



Rule

Uniform Compliance Date for Food Labeling Regulations

A Rule by the Food Safety and Inspection Service on 12/01/2014



This document has a comment period that ends in 21 days (12/31/2014)

SUBMIT A FORMAL COMMENT

ACTION Final Rule.

Previous Document Next Document

SUMMARY

The Food Safety and Inspection Service (FSIS) is establishing January 1, 2018, as the uniform compliance date for new meat and poultry product labeling regulations that are issued between January 1, 2015, and December 31, 2016. FSIS periodically announces uniform compliance dates for new meat and poultry product labeling regulations to minimize the economic impact of label changes.

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Publication Date: Monday, December 01, 2014
Agencies: Department of Agriculture Food Safety and Inspection Service
Dates: This rule is effective December 1, 2014. Comments on this final rule must be received on or before December 31, 2014.
Effective Date: 12/01/2014
Comments Close: 12/31/2014
Entry Type: Rule
Action: Final rule.
Document Citation: 79 FR 71007
Page: 71007 -71009 (3 pages)
CFR: 9 CFR 317 9 CFR 381
Agency/Docket Number: Docket No. FSIS-2014-0042
RIN:

UNIFIED AGENDA

Uniform Compliance Date for Food Labeling Regulations

3 actions from May 4th, 2004 to December 2004

Table with 3 columns: May 4th, 2004 (NPRM, 69 FR 24539), July 6th, 2004 (NPRM Comment Period End), December 2004 (Final Action)

TABLE OF CONTENTS

Back to Top

- DATES:
ADDRESSES:
FOR FURTHER INFORMATION CONTACT:
SUPPLEMENTARY INFORMATION:
Background
The Final Rule
Executive Order 12988

Executive Orders 12866 and 13563 and the Regulatory Flexibility Act

- [Paperwork Requirements](#)
- [E-Government Act Compliance](#)
- [USDA Nondiscrimination Statement](#)
- [How To File a Complaint of Discrimination](#)
 - [Mail](#)
 - [Fax](#)
 - [Email](#)
- [Additional Public Notification](#)

0583-AD05

Document Number:

2014-28269

Shorter URL:
<https://federalregister.gov/a/2014-28269>

DATES: This rule is effective December 1, 2014. Comments on this final rule must be received on or before December 31, 2014.

[Back to Top](#)

ADDRESSES: FSIS invites interested persons to submit relevant comments on this final rule. Comments may be submitted by the following methods:

[Back to Top](#)

- **Federal eRulemaking Portal:** This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to <http://www.regulations.gov/>. Follow the online instructions at that site for submitting comments.
- **Mail, including CD-ROMs:** Send to Docket Clerk, U.S. Department of Agriculture (USDA), FSIS, OPPD, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8-163A, Washington, DC 20250-3700.
- **Hand- or courier-delivered items:** Send to Docket Clerk, U.S. Department of Agriculture (USDA), FSIS, OPPD, Patriots Plaza 3, 355 E Street SW., Room 8-163A, Washington, DC 20250-3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS-2014-0042. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov/>.

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8-164, Washington, DC 20250-3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.



FOR FURTHER INFORMATION

Rosalyn Murphy-Jenkins, Director, Labeling and Program Delivery Division, Office of Policy and Program Development,

CONTACT: Food Safety and Inspection Service, U.S. Department of Agriculture, Telephone: 301-504-0879.
[Back to Top](#)

SUPPLEMENTARY INFORMATION:

[Back to Top](#)

Background
[Back to Top](#)

FSIS periodically issues regulations that require changes in the labeling of meat and poultry food products. Many meat and poultry establishments also produce non-meat and non-poultry food products that are subject to the jurisdiction of the Food and Drug Administration (FDA). FDA also periodically issues regulations that require changes in the labeling of products under its jurisdiction.

On December 14, 2004, FSIS issued a final rule that established January 1, 2008, as the uniform compliance date for new meat and poultry labeling regulations issued between January 1, 2005, and December 31, 2006. The 2004 final rule also provided that the Agency would set uniform compliance dates for new labeling regulations in 2-year increments and periodically issue final rules announcing those dates. Consistent with that final rule, the Agency has published four final rules establishing the uniform compliance dates of January 1, 2010, January 1, 2012, January 1, 2014, and January 1, 2016 ([72 FR 9651](#), [73 FR 75564](#), [75 FR 71344](#), and [77 FR 76824](#)).

