

FEBRUARY 19-21, 2017 HILTON ANATOLE DALLAS, TEXAS





















#### Regulatory Freeze Pending Review Memorandum

- 1. Send no regulation to the *Federal Register*
- 2. Withdraw regulations sent but not published in the *Federal Register*
- 3. Postpone effective date for 60 days (March 21) for regulations published but not effective to review questions of fact, law, and policy







#### **Regulatory Freeze Pending Review Memorandum**

- GIPSA Interim Final Rule
- AMS Organic Animal Welfare Final Rule
- FSIS Proposed Rule Regarding Revision of Nutrition Facts Labels

FDA Antibiotic Judicious Use Notice







#### Reducing Regulation and Controlling Regulatory Costs

- Section 2 Regulatory Cap for Fiscal Year 2017
  - "(a)... whenever an ... agency publicly proposes for notice or comment or promulgates a new regulation, if shall identify at least two new regulations to be repealed."
  - "(b) For fiscal year 2017, ... agencies are directed that the total incremental cost of all new regulations, ...to be finalized this fiscal year shall be no greater than zero, ...."







#### Reducing Regulation and Controlling Regulatory Costs

"Significant" rules

Not retroactive

Litigation







#### **GIPSA**

- December 20, 2016 Interim final rule and two proposed rules
- Interim final "Scope" rule eliminates the need for a plaintiff to show harm or likely harm to competition in P&S litigation
- Proposed rule: "unfair practices" and "unreasonable preferences"
- Proposed rule: Poultry grower ranking systems







## Labeling

- Proposition 65
- Genetically Modified Organisms
- "Natural"
- CSPI cancer warning label petition
- "Best if used by"







## **Proposition 65**

 Nitrites in combination with amines and amides – OEHHA Carcinogen Identification Committee (CIC) voted unanimously not to list

 IARC monograph on red and processed meat – expected this summer (July or August)

CIC chairman referenced the red and processed meat issue







## **GMO** Labeling

Law mandates AMS administered labeling program

Preempts Vermont and other state labeling laws

 Food derived from an animal is not considered "bioengineered" solely because the animal consumed GMO feed







## **GMO** Labeling

 Most basic meat products with multiple ingredients, i.e., flavored pork tenderloins, deli meats and sausages, etc. exempt from labeling

 Some multi-ingredient meat and poultry products will have to bear GMO labeling – "predominant ingredient" test







## "Natural" Labeling

New GMO law does not address "natural."

 FSIS regulatory agenda -- proposed "natural" rule for meat and poultry in August 2017

FDA request for information – comments filed April 2016







### **Other Labeling Issues**

• **CSPI Petition: "USDA WARNING**: Frequent consumption of processed meat products may increase your risk of developing cancer of the colon and rectum. To protect your health, limit your consumption of such products."

FSIS "Best if used by"







#### **Evaluations of Red and Processed Meat**







# **Evaluations of Red and Processed Meat International Agency for Research on Cancer**

- American Meat Science Association Lexicon project
- Monograph expected in summer of 2017

IARC subject to "scrutiny"







### Evaluations of Red and Processed Meat National Toxicology Program

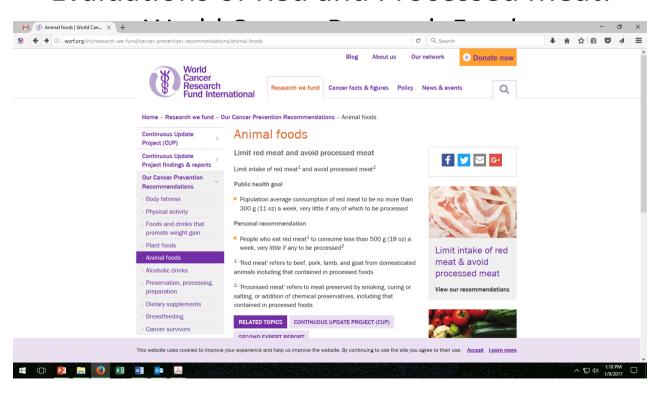
- Cancer and non-cancer health hazard evaluations
  - Red meat consumption
  - Processed meat consumption
  - Consumption of meat cooked at high temperature







#### **Evaluations of Red and Processed Meat:**









# Ground Beef Recordkeeping

- Final Rule issued Dec 21, 2015
- Modified 9 CFR 320.1
- Delayed Enforcement date October 1, 2016
  - 6 months of education







## Required records that disclose-

- (A) The establishment numbers of the establishments supplying the materials used to prepare each lot of raw ground beef product;
- (B) All supplier lot numbers and production dates;
- C) The names of the supplied materials, including beef components and any materials carried over from one production lot to the next;
- (D) The date and time each lot of raw ground beef product is produced; and
- (E) The date and time when grinding equipment and other related food-contact surfaces are cleaned and sanitized

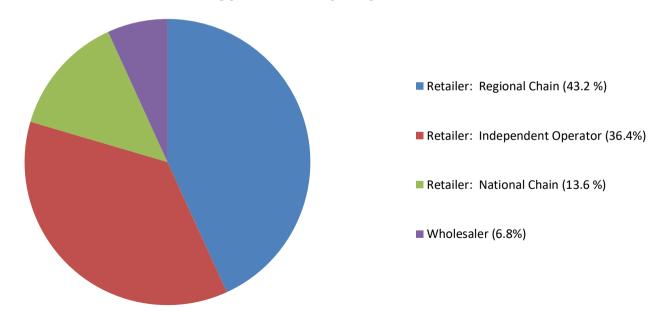






# Survey of FMI Members

#### **Type of Company**









As a result of the FSIS final rule, have you made any changes in your operation to improve compliance? (for example made changes to recordkeeping systems, no longer offer custom grinds, no longer grind in-store, etc.)

