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United States General Accounting Office  
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B-287157

February 8, 2001

The Honorable Richard G. Lugar  
Chairman  
The Honorable Tom Harkin  
Ranking Member  
Committee on Agriculture, Nutrition, and Forestry  
United States Senate

The Honorable Larry Combest  
Chairman  
The Honorable Charles Stenholm  
Ranking Minority Member  
Committee on Agriculture  
House of Representatives

Subject: Department of Agriculture, Food Safety and Inspection Service: Retained Water in Raw Meat and Poultry Products; Poultry Chilling Requirements

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Agriculture, Food Safety and Inspection Service (FSIS), entitled "Retained Water in Raw Meat and Poultry Products; Poultry Chilling Requirements" (RIN: 0583-AC26). We received the rule on January 26, 2001. It was published in the Federal Register as a final rule on January 9, 2001. 66 Fed. Reg. 1750.

The final rule limits the amount of water retained by raw, single-ingredient, meat and poultry products as a result of post-evisceration processing, such as carcass washing and chilling. The rule also revises the poultry chilling regulations to improve consistency with the Pathogen Reduction/Hazard Analysis and Critical Control Points regulations.

Enclosed is our assessment of the FSIS' compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the FSIS complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Bob Robinson, Managing

Director, Natural Resources and Environment. Mr. Robinson can be reached at (202) 512-3841.

signed

Kathleen E. Wannisky  
Managing Associate General Counsel

Enclosure

cc: Administrator  
Food Safety and Inspection Service  
Department of Agriculture

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE  
ISSUED BY THE  
DEPARTMENT OF AGRICULTURE,  
FOOD SAFETY AND INSPECTION SERVICE  
ENTITLED  
"RETAINED WATER IN RAW MEAT AND POULTRY PRODUCTS;  
POULTRY CHILLING REQUIREMENTS"  
(RIN: 0583-AC26)

(i) Cost-benefit analysis

FSIS performed a cost-benefit analysis of the final rule. The analysis estimates the first-year costs of reducing retained water in the range of 1 to 1½ percent to be \$100 million.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

FSIS has certified that the final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The final rule does not contain either an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The final rule was issued using the notice and comment procedures contained at 5 U.S.C. 553. On September 11, 1998, FSIS issued a Notice of Proposed Rulemaking in the Federal Register. 63 Fed. Reg. 48963. In response, FSIS received 252 comments, which are discussed in the preamble to the final rule.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains an information collection which requires approval by the Office of Management and Budget under the Paperwork Reduction Act. The information in the preamble regarding the collection complies with the requirements of the Act.

The total annual burden estimated by FSIS on the 800 respondents is 213,000 hours.

Statutory authorization for the rule

The final rule is promulgated pursuant to the authority contained in 7 U.S.C. 138f, 450, and 1901-1906; and 21 U.S.C. 451-470 and 601-695.

Executive Order No. 12866

The final rule was reviewed by the Office of Management and Budget and found to be an “economically significant” regulatory action.

Executive Order No. 13132 (Federalism)

FSIS states that it has reviewed the final rule under the order and has found that it does not have federalism implications sufficient to warrant the preparation of a federalism assessment.