

requesting approval of the use of substances in meat or poultry products.

5. When petitioned, conduct rulemaking that would permit under the FFDCA use of a substance in meat or poultry, including those restrictions or conditions of use in meat or poultry products that are recommended in writing by FSIS, and for which there are data or other information establishing that the use of the substance is safe and not deceptive. FDA will also consult with FSIS on any comments received on petitions regarding meat or poultry uses.

C. FSIS and FDA jointly agree:

1. That the officials of the two Agencies responsible for implementing the Agreement are:

At FSIS: the Administrator and Deputy Administrators (as may be designated); Director, Product Assessment Division; Branch Chief, Food Standards and Ingredients Branch.

At FDA: Director, Center for Food Safety and Applied Nutrition; Director, Office of Pre-Market Approval.

2. That the responsible officials will concur on rulemaking documents that, when published by FDA, will list or amend listings of substances permitted for use in meat and poultry products.

3. That the Administrator of FSIS and the Director, CFSAN, FDA, shall resolve problems and make decisions by consensus in areas of disagreement.

#### VI. Conflict Resolution

Each Agency reserves the authority to review, independently of the other, matters of concern to their respective authorities. However, written notice will be provided to the Commissioner of Food and Drugs and to the Under Secretary for Food Safety, USDA, of any rulemaking initiative not in keeping with the provisions of this MOU or about which there is an interagency disagreement, prior to public announcement of the rulemaking.

#### VII. Other Agreements

A. The provisions of this MOU are not intended to add to or detract from any of the authorities provided to either FDA or FSIS by the FFDCA, FMIA, or the PPIA, or the regulations by which these laws are implemented.

B. FSIS and FDA may enter into additional, separate agreements with each other as they deem appropriate to achieve the objectives of this MOU.

#### VIII. Duration of MOU

This Agreement becomes effective upon acceptance by both Agencies and will continue indefinitely. It may be modified by mutual written consent or terminated by either agency with a 30-day written notice to the other agency.

Signed:

\_\_\_\_\_  
Director, CFSAN, FDA

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, FSIS

#### Guidelines for Acceptability Determinations for New Substances and New Uses of Substances in Meat and Poultry Products

The evaluation by FSIS of the acceptable use of a new substance or new use of a substance in meat and poultry products subject to this MOU will be based on the following conditions that must be addressed by the requester. The conditions set forth are in accordance with the provisions for use of substances in 9 CFR and 21 CFR.

1. The substance has a documented history of use in foods.

2. The substance is derived from food or a food ingredient and is not considered to be a chemical or synthesized additive.

3. The process for manufacturing the substance does not result in a severe alteration of the molecular structure resulting in the formation of a chemical residue whose safety has not been shown.

4. The safety of the substance has been evaluated by an independent authority and adequate safety data have been presented.

5. The suitability and efficacy of the substance have been shown through adequate data submission. The lowest level of the substance necessary to achieve the intended functional effect must be shown and the use cannot render the products to which the substance is intended for use adulterated or misbranded.

6. The FDA has determined the common or usual name of the substance(s).

7. FDA must concur with FSIS's determination of acceptability in order to allow use.

[FR Doc. 95-31390 Filed 12-26-95; 3:36 pm]

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

**9 CFR Parts 301, 304, 305, 306, 307, 318, 325, and 381**

[Docket No. 95-008A]

RIN 0583-AB89

#### FSIS Agenda for Change: Regulatory Review

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Advance Notice of Proposed Rulemaking; Request for Comments.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) has begun a comprehensive review of its regulatory procedures and requirements to determine which are still needed and which ought to be modified, streamlined, or eliminated. This review is an integral part of the FSIS initiative to improve the safety of meat and poultry products by modernizing the Agency's system of food safety regulation. It also moves beyond the page-by-page review of FSIS regulations carried out earlier this year under the

President's Reinvention of Government Initiative. A thorough review of FSIS's regulations is needed to prepare for implementation of the Agency's proposed Hazard Analysis and Critical Control Points (HACCP) regulations and a new food safety strategy that will reduce reliance on command-and-control regulations and increase reliance on science-based preventive measures and performance standards to improve food safety. This review and any changes in FSIS regulations that are necessary to make them compatible with HACCP will be completed prior to implementation of HACCP. FSIS invites comment from the public and all interested parties on the Agency's preliminary review of its regulations and specific suggestions on which regulations need to be eliminated or changed to be compatible with HACCP, and how they should be changed, or to achieve Reinvention of Government goals of having fewer, clearer, and more user-friendly regulations.

