



United States Department of Agriculture

Food Safety and
Inspection Service

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Avenue, SW,
Washington, D.C.
20250

Katherine A. Meyer
Clinical Director
Animal Law & Policy Program
Harvard Law School
1585 Massachusetts Ave.
Cambridge, MA 02138

September 16, 2021

Dear Ms. Meyer:

The Food Safety and Inspection Service (FSIS) has reviewed your petition dated June 9, 2020 (Petition Number 20-03). The petition requests that FSIS adopt a labeling approach for “cell-based” meat and poultry products (i.e., meat and poultry products made using animal cell culture technology) that respects First Amendment commercial speech protections. Specifically, it requests that FSIS establish a labeling approach for cell-based products that does not require new standards of identity and does not ban the use of common or usual meat or poultry terms or other product terms specified in current codified standards of identity. The petition asserts that FSIS should wait until the Agency has a better understanding of the compositional and safety characteristics of finished cell-based meat products, and until it has had the opportunity to review proposed labels, before establishing speech restrictions that could raise constitutional questions. FSIS received and analyzed one public comment on your petition. As explained below, we intend to address the issues raised in your petition through the advance notice of proposed rulemaking (ANPR) published September 3, 2021.

FSIS is actively expanding its knowledge of cell-based meat and poultry products so that it can effectively oversee the safety and labeling of such products. In October 2018, FSIS and the U.S. Food and Drug Administration (FDA) hosted a public meeting to discuss the potential hazards, oversight considerations, and labeling of cultured food products derived from livestock and poultry tissue (83 FR 46476). Furthermore, in March 2019, FSIS and FDA signed a formal agreement to jointly oversee the production of—and develop joint labeling principles for—meat and poultry products made using animal cell culture technology. Under that agreement, FSIS and FDA regularly cooperate to share information and expand their understanding of cell-based products.

Nonetheless, FSIS agrees that more information is necessary to develop new labeling requirements for these products. In April 2020, the U.S. Government Accountability Office came to a similar conclusion, finding that federal regulators

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lack specific information on the technology being used, eventual commercial production methods, and composition of the final products.¹

In response to your petition, the U.S. GAO report, and the high degree of public interest in the subject, FSIS published an advance notice of proposed rulemaking on September 3, 2021, to request comments pertaining to the labeling of meat and poultry products comprised of or containing cultured cells derived from animals subject to the Federal Meat Inspection Act or Poultry Products Inspection Act. Your petition is a topic of discussion in the ANPR. Comments submitted in response to the ANPR will expand FSIS' understanding of cell-based products and help inform future rulemaking to establish labeling requirements and will help inform FSIS' approach to the issues you raised in your petition. FSIS, therefore, encourages you to submit comments on the ANPR and any subsequent rulemaking related to this matter.

In accordance with our petition regulations, we have posted your petition on the FSIS website (9 CFR 392.6). We intend to post this letter, which serves as our official final response to your petition, as well.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Michael".

Matthew Michael
Director
Regulations Development Staff
Office of Policy and Program Development

¹ U.S. Government Accountability Office, *Food Safety: FDA and USDA Could Strengthen Existing Efforts to Prepare for Oversight of Cell-Cultured Meat*, April 2020, available at: <https://www.gao.gov/products/gao-20-325>.
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