- Over 80% of companies responding indicate that they have made changes in operations to improve compliance with the USDA rule. Examples of the types of changes made are listed below.
  - Added electronic recordkeeping
  - Changed recordkeeping system or implemented recordkeeping
  - Added detail to recordkeeping
  - Modified SOP
  - Changed practices such as no longer grinding bench trim or custom grinds

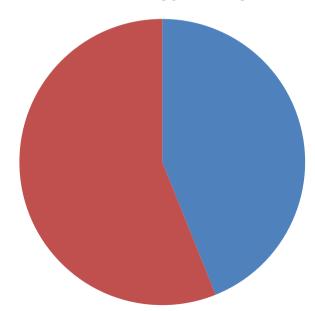






# Paper or Electronic?





■ Paper (44%)

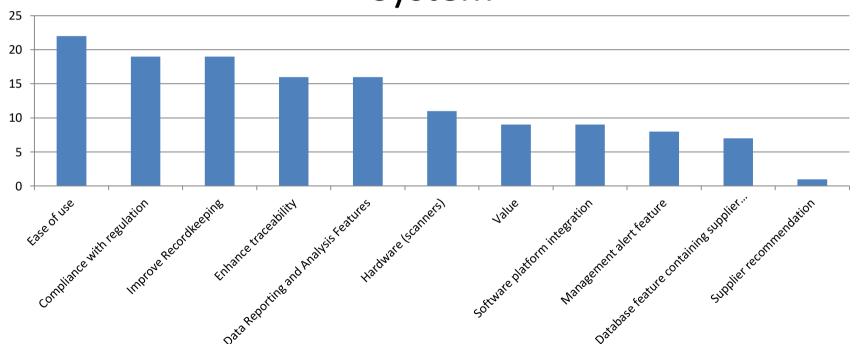
■ Electronic (56%)







# Factors Influencing Decision for Electronic System









# Reasons for Using Paper System

- Lack of Technology in Store
- Cost of new system
- Simple process for grinding
- Paper is easy
- Already in place





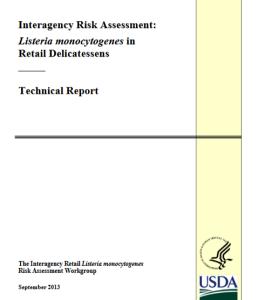


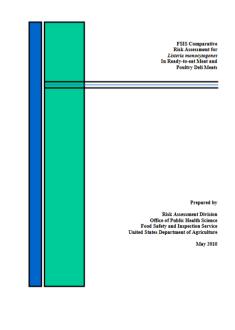
## FSIS Listeria Activity

# FSIS Best Practices Guidance for Controlling Listeria monocytogenes (Lm) in Retail Delicatessens June 2015

This guidance document provides specific actions that retailers can take in the delicatessen (deli) area to decrease the potential for Listeria monocytogenes (Lm) growth or cross-contamination. In particular, the guidance covers:

- Actions identified by the Interagency Retail Lm Risk Assessment (see page 3) that can decrease the predicted risk of listeriosis from deli products;
- Information from the U.S. Food and Drug Administration (FDA) Food Code, scientific literature, other guidance documents, and lessons learned from meat and poultry establishments that retailers can use to control Lm:
- Steps retailers can take to help ensure that deli products are maintained under sanitary conditions that do not allow Lm adulteration of the product; and
- A self-assessment tool that retailers can use to determine what practices they are currently using and what new practices to adopt to control Lm.



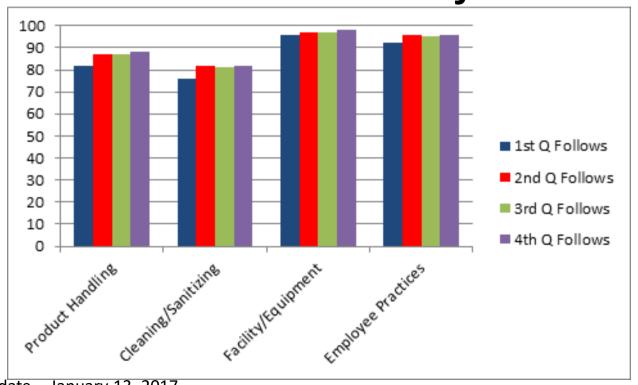








# FSIS *Listeria* Pilot Project 2016









# 2017-2021 FSIS *Listeria* Project

#### **8 Questions for Evaluation**

- Is any visibly adulterated product present in the retail deli?
- 2. Did you observe any ready-to-eat (RTE) meat or poultry products **not refrigerated** promptly after use?
- 3. Are any **RTE** meat or poultry products prepared, held or stored near or directly adjacent to **raw** products in the deli case or elsewhere in the deli area?
- 4. Are all opened RTE amenable products **covered, wrapped** or otherwise protected to prevent cross-contamination when not in use?
- 5. Are **insanitary conditions** present where RTE products are prepared, packed or held?
- 6. Is the RTE equipment cleaned and sanitized at least every four hours?
- 7. Are there facility conditions in the deli area or storage area that could cause the product to become adulterated?
- 8. Do RTE deli employees wear disposable gloves?







# Allergens

- FSIS Public Meeting March 16, 2017
- Increase in recalls due to undeclared allergens
- High level of concern from federal agencies

#### **FSIS Compliance Guidelines**

Allergens and Ingredients of Public Health Concern: Identification, Prevention and Control, and Declaration through Labeling

November 2015







# Questions?

