule entitled, "Nutrition Labeling of Meat and Poultry Products," will be reviewed under the Regulatory Flexibility Act's section 610 provisions within the succeeding 12

months. Accordingly, the 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, duplicates, 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.

Timetable:

Action	Date	FR Cite
Final Rule	01/06/93	58 FR 632
End Review	06/00/04	

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, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AC95

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

Proposed Rule Stage

338. PERFORMANCE STANDARDS FOR BACON

Regulatory Plan: This entry is Seq. No. 21 in part II of this issue of the **Federal Register**.

RIN: 0583-AC49

339. EGG AND EGG PRODUCTS INSPECTION REGULATIONS

Regulatory Plan: This entry is Seq. No. 22 in part II of this issue of the **Federal Register**.

RIN: 0583-AC58

340. LABELING—GENERIC APPROVAL AND REGULATION CONSOLIDATION

Priority: Substantive, Nonsignificant

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

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 the nutrition labeling rules that currently are stated separately for livestock products and poultry products (in part 317, subpart B, and part 381, subpart Y, respectively) and by amending their provisions to set out clearly various circumstances under which these products are misbranded.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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RIN: 0583-AC59

USDA—FSIS

Proposed Rule Stage

341. FOOD STANDARDS; GENERAL 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 for food standards. The adherence to these principles will result in standards that will better promote honesty and fair dealing in the interest of consumers, protect the public, allow for technological advances in food production, are consistent with international food standards, and are clear, simple, and easy to use for both manufacturers and the agencies that enforce compliance with the standards. The proposed guiding principles will establish the criteria that the Agencies will use in considering whether a petition to establish, revise, or eliminate a food standard will be the basis for a proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

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, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0279

RIN: 0583-AC72**342. 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 a standard at pre-chill, in addition to pre-chill standards for generic E. coli and Salmonella already prescribed.

Timetable:

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75187
NPRM Comment	04/02/01	
Period End		
Second NPRM	08/00/04	

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

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RIN: 0583-AC73**343. 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 should 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	06/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined

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RIN: 0583-AC81**344. 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	12/00/03	

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, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0279

RIN: 0583-AC83

USDA—FSIS

Proposed Rule Stage

345. ELIMINATION OF CHILLING TIME AND TEMPERATURE REQUIREMENTS FOR READY-TO-COOK POULTRY

Regulatory Plan: This entry is Seq. No. 23 in part II of this issue of the **Federal Register**.

RIN: 0583-AC87

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

Regulatory Plan: This entry is Seq. No. 24 in part II of this issue of the **Federal Register**.

RIN: 0583-AC88

347. ADDITION OF SAN MARINO TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT MEAT AND MEAT PRODUCTS TO THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 601 to 695

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: FSIS is proposing to add San Marino to the list of countries from which meat or meat food products may be imported into the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 0583-AC91

348. • MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND MEAT RECOVERY SYSTEMS

Regulatory Plan: This entry is Seq. No. 25 in part II of this issue of the **Federal Register**.

RIN: 0583-AD00

349. • ADDITION OF MEXICO TO THE LIST OF COUNTRIES ELIGIBLE FOR THE IMPORTATION OF SLAUGHTERED (FRESH) POULTRY AND EGG PRODUCTS INTO THE UNITED STATES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: FSIS is proposing to add Mexico to the list of countries from which fresh slaughtered poultry and egg products may be imported into the United States

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583-AD01

**Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)****Final Rule Stage****350. 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.

USDA—FSIS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/03/97	62 FR 46450
NPRM Comment Period End	11/03/97	
Final Action	06/00/04	

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

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RIN: 0583-AC09**351. PERFORMANCE STANDARDS FOR READY-TO-EAT MEAT AND POULTRY PRODUCTS**

Regulatory Plan: This entry is Seq. No. 26 in part II of this issue of the **Federal Register**.

RIN: 0583-AC46**352. NUTRITION LABELING OF GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS AND SINGLE-INGREDIENT PRODUCTS**

Regulatory Plan: This entry is Seq. No. 27 in part II of this issue of the **Federal Register**.

RIN: 0583-AC60**353. 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	12/00/03	

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

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RIN: 0583-AC78**354. ● PROHIBITION ON THE USE OF AIR-INJECTION STUNNERS FOR THE SLAUGHTER OF CATTLE**

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

Legal Authority: Federal Meat Inspection Act; . . .

CFR Citation: 9 CFR 313**Legal Deadline:** None

Abstract: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to prohibit the use of penetrative captive bolt stunning devices that deliberately inject air into the cranial

cavity of cattle. This rulemaking responds to the findings of a risk assessment on bovine spongiform encephalopathy (BSE) conducted by the Harvard Center for Risk Analysis (referred to as the Harvard study) and is part of a series of actions that the USDA is taking to strengthen its BSE prevention programs.

BSE has never been detected in the United States (U.S.) despite active surveillance for the disease by the USDA since May 1990. Furthermore, the Harvard study found that, owing to already ongoing Federal programs, the U.S. is highly resistant to the introduction and spread of the disease. Even so, the USDA response to BSE has always been proactive and preventive. Therefore, FSIS is taking this action to address the potential risk posed by stunning devices that may force visible pieces of brain, known as macro-emboli, into the circulatory system of stunned cattle.

Timetable:

Action	Date	FR Cite
Final Action	01/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined

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RIN: 0583-AD03

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

Long-Term Actions

355. 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

CFR Citation: 9 CFR 381.172; 9 CFR 319.10

Timetable:

Action	Date	FR Cite
NPRM	12/29/95	60 FR 67474
NPRM Comment Period End	02/27/96	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert Post
 Phone: 202 205-0279

RIN: 0583-AC82

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

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

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

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

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.

