



THE VOICE OF FOOD RETAIL

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Submitted Electronically

December 18, 2015

Dan Engeljohn, PhD
Assistant Administrator
Office of Policy and Program Development
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

RE: Enforcement Discretion for Final Rule on Descriptive Designation for Raw Meat and Poultry Products Containing Added Solutions

Dear Dr. Engeljohn:

On December 31, 2014, the Food Safety and Inspection Service (FSIS or the Agency) of the United States Department of Agriculture (USDA) published in the Federal Register a final rule to require a descriptive designation for raw meat and poultry products containing added solutions (the Final Rule).¹ The Final Rule provides for a January 1, 2016 effective date.

The Food Marketing Institute (FMI) proudly advocates on behalf of the food retail industry. FMI's U.S. members operate nearly 40,000 retail food stores and 25,000 pharmacies, representing a combined annual sales volume of almost \$770 billion. Through programs in public affairs, food safety, research, education and industry relations, FMI offers resources and provides valuable benefits to more than 1,225 food retail and wholesale member companies in the United States and around the world. FMI membership covers the spectrum of diverse venues where food is sold, including single owner grocery stores, large multi-store supermarket chains and mixed retail stores. For more information, visit www.fmi.org and for information regarding the FMI foundation, visit www.fmifoundation.org.

The Final Rule will require establishments and food retailers to modify and relabel all raw meat and poultry products that are marinated or contain added solutions that do not meet a standard of identity. Since the final rule was released, FMI members have been working diligently to implement the label requirements to meet the January 1, 2016 effective date. Compliance with the Final Rule is an enormous undertaking for supermarkets, which takes time and imposes significant costs for the necessary label modifications. FMI appreciates the outreach and education the agency has conducted since the Final Rule was published, including a November 18, 2015 webinar for FMI members. During the webinar, FSIS indicated the intent to issue additional guidance for many of the outstanding questions raised related to compliance. However, the January 1, 2016 effective date is approaching and FSIS has not

released any of the promised Q&As/guidance that are required for FMI members to comply with the final rule.

As a result, we respectfully request that FSIS exercise enforcement discretion on the Final Rule for one-year following the January 1, 2016 effective date to allow retailers and wholesalers an opportunity to develop compliant labels and signs, conduct adequate training of personnel, and submit additional comments and questions on anticipated FSIS guidance. Thus, we respectfully request that FSIS exercise enforcement discretion until January 1, 2017.

We greatly appreciate your consideration of this request. Please contact Stephanie Barnes at the Food Marketing Institute at (202)-220-0614 or sbarnes@fmi.org if you have any questions related to this request.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Barnes".

Stephanie K. Barnes
Regulatory Counsel

ⁱ 79 Fed. Reg. 79044 (December 31, 2014).