Some of the rulemakings needed to streamline existing requirements and carry out the FSIS food safety strategy are being initiated or effectuated in documents that appear elsewhere in this issue of the Federal Register: A proposed rule that would eliminate the FSIS prior approval system for substances added to meat and poultry products; a proposed rule that would facilitate marketing of nutritionally improved alternatives to standardized meat and poultry food products; and a final rule streamlining the prior approval system for meat and poultry labels.

As FSIS progresses in its comprehensive regulatory review, FSIS will publish further proposals to eliminate unnecessary regulations and modify remaining regulations, replacing, to the extent possible, command-and-control regulations with performance standards, clarifying the role of inspectors in enforcing those standards, and reorganizing and simplifying the regulations to make them easier to understand and use.

**DATES:** Comments must be received on or before February 27, 1996.

**ADDRESSES:** Please send an original and two copies of written comments to Policy, Evaluation, and Planning Staff, Attn: FSIS Docket Clerk, DOCKET No. 95-008A, Room 4352 South Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments, as permitted under the Poultry Products Inspection Act, should be directed to the person listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Dr. Paula M. Cohen, Director, Regulations Development, at (202) 720-7164.

**SUPPLEMENTARY INFORMATION:**

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- I. FSIS Regulatory Reform Strategy
- II. Comprehensive Review and Reorganization of FSIS Regulations
- III. Initial Review of Regulations; Consistency with HACCP
- IV. Request for Comments

**I. FSIS Regulatory Reform Strategy**

The Food Safety and Inspection Service is responsible for carrying out the mandates of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), and most recently, the Egg Products Inspection Act (21 U.S.C. 1031 *et seq.*), by ensuring that meat, meat food, poultry, and egg products are safe, wholesome, not adulterated, and properly marked, labeled, and packaged. FSIS and its predecessor agencies have protected consumers for nearly a century primarily through in-plant inspection procedures to assure that raw animal tissues are free of disease and visible contamination, that further processed products are processed under appropriate controls and meet applicable composition requirements, and that all products are produced under sanitary conditions and are packaged and labeled in a manner that is not misleading.

The Agency's inspection programs have contributed significantly to the safety and quality of meat and poultry products consumed in this country. Increasingly, however, the need to reassess these programs and to reshape them to meet the challenges of the future has become apparent. Today, FSIS is confronting three imperatives: (1) The need to improve food safety to meet persistent as well as changing threats to public health; (2) the need to make better use of scarce resources in meeting those public health challenges; and (3) the need to reexamine its regulations, culling out or reforming those that are obsolete, impose unnecessary burdens or are inconsistent with Agency food safety initiatives, and restructure the essential regulations that remain to make them easier to understand and use.

*Need To Improve Food Safety*

The need to take steps to improve food safety has been underscored by events of recent years. The early-1993 outbreak of illness in the Western United States, linked to hamburger patties contaminated with the bacterium

*E. coli* O157:H7, showed that there are gaps in the inspection system—most significantly the lack of measures to target, control, and reduce contamination of raw meat and poultry products with pathogenic microorganisms. Since 1993, the Agency has adopted regulatory control, research, and education measures to help fill these gaps in the system and address the public health problem of foodborne illness associated with such contamination. Among these measures are regulations mandating safe handling labels on all raw, not ready-to-eat, meat and poultry products (9 CFR 317.2(l); 381.125(b)(1)(i)). The Agency has strongly encouraged the regulated industry to find ways of reducing and controlling the levels of microbial pathogens on meat and poultry products. The Agency also has begun a program to test raw ground beef for *E. coli* O157:H7 and to take regulatory action on product found to be adulterated with this dangerous organism.

*Pathogen Reduction/HACCP Proposal*

On February 3, 1995, FSIS published a rulemaking proposal, "Pathogen Reduction; Hazard Analysis Critical Control Point (HACCP) Systems" (60 FR 6774), which begins a fundamental transformation of the Agency's program designed to reduce significantly the incidence of foodborne illness associated with meat and poultry products. The notice enunciated the FSIS food safety goal: To reduce the risk of foodborne illness associated with the consumption of meat and poultry products to the extent possible by ensuring that appropriate and feasible measures are taken at each step in the food production process where hazards can enter and where procedures and technologies exist or can be developed to prevent the hazard or reduce the likelihood it will occur.

