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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Commissioner of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation(s)</b>	2 VAC 5-210
<b>Regulation title(s)</b>	Rules and Regulations Pertaining to Meat and Poultry Inspection Under the Virginia Meat and Poultry Products Inspection Act
<b>Action title</b>	Update publication date of Title 9, Chapter III, Subchapters A and E of the Code of Federal Regulations
<b>Final agency action date</b>	August 2, 2016
<b>Date this document prepared</b>	June 29, 2016

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The amendment to 2 VAC 5-210, Rules and Regulations Pertaining to Meat and Poultry Inspection Under the Virginia Meat and Poultry Products Inspection Act, updates the publication date for Title 9, Chapter III, Subchapters A and E of the Code of Federal Regulations (CFR) referenced in this regulation from January 1, 2013, to January 1, 2016. The U.S. Department of Agriculture / Food Safety and Inspection Service (USDA/FSIS) has amended sections of these subchapters of the CFR since 2 VAC 5-210 was last amended. USDA/FSIS's revisions to the CFR that will be incorporated by reference with the Commissioner's adoption of the updated

publication date include (i) the removal of prescriptive time and temperature parameters for ready-to-cook poultry and the requirement that poultry establishments, other than ratite establishments, incorporate procedures for chilling poultry into their Hazard Analysis and Critical Control Point plan or Sanitation Standard Operating Procedures or other prerequisite programs; (ii) the requirement that official poultry slaughter establishments develop, implement, and maintain written procedures to prevent contamination of carcasses and parts by enteric pathogens and fecal contamination throughout the entire slaughter and dressing operation and that establishments maintain daily records to document the implementation and monitoring of these procedures; (iii) clarifying in the regulations that establishments may not release into commerce product that has been in contact with *Listeria monocytogenes* (*Lm*)-contaminated surfaces without reprocessing the product; (iv) the requirement that a descriptive designation be used as part of the product name on the labels of raw meat and poultry products that contain added solutions and that do not meet a standard of identity; (v) the requirement that the product name for mechanically tenderized beef contain the descriptive designation “mechanically tenderized,” “needle tenderized,” or “blade tenderized” and that labels of raw or partially cooked needle- or blade-tenderized raw beef products destined for household consumers, hotels, restaurants, or similar institutions bear validated cooking instructions.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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On August 2, 2016, the Commissioner of Agriculture and Consumer Services adopted amendments to 2 VAC 5-210, Rules and Regulations Pertaining to Meat and Poultry Inspection Under the Virginia Meat and Poultry Products Inspection Act.

**Family impact**

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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This regulatory action will not impact the institution of the family and family stability. The adoption of this change will decrease the likelihood of a foodborne outbreak, provide inspected poultry slaughter plants more flexibility in their process, clarify that product that has come into contact with surfaces contaminated with *Listeria monocytogenes* cannot be released into commerce without reprocessing the product, and better inform the consumer of added solutions in meat and poultry products.