



DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. FSIS-2025-0016]

RIN 0583-AE06

Removal of Standard of Identity for Canned "Tripe with Milk"

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

Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: FSIS is removing the regulations for the standard of identity for canned "Tripe with Milk." Although some establishments may continue to produce canned tripe with milk products, FSIS has determined that the existing standard for the finished canned article is unnecessary. Removal of the standard will provide greater flexibility for establishments. FSIS' labeling requirements are sufficient to ensure that these products are not misbranded.

DATES: This final rule is effective on **[INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]**.

FOR FURTHER INFORMATION CONTACT: April Regonlinski, Assistant Administrator, Office of Policy and Program Development, at (202) 205-0495 or docketclerk@usda.gov with a subject line of "Docket No. FSIS-2025-0016." Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access

telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: FSIS administers the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), which authorizes the Secretary to prescribe standards of identity whenever such action is necessary for the protection of the public (21 U.S.C. 607(c)).

On June 30, 2025, FSIS published the proposed rule, "Removal of Standard of Identity for Canned 'Tripe with Milk'" (90 FR 27822), proposing to remove the standard of identity for canned "Tripe with Milk" at 9 CFR 319.308. The proposal explained that the standard required the finished canned article to contain at least 65 percent tripe and no less than 10 percent milk. However, the proposal noted that there was no explanation or justification for why this specific formulation was necessary.

FSIS received three comments from individuals on the proposal. One commenter generally opposed the standard. Another opposed the proportions of milk and tripe in the standard, arguing that such regulations infringe on personal freedoms and exemplify excessive government control. The third commenter stated the standard is not necessary, that proper labeling should suffice, and that removing the tripe versus milk ratio

requirement could broaden the market for tripe products and provide more flexibility for manufacturers.

After considering these comments, FSIS has decided to finalize the proposed rule without changes. FSIS is removing 9 CFR 319.308 because it has no basis to maintain this requirement and, accordingly, has determined that this standard of identity is not necessary to protect the public. Removing the standard will provide establishments with more flexibility to develop canned products that contain tripe and milk in different proportions or with other ingredients, as long as the labeling remains truthful and not misleading in accordance with 9 CFR 317.8.

Executive Orders (E.O.s) 12866, 13563, 14215, and 14192

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. This final rule has been designated as a non-significant regulatory action under section 3(f) of E.O. 12866. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. FSIS has developed the final rule consistent with E.O. 13563. E.O. 14192, "Unleashing Prosperity Through Deregulation," requires that any new incremental costs

associated with certain significant regulatory actions "shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations." This final rule is an E.O. 14192 deregulatory action.

Congressional Review Act

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), OIRA has designated this final rule as not a major rule as defined by 5 U.S.C. 804(2).

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. No. 104-121, 110 Stat. 857)), agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. FSIS has concluded and hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included. Establishments will not be required to change the way that they formulate or label their products. Because this final rule does not impose

any new requirements, restrict production, or require relabeling of existing products, it is not expected to have any adverse economic effects on small or very small establishments.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. FSIS has assessed the impact of this final rule on Indian tribes and determined that this rule will not have tribal implications that require consultation under Executive Order 13175.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521), FSIS has reviewed this final rule. The Administrator has determined that this rulemaking will not impact information collection, paperwork, or recordkeeping activities.

E-Government Act Compliance

The Department is committed to complying with the E-Government Act, 2002 (Pub. L. No. 107-347, 116 Stat. 2899) to promote the use of the internet and other information

technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

E.O. 13132; Federalism Summary Impact Statement

The final rule has no effect on States and local governments; accordingly, FSIS anticipates that this rule will not have implications for federalism. Therefore, under Section 6(b) of the E.O., a federalism summary is not required.

Environmental Impact

This final rule will not have a reasonably foreseeable significant impact on the natural or physical environment. This final rule merely provides more flexibility to establishments preparing canned products that contain tripe and milk. This final rule will not require establishments to change their current production practices or labels. Additionally, no extraordinary circumstances exist that would require preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). Accordingly, this action is appropriately subject to the categorical exclusion from the preparation of an EA or an EIS as authorized under 7 CFR 1b.4 of the USDA regulations.

Additional Public Notification

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

also will make copies of this publication available 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 is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range 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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Lists of Subjects in 9 CFR Part 319

Food grades and standards, Food labeling, Frozen foods, Meat inspection, Oils and fats.

For the reasons discussed in the preamble, FSIS is amending 9 CFR part 319 as follows:

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 1633, 1901-1906; 21 U.S.C. 601-695; 7 CFR 2.18, 2.53.

§ 319.308 [Removed and reserved]

2. Section 319.308 is removed and reserved.

Justin Ransom,

Administrator.

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