HACCP is conceptually a simple system by which food processors identify and evaluate hazards to the production of safe products, institute controls necessary to reduce or eliminate these hazards, monitor the performance of these controls, and maintain records of this monitoring, as a matter of routine. HACCP embodies the principle that the management of every plant is responsible for building into its food production process systematic measures to ensure the safety of the food the plant produces.

For HACCP to be successful, it must be accompanied by appropriate food safety performance standards, which can provide a means to determine whether a plant's HACCP plan is

adequate and working effectively to achieve an acceptable level of food safety performance. Such standards have long existed for chemical food additives and pesticide residues, in the form of tolerances or legal limits on the level of additive or residue that may be safely present in food. FSIS has also maintained performance standards for pathogenic microorganisms on cooked or ready-to-eat meat and poultry products, typically in the form of zero tolerances (or prohibitions) on the presence of such harmful bacteria as *Salmonella* and *Listeria monocytogenes*. In conjunction with HACCP and the Agency's new food safety strategy, FSIS is now moving for the first time toward performance standards for pathogenic microorganisms on raw products.

With this approach, slaughter plants will have an additional incentive to improve their processes to reduce the risk of harmful contamination and greater flexibility to adopt innovative new pathogen reduction procedures and technologies in a more efficient and effective manner than under the current system.

Where appropriate and useful, and to mitigate any negative impact of proposed rules, FSIS intends to propose performance standards which, while affording plants the freedom to innovate, could be met by following the procedures in the current regulations.

Performance standards are consistent with the HACCP philosophy, which more clearly delineates the roles and responsibilities of industry and Government than does the current regulatory approach. With establishments free to develop plant-specific means of achieving FSIS-defined food safety objectives, the Agency will be able to better focus inspection resources on essential HACCP-related functions and other tasks more focused on process than product.

**II. Comprehensive Review and Reorganization of FSIS Regulations**

To be better prepared to pursue its food safety goals, FSIS has thoroughly reexamined its regulatory oversight roles, resource allocation, and organizational structure. This top-to-bottom review of the Agency was conducted in parallel with and in support of the Pathogen Reduction/HACCP rulemaking. FSIS made the preliminary reports on this review available to the public and, in a Federal Register notice (60 FR 47346; September 12, 1995), invited comment on the analysis and options that had been developed. How to redeploy inspectional resources to more

productively focus on food safety objectives was a key component of the top-to-bottom review, and continues to engage the Agency.

The inspection regulations have accumulated over many years. The meat inspection regulations (9 CFR subchapter A), the poultry inspection regulations (9 CFR subchapter C), and the egg product inspection regulations, under FSIS jurisdiction since June 1995 (7 CFR part 59), were developed independently of one another; all began separately as programs administered by different agencies. These distinct sets of regulations have retained their separate identities in the Code of Federal Regulations, despite the fact that they are now administered by the same agency and a large proportion of the regulations are virtually identical. Because of this structure, when a change is made to one of these inspection programs, the same or a similar change must usually be made to the others.

Many of the provisions in the meat and poultry (and now egg products) regulations should be, but are not, identical. The differences in the provisions addressing similar topics are largely historical artifacts which should be eliminated. These differences frequently cause confusion, making the administration of inspection more difficult and resource-intensive than it ought to be. For example, a time limit for appealing inspection decisions exists under the poultry regulations but not under the meat regulations (9 CFR 306.5; 381.35). Similarly, there is a 180°F temperature requirement for water used to clean and disinfect meat slaughterhouses (9 CFR 308.3(d)(4), 308.8) but not poultry establishments (9 CFR 381.50(b), 381.58(a)).

Although there are necessary differences in how products of the different industries are regulated, there are many differences for which there is no clear necessity. In some cases, it is argued, these differences are not only unjustified, but they are unfair in favoring one industry at the expense of the other.

In 1992, FSIS contracted with the Research Triangle Institute (RTI) to conduct a review and comparison of the Agency's meat and poultry regulations. The report, delivered to the Agency in June 1993, found 12 areas with substantive differences in the regulations that might be "potentially significant in terms of relative costs of administering the two regulatory programs."

