

## USDA

## Food and Nutrition Service—Final Rule Stage (Continued)

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319	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Increasing the Maximum Age for Children in Homeless Shelters That Participate in the CACFP .....	0584-AD56
320	National School Lunch Program: Marketing and Sales of Fluid Milk Products in Schools .....	0584-AD57
321	Nutrition Standards in the National School Lunch and School Breakfast Programs .....	0584-AD59
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324	Categorical Eligibility of Certain Migratory, Homeless, and Runaway Youth .....	0584-AD62
325	Waiver of the Requirement To Use Weighted Averages in the National School Lunch and School Breakfast Programs .....	0584-AD63
326	Food Safety Inspections, Audits, and Reports .....	0584-AD64
327	School Food Safety: Hazard Analysis and Critical Control Point System .....	0584-AD65
328	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: For-Profit Center Participation in the Child and Adult Care Food Program .....	0584-AD66
329	Implementing Provision From the Child Nutrition and WIC Reauthorization Act of 2004: Increasing the Duration of Tiering Status of Day Care Homes in the Child and Adult Care Food Program .....	0584-AD67
330	Implementing Provisions of the Child Nutrition and WIC Reauthorization Act of 2004: Disregard of Overpayments in the Child and Adult Care Food Program .....	0584-AD68
331	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Permanent Agreements for Day Care Home Providers in the Child and Adult Care Food Program .....	0584-AD69
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References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

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334	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity .....	0584-AC94

## Food and Nutrition Service—Completed Actions

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## Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
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337	Egg Products Inspection Regulations ( <b>Reg Plan Seq No. 17</b> ) .....	0583-AC58
338	Labeling: Generic Approval and Regulation Consolidation .....	0583-AC59
339	Food Standards; General Principles and Food Standards Modernization ( <b>Reg Plan Seq No. 18</b> ) .....	0583-AC72
340	Performance Criteria for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses .....	0583-AC73
341	Petitions for Rulemaking .....	0583-AC81
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343	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
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## USDA

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347	Accredited Laboratory Program .....	0583-AD09
348	Sharing of Firms' Distribution Lists of Retail Consignees During Meat or Poultry Product Recalls .....	0583-AD10
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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 Identifier Number
350	Performance Standards for the Production of Processed Meat and Poultry Products ( <b>Reg Plan Seq No. 20</b> ) .....	0583-AC46
351	Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products ( <b>Reg Plan Seq No. 21</b> ) .....	0583-AC60
352	Food Standards: Requirements for Substitute Standardized Meat and Poultry Products Named by Use of an Expressed Nutrient Content Claim and a Standardized Term .....	0583-AC82
353	Classes of Poultry Updating Poultry Class Standards .....	0583-AC83
354	Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle ( <b>Reg Plan Seq No. 22</b> ) .....	0583-AC88
355	Addition of San Marino to the List of Countries Eligible To Export Meat and Meat Products to the United States ....	0583-AC91
356	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems .....	0583-AD00
357	Prohibition on the Use of Air-Injection Stunners for the Slaughter of Cattle .....	0583-AD03
358	Uniform Compliance Date for Food Labeling Regulations .....	0583-AD05
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References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
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361	Nutrition Labeling of Meat and Poultry Products ( <b>Completion of a Section 610 Review</b> ) .....	0583-AC95
362	Nutrition Labeling: Nutrient Content Claims on Multi-Serve, Meal-Type Meat and Poultry Products .....	0583-AD07

## Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
363	New Provisions and Revisions to Sugar Reexport Programs Under 7 CFR 1530 .....	0551-AA65
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## Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
365	Program To Provide Technical Assistance To Promote U.S. Agricultural Exports to Emerging Markets (Emerging Markets Program) .....	0551-AA62

## USDA—FNS

## Completed Actions

**Federalism:** This action may have federalism implications as defined in EO 13132.

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**RIN:** 0584-AD39  
BILLING CODE 3410-30-S

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

## Prerule Stage

**169. NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS (SECTION 610 REVIEW)**

**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, Review mandated to conclude within 12 months after initial announcement of review.

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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC95

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

## Proposed Rule Stage

**170. PERFORMANCE STANDARDS FOR BACON**

**Priority:** Other Significant

**Legal Authority:** 21 USC 601 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 and/or massaged bacon (9 CFR 424.22(b)). FSIS is proposing to remove provisions that prescribe the substances and amounts of such substances that

must be used to produce pumped and/or massaged bacon. FSIS is proposing to replace these provisions with an upper limit for nitrite and a performance standard that establishments producing pumped and/or massaged bacon must meet. To meet the proposed performance standard, the process used to produce pumped and/or massaged bacon would be required to limit the presence of nitrosamines when the product is cooked.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Executive Associate, Office of Policy, Program and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex

## USDA—FSIS

## Proposed Rule Stage

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 RIN: 0583-AC49

**171. 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 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 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 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. This proposal will not encompass shell egg packers. In the near future, FSIS will initiate non-regulatory outreach efforts for shell egg packers that will provide information intended to help them to safely process shell eggs intended for human consumption or further processing.

