



**Food Safety and Inspection Service**  
U.S. DEPARTMENT OF AGRICULTURE



# FSIS Policy Updates Executive Board Update

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# Topic agenda

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- Retail *Lm* Guideline and Outreach
- Mechanically Tenderized Labeling Rule Harmonization
- Grinding Rule
- CFP Issue 2018-III-021



# Retail *Listeria monocytogenes* Update

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- Revising the *Lm* Retail guideline (*FSIS Best Practices Guidance for Controlling Listeria monocytogenes (Lm) in Retail Delicatessens*).
- Developing an infographic focusing on the top 8 most important retail deli recommendations that are likely to prevent contamination of *Lm*.

## Top 8 Most Important Recommendations

1. Eliminate visibly adulterated product
2. Refrigerate RTE meat or poultry products promptly after use
3. Do not prepare, hold, or store RTE meat or poultry products near or directly adjacent to raw products
4. Cover, wrap, or otherwise protect all opened RTE meat or poultry products when not in use to prevent cross-contamination
5. Ensure that insanitary conditions (e.g., flies, rodent droppings, mold, or dirty surfaces) are not present
6. Clean and sanitize equipment at least every 4 hours
7. Eliminate conditions that could cause adulteration
8. Ensure that employees handling RTE products wear disposable gloves

# Mechanically Tenderized Labeling Rule Update

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- FSIS issued a final rule on May 18, 2015 (80 FR 28153) establishing labeling requirements for mechanically tenderized beef in 9 CFR 317.2(e)(3)).
- Previous Issues at CFP raised the need to harmonize the FDA Food Code with FSIS's requirements in 9 CFR 317.2(e)(3)) (2018-I-012, 2018-I-013, 2020-I-032).
- The 2022 FDA Food Code includes changes in Chapter 1 Purpose and Definitions, Chapter 3 Compliance with Food Law, and Chapter 3 Cooking.

## Intact Decision-Tree

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- The FDA developed, in collaboration with FSIS, a decision-tree that may be used to determine if a steak is INTACT and may be served undercooked without a consumer advisory per 3-401.11(C)(2).
- This decision-tree should not be used to determine cooking temperatures for products other than beef steaks.

### Intact Steak Decision-Tree for Food Establishments and Regulators



Per the 2022 FDA Food Code, subparagraph 3-401.11(C)(2) "A raw or undercooked WHOLE-MUSCLE, INTACT BEEF steak may be served or offered for sale in a READY-TO-EAT form" if it is INTACT and seared. This is because pathogens should only be present on the surface. The following decision-tree may be used to determine if a steak is INTACT. A steak is INTACT if it has not undergone COMMINUTION, MECHANICAL TENDERIZATION, vacuum tumbling with solutions, or reconstruction, cubing or pounding. If a steak is non-INTACT, pathogens may be on the inside. Therefore, a non-INTACT steak should be cooked to 155°F for 17 seconds or equivalent per 3-401.11(A)(2).

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Link can be found on page 77 of the Annex: [www.fda.gov/media/163808/download](http://www.fda.gov/media/163808/download)



# Grinding Records

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- In retail stores, FSIS Compliance Investigators verify compliance relative to the final rule, “Records to be Kept by Official Establishments and Retail Stores that Grind Raw Beef Products.”
- These records improve FSIS’s ability to trace the source of foodborne illness outbreaks involving ground beef.
- FSIS submitted Issue 2020-III-015 to update the CFP guidance on beef ground at retail and participated on the committee to revise the guidance.
- FSIS published an infographic on grinding record requirements.

# Update on CFP Issue 2018-III-021

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- **Create Committee – Cooking/Heating Commercially Processed Not RTE Food:**

- Issue: Determine how commercially processed foods that do not contain any raw animal ingredients but are labeled with safe handling instructions and have cooking instructions because they are considered "not ready-to-eat" by USDA and the manufacturer should be assessed at retail.

- 2022 FDA Food Code changes below address issue 2018-III-021;

3-401.15 Manufacturer Cooking Instructions.

(A) Commercially PACKAGED FOOD that bears a manufacturer's cooking instructions shall be cooked according to those instructions before use in READY-TO-EAT FOODS or offered in unPACKAGED form for human consumption, unless the manufacturer's instructions specify that the FOOD may be consumed without cooking.

(B) FOOD for which the manufacturer has provided information that it has not been processed to control pathogens, when used in READY-TO-EAT FOODS or offered for human consumption, shall be cooked according to a time and temperature appropriate for the FOOD.



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