A review of that report suggests at least three areas of regulation where this may currently be the case: slaughter inspection controls (only poultry has

detailed finished product standards, which permit faster line speeds and other plant efficiencies), removal of contamination (poultry can be reprocessed by washing, but meat must be trimmed), and exemptions from inspection (there are more categories of exempted poultry establishments than there are exempted meat establishments, and the poultry regulations are more definitive in describing products not subject to inspection). Significant differences in a fourth area, "mechanically separated product," were resolved in a final rule published in the Federal Register on November 3, 1995 (60 FR 55962).

FSIS will carefully scrutinize all meat, poultry, and egg inspection regulations with a view to merging and restructuring the regulations and to unifying most of the provisions that are common to them. As each regulatory area is reviewed, FSIS will carefully consider the validity of any differences in how the industries are regulated and will keep separate only those provisions that must remain separate. The merging and restructuring would simplify the regulations; enhance administrative efficiency; and remove unnecessary, often confusing, and sometimes burdensome, differences in the regulatory treatment of FSIS-inspected establishments and their products.

During the next few years, the Agency will review and restructure all of its regulations to make them easier to use. This reflects the Agency's position that its regulations could be more clearly understood if better organized and written in "plain English."

In conjunction with the comprehensive regulatory review now in progress, FSIS is undertaking a review of its manuals, bulletins, directives, notices, and instructions to its employees on how to implement specific regulations. FSIS will address longstanding concerns that, as the inspection program has evolved, procedural changes have been introduced without systematic consideration of whether the new procedures overlap or are inconsistent with other procedures. The result has been the creation of redundant or conflicting procedures on top of one another, causing confusion and the potential for nonuniform application of inspection requirements from place to place. Further, FSIS questions whether the many kinds of issuances continue to be useful, and requests comment on how the Agency can best communicate instructions for implementing regulations.

### III. Initial Review of Regulations; Consistency With HACCP

As discussed in conjunction with the FSIS regulatory proposal of February 3, 1995 (60 FR 6774), FSIS does not intend simply to add the new HACCP system to the current system of inspection and regulation. FSIS intends to integrate HACCP into a modernized system of inspection and regulation that will harness the power of prevention and performance standards to improve food safety and make better use of the Agency's resources. To accomplish this, FSIS must review all of its existing regulatory requirements and procedures and modify, streamline, or eliminate them, as appropriate, to be compatible with the new food safety strategy. FSIS has already targeted a number of its regulations for elimination or reform and is seeking in this document public input as a first step in the rulemaking required to achieve the needed changes.

Earlier this year, partly to identify rule changes needed for HACCP-based inspection and partly to meet requirements of the President's Reinventing Government Initiative, FSIS conducted an initial page-by-page review of existing regulations. The Agency identified for possible revision or elimination more than 400 pages of regulations. Almost three-quarters of the regulations administered by FSIS were projected to be eliminated or changed to make them simpler, less burdensome, or more performance-based.

As part of its overall food safety initiative, the Agency is committed to moving beyond that initial review to making specific proposals for the near term and to comprehensive regulatory reform to be completed during the next few years.

#### *Reporting and Recordkeeping*

Further, in line with the Administration's policy to reduce reporting requirements in Government programs, FSIS invites comment on its paperwork or recordkeeping requirements. The Agency seeks specific recommendations for eliminating, simplifying, or otherwise changing information collection requirements. FSIS also seeks recommendations for improving or eliminating currently required forms (FSIS Form 7234-1, the form accompanying label submissions, for example, or FSIS Form 8820-2, the form meat and poultry establishment personnel complete if inspectors find deficiencies in processing operations).

Questions of particular concern include the following:

- Despite efforts to prevent this, has FSIS issued duplicative or redundant

requirements? Do FSIS' information and recordkeeping requirements overlap with those of other Federal, State, or local agencies?

- Should individual FSIS forms be modified or combined? If so, how?
- Should FSIS allow respondents to use facsimiles, computers, or other automated collection systems or information transfer technologies? If so, for which information requirements?
- Would it be helpful for FSIS to accompany information requirements with format suggestions?
- Generally, how might FSIS make information collection activities less burdensome?

