Introduction

- Small Business Regulatory Enforcement Fairness Act (SBREFA)
  - Signed into law March 29, 1996
  - Applies to all branches of government
  - Gives small business a greater voice in development and enforcement of regulations
Definitions

- Small Plant
- Very Small Plant
- Ombudsman
- Fairness Boards
Two Key Areas

- Advocacy
  - Outreach and compliance assistance
- Enforcement Fairness
  - To ensure non-retaliation for regulated establishments
Advocacy

- **Goal** – Provide technical guidance and assistance to small and very small meat, poultry, and egg plants
  - Constitute vast majority of meat and poultry plants in U.S.
  - Usually need technical guidance and assistance in HACCP and food safety
Challenges

• Small and Very Small Plants may:
  • Lack resources
  • Lack knowledge
  • Have possible language barriers
  • Lack strong Associations
  • Believe that old methods result in safe products
Common Issues

- Lack of scientific support for hazard analysis and reassessment
- Validation – Reliance on literature without validation in the plant’s environment
- “We’ve done it this way for years - no one has died from eating our product.”
- “Government makes new requirements to put small plants out of business”
- Cannot leave plant for training
Small and Very Small Plant Outreach

- EIAO’s play a vital role in advocacy
  - Key position to provide outreach to small and very small plants
  - Included in EIAO job description and performance elements
  - Majority of issues deal with food safety systems design
EIAO’s Expanded Role in Outreach

- Outreach visits
- For outreach assistance - not FSA
- Promotes open communication
- May perform while in the area performing FSA at another plant
EIAO’s Expanded Role in Outreach

- Promote understanding of regulatory requirements
- Explain what to expect during a FSA
- Provide FSIS materials/resources
  - Share guidance material/contact lists
  - Carry FSIS supplied material with you
- Refer plants to Contacts/Coordinators
  - They can do what FSIS cannot
What EIAO’s Don’t Do

- Do not write the HACCP Plan or SSOP
- Do not dictate CCP’s
- Do not create additional burdens
- Do not hesitate to involve Contacts or Coordinators
  - They can provide direct assistance
EIAO’s Role in Outreach

- Participate in HACCP courses or roundtables held at universities
- Collaborate with others to hold workshops for small plants
Outreach Resources

- Outreach and Partnerships Division of OOEET
  - Prepares compliance materials
  - Serves
    - FSIS employees
    - Small plant owners/operators
    - State and local governments
    - American Indian/Eskimo
    - Underserved populations
Resources

• Extensive library of free outreach materials
  • In English and Spanish, some in Chinese, Korean, and Vietnamese
  • Guidebook for Preparation of HACCP Plans
  • 13 Generic HACCP Models
  • Booklets, videos and CDs on HACCP and Food Safety
To Get Materials

- Hard copies – Listed on brochure
  - Call Outreach and Partnership Division of OOEET at 202-690-6522
- FSIS web page
Other Resources

- In addition to the role of the EIAO:
  - State Outreach and Technical Assistance Division (SOTAD) of OOEET works with Contacts and Coordinators, associations, and others
    - List of HACCP Coordinators in each state can be accessed from the small plant webpage
Other Resources

- In addition to the role of the EIAO:
  - In November 2009 FSIS began to offer
    - Toll-free Small Plant Help Desk
    - One stop shop for questions about how to make sure products are safe, wholesome, properly labeled
    - Provide a portal to other services such as AskFSIS
    - 1-877-FSISHelp or email Infosource@fsis.usda.gov
Other Resources

- OFO has developed a start up package to guide new small and very small plants thru the process
  - Beginning with applying for the Grant of Inspection
  - Available at any district office
Enforcement Fairness

• National Ombudsman and Regulatory Fairness Boards
  • Forum for small businesses to report compliance or enforcement experiences with Federal regulatory agencies
SBA Office of National Ombudsman

- **Ombudsman**: a person who has a proxy to represent someone
- Represents small businesses in their dealings with Federal regulatory agencies regarding the fairness of compliance and enforcement actions
  - Small business owners may contact the Office of National Ombudsman at:
  - 1-888-REGFAIR (1-888-734-3247) or https://www.sba.gov/ombudsman
Regional Fairness Boards

- 10 boards throughout U.S.
- Members are small business owners elected by other small business owners
- Meetings open to public
- Meetings are posted to website
  - Including issues scheduled for the meeting
National Ombudsman and Fairness Boards

- Avenues of appeal for small entities
- **Do not** replace FSIS appeal processes
- **Cannot** overturn or adjudicate Agency decisions
- Focus on “unfairness” in regulatory decisions or enforcement actions
WebSite for SBREFA

- Calendar of Events
- Fairness Board Members
- How to file comments with SBA/ONO
- [https://www.sba.gov/ombudsman/comments](https://www.sba.gov/ombudsman/comments)
Enforcement Fairness

- Agency role
  - Ensure non-retaliation
  - Attend Fair Regulatory Enforcement Hearings if issue raised
  - Provide official responses to complaints or comments
SBREFA Fairness Board Meetings

- SBA emails or phones FSIS
  - About upcoming meetings
  - If an FSIS issue is scheduled
- OFO no longer sends EIAO's to these meetings because issues are not related to FSIS.
SBA Grades Agencies

- SBA reports to Congress and “grades” agencies on a number of factors
  - Attendance at roundtables/hearings
  - Non-retaliation policy statements
  - Outreach activities
  - Compliance Assistance
  - Timeliness/quality of responses to comments
  - Informs about SBREFA
Summary

- Provide compliance assistance to small and very small plants
- Provide information on outreach and available resources
- Attend meetings, roundtables, and workshops as directed
- Communication is the key!
Headquarters SBREFA Contacts

- FSIS Headquarters SBREFA Contacts:
  - Lisa Volk, OFO (202) 720-4863
  - Rachel Edelstein, OPPD (202) 205-0495
  - Victoria Levine, OPPD (202) 720-5627
  - Scott Safian, OPEER (202) 418-8872
  - Keith Payne, OOEET (202) 690-6522
Questions
Workshop Time!