

FDA Food Code, and lessons learned from controlling *Lm* in FSIS-inspected meat and poultry processing establishments, FSIS developed the "FSIS Best Practices Guidance for Controlling *Listeria monocytogenes* (*Lm*) in Retail Delicatessens," which provides practical recommendations that retailers can use to control *Lm* contamination and outgrowth in the deli. Retailers can use the best-practices guidance to help ensure that RTE meat and poultry products in the deli area are handled under sanitary conditions and are not adulterated under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) (see 21 U.S.C. 623(d) and 464(e)). While these practices are specifically designed to control *Lm*, they also may help control other foodborne pathogens that may be introduced into the retail deli environment and other facilities where consumers take possession of food.

The best practices are grouped in four sections: (1) Product and product handling, (2) cleaning and sanitizing, (3) facility and equipment controls, and (4) employee practices. Practices identified by the Interagency Retail *Lm* Risk Assessment that can significantly decrease the predicted risk of foodborne illness are highlighted in each section. The other practices that are based on scientific knowledge or lessons learned by FSIS are also included to help retailers increase *Listeria* control in the deli area. A self-assessment tool is provided for deli operators to help them identify the best practices they are using and to assess the need to adopt others. By following the best practices in the guidance and the 2013 FDA Food Code, retailers can help ensure that RTE products are not adulterated with *Lm*, and that the potential for listeriosis is decreased.

FSIS has posted the best-practices guidance on its Web page (<http://www.fsis.usda.gov/wps/wcm/connect/29d51258-0651-469b-99b8-e986bae8a54/Controlling-LM-Delicatessens.pdf?MOD=AJPERES>) and is requesting comments on the guidance. It is important to note that the best-practices guidance does not replace the 2013 FDA Food Code or FSIS regulations. The best-practices guidance sets out recommendations rather than requirements. The Agency will consider all comments submitted and will revise the best-practices guidance as necessary.

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FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals and other individuals who have asked to be included. The Update is available on the FSIS Web page. Through the Listserv and the Web page, FSIS is able to provide information to a much broader and more diverse audience.

In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done in Washington, DC on: April 1, 2014.

**Alfred V. Almanza**,  
Administrator.

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS-2013-0029]

#### Availability of FSIS Compliance Guidelines for Allergens and Ingredients of Public Health Concern: Identification, Prevention and Control, and Declaration Through Labeling

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice of availability and opportunity for comment.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is announcing the availability of guidance on allergens and other ingredients of public health concern that provides recommendations for identifying hazards when conducting a hazard analysis and to prevent and control hazards through hazard analysis and critical control point (HACCP) plans or Sanitation standard operating procedures (SOPs) or other prerequisite programs with respect to these substances. The emphasis of the guidelines is on meat and poultry products. The guidelines represent the best practice recommendations of FSIS, based on scientific and practical considerations. By following these guidelines, establishments are likely to ensure that product labels declare all ingredients, as required in the regulations, and that the product does not contain undeclared allergens or other undeclared ingredients.

**DATES:** The Agency must receive comments by June 20, 2014.

**ADDRESSES:** A downloadable version of the compliance guide is available to view and print at [http://www.fsis.usda.gov/Regulations\\_&Policies/Compliance\\_Guides\\_Index/index.asp](http://www.fsis.usda.gov/Regulations_&Policies/Compliance_Guides_Index/index.asp). No hard copies of the compliance guide have been published.

FSIS invites interested persons to submit comments on this notice. Comments may be submitted by either of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to <http://www.regulations.gov/>. Follow the online instructions at that site for submitting comments.

Mail, including CD-ROMs: Send to Docket Room Manager, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8-163B, Washington, DC 20250-3700.

Hand- or courier-delivered submittals: Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163B, Washington, DC 20250–3700.

**Instructions:** All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2013–0029. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

**Docket:** For access to background documents or to comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495, or by Fax: (202) 720–2025.

**SUPPLEMENTARY INFORMATION:** Under the Acts, meat and poultry products that contain an allergen that is not declared on the product label are adulterated because, to individuals who are allergic to the allergen, the products bear or contain a poisonous or deleterious substance (21 U.S.C. 453(g)(1) and 601(m)(1)).

Also under the Acts, meat and poultry products are misbranded if the labeling on the products is false or misleading in any particular (21 U.S.C. 601(n)(1) and 453(h)(1)). To prevent meat and poultry products from being misbranded, FSIS regulations require a listing of all ingredients on the labels of products (9 CFR 317.2(f)(1) and 381.118(a)(1)).

In recent years (2008–2012), there has been a sustained increase in the number of recalls of FSIS-regulated products that contained undeclared allergens. These recalls are preventable, as many have been due to ingredient changes, product changes, products in the wrong package, or products with misprinted labels. The Agency is issuing these guidelines to provide meat and poultry establishments with recommendations on how to identify hazards with respect to allergens and other ingredients of public health concern when conducting their hazard analysis, prevent and control these hazards through HACCP plans, Sanitation SOPs, or other prerequisite programs, and properly declare allergens in product. These guidelines also provide information on proper procedures for processing, handling, storing, and labeling a product with an allergenic ingredient or ingredient of public health concern. Although the guidelines set out

recommendations rather than requirements, FSIS encourages establishments to follow this guidance. The guidelines represent FSIS's thinking, and FSIS will update it as necessary to reflect comments received any additional information that becomes available.

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Done at Washington, DC on: April 1, 2014.

**Alfred V. Almanza,**  
Administrator.

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS–2012–0007]

#### HACCP Plan Reassessment for Not-Ready-To-Eat Comminuted Poultry Products and Related Agency Verification Procedures

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice; response to comments.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is responding to comments on a **Federal Register** notice, “HACCP Plan Reassessment for Not-Ready-to-Eat (NRTE) Comminuted Poultry Products and Related Agency Verification Procedures,” that it published on December 6, 2012. The notice provided updated information on the Agency's sampling and testing of these products, and on how it is verifying that establishments are effectively addressing the possible presence of *Salmonella* and *Campylobacter* in them.

**FOR FURTHER INFORMATION CONTACT:** Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495 or by Fax: (202) 720–2025.

#### SUPPLEMENTARY INFORMATION:

##### Background

In the December 6, 2012, **Federal Register** notice (77 FR 72686), FSIS informed establishments producing NRTE ground or otherwise comminuted chicken and turkey products that they must reassess their Hazard Analysis and Critical Control Point (HACCP) plans for these products. The Agency also described how it would determine whether the association of NRTE meat or poultry product with an illness outbreak would make subsequently-produced “like” product adulterated. FSIS announced that it would expand its *Salmonella* sampling beyond ground chicken and turkey to include all forms of non-breaded, non-battered comminuted NRTE chicken or turkey product not destined for further processing into ready-to-eat (RTE) products. Finally, FSIS announced that it intended to use the sampling results to determine the prevalence of *Salmonella* and *Campylobacter* in NRTE comminuted chicken and turkey and to