



Executive Order Regarding Meat and Poultry Processors

On April 28, 2020, President Trump issued an executive order declaring that meat and poultry processors meet newly established criteria under the Defense Production Act. Under the order, the Department of Agriculture is directed to ensure America’s meat and poultry processors are able to continue to operate uninterrupted to the maximum extent possible. USDA is directing meat and poultry processing plants to operate in accordance with the CDC/OSHA Guidance for Meat and Poultry Processing Workers and Employers to facilitate ongoing operations, while mitigating the risk of spreading COVID-19. Accordingly, establishments will provide written documentation of mitigation plans for review by the USDA-led federal leadership team, which consists of representatives from USDA, DOL and CDC. The USDA-led federal leadership team will swiftly review documentation provided and work in consultation with the state and local authorities to resume and/or ensure continuity of operations at these critical facilities.

CDC and DOL Issue New COVID-19 Guidance to Meat and Poultry Industry

The Centers for Disease Control and Prevention (CDC) and the Department of Labor (DOL) have issued [guidance](#) specific to the meat and poultry processing industry in order to facilitate ongoing operations and support the food supply, while also mitigating the risk of spreading COVID-19.

USDA strongly recommends establishments utilize the recommendations highlighted in the guidance document where practical, recognizing that how they are implemented may differ given the unique circumstances of establishments and processing facilities nationwide. In the event of a closure, establishments should work with the state departments of agriculture and state and local health authorities, in coordination with CDC, to utilize the guidance and develop a plan to safely resume operations as soon as possible.

These guidelines were developed recognizing that these establishments and their operations are [critical](#) to the security of the nation’s food supply. Steps to prevent the spread of COVID-19 should remain in place throughout the pandemic and to the extent that companies must reduce or alter capacity, split shifts, or add additional processing days to implement the CDC and DOL recommendations, FSIS remains committed to ensuring that food safety regulations are met.

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IAFP Elects FSIS' Chief Scientist to Executive Board

Members of the International Association for Food Protection (IAFP) elected Dr. Emilio Esteban, FSIS' Chief Scientist, to the Executive Board as Secretary. Emilio will take office at the conclusion of IAFP 2020 in Cleveland, Ohio and will fulfill a five-year commitment to the association, serving as President beginning in July 2023.

IAFP's mission is to provide food safety professionals worldwide with a forum to exchange information on protecting the food supply. The IAFP Executive Board represents a cross-section of membership. Executive Board members volunteer their time, expertise and resources to advance IAFP's mission and help the association reach its short- and long-term objectives.

Since August of 2018, Emilio has served as FSIS' Chief Scientist in the Office of Public Health Science. In this capacity, Emilio serves as the primary scientific advisor on matters of public health and food safety that affect the mission of the agency, with primary responsibility for scientific initiatives. Emilio first joined FSIS in 2002 as the Director of the Western Laboratory.

Prior to joining FSIS, Emilio worked in several positions at the Centers for Disease Control and Prevention (CDC). A native of Mexico, Emilio holds a DVM and MBA from the National Autonomous University of Mexico. He also completed an MPVM and a Ph.D. in Epidemiology from the University of California – Davis.

FSIS Extending Deadline for Temporary Allowances for Labels Going to Retail

FSIS recognizes the ongoing challenges industry and retailers are facing with the labeling and redirection of products for distribution for retail sale. As a follow up to FSIS' March 27, 2020 [Constituent Update](#) announcement, FSIS is extending its enforcement discretion an additional 60 days until July 26, 2020. FSIS is clarifying that the enforcement discretion the agency is exercising for certain labeling described below is temporary for an additional period of 60 days and will not require establishments to submit labels for temporary approval. Establishments will only need to submit labels for temporary approval if there are other deficiencies that FSIS will need to consider on a case-by-case basis (e.g., formulation changes that affect claims or export labels now intended to be used domestically). Temporary approval will be granted provided the label meets the conditions for temporary approval in 9 CFR 412.1(f). FSIS will provide additional information on labeling issues in the future if necessary.

Labeling at a Federal Establishment

Product produced at a federal establishment typically intended for distribution to hotels, restaurants, or similar institutions (HRI) will have modified labels applied by the federal establishment so that the products can now be sold at retail. The label would be mandated to bear all required features. FSIS will not object to the use of labels without nutrition labeling, even if the establishment does not meet an exemption under 9 CFR 317.400 and 381.500, provided the labels do not bear any nutrition claims

Export Requirements Update

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

Canada
Chile
Egypt
Mexico
North Macedonia, Republic of
Panama
Peru
Russia
Singapore
Ukraine
United Arab Emirates
Vietnam

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

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The absence of nutrition labeling would normally require an establishment to submit for temporary approval under 9 CFR 412.1(f)(1). However, if the only deficiency is the absence of nutrition labeling, FSIS will not require establishments to submit for temporary approval for an additional 60 days until July 26, 2020. If the proposed label has other deficiencies from FSIS labeling requirements (e.g., formulation changes not reflected in the ingredients statement), establishments will need to submit the label for temporary approval for an evaluation on a case by case basis.

Labeling at Retail for Bulk Product Already in Commerce

Bulk product, even if labeled for HRI (e.g. child nutrition labeled product or product labeled for a specific restaurant or institution), may be distributed to retail where the retailer will repackage the product into smaller consumer size packages and apply a label. The label applied to the repackaged product will need to bear all required features except for the USDA mark of inspection. The only deviation from current requirements under 9 CFR 317.8 and 381.129 is the bulk product may be distributed in a manner that is inconsistent with a statement of limited use on the outer box. For example, a box labeled “for school foodservice use only” can now be distributed to a retail outlet for repackaging and labeling. FSIS will not object to products being distributed in a manner that is inconsistent with the statement of limited use under 9 CFR 317.8 and 381.129 for an additional 60 days until July 26, 2020.

Labeling at Retail for Product in Unlabeled Protective Coverings Already in Commerce

A fully labeled container with meat or poultry products in unlabeled protective coverings may be distributed to a retailer for labeling, which is not currently allowed under 9 CFR 317.1 and 381.115. The container may have a statement of limited use that would normally indicate that the product is for HRI only (see example above). FSIS will not object to the container being distributed to retail and the retailer applying a label to the protective covering so that the product may be sold at retail on a temporary basis (see date below). The label applied by the retailer may be an insert label supplied by the federal establishment that produced the product or it could be a label that the retailer printed. The insert label provided by the establishment or, alternatively, the label printed at retail, should duplicate the label on the incoming container. The labels applied by the retailer are expected to bear all required features with the exception of the USDA mark of inspection. Labels printed at retail cannot bear the USDA mark of inspection. FSIS will also not require nutrition labeling for such product even if an exemption from nutrition labeling does not apply. FSIS will permit retailers to label products in protective coverings in this manner for an additional 60 days until July 26, 2020.