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	08/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: State

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RIN: 0583-AD02

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)
Completed Actions
**357. 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

Completed:

Reason	Date	FR Cite
Withdrawn because the Agency has published guidelines on these matters	08/11/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583-AC05

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

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

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

Completed:

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: State

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RIN: 0583-AC43

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

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

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

Completed:

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: State

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RIN: 0583-AC44

**360. MEAT PRODUCED BY
ADVANCED MEAT/BONE
SEPARATION MACHINERY AND MEAT
RECOVERY SYSTEMS**

Priority: Other Significant

CFR Citation: 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 320.1(b)(10)

Completed:

Reason	Date	FR Cite
Withdrawn	08/12/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583-AC51

**361. REWORKING OF MEAT AND
POULTRY CARCASSES
ACCIDENTALLY CONTAMINATED
DURING EVISCERATION**

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583-AC53

**362. REFORM OF REGULATIONS ON
IMPORTED MEAT AND POULTRY
PRODUCTS**

Priority: Other Significant

CFR Citation: 9 CFR 327; 9 CFR 381

Completed:

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583-AC56

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

Priority: Substantive, Nonsignificant

CFR Citation: 9 CFR 317; 9 CFR 381

Completed:

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/12/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Post
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RIN: 0583-AC65

**364. ELIMINATION OF
REQUIREMENTS FOR TOTAL
QUALITY CONTROL SYSTEMS**

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

USDA—FSIS

Completed Actions

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State**Agency Contact:** Daniel L. Engeljohn

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RIN: 0583-AC68

365. INCORPORATION OF FOOD AND COLOR ADDITIVES INTO 21 CFR**Priority:** Substantive, Nonsignificant**CFR Citation:** 9 CFR 318.7; 9 CFR 381.147**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Robert Post

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RIN: 0583-AC69

366. POULTRY INSPECTION: REVISION OF FINISHED PRODUCT STANDARDS WITH RESPECT TO INGESTA**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 9 CFR 381**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/12/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Daniel L. Engeljohn

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RIN: 0583-AC77

367. ADDITION OF MEXICO TO THE LIST OF COUNTRIES ELIGIBLE FOR THE IMPORTATION OF SLAUGHTERED (FRESH) POULTRY AND EGG PRODUCTS INTO THE UNITED STATES**Priority:** Substantive, Nonsignificant**CFR Citation:** 9 CFR 381**Completed:**

Reason	Date	FR Cite
Withdrawn	08/12/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Daniel L. Engeljohn

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RIN: 0583-AC92

368. STANDARDS AND LABELING REQUIREMENTS FOR MECHANICALLY SEPARATED SPECIES AND PRODUCTS IN WHICH IT IS USED**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 610(c)**CFR Citation:** 9 CFR 317.2(j)(13)(ii); 9 CFR 318.18; 9 CFR 319.5**Legal Deadline:** Other, Statutory, May 2003, Other.

Provisions of the RFA mandate that this review conclude within 12 months after the initial announcement.

Abstract: On June 29, 1982, the Department of Agriculture amended the Federal meat inspection regulations with promulgation of the final rule (47 FR 28214) to (1) modify the definition, standard, and permitted uses 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) establishes 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, or 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 group's sessions exploring attitudes towards various types of meat food product labeling, and an analysis of the economic impacts of the 1978 regulations. Based on the original petition's argument, data compiled since 1978, and the Agency's internal review and reevaluation 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 has been reviewed under the Regulatory Flexibility Act's section 610 provisions. The Food Safety and Inspection Service (FSIS) intends to publish the results of its mandatory review in the Federal Register by May 31, 2003.

Timetable:

Action	Date	FR Cite
End Review	06/01/03	

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

USDA—FSIS

Completed Actions

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RIN: 0583-AC93

369. CHANGES IN FEES FOR MEAT, POULTRY, AND EGG PRODUCTS INSPECTION SERVICE

Priority: Substantive, Nonsignificant

CFR Citation: 9 CFR 391; 9 CFR 590; 9 CFR 592

Completed:

Reason	Date	FR Cite
Final Action	06/26/03	68 FR 37954

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583-AC94

370. ● USE OF ANY SAFE AND SUITABLE BINDER OR ANTIMICROBIAL AGENT IN MEAT AND POULTRY PRODUCTS WITH STANDARDS OF IDENTITY OR COMPOSITION

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

Legal Authority: 7 USC 138f; 7 USC 450, 1901 to 1906; 21 USC 451 to 470; 21 USC 601 to 695; 7 CFR 2.17, 2.55; 7 CFR 2.18, 2.53

CFR Citation: 9 CFR 319 and 381

Legal Deadline: None

Abstract: FSIS is amending its regulations to permit the use of any safe and suitable binder or antimicrobial agent in the production of meat and poultry products that are subject to a standard of identity or composition that provides for the use of such ingredients.

Timetable:

Action	Date	FR Cite
Final Action	04/29/03	68 FR 22576

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, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AC96

371. ● ADDITION OF AUSTRALIA AND NEW ZEALAND TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT RATITES AND RATITE PRODUCTS INTO THE UNITED STATES

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

Legal Authority: 7 USC 138f, 450; 21 USC 451 to 470; 7 CFR 2.18, 2.53

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: FSIS will add Australia and New Zealand to the list of countries eligible to import poultry products (ratite only) into the U.S.

Timetable:

Action	Date	FR Cite
Final Action	06/23/03	68 FR 37069

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Clark Danford, Acting Director, Import Export Programs Staff, Office of International Affairs, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AC97

BILLING CODE 3410-10-S

Department of Agriculture (USDA) Foreign Agricultural Service (FAS)

Proposed Rule Stage

372. 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 definitions 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	12/00/03	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Kimberly Chisley, Regulatory Coordinator, Department of