



**Spring 2023 Regulatory Agendas:
Summary of Selected Items Relating to Food Regulation**

FDA FSMA

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Proposed Rule Stage	Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food	NPRM 08/2023	0910-AH77	NPRM Changed from Feb. 2023 to Aug. 2023
Proposed Rule Stage	Current Good Manufacturing Practice, Hazard Analysis, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals	NPRM 08/2023	0910-AI24	NPRM Changed from Dec. 2022 to Aug. 2023
Proposed Rule Stage	Amendments to Registration of Food Facilities	NPRM 11/2023	0910-AH82	NPRM Changed from Apr. 2023 to Nov. 2023
Proposed Rule Stage	The FDA Food Safety Modernization Act: Amendments to Exemption Provisions in the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Regulation	NPRM 12/2023	0910-AI25	NPRM Changed from Jun. 2023 to Dec. 2023
Proposed Rule Stage	Streamlining Provisions Requiring Disclosure to and Receipt of Written Assurances From Commercial Customers in the Foreign Supplier Verification Programs Rule	NPRM 04/2024	0910-AI23	NPRM Changed from Aug. 2023 to Apr. 2024
Proposed Rule Stage	Certifications Concerning Imported Foods	NPRM 08/2023	0910-AI66	NPRM Changed from Apr. 2023 to Aug. 2023
Final Rule Stage	Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption	Final Rule 02/2024	0910-AI49	Final Rule Changed from Oct. 2023 to Feb. 2024

FDA Non-FSMA

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Pre-Rule Stage	Recalls of Products Subject to the Jurisdiction of the Food and Drug Administration	ANPRM 06/2023	0910-AI86	First time in Unified Agenda

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Proposed Rule Stage	Front-of-Package Nutrition Labeling	NPRM 12/2023	0910- AI80	First time in Unified Agenda
Proposed Rule Stage	The Revocation of Authorization of Use of Brominated Vegetable Oil in Food	NPRM 12/2023	0910- AI81	First time in Unified Agenda
Proposed Rule Stage	Use of Salt Substitutes to Reduce the Sodium Content in Standardized Foods	NPRM 04/2023	0910- AI72	NPRM Changed from Mar. 2023 to Apr. 10, 2023; NPRM Comment Period End Aug. 8, 2023
Proposed Rule Stage	Fish and Shellfish; Amendments to the Canned Tuna Standard of Identity	NPRM 07/2023	0910- AI74	NPRM Changed from Jun. 2023 to Jul. 2023
Proposed Rule Stage	Prior Notice of Imported Food	NPRM 09/2023	0910- AI75	NPRM Changed from Mar. 2023 to Sept. 2023
Final Rule Stage	Nutrient Content Claims, Definition of Term: Healthy	Final Action 04/2024	0910- AI13	Moved to Final Rule Stage
Proposed Rule Stage	Amendment of Procedural Requirements for Food Additive Petitions	NPRM - 04/2023	0910- AI55	NPRM Changed from Oct. 2023 to Apr. 2024
Proposed Rule Stage	Food Standards; General Principles and Food Standards Modernization	NPRM 04/2024	0910- AI79	NPRM Changed from Oct. 2023 to Apr. 2024
Final Rule Stage	Revocation of Uses of Partially Hydrogenated Oils in Foods	Final Rule 06/2023	0910- AI15	Direct Final Rule Changed from Feb. 2023 to Jun. 2023
Final Rule Stage	Food Additives: Food Contact Substance Notification That Is No Longer Effective	Final Rule 12/2023	0910- AI01	Final Rule Changed from Mar. 2023 to Dec. 2023
Final Rule Stage	Frozen Cherry Pie; Proposed Revocation of a Standard of Identity and a Standard of Quality	Final Rule 11/2023	0910- AI17	Final Rule Changed from Mar. 2023 to Nov. 2023
Final Rule Stage	Cheeses and Related Cheese Products; Proposal to Permit the Use of Ultrafiltered Milk	Final Rule 10/2023	0910- AI42	No change
Final Rule Stage	Food Labeling: Health Claims; Soy Protein and Coronary Heart Disease	Final Rule 02/2024	0910- AH43	Final Rule Changed from Aug. 2023 to Feb. 2024