The actions being proposed are part of FSIS' regulatory reform effort to improve FSIS' 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 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	12/00/04	

**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

**172. 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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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**RIN:** 0583-AC59

**173. 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 general 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 general 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.

## USDA—FSIS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 0583-AC72

#### 174. PERFORMANCE CRITERION 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 antimicrobial reprocessing of pre-chill poultry that are accidentally contaminated with digestive tract contents during slaughter. The on-line criterion for the treated birds is expected to identify an indicator organism for process control at pre-chill. This pre-chill criterion will be in addition to the post-chill standards for generic E. coli and Salmonella already required by the HACCP regulations. The Salmonella standard for those classes of poultry is a published performance standard.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75187
NPRM Comment Period End	04/02/01	
Second NPRM	05/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 0583-AC73

**175. 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	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

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RIN: 0583-AC81

#### 176. PERFORMANCE STANDARD FOR CHILLING OF READY-TO-COOK POULTRY

**Priority:** Other Significant**Legal Authority:** 21 USC 451 to 470**CFR Citation:** 9 CFR 381.66**Legal Deadline:** None

**Abstract:** FSIS is proposing a performance standard for the chilling

of ready-to-cook poultry products that is intended to ensure the control of microorganisms on the products from a point after evisceration until the products are frozen, further processed, or packaged for shipment from the processing plant. The current specific time and temperature requirements for chilling poultry carcasses of various weights would be retained as alternative requirements that poultry processors could choose to meet. FSIS is taking this action to provide poultry processors with greater flexibility in achieving the purposes of the poultry chilling requirements whilst complying with the Agency's Hazard Analysis and Critical Control Point (HACCP) and other regulations. This proposal responds to petitions from industry trade associations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 0583-AC87

#### 177. 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

## USDA—FSIS

## Proposed Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 0583-AC91

#### 178. 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	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**Related RIN:** Duplicate of 0583-AC92

**RIN:** 0583-AD01

#### 179. 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	06/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** Dr. Daniel L. Engeljohn, Executive Associate, Office

USDA—FSIS

Proposed Rule Stage

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**Related RIN:** Duplicate of 0583-AC43  
**RIN:** 0583-AD02

**180. • RETAIL EXEMPTION**

**Priority:** Other Significant  
**Legal Authority:** 21 USC 661(c)(2); 21 USC 454(c)(2)  
**CFR Citation:** 9 CFR 303.1; 9 CFR 381.10  
**Legal Deadline:** None

**Abstract:** FSIS is planning to revise and consolidate its regulations concerning retail exemption.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 0583-AD04

**181. • UNIFORM COMPLIANCE DATE FOR FOOD LABELING REGULATIONS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq  
**CFR Citation:** None  
**Legal Deadline:** None

**Abstract:** This proposed rule will establish a uniform compliance date for food labeling regulations to minimize the economic impact of labeling changes by providing for an orderly industry adjustment to new labeling requirements. If these labeling changes were effective on separate dates, the cumulative financial impact on the meat and poultry industry to incorporate these frequent changes would be substantial. Further, FSIS proposes to establish the uniform compliance date to be consistent with the approach that the Food and Drug Administration, HHS, has already established.

**Timetable:**

Action	Date	FR Cite
NPRM	05/04/04	69 FR 24539
NPRM Comment Period End	07/06/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AD05

**182. • FOOD SECURITY PLANS**

**Priority:** Other Significant  
**Legal Authority:** 7 USC 138f; 7 CFR 2.18, 2.53; 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 1031 et seq

**CFR Citation:** 9 CFR 420

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is proposing regulations to require that official establishments develop, implement, and maintain food security plans to prevent intentional product contamination. FSIS is also proposing to require that establishments review these plans routinely and modify them as appropriate. FSIS is taking this action to enhance protection of the nation's food supply against possible terrorist acts.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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**RIN:** 0583-AD06

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

Final Rule Stage

**183. 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

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percent yield requirement. Foreexample, 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 barbecue 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	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC09

#### 184. PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS

**Priority:** Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 9 CFR 301; 9 CFR 303; 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 320; 9 CFR 325; 9 CFR 331; 9 CFR 381; 9 CFR 417; 9 CFR 430; CFR 431

**Legal Deadline:** None

**Abstract:** FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat (RTE) 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 standards already in place for certain 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 Comment Period Extended	07/03/01	66 FR 35112
NPRM Comment Period End	09/10/01	
Interim Final Rule	06/06/03	68 FR 34208
Interim Final Rule Effective	10/06/03	
Interim Final Rule Comment Period End	12/08/04	
Final Action	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

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**RIN:** 0583-AC46

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

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 317; 9 CFR 381

**Legal Deadline:** None

**Abstract:** FSIS has proposed to amend the Federal meat and poultry products

inspection regulations to require nutrition labeling for the major cuts of single-ingredient, raw meat and poultry products, either on their label or at their point-of-purchase, unless an exemption applies. FSIS also proposed to require nutrition information on the label of ground or chopped meat and poultry products, unless an exemption applies. The requirements for ground or chopped products will be consistent with those for multi-ingredient products.

