



Federal Register Notice Announces FSIS' Intent to Extend Responsibility of Humane Handling to Transporters

FSIS is announcing that the Agency intends to hold livestock owners, transporters, haulers and other persons who are not employed by an official establishment responsible if they inhumanely handle livestock when on the premises of an official establishment.

This policy will further improve the welfare of livestock handled in connection with slaughter by ensuring that all persons who inhumanely handle livestock in connection with slaughter are held accountable. Actions FSIS may take can include warning letters for minor violations, civil action for repetitive violations or criminal prosecution for egregious violations.

On Jan. 21, 2015, FSIS received a petition from an attorney on behalf of a federally regulated swine slaughter establishment requesting that FSIS review its humane handling enforcement policy. The petition stated that official establishments should not be held accountable when non-employees inhumanely handle livestock on the official establishment premises. This notice is being published to announce FSIS' decision to grant the petition and to describe the actions that the Agency intends to take in response to the petition.

FSIS is requesting comments on this decision to initiate enforcement actions against non-employees who inhumanely handle livestock. Based on the comments received, the Agency intends to update its humane handling guidance materials, as well as the livestock handling instructions to Office of Field Operations and Office of Investigation, Enforcement and Audit personnel. FSIS also intends to perform industry outreach to educate slaughter establishments, animal transporters and haulers.

Interested individuals will be able to submit comments for up to 30 days after the policy is posted in the *Federal Register*. FSIS will begin implementation 90 days after the policy's publication in the *Federal Register*, unless comments that demonstrate a need to revise the policy are received. The *Federal Register* Notice can be found at <http://www.fsis.usda.gov/wps/portal/ffsis/topics/regulations/federal-register>.

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USDA Food Safety Tips for Areas Affected by Hurricane Matthew

FSIS issued food safety recommendations for those who may be impacted by Hurricane Matthew. The National Hurricane Center expects the Category 3 hurricane will affect Florida's Atlantic coast today. Based on latest forecast models, Matthew is also likely to impact the Eastern United States as it moves up the East Coast this weekend. Significant flooding is possible from Georgia through Massachusetts, including South Carolina, North Carolina, Virginia, Washington, D.C., Maryland, New Jersey, New York and Connecticut. According to the National Hurricane Center, some slight strengthening is forecast during the weekend.

Hurricanes present the possibility of power outages and flooding that can compromise the safety of stored food. Residents in the path of this storm should pay close attention to the forecast through the week. Be aware that flooding from heavy rain, damaging winds and storm surge is possible. FSIS recommends that consumers take the following steps to reduce food waste and the risk of foodborne illness during this and other severe weather events.

Steps to follow in advance of losing power

- Keep appliance thermometers in both the refrigerator and the freezer to ensure temperatures remain food safe during a power outage. Safe temperatures are 40°F or lower in the refrigerator, 0°F or lower in the freezer.
- Freeze water in one-quart plastic storage bags or small containers prior to a storm.
- Have coolers on hand to keep refrigerator food cold if the power will be out for more than four hours.

Steps to follow if the power goes out

- Keep the refrigerator and freezer doors closed as much as possible. A refrigerator will keep food cold for about 4 hours if the door is kept closed. A full freezer will hold its temperature for about 48 hours (24 hours if half-full).
- Use dry or block ice to keep the refrigerator as cold as possible during an extended power outage. Fifty pounds of dry ice should keep a fully-stocked 18-cubic-foot freezer cold for two days.

Steps to follow after a weather emergency

- Check the temperature inside of your refrigerator and freezer. Discard any perishable food (such as meat, poultry, seafood, eggs or leftovers) that has been above 40°F for two hours or more.
- Check frozen food for ice crystals. The food in your freezer that partially or completely thawed may be safely refrozen if it still contains ice crystals or is 40°F or below.
- Never taste a food to decide if it's safe. When in doubt, throw it out.

Food Safety After a Flood

- Discard any food that is not in a waterproof container if there is any chance that it has come into contact with flood water. Food containers that are not waterproof include those packaged in plastic wrap or cardboard, or those with screwcaps, snap lids, pull tops and crimped caps.

If you have questions about food safety during severe weather or any other food safety topics, you can call the USDA Meat & Poultry Hotline at 1-888MPHotline or chat live with a food safety specialist at AskKaren.gov. These services are available from 10:00 a.m. to 4:00 p.m. EST, Monday through Friday, in English and Spanish. Answers to frequently asked question can also be found 24/7 at AskKaren.gov.

FSIS Constituent Update is prepared by the Congressional and Public Affairs Staff Office of Public Affairs and Consumer Education

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Food Recalls and Alerts

For information regarding recalls, please contact the Congressional and Public Affairs Staff at (202) 720-9113. You can also receive e-mail notifications when public health alerts and recalls are issued by registering at <http://www.fsis.usda.gov/subscribe>.