USDA / FSIS

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Proposed Rule Stage	Food Standards: General Principles and Food Standard Modernization	NPRM 04/2024	0583-AD95	First Time in Unified Agenda
Proposed Rule Stage	Movement of Adulterated and Misbranded Product	NPRM 09/2023	0583-AD79	NPRM Changed from Jul. 2023 to Sep. 2023
Proposed Rule Stage	Changing the Labeling Requirements for Processed Products That Contain Nitrate or Nitrite	NPRM 11/2023	0583-AD92	NPRM Changed from Jul. 2023 to Nov. 2023
Proposed Rule Stage	Foreign Equivalence Regulations	NPRM 04/2023	0583-AD93	NPRM Changed from Apr. 2023 to Aug. 2023
Proposed Rule Stage	Labeling of Meat and Poultry Products Made Using Animal Cell Culture Technology	NPRM 12/2023	0583-AD89	NPRM Changed from Aug. 2023 to Dec. 2023
Final Rule Stage	Avian Visceral Leukosis: Poultry Carcasses Affected by any of the Forms of Avian Leukosis Complex	Final Rule 06/2023	0583-AD84	Final Action Expected Changed from Mar. 2023 to Jun. 2023
Final Rule Stage	Revision of the Nutrition Facts Panels for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed	Final Rule 09/2023	0583-AD56	Final Action Changed from Jun. 2023 to Sep. 2023
Final Rule Stage	Voluntary Labeling of FSIS-Regulated Products With U.S. Origin Claims	Final Rule 05/2024	0583-AD87	Name Change; Moved to Final Rule Stage
Completed Actions	Food Standards: General Principles and Food Standard Modernization	Withdrawn 03/2023	0583-AD91	Withdrawn Mar. 2023; See RIN 0583-AD95
Completed Actions	Maximum Line Speed under the New Poultry Inspection System	Withdrawn 03/2023	0583-AD85	Withdrawn Mar. 2023

USDA / APHIS

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Proposed Rule Stage	Amendments to APHIS Indemnity Regulations	NPRM 03/2024	0579-AE65	NPRM Changed from Dec. 2023 to Mar. 2024
Proposed Rule Stage	U.S. Swine Health Improvement Program	NPRM 03/2024	0579-AE75	First Time in Unified Agenda
Proposed Rule Stage	Importation of Bovine Meat From Paraguay	Final Action 03/2024	0579-AE73	Moved to Final Rule Stage
Completed Actions	Domestic Quarantine Regulations; Quarantined Areas and Regulated Articles	Final Rule Effective 1/30/2023	0579-AE53	Moved to Completed Actions

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Long-Term Actions	National List of Reportable Animal Diseases	Next Action to be Determined	0579-AE39	No Change

USDA / AMS

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Pre-Rule Stage	Second Update to the List of Bioengineered Food (AMS-FTPP-22-0080)	ANPRM 09/2023	0581-AE10	Name Change; ANPRM Changed from Mar. 2023 to Sep. 2023
Proposed Rule Stage	Poultry Grower Payment Systems and Capital Improvement Systems (AMS-FTPP-20-0018)	NPRM 07/2023	0581-AE18	Name Change
Proposed Rule Stage	Amendments to the National List of Allowed and Prohibited Substances per October 2021 and April 2022 NOSB Recommendations (Crops) (AMS-NOP-21-0096)	NPRM 11/2023	0581-AE16	NPRM Changed from Mar. 2023 to Nov. 2023
Proposed Rule Stage	Unfair Practices, Undue Preferences, and Harm to Competition Under the Packers and Stockyards Act (AMS-FTPP-21-0046)	NPRM 11/2023	0581-AE04	NPRM Changed from Dec. 2022 to Nov. 2023
Proposed Rule Stage	Plant Records to Include Grade Label Butterfat Testing (AMS-DA-22-0064)	NPRM 08/2023	0581-AE20	Name Change; NPRM Changed from Feb. 2023 to Aug. 2023
Proposed Rule Stage	Dealer Trust; Administration and Enforcement (AMS-FTPP-22-0049)	NPRM 11/2023	0581-AE17	NPRM Changed from May 2023 to Nov. 2023
Proposed Rule Stage	National Bioengineered Food Disclosure Standard; Text Message Disclosures	NPRM 08/2023	0581-AE24	First Time in Unified Agenda
Final Rule Stage	Inclusive Competition and Market Integrity Under the Packers and Stockyards Act (AMS-FTPP-21-0045)	Final Rule 09/2023	0581-AE05	Final Rule Expected Changed from Apr. 2023 to Sep. 2023
Final Rule Stage	Transparency in Poultry Grower Contracting and Tournaments (AMS-FTPP-21-0044)	Final Rule 06/2023	0581-AE03	Final Rule Expected changed from May 2023 to Jun. 2023
Final Rule Stage	2020 Annual Updates to List of Bioengineered Foods (AMS-FTPP-20-0057)	Final Rule 06/2023	0581-AD95	Final Rule Expected Changed from Feb. 2023 to Jun. 2023