FSIS also proposed to amend the nutrition labeling regulations to provide that when a ground or chopped product does not meet the regulatory criteria to be labeled "low fat," a lean percentage claim may be included on the label or in labeling, as long as a statement of the fat percentage also is displayed on the label or in labeling.

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/01	66 FR 4970
NPRM Comment Period End	04/18/01	
Extension of Comment Period	04/20/01	66 FR 20213
NPRM Comment Period End	07/17/01	
Final Action	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0583-AC60

#### 186. FOOD STANDARDS: REQUIREMENTS FOR SUBSTITUTE 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



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**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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC82

### 187. 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. The rule will update existing regulations to reflect current poultry characteristics and production practices. Therefore, the impact on the poultry industry is expected to be minimal.

**Timetable:**

Action	Date	FR Cite
NPRM	09/29/03	68 FR 55902
NPRM Comment Period End	02/09/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC83

### 188. PROHIBITION OF THE USE OF SPECIFIED RISK MATERIALS FOR HUMAN FOOD AND REQUIREMENTS FOR THE DISPOSITION OF NON-AMBULATORY DISABLED CATTLE

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

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** On January 12, 2004, The Food Safety and Inspection Service (FSIS) issued an interim final rule to amend the Federal meat inspection regulations to designate the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (DRG) of cattle 30 months of age and older, and the tonsils and distal ileum of the small intestine of all cattle, as “specified risk materials” (SRMs). The Agency

declared that SRMs are inedible and prohibited their use for human food. In addition, as a result of the interim final rule, FSIS now requires that all non-ambulatory disabled cattle presented for slaughter be condemned. The Agency also requires that federally inspected establishments that slaughter cattle and federally inspected establishments that process the carcasses or parts of cattle develop, implement, and maintain written procedures for the removal, segregation, and disposition of SRMs. Establishments must incorporate these procedures into their HACCP plans or in their Sanitation SOPs or other prerequisite program. FSIS took this action in response to the diagnosis on December 23, 2003, by the U.S. Department of Agriculture of a positive case of bovine spongiform encephalopathy (BSE) in an adult Holstein cow in the State of Washington. This action is intended to minimize human exposure to materials that scientific studies have demonstrated as containing the BSE agent in cattle infected with the disease. Infectivity has never been demonstrated in the muscle tissue of cattle experimentally or naturally infected with BSE at any stage of the disease.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/04	69 FR 1862
Interim Final Rule Comment Period End	04/12/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 0583-AC88

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**189. MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND MEAT RECOVERY SYSTEMS****Priority:** Other Significant**Legal Authority:** 21 USC 601 to 695**CFR Citation:** 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 3**Legal Deadline:** None

**Abstract:** On January 12, 2004, the Food Safety and Inspection Service (FSIS) issued an interim final rule to amend the Federal meat inspection regulations. The rule is designed, in part, to prevent human exposure to the Bovine Spongiform Encephalopathy (BSE) agent by ensuring that Advanced Meat/Bone Separation Machinery and Meat Recovery (AMR) systems are not a means of introducing central nervous system (CNS)-type tissue into product labeled as "meat." Meat may be derived by mechanically separating skeletal muscle tissue from the bones of livestock, other than skulls or vertebral column bones of cattle 30 months of age and older, using advances in mechanical meat/bone separation machinery, i.e., AMR systems. The recovered meat product may not incorporate any brain, trigeminal ganglia, spinal cord, or dorsal root ganglia tissues. In addition, there must be no more than a non-significant incorporation of bone solids or bone marrow as measured by the presence of calcium and iron in excess of the requirements in the interim final rule. This rule also requires that federally-inspected establishments that process cattle develop, implement, and maintain written procedures for the removal, segregation, and disposition of specified risk materials (SRMs),

including non-complying product from beef AMR systems. These procedures are required to be incorporated into an establishment's HACCP plan, Sanitation Standard Operation Procedures, or other prerequisite program. FSIS took this action in response to the diagnosis on December 23, 2003, by the Department of Agriculture of a positive case of BSE in an adult Holstein cow in the State of Washington.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/04	69 FR 1874
Interim Final Rule	04/12/04	
Comment Period		
End		
Final Action	12/00/04	

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

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**Related RIN:** Duplicate of 0583-AC51**RIN:** 0583-AD00**190. PROHIBITION ON THE USE OF AIR-INJECTION STUNNERS FOR THE SLAUGHTER OF CATTLE****Priority:** Other Significant**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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/04	69 FR 1885
Interim Final Rule	04/12/04	
Comment Period		
End		
Final Action	12/00/04	

**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)****Completed Actions****191. AGENCY ORGANIZATION****Priority:** Info./Admin./Other**CFR Citation:** 9 CFR 300; 9 CFR 301; 9 CFR 306; 9 CFR 320; 9 CFR 381; 9 CFR 590**Completed:**

Reason	Date	FR Cite
Final Action	01/05/04	69 FR 250

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

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**RIN:** 0583-AC78

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