#### *Current Activity*

FSIS has decided to publish the following documents at this time:

- Rulemaking to make FSIS food safety regulations compatible with HACCP and to eliminate redundant or unnecessary rules, initiated in this Advance Notice of Proposed Rulemaking (ANPR);
- Rulemaking to eliminate the FSIS prior-approval system for substances added to meat and poultry products, a process initiated in a proposed rule, "Substances Approved for Use in the Preparation of Meat and Poultry Products," docket #88-026P, published elsewhere in this issue of the Federal Register;
- Rulemaking to amend existing standards of identity to give manufacturers greater flexibility in marketing nutritionally improved (e.g., reduced-fat) meat and poultry products, "Food Standards: Processed Meat and Poultry Products Named by Use of an Expressed Nutrient Content Claim and Standardized Name" (docket #92-024P), published elsewhere in this issue of the Federal Register); and
- A final rule streamlining the prior-approval system for meat and poultry labels, "Prior Labeling Approval System," docket #92-012F, published elsewhere in this issue of the Federal Register.

Further, FSIS is actively developing the following: a proposal to convert remaining rules as much as possible from command-and-control prescriptions to performance standards ("Performance Standards for the Production of Certain Cooked Meat and Poultry Products"); a proposal to eliminate prior-approval programs for facility blueprints, processing equipment, and most quality control plans ("Elimination of Prior Approval Requirements for Establishment Drawings and Specifications, Equipment, and Certain Partial Quality Control Programs"); and an advance

notice of proposed rulemaking soliciting comments and information on whether to modify or eliminate specific standards and whether, and if so how, to modify the Agency's overall approach to product standards ("Meat and Poultry Standards of Identity and Composition").

#### *Planned Actions*

- Review of all prior-approval regulations not addressed in the above-mentioned documents, with related rulemaking proposals projected for publication during 1996;
  - Restructuring of FSIS meat inspection regulations and poultry inspection regulations, which are currently in different subchapters of the Code of Federal Regulations, to eliminate duplicative and redundant requirements and make the regulations easier to use (initiated in this ANPR).
- FSIS invites public comment on all aspects of this regulatory reform initiative based on the discussion contained in the ANPR and in the companion rulemaking proposals.

#### *Command-and-Control Regulations and Consistency With HACCP*

The Pathogen Reduction/HACCP proposal referred to above reflects a basic shift in FSIS's approach to overseeing the safety of meat and poultry products. FSIS intends to rely less on command-and-control requirements, which specify, often in great detail, how a plant is to achieve a particular food safety objective, and more on performance standards, which state an objective or level of performance plants are expected to achieve, and allow for greater flexibility on the part of the plant in determining how to achieve them. This shift to performance standards and greater flexibility for meat and poultry plants is the basis of FSIS's intention to further stimulate the innovative capacity of the meat and poultry industry to improve the safety of its products.

This shift is also compelled by the philosophy underlying HACCP. HACCP enables plant management to build science-based controls to prevent food safety hazards into its food production processes, and recognizes that the specific controls and related measures—the HACCP plans—required to ensure food safety can vary from plant to plant.

Where appropriate, command-and-control regulations must be changed to provide greater flexibility for industry to design and implement processes and HACCP systems of control, tailored to the circumstances of each plant. This is consistent with the HACCP approach, which clearly delineates industry and

Government responsibility for food safety, with plants establishing procedures they will follow to ensure the production of safe food. FSIS must carefully reconsider all of its regulations that mandate specific actions, techniques, or processing parameters designed to achieve a food safety objective and determine whether they should be eliminated or modified to provide the flexibility required to be consistent with HACCP. However, any changes will not compromise food safety standards or objectives required to protect public health.

FSIS must also modify its regulations in varying respects to reflect the anticipated changes in the roles FSIS inspectors will play in plants operating under HACCP.

Table 1 lists the regulations FSIS has identified as candidates for modification or elimination to be consistent with HACCP. Comments submitted during that public comment period also identified candidates for modification or elimination. The comments are being evaluated by FSIS and will be taken into account as the Agency proceeds with the necessary rulemaking. Any changes in these or other FSIS regulations that are required to be consistent with HACCP will be completed before plants are required to comply with new HACCP requirements.

