

USDA's FSIS Proposes Regulations to Launch New Catfish Safety and Inspection Program

March 8, 2011

Last month, the U.S. Department of Agriculture ("USDA") Food Safety and Inspection Service ("FSIS") issued a proposed rule that is intended to ensure that commercial catfish products are properly marked, labeled, and packaged, and are not adulterated. The rule implements recently enacted legislation which was advocated by U.S. catfish producers, and singles out domestic and imported catfish for regulation by FSIS under a "continuous inspection" program that is comparable to the FSIS programs governing meat and poultry products. Specifically, the proposed rule issued by FSIS would implement provisions of the Food, Conservation, and Energy Act of 2008 (the Farm Bill), which amended the Federal Meat Inspection Act (FMIA) to specify that catfish "is an amenable species," thereby subjecting catfish to FMIA continuous inspection requirements.

The proposed rule represents a shift in the regulatory regime applied to commercial catfish production that will have a substantial impact on both domestic and foreign catfish and catfish product producers. As such, affected companies must prepare for a greater regulatory burden in the form of continuous inspection, new recordkeeping requirements, the pre-approval of labeling, and additional requirements for importers of foreign catfish. Affected companies are advised to evaluate the legal and business implications of the USDA proposal now, and bring issues and concerns to the attention of appropriate policymakers, including by submitting written comments to USDA on or before the June 24, 2011 deadline.

See the [Kelley Drye client advisory](#) for more information, and please contact us if you have questions concerning the USDA FSIS proposal or other matters.