FSIS Announces Date for Establishments Operating under NPIS to Submit their Annual Attestation on Work-Related Condition

Each establishment operating under the New Poultry Inspection System (NPIS) is required to submit to the management member of the local FSIS circuit safety committee an annual attestation stating that it maintains a program to monitor and document any work-related conditions of establishment workers (9 CFR 381.45). To facilitate implementation and tracking of the NPIS attestation requirement, FSIS will establish a uniform date each year for establishments operating under the NPIS to submit their attestations. FSIS plans to establish the end of February as the uniform attestation submission date. This reflects the Feb. 23, 2015, date that establishments were initially required to notify FSIS of their intent to opt-into the NPIS. To give new NPIS establishments time to comply with the attestation, FSIS will not require an establishment to submit its initial attestation until the establishment has been operating under the NPIS for at least one year. Therefore, the first attestation submission date for establishments operating under NPIS on or before the end of February 2016 will be the end of February 2017.

To simplify the attestation submission process, FSIS will instruct inspectors-in-charge (IICs) in NPIS establishments to collect the attestation on behalf of the management member of the circuit safety committee. After the IIC collects the attestation, the IIC will forward it to the management member of the circuit safety committee. FSIS has developed an attestation template that the IIC will give to establishments to assist them in complying with the attestation requirement. Establishments will not be required to use the template and may provide the required information in any format that includes the attestation requirements specified in the regulation. FSIS will instruct management members of the circuit safety committee to forward the attestations to their district offices. The district office will forward all attestations to the Department of Labor's Occupational Safety and Health Administration by the end of March each year for further review.

Export Requirement Updates

The Library of Export Requirements has been updated for the following countries:

Belarus
Chile
Colombia
Curacao
Guatemala
Honduras
Nicaragua
Taiwan
St. Lucia

For a complete list of countries, visit <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products>.

UPDATE: FSIS Testing for *E.coli*



FSIS posts biweekly updates of the Agency's raw ground beef *E. coli* sampling program, which includes testing results of raw ground beef component samples for *E. coli* O157:H7 and Shiga toxin-producing *E. coli* (STECs) from FSIS routine and follow-up sampling programs. Data are also presented for non-O157 STECs by each non-O157 STEC serogroup.

Between June 4, 2012 and Oct. 2, 2016, FSIS laboratory services analyzed a total of 15,157 beef trim samples (13,010 domestic and 2,147 imported), 3,572 routine follow-up samples (3,458 domestic and 114 imported), and 326 non-routine follow-up/traceback samples. One-hundred seventy-one samples were found to be positive; 101 were domestic trim samples, six were imported trim samples, 60 were domestic follow-up samples, and four were non-routine follow-up/traceback samples. To date, three samples have been positive for both O157:H7 and at least one non-O157 STEC strain, and nine samples have been positive for two different non-O157 O-groups. To review testing results, visit the *E. coli* data tables at <http://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/microbiology/ec>.

First Sample Establishment Specific Datasets to be Posted

FSIS is preparing to publish the first set of establishment specific datasets as announced in the *Federal Register* on July 14, 2016 (Docket No. FSIS-2014-0032). FSIS developed this plan in response to policy documents issued by the President and the Office of Management and Budget and to reduce the administrative burden Freedom of Information Act requests have placed on the Agency. Prior to publishing these datasets, FSIS is making sample datasets available. The sample datasets and corresponding data dictionaries can be found on the FSIS website at www.fsis.usda.gov/wps/portal/!fsis/topics/regulations/federal-register/federal-register-notice#2014-0032. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments to Docket FSIS-2014-0032 by Nov. 18, 2016. FSIS will publish the final datasets on Nov. 28, 2016.

Going forward, FSIS intends to release new datasets quarterly, and existing datasets will be updated quarterly. We intend to use the following schedule:

- Release sample data and data dictionary on the 1st Friday of the 2nd month of the quarter
- The feedback deadline will be six weeks later
- Publish the full dataset on the 1st Friday of the next quarter.

Additional details can be found at <http://www.fsis.usda.gov/wps/wcm/connect/0803f8a0-a3cc-4945-87b6-f992acdcfa9b/Establishment-Specific-Data-Plan-Final.pdf?MOD=AJPERES>.

Follow Us On Twitter

Follow FSIS on Twitter at www.twitter.com/USDAFoodSafety to find food safety information for at-risk populations, along with tips and resources to keep consumers and other interested groups informed of the latest Agency news and events.

Policy Updates

FSIS notices and directives on public health and regulatory issues are available at <http://www.fsis.usda.gov/wps/portal/!fsis/topics/regulations>. The following policy updates were recently issued:

Notice 79-16 - *Verification of Non-Food Safety Consumer Protection Regulatory Requirements - Change to the Poultry Class Standards*

Directive 4791.1 Revision 3 - *Basic Occupational Safety and Health Program*

Directive 5020.1 Revision 1 - *Verification Activities for the Use of New Technology in Meat and Poultry Establishments and Egg Products Plants*

Directive 9040.5 - *Procedures for Evaluating and Verifying Implementation of Corrective Actions in Response to Detained or Rejected Export Product*

Docket No. FSIS-2016-0004 - *Inhumane Handling of Livestock in Connection with Slaughter by Persons Not Employed by the Official Establishment (Advance Copy)*

Docket No. FSIS-2016-0021 - *Food Safety and Inspection Service labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submission*