Notably, the following categories of regulations in title 9 of the CFR are being reviewed for consistency with HACCP:

- Definitions (§§ 301.2 and 381.1);
- Inauguration, suspension, and withdrawal of inspection (§§ 305.4, 305.5, and 381.19–381.21, and 381.29);
- Appeals procedures and related administrative procedures (§§ 306.5, 335.40, and 381.35);
- Reinspection of product entering establishments, and retention and disposition of product (§§ 318.2 and 381.145);
- Restrictive, command-and-control-type regulations which delimit processing and treatment methods intended to eliminate specific food safety hazards such as trichinae in pork; mechanically separated product, and various poultry products; and the potential hazards of improper thermal processing of meat and poultry products and irradiation of poultry (§§ 318.6, 318.10, 318.12–318.20, 318.22–318.24, and 318.300–318.311; and 381.148–381.152 and 318.300–381.311); and
- Recordkeeping and access to records under the Freedom of Information Act (§§ 320.5–320.7, 381.179–381.181; 390.1–390.8).

FSIS is also reviewing all of its regulations, policies, and inspection

procedures concerning plant sanitation (§§ 308.3–308.16 and §§ 381.45–381.61). Although implementation of the requirement proposed on February 3, 1995, for sanitation standard operating procedures (SOP's) would not depend on revisions to the Agency's sanitation regulations, the Agency recognizes the need to more clearly state the performance standards in this area. Basic sanitation and plant hygiene practices are, from a food-safety perspective, among the most important requirements in the regulations. The Agency believes that the regulations can be made much clearer in describing the establishments' roles and their responsibility for much of the routine work in this area, so that Federal

inspection resources can be allocated to new, HACCP-related functions. FSIS also invites comment on the relationship between HACCP and the existing regulations governing postmortem inspection in slaughter plants (9 CFR parts 310 and 381.76 *et seq.*). HACCP is intended to address all significant avenues of hazard affecting the safety of meat and poultry products. The FSIS postmortem inspection program, which carries out the statutory mandate for carcass-by-carcass examination by Federal inspectors, is designed to achieve an array of consumer protection values, including exclusion of diseased animals from the food supply and enforcement of standards regarding visible carcass

defects and contamination with visible filth, fecal matter, or other extraneous materials, some of which affect the safety of the product and some of which do not. HACCP plans for slaughter plants will include one or more critical control points in the slaughter and carcass dressing process, which will require inspectional oversight by FSIS and, possibly, some modification of the current postmortem inspection regulations. FSIS invites comment on what the relationship should be between HACCP and the current postmortem inspection regulations and activity, including specific suggestions for the manner in which current regulations should be modified to be consistent with HACCP.

TABLE 1.—REGULATIONS THAT ARE CANDIDATES FOR REVISION OR REMOVAL PRIOR TO HACCP IMPLEMENTATION

Regulations—FMIA, PPIA	Subject	Possible action
9 CFR Part 301, 381, Subpart A ..... 304, 381, Subpart D ..... 305 and 306, 381, Subparts E and F. 307, 381, Subpart G .....	Definitions ..... Application for and grant or refusal of inspection. Inauguration and withdrawal of inspection; inspection program employees. Facilities for inspection .....	Include general HACCP-related terms and redefine inspection organization and activity terms. Revise prior approval procedures (e.g., eliminating provisions of § 381.19); shift to performance standards. Clarify role of inspection program. (See, e.g., § 305.4). Integrate §§ 305.5 and 381.29 with rules for suspending and withdrawing inspection. (See Part 335 and Part 381, Subpart W.) Assure that appeal procedures in §§ 306.5 and 381.35 comport with enforcement under HACCP. Clarify standards for essential facilities. (See, e.g., §§ 307.1, 307.2, and 381.36.) Convert requirements for sanitation and facilities to performance standards or decision criteria; supplement with guidelines as needed. (See, e.g., §§ 308.3, 308.4, and 381.46–381.52.) Simplify detailed requirements for equipment and cleanliness, for example; convert to performance standards and/or decision criteria; supplement with guidelines as needed. (See §§ 308.6–308.9, 308.12, 308.13, and 308.16.) Convert equipment and cleaning requirements to performance standards and/or decision criteria; supplement with guidelines as needed. (See §§ 381.54–381.61.) Remove obsolete provisions for slack barrels, similar containers and means of conveyance, and burlap wrapping. (See §§ 308.10 and 308.11.) Clarify decision criteria concerning employment of diseased persons. (See § 308.14.) Convert tagging insanitary equipment, utensils, rooms, and compartments provisions to performance standards; clarify role of inspection program employees. (See §§ 308.15 and 381.99.) Update rules for temperatures and chilling and freezing procedures for poultry and make changes to accommodate HACCP (i.e., changes in addition to pathogen reduction amendments proposed 2/3/95). (See § 381.66 paragraphs (c)(5) and (c)(6).)
318, 381, Subparts O and X.	Entry into official establishments; reinspection; reinspections, preparing and processing establishments.	Convert rules for articles entering establishments, and product disposal to performance standards and clarify role of inspection program employees. (See §§ 318.3 and 381.45(a),(b), and (i).) Eliminate prior approval procedures for total quality control systems. (See §§ 318.4(c)–(h) and 381.145(c)–(g).) Convert requirements for processing procedures and articles used in preparing products to performance standards and clarify role of inspection program employees. (See §§ 318.5, 318.6, 318.8, and 381.148.)

