

May 9, 2022

FSIS Docket Clerk  
Department of Agriculture  
Food Safety and Inspection Service  
Room 2534 South Building  
1400 Independence Avenue, S.W.  
Washington, DC 20250-3700

**Re: Petition to Amend the “Jerky” Entry in the Food Standards and Labeling Policy Book.**

To Whom it May Concern:

The North American Meat Institute (NAMI) respectfully submits this petition asking that USDA’s Food Safety and Inspection Service (FSIS or the Agency) delete the Moisture Protein Ratio (MPR) reference from the “Jerky” entry in the FSIS Food Standards and Labeling Policy Book (FSIS Policy Book).<sup>1</sup> The reference is an inappropriate indicator of shelf-stability and potentially a source of confusion for industry and consumers.

The Meat Institute has a rich, century-long history and provides essential member services including legislative, regulatory, scientific, international, and public affairs representation for the meat and poultry packing and processing industries. Together, NAMI members produce the vast majority of U.S. beef, pork, lamb, and poultry products in the United States. Several NAMI members produce jerky products subject to the MPR “standard” outlined in the FSIS Policy Book.

In 2014, FSIS updated its “Compliance Guideline for Meat and Poultry Jerky Produced by Small and Very Small Establishments” (2014 Compliance Guide)<sup>2</sup> in response to several comments the Agency received after initially publishing the guidance document in 2012. As the Agency said in the 2014 Compliance Guide,

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<sup>1</sup> Food Safety and Inspection Service; Office of Policy, Program and Employee Development. *Food Standards and Labeling Policy Book*. Washington, D.C.: U.S. Department of Agriculture, FSIS; August 2005. (FSIS Policy Book)

<sup>2</sup> Food Safety and Inspection Service. *FSIS Compliance Guideline for Meat and Poultry Jerky Produced by Small and Very Small Establishments: 2014 Compliance Guideline*. Washington, D.C.: U.S. Department of Agriculture, FSIS; 2014. (2014 Compliance Guide)

“FSIS does not have a standard of identity for jerky in its regulations. However, jerky has historically been dried to an MPR of 0.75:1 or below as described in the FSIS Food Standards and Labeling Policy Book.”<sup>3</sup> FSIS further explains in the 2014 Compliance Guide that, although some manufacturers rely upon the MPR rather than water activity for determining whether their process adequately dries the jerky to produce a shelf-stable product, MPR is an inappropriate indicator of shelf-stability.<sup>4</sup> We request the MPR reference be removed from the FSIS Policy Book, as it may be incorrectly interpreted to be a requirement for shelf stability, which it is not.

FSIS makes clear in the 2014 Compliance Guide that to label a product as “jerky” it must be shelf-stable because consumers “consider and expect jerky to be shelf stable.”<sup>5</sup> In order to achieve shelf stability, the 2014 Compliance Guide explains that establishments must achieve the water activity as identified in the establishment’s scientific support, *not* by the MPR. Specifically, FSIS says, “[a]lthough MPR values indicate the degree of product drying, they are not necessarily indicative of microbial safety or product shelf-stability because they do not take into account the availability of the water.”<sup>6</sup>

Because FSIS has determined the existing MPR standard in the Food Standards and Labeling Policy book is not an appropriate means to determine shelf stability and support the safe movement and marketing of such product absent refrigeration, this redundant standard is especially difficult for small and very small establishments. Resources are much better spent verifying important food safety related parameters (*e.g.*, water activity, pathogen testing, environmental monitoring, *etc.*), per the 2014 Compliance Guide.

NAMI seeks a change in the Food Standards and Labeling Policy Book because the drying reference is outdated and may confuse jerky manufacturers and consumers. Given that FSIS goes to great lengths to explain in its 2014 Compliance Guide that the “Jerky” entry in the Agency’s Food Standards and Labeling Policy book is not a food safety standard, NAMI believes it is beneficial to both the government and industry to simply remove the MPR reference from the FSIS Policy Book.

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<sup>3</sup> FSIS Policy Book; 2014 Compliance Guide

<sup>4</sup> 2014 Compliance Guide

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

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Thank you for the opportunity to submit this request. The Meat Institute respectfully requests the “jerky” entry in the FSIS Policy Book be amended to remove the MPR reference. Please contact me if you would like to discuss this petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Casey Lynn Gallimore', with a large, stylized loop at the end.

Casey Lynn Gallimore  
Director, Regulatory Policy  
North American Meat Institute

cc: Julie Anna Potts  
Mark Dopp  
Norm Robertson