



TO: Greg Ferrara, National Grocers Association
FROM: Erik Lieberman, Lieberman PLLC
RE: FSIS Final Rule on Grind Logs
DATE: 12/16/2015

On December 14, 2015, the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA) released a final rule entitled Records to be Kept by Official Establishments and Retail Stores that Grind Raw Beef Products ("Final Rule"). The Final Rule requires official establishments and retail stores that grind raw beef products to maintain certain records.

Who does the Final Rule apply to?

Retail stores and official USDA establishments that grind raw beef products. Supermarkets, grocery stores, meat markets, warehouse clubs, cooperatives, supercenters, convenience stores and wholesalers are all covered.

What products does the Final Rule apply to?

Raw ground beef products.

What records must be kept?

For each lot of ground beef product produced, records must be maintained on:

- USDA establishment numbers of the establishments supplying the materials used to prepare the product
- Supplier lot numbers and production dates
- The names of supplied materials, including beef components and any materials carried over from one production lot to the next
- The date and time each lot of raw ground beef product is produced
- The date and time when grinding equipment and food-contact surfaces are cleaned and sanitized

What is considered a lot of ground beef?

- The amount of beef ground after a clean-up of equipment and until the next clean up, during which the same source materials are used.

When is compliance required?

December 2016

Must records be kept for customer-requested grinds?

Yes. Records must be kept for customer-requested grinds.

How long must records be kept?

One year.

Are electronic records acceptable?

Yes.

Where must records be kept?

At the location where the beef was ground.

How will this regulation be enforced?

FSIS compliance investigators will verify that retail grinders meet the recordkeeping requirements. FSIS indicates it will also explore ways to partner with state authorities on enforcement.

For further information please contact Erik Lieberman at erl1@liebermanpllc.com or 202.830.0300.



United States Department of Agriculture

Food Safety and
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Mr. Greg Ferrara
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Dear Mr. Ferrara:

Thank you for your June 1, 2016, response to the May 11, 2016, letter from Assistant Administrator Daniel Engeljohn regarding the delayed enforcement of the final rule "Records To Be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products" (December 21, 2015, 80 FR 79231). We appreciate the information you provided on the types of outreach that members of the National Grocers Association would find most helpful and also on use of new technology in complying with the final rule's requirements.

FSIS has decided to delay enforcement of the final rule until October 1, 2016. We believe this date will allow the retail stores and official establishments covered by the final rule sufficient additional time to begin complying with its provisions. In order to assist in this effort, FSIS is planning additional outreach activities for the summer and fall of 2016, including completing a compliance guide, presenting the final rule's requirements in-person and through Web presentations, and continuing to answer questions through the AskFSIS system.

If you have any questions, please contact me by telephone at (202) 205-0495 or by email at Daniel.Engeljohn@fsis.usda.gov.

Sincerely,

Daniel L. Engeljohn, Ph.D.
Assistant Administrator
Office of Policy and Program Development