TABLE 1.—REGULATIONS THAT ARE CANDIDATES FOR REVISION OR REMOVAL PRIOR TO HACCP IMPLEMENTATION—Continued

Regulations—FMIA, PPIA	Subject	Possible action
325, 381, Subpart S .....	Transportation .....	<p>Eliminate command-and-control type requirements for the use of nitrite and sodium ascorbate or erythorbate in bacon; convert these requirements to performance standards and clarify role of inspection program employees. (See § 318.7(b).)</p> <p>Convert requirements for the treatment of pork and pork products to destroy trichinae in to performance standards; supplement with guidelines as needed. (See § 318.10.)</p> <p>Convert requirements for preparing articles not for use as human food (e.g., dog food) to performance standards; clarify role of inspection program employees; eliminate command-and-control type requirements. (See §§ 318.12 and 381.152.)</p> <p>Eliminate redundancy with other provisions (mixtures containing product that are not classed as meat food products). (See § 318.13.)</p> <p>Convert procedure for handling product adulterated by polluted water to performance standards and decision criteria; supplement with guidelines as needed. (See §§ 318.14 and 381.151.)</p> <p>Convert requirements for tagging chemicals, preservatives, cereals, spices, etc., to performance standards; clarify role of inspection program employees. (See § 318.15.)</p> <p>Convert rules for substances such as pesticide chemical residues, food additives, and color additives to performance standards and role of inspection program employees. (See § 318.16.)</p> <p>Make requirements for handling of certain material for mechanical deboning consistent with any new time-temperature requirements. (See § 318.18.)</p> <p>Convert compliance procedures for meat derived from advanced meat/bone separation machinery and recovery systems to performance standards and clarify role of inspection program employees. (See § 318.24.)</p> <p>Convert requirements for canning and canned products to performance standards and clarify role of inspection program employees. (See §§ 318.300–318.311 and 381.300–381.311.)</p> <p>Eliminate obsolete provisions; focus on and clarify policies and performance standards.</p>

IV. Request for Comments

This ANPR is intended to elicit comments, suggestions, and information that will enable FSIS to provide more efficient and effective service and to focus its organizational resources more closely on health and safety matters, which are of vital concern to all Americans. FSIS specifically requests comment on its efforts to transform its regulations from heavy reliance on command-and-control approaches to greater reliance on performance standards, and solicits detailed suggestions concerning which existing regulations need to be changed to be consistent with HACCP, and how those regulations should be changed. The Agency notes that several individuals and groups, including at least one trade association, responded to a similar request in the February 3, 1995, proposal. FSIS would also appreciate comments on the economic burdens and the paperwork, recordkeeping, or other

information collection burdens associated with the regulations discussed in this document.

Comments supported by scientific or other data on the impacts, such as the public health effects, of changing or eliminating existing regulations, would be especially valuable.

Executive Order 12866

This advance notice of proposed rulemaking has been reviewed under Executive Order 12866. This rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

FSIS does not have data necessary to assess how the regulatory changes discussed in this document might affect various sectors of the meat and poultry industries. Therefore, the Agency invites comment on potential effects, including economic costs or benefits, of any specific changes that may be suggested.

Done, at Washington, D.C., on December 21, 1995.

Michael R. Taylor,

*Acting Under Secretary for Food Safety.*

[FR Doc. 95–31393 Filed 12–26–95; 3:36 pm]

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR PART 319 and 381

[Docket No. 92–024P]

RIN: 0583–AB51

**Food Standards: Requirements for Processed Meat and Poultry Products Named by Use of an Expressed Nutrient Content Claim and a Standardized Term**

AGENCY: Food Safety and Inspection Service, USDA.