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Final Rule Stage	Preserving Trust Benefits Under Packers and Stockyards Act (AMS-FTPP-21-0015)	Final Rule 06/2023	0581-AE01	Final Rule Expected Changed from Jan. 2023 to Jun. 2023
Final Rule Stage	Organic Livestock and Poultry Standards (AMS-NOP-21-0073)	Final Rule 08/2023	0581-AE06	Final Rule Expected Changed from Apr. 2023 to Aug. 2023
Completed Actions	Strengthening Organic Enforcement (AMS-NOP-17-0065)	Final Rule Effective 03/2023	0581-AD09	Moved to Completed Actions
Completed Actions	Amendments to the National List of Allowed and Prohibited Substances per October 2022 NOSB Recommendations	Withdrawn 03/2023	0581-AE21	Withdrawn Mar. 2023

USDA / FNS

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Proposed Rule Stage	Food Distribution Programs Improving Access and Parity	NPRM 07/2023	0584-AE92	NPRM Changed from Jun. 2023 to Jul. 2023
Proposed Rule Stage	Community Eligibility Provision: Increasing Options for Schools	NPRM 04/2024	0584-AE93	NPRM Expected Apr. 2024
Final Rule Stage	Child Nutrition Program Integrity	Final Rule 07/2023	0584-AE08	Merge of Three Proposed Rules; Final Rule Expected July 2023
Final Rule Stage	Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans	Final Rule 04/2024	0584-AE88	Comment Period to End May 2023; Final Rule Expected Apr. 2024
Long-Term Actions	Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP)	NPRM 07/2024	0584-AE71	NPRM Changed from Jul. 2024 to Nov. 2024
Long-Term Actions	Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages	NPRM TBD	0584-AE82	Moved to Long-Term Actions

Treasury / TTB

Stage of Rulemaking	Subject	Estimated Date	RIN	Change in Status?
Pre-Rule Stage	Consideration of Updates to Trade Practice Regulations	NPRM 09/2024	1513-AC92	NPRM Changed from Mar. 2023 to Sep. 2024
Pre-Rule Stage	Labeling and Advertising of Distilled Spirits, Wines, and Malt Beverages With Statements of Alcohol and Nutritional Content	ANPRM Comment Period to End 07/2023	1513-AC93	Moved from Proposed Rule to Pre-Rule Stage
Pre-Rule Stage	Ingredient Labeling of Distilled Spirits, Wines, and Malt Beverages	ANPRM 07/2023	1513-AC95	ANPRM Changed from Feb. 2023 to Jul. 2023
Proposed Rule Stage	Proposal to Allow for the Use of Molasses and Grain in Wine and to Address Sugar as a Fermentable in the Production of Wine and Beer	NPRM 03/2024	1513-AC44	NPRM Changed from Aug. 2023 to Mar. 2024
Proposed Rule Stage	Proposal to Amend TTB Regulations to Address Labeling of Malt Beverages With Less Than 0.5% Alcohol by Volume	NPRM 09/2023	1513-AC74	NPRM Changed from Mar. 2023 to Sep. 2023
Proposed Rule Stage	Implementation of the Craft Beverage Modernization Act Permanent Provisions	NPRM 05/2024	1513-AC87	NPRM Changed from May 2023 to May 2024
Proposed Rule Stage	Major Food Allergen Labeling for Wines, Distilled Spirits, and Malt Beverages	NPRM 07/2023	1513-AC94	NPRM Changed from Apr. 2023 to Jul. 2023
Proposed Rule Stage	Labeling of Alcohol Beverage Products Manufactured in Japan	NPRM 09/2023	1513-AC96	NPRM Changed from Mar. 2023 to Sep. 2023
Final Rule Stage	Standards of Fill for Wine and Distilled Spirits	Final Action 03/2024	1513-AC86	Final Action Expected Changed from Mar. 2023 to Mar. 2024
Final Rule Stage	Addition of American Single Malt Whisky to the Standards of Identity for Distilled Spirits	Final Rule 09/2023	1513-AC88	Final Rule Expected Changed from Apr. 2023 to Sep. 2023
Final Rule Stage	Civil Monetary Penalty Inflation Adjustment--Alcoholic Beverage Labeling Act	Final Rule 12/2023	1513-AC28	Final Rule Expected Changed from Mar. 2023 to Dec. 2023

www.hoganlovells.com

“Hogan Lovells” or the “firm” is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses.

The word “partner” is used to describe a partner or member of Hogan Lovells International LLP, Hogan Lovells US LLP or any of their affiliated entities or any employee or consultant with equivalent standing. Certain individuals, who are designated as partners, but who are not members of Hogan Lovells International LLP, do not hold qualifications equivalent to members.

For more information about Hogan Lovells, the partners and their qualifications, see www.hoganlovells.com.

Where case studies are included, results achieved do not guarantee similar outcomes for other clients. Attorney advertising. Images of people may feature current or former lawyers and employees at Hogan Lovells or models not connected with the firm.

© Hogan Lovells 2021. All rights reserved.