The Final Rule
[Back to Top](#)

This final rule establishes January 1, 2018, as the uniform compliance date for new meat and poultry product labeling regulations that are issued between January 1, 2015 and December 31, 2016, and is consistent with the previous final rules that established uniform compliance dates. In addition, FSIS's approach for establishing uniform compliance dates for new food labeling regulations is consistent with FDA's approach. FDA is also planning to publish a final rule establishing a new compliance date.

Two-year increments enhance the industry's ability to make orderly adjustments to new labeling requirements without unduly exposing consumers to outdated labels. With this approach, the meat and poultry industry is able to plan for use of label inventories and to develop new labeling materials that meet the requirements of all labeling regulations made within the two year period, thereby minimizing the economic impact of labeling changes.

This compliance approach also serves consumer's interests because the cost of multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher prices.

FSIS encourages meat and poultry companies to comply with new labeling regulations as soon as it is feasible. If companies initiate voluntary label changes, they should consider incorporating any new requirements that have been published as final regulations.

The new uniform compliance date will apply only to final FSIS regulations that require changes in the labeling of meat and poultry products and that are published after January 1, 2015, and before December 31, 2016. For each final rule that requires changes in labeling, FSIS will specifically identify January 1, 2018, as the compliance date. All meat and poultry food products that are subject to labeling regulations promulgated between January 1, 2015 and December 31, 2016, will be required to comply with these regulations on products introduced into commerce on or after January 1, 2018. If any food labeling regulation involves special circumstances that justify a compliance date other than January 1, 2018, the Agency will determine an appropriate compliance date and will publish that compliance date in the rulemaking.

In rulemaking that began with the May 4, 2004, proposed rule, FSIS provided notice and solicited comment on the concept of establishing uniform compliance dates for labeling requirements ([69 FR 24539](#)). In the March 5, 2007, final rule, FSIS noted that the Agency received only four comments in response to the proposal, all fully supportive of the policy to set uniform compliance dates. Therefore, in the March 5, 2007, final rule, FSIS determined that further rulemaking for the establishment of uniform compliance dates for labeling requirements is unnecessary ([72 FR 9651](#)). The Agency did not receive comments on the 2007 final rule, and the comments FSIS received on the 2012 final rule on the uniform compliance date were outside the scope of the rule ([77 FR 76824](#)). Consistent with its statement in 2007, FSIS finds at this time that further rulemaking on this matter is unnecessary. However, FSIS is providing an opportunity for comment on the uniform compliance date established in this final rule.

[Executive Order 12988](#)

[Back to Top](#)

This final rule has been reviewed under the [Executive Order 12988](#), Civil Justice Reform. Under this final rule: (1) All state and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) no retroactive proceedings will be required before parties may file suit in court challenging this rule.

[Executive Orders 12866 and 13563 and the Regulatory Flexibility Act](#)

[Back to Top](#)

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive

impacts, and equity). Executive Order (E.O.) 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been reviewed under E.O. 12866. The Office of Management and Budget (OMB) has determined that it is a not significant regulatory action under section 3(f) of E.O. 12866 and, therefore, it has not been reviewed by OMB.

This rule does not have a significant economic impact on a substantial number of small entities; consequently, a regulatory flexibility analysis is not required (5 U.S.C. 601-612).

Paperwork Requirements

[Back to Top](#)

There are no paperwork or recordkeeping requirements associated with this policy under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

E-Government Act Compliance

[Back to Top](#)

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the Internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

USDA Nondiscrimination Statement

[Back to Top](#)

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA. □

How To File a Complaint of Discrimination

[Back to Top](#)

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf, or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail

U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250-9410

Fax

(202) 690-7442

Email

program.intake@usda.gov

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Additional Public Notification

[Back to Top](#)

FSIS will announce this rule online through the FSIS Web page located at http://www.fsis.usda.gov/regulations_&_policies/Interim_&_Final_Rules/index.asp.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at http://www.fsis.usda.gov/News_&_Events/Email_Subscription/. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.



Done at Washington, DC on: November 25, 2014

Alfred V. Almanza,

Acting Administrator.

[FR Doc. 2014-28269 Filed 11-28-14; 8:45 am]

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HOME

- [Home](#)

SECTIONS

- [Money](#)
- [Environment](#)
- [World](#)
- [Science & Technology](#)
- [Business & Industry](#)
- [Health & Public Welfare](#)

BROWSE

- [Agencies](#)
- [Topics](#)
- [Dates](#)
- [Public Inspection](#)
- [Executive Orders](#)

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- [Document Search](#)
- [Advanced Document Search](#)
- [Events Search](#)
- [Unified Agenda Search](#)
- [Public Inspection Search](#)

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