



**DEPARTMENT OF AGRICULTURE**

**Food Safety and Inspection Service**

[Docket No. **FSIS-2025-0005**]

**Retail Exemptions Adjusted Dollar Limitations**

**AGENCY:** Food Safety and Inspection Service (FSIS), U.S.

Department of Agriculture (USDA).

**ACTION:** Notice.

**SUMMARY:** FSIS is announcing the dollar limitations on the amount of meat and meat products and poultry and poultry products that a retail store can sell to hotels, restaurants, and similar institutions without disqualifying itself for exemption from Federal inspection requirements.

**DATES:** *Applicable* [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, FSIS, USDA; Telephone: (202) 205-0495.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) provide a comprehensive statutory framework to ensure that meat and meat products and poultry and poultry products prepared for commerce are safe, wholesome, and properly labeled. Statutory provisions requiring inspection of the processing of meat and

meat products and poultry and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants in regard to products offered for sale to consumers in normal retail quantities (21 U.S.C. 661(c)(2) and 454(c)(2)). FSIS' regulations (9 CFR 303.1(d) and 381.10(d)) elaborate on the conditions under which requirements for inspection do not apply to retail operations involving the preparation of meat and meat products and the processing of poultry and poultry products.

### **Sales to Hotels, Restaurants, and Similar Institutions**

Under the aforementioned regulations, sales to hotels, restaurants, and similar institutions (other than household consumers) disqualify a retail store from exemption if the retail product sales of amenable products exceed either of two maximum limits: 25 percent of the dollar value of the total retail product sales or the calendar year retail dollar limitation set by the FSIS Administrator. The retail dollar limitation is adjusted automatically during the first quarter of the year if the Consumer Price Index (CPI), published by the Bureau of Labor Statistics, shows an increase or decrease of more than \$500 in the price of the same volume of product for the previous year. FSIS publishes a notice of the adjusted retail dollar limitations in the **Federal Register** (see 9 CFR 303.1(d)(2)(iii)(b) and 381.10(d)(2)(iii)(b)).

The CPI for 2024 reveals an annual average price increase for meat and meat products of 2.85 percent, an average annual

price decrease for Siluriformes fish and fish products of 1.86 percent, and an annual average price increase for poultry and poultry products of 0.83 percent.<sup>123</sup> When rounded to the nearest \$100 dollar, the retail dollar limitation for meat and meat products, including Siluriformes fish and fish products, increased by \$2,700<sup>4</sup> and the retail dollar limitation for poultry and poultry products increased by \$600.<sup>5</sup> In accordance with 9 CFR 303.1(d)(2)(iii)(b) and 381.10(d)(2)(iii)(b), because the retail dollar limitations for meat and meat products and poultry and poultry products increased by more than \$500, FSIS is increasing the dollar limitation on sales to hotels, restaurants, and similar institutions to \$103,600 for meat and meat products and to \$74,800 for poultry and poultry products for calendar year 2025.

#### **Additional Public Notification**

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<sup>1</sup>U.S. Bureau of Labor Statistics (BLS), Consumer Price Index for All Urban Consumers (CPI-U): Meats in U.S. city average, all urban consumers, not seasonally adjusted [Series ID CUUR0000SAF11211], accessed on January 17, 2025.

<sup>2</sup>BLS, CPI-U: Fish and seafood in U.S. city average, all urban consumers, not seasonally adjusted [Series ID CUUR0000SEFG], accessed on January 17, 2025.

<sup>3</sup>BLS, CPI-U: Poultry in U.S. city average, all urban consumers, not seasonally adjusted [Series ID CUUR0000SEFF], accessed on January 17, 2025.

<sup>4</sup> The base value for meat and meat products in 2024 was \$100,905 rounded to the nearest \$100 dollar to \$100,900. The base value included \$97,926 for meat and meat products and \$2,979 to account for Siluriformes fish and fish products. The meat and meat products prices increased by 2.85 percent, or \$2,791 ( $\$97,926 \times 0.0285 = \$2,791$ ), during 2024. The Siluriformes fish and fish products prices fell by 1.86 percent, or minus \$55 [ $\$2,979 \times (-0.0186) = -\$55$ ], during 2024. Combined, the value for meat and meat products that includes Siluriformes fish and fish products increased by \$2,736 ( $\$2,791 - \$55 = \$2,736$ ). Since this change is more than \$500, the retail dollar limitation is adjusted to \$103,600 [ $(\$97,926 + \$2,791) + (\$2,979 - \$55) = \$103,641$ , which is rounded to \$103,600].

<sup>5</sup> The base value for poultry and poultry products in 2024 was \$74,216 rounded to the nearest \$100 dollar to \$74,200. The poultry and poultry products prices increased by 0.83 percent, or \$616 ( $\$74,216 \times 0.0083 = \$616$ ), during 2024. Since this change is more than \$500, the retail dollar limitation is adjusted to \$74,800 ( $\$74,216 + \$616 = \$74,832$ , which is rounded to \$74,800).

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: <https://www.fsis.usda.gov/federal-register>.

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS Web page. Through the Web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an e-mail subscription service that provides automatic and customized access to selected food safety news and information. This service is available at: <https://www.fsis.usda.gov/subscribe>. The available information ranges from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

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**Denise Eblen,**

*Administrator.*

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