



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW,
Washington, D.C.
20250

Ms. Sarah Sorscher
Deputy Director of Regulatory Affairs
Center for Science in the Public Interest
1220 L Street NW, Suite 300
Washington, DC 20010

December 10, 2020

Dear Ms. Sorscher,

This is in response to the petition you submitted on behalf of the Center for Science in the Public Interest (CSPI) dated August 29, 2019 and assigned petition number 19-03. The petition requests that the Food Safety and Inspection Service (FSIS) prohibit the statements, "No Nitrate or Nitrite Added" and "Uncured," in the labeling of products that have been processed using any source of nitrate or nitrite, including non-synthetic sources, such as celery powder. Specifically, the petition requests that FSIS:

1. Amend 9 CFR 317.17 and 9 CFR 319.2 to:
 - a. Prohibit the statements, "No Nitrate or Nitrite Added" and "Uncured," on products that have been processed using any source of nitrates or nitrites as a coloring, flavoring, curing agent, antimicrobial, or for similar uses, reserving such claims only for meats that were not processed using nitrates or nitrites;
 - b. Require a disclosure – "Nitrates or nitrites added" – on all products prepared with any sources of nitrates or nitrites as a coloring, flavoring, curing agent, antimicrobial, or for similar uses, in lettering of easily readable style and at least one-half the size and prominence of the product name; and
 - c. Require that ingredients that are used as a source of nitrates or nitrites as a coloring, flavoring, curing agent, antimicrobial or for similar uses be declared as such on the ingredients list, as follows: "[Ingredient](Source of nitrate or nitrite for [use])." (For example: "Celery powder (Source of nitrates or nitrites for curing)."
2. Approve non-synthetic sources of nitrates or nitrites, such as celery powder, as curing agents under the process used to list ingredients in FSIS Directive 7120.1, and take steps to minimize levels of residual nitrites, nitrates, and nitrosamines in these products by setting maximum concentrations and requirements for the use of ascorbate or other cure accelerators when nitrates or nitrites are used.

After careful consideration of your petition and the 17 public comments submitted to regulations.gov in response to your petition, we have decided to partially grant your request. FSIS intends to conduct rulemaking to propose to prohibit the statements, "No Nitrate or Nitrite Added" and "Uncured," on products that have been processed using any source of nitrates or nitrites. FSIS also intends to

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approve non-synthetic sources of nitrates or nitrites as curing agents. However, rather than requiring disclosure statements about the use of nitrate or nitrites on labels of meat and poultry products, as requested in the petition, FSIS intends to propose to amend and clarify its meat and poultry labeling regulations to establish new definitions for “Cured” and “Uncured.” The basis for these proposed changes would be discussed in detail in the proposed rule, which is listed in the Fall 2020 Semiannual Regulatory Agenda,¹ with a tentative publication date of May 2021.

In accordance with our petition regulations, we have posted your petition on the FSIS website (9 CFR 392.6). We intend to post this response as well.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Edelstein".

Rachel Edelstein
Deputy Administrator
Office of Policy and Program Development

¹ Available at: <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202010&RIN=0583-AD88>