Food Safety and Inspection Service

Protecting Public Health and Preventing Foodborne Illness

One Team, One Purpose
Retail Recordkeeping for Establishments and Retail Stores That Grind Raw Beef Products
2002: “E. coli O157:H7 Contamination of Beef Products” Federal Register Notice

• When collecting a ground beef sample for O157:H7 testing at retail, FSIS announced that it would also gather:
  – Names and establishment numbers of the establishments supplying the source materials for the lot of ground beef sampled
  – Supplier lot numbers and production dates
  – Any other information that would be useful to suppliers if they were later notified of an E. coli O157:H7 positive finding
2009: FSIS provided guidance on its Web site

- Recommended that retail stores keep records of:
  - The lot/batch number of source materials used to prepare raw ground beef
  - Exact name/type of product produced
Food Safety and Inspection Service:

Why do we need this rule?

- It will improve FSIS’ ability to accurately trace the source of foodborne illness outbreaks involving ground beef products and identify the source materials that need to be recalled.

- It will provide FSIS with proper documentation in efforts to trace ground beef products back to supplier(s).
21 U.S.C. 642

• Official establishments and retail stores that grind raw beef products for sale in commerce must keep records that will fully and correctly disclose all transactions involved in their businesses that are subject to the FMIA.
• Records specifically required to be kept under 9 CFR 320.1(b) include, but are not limited to, bills of sale, invoices, bills of lading, and receiving and shipping papers.
• Businesses must also provide access to and permit inspection of these records by FSIS personnel (9 CFR 320.4).
The authority citation for 9 CFR part 320 continues to read as follows:


Main recordkeeping provisions for grinding activities:
(1) Mandatory recordkeeping
(2) Location of records
(3) Retention Period
Mandatory Recordkeeping

9 CFR 320.1(b) – Records to be kept.

Added (4)(i) In the case of raw ground beef products, official establishments and retail stores are required to keep records that fully disclose:

(A) The establishment numbers of the establishments supplying the materials used to prepare each lot of raw ground beef product;
(B) All supplier lot numbers and production dates;
(C) The names of the supplied materials, including beef components and any materials carried over from one production lot to the next;
(D) The date and time each lot of raw ground beef product is produced; and
(E) The date and time when grinding equipment and other related food-contact surfaces are cleaned and sanitized.
Mandatory Recordkeeping (cont.)

Table 3: Sample Grinding log with final rule requirements.

<table>
<thead>
<tr>
<th>Date and Time of Grind</th>
<th>Manufacturer Name of Source Material Used for Product Produced</th>
<th>Supplier Lot #s, Product Code and/or Pack Date of Source Material Used</th>
<th>Est. Number(s) of Est. providing source material</th>
<th>Date and Time Grinder and Related FCSs Cleaned and Sanitized</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
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Signature of Store Management Reviewer

Date
9 CFR 320.1(b)(4) continued:

(ii) Official establishments and retail stores covered by this part that prepare ground beef products that are ground at an individual customer’s request must keep records that comply with paragraph (b)(4)(i) of this section.

(iii) For the purposes of this section of the regulations, a lot is the amount of ground raw beef produced during particular dates and times, following clean up and until the next clean up, during which the same source materials are used.
Food Safety and Inspection Service: Final Rule

Location of Records

9 CFR 320.2(a)
In general, establishments and retail stores must keep the records required by paragraph 320.1(b) “at the place where such business is conducted.”
But, if the business giving rise to the records occurs at multiple locations, the records may be kept at a “headquarters’ office.”

9 CFR 320.2(b) (added)
For beef grinding, the records must be kept at the location where the beef is ground.
This requirement will save investigators valuable time and will reduce the risk that records will be lost or misplaced.
9 CFR 320.2 Place of maintenance of records.

(a) Except as provided in paragraph (b) of this section, any person engaged in any business described in § 320.1 and required by this part to keep records must maintain such records at the place where such business is conducted, except that if such person conducts such business at multiple locations, he may maintain such records at his headquarters’ office. When not in actual use, all such records must be kept in a safe place at the prescribed location in accordance with good commercial practices.

(b) Records required to be kept under paragraph (b)(4) of § 320.1 must be kept at the location where the raw beef was ground.
In general, records required by paragraph 320.1(b) must be retained for 2 years after December 31 of the year in which the transaction occurred, meaning a period of up to 3 years.

FSIS shortened the retention period for beef grinding records to one year after the date of the recorded grinding activity.
Retention Period (cont.)

9 CFR 320.3 Record retention period.

(a) Except as provided in paragraphs (b) and (c) of this section, every record required to be maintained under this part must be retained for a period of 2 years after December 31 of the year in which the transaction to which the record relates has occurred and for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records under this part.

(b) Records of canning as required in subpart G of this subchapter A, 9 CFR chapter III, must be retained as required in § 318.307(e); except that records required by § 318.302(b) and (c) must be retained as required by those sections.

(c) Records required to be maintained under paragraph (b)(4) of § 320.1 must be retained for one year.
Which products are covered by the Final Rule?

- The Final Rule does not apply to specific products. It requires that official establishments and retail stores that grind raw beef keep records of their grinding activities.
- But, if the ground beef is cooked before being put into commerce, FSIS does not intend to enforce the recordkeeping requirements.
- The rule does not set new recordkeeping requirements for mechanically-tenderizing or needle-injecting raw beef.
How is a ground beef lot defined in the final rule?

• 9 CFR 320.1(b)(4)(iii) defines a ground beef lot as the amount of ground raw beef produced during particular dates and times, following clean up and until the next clean up.
• As long as the date and time of cleaning is recorded, the lot will be clearly identifiable.
• Lots may include raw beef from multiple suppliers and/or source materials.
Which ingredients have to be recorded?

- Only raw beef that is ground must be recorded.
- For example, spices, casings, vegetables, or other types of meat or poultry in a product containing raw ground beef do not have to be recorded.
- Product labels do not have to contain any additional information under this rule.
Food Safety and Inspection Service:

Implementation

The rule became effective on June 20, 2016. It will be enforced by FSIS investigators and inspection personnel beginning on October 1, 2016.
Food Safety and Inspection Service:

Implementation

NEW WAVE STORE
123 Main Street
Anytown, USA, Zip Code

FRESH GROUND BEEF PRODUCTION LOG/TRACKING LIST

<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Today’s Date</th>
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Signature of Store Management Reviewer Date
In retail stores, FSIS’ Office of Investigations, Enforcement and Audit (OIEA) Compliance Investigators will verify compliance by following the instructions found in FSIS Directive 8010.1, *Methodology for Conducting In-Commerce Surveillance Activities*. 
OIEA Investigators are to conduct investigations in accordance with FSIS Directive 8010.2, *Investigative Methodology* and prepare a report of investigation for violations of the new recordkeeping requirements by retail stores in accordance with FSIS Directive 8010.4, *Report of Investigation*. 
When Investigators observe recordkeeping violations of the new recordkeeping requirements the Investigators are to inform the management official, designee, owner, or product custodian of the violation, and obtain supporting evidence in accordance with FSIS Directive 8010.3, *Procedures for Evidence Collection, Safeguarding and Disposal* and prepare a Report of Investigation for the violation in accordance with FSIS Directive 8010.4
Will failure to maintain records result in a recall?

- A recall is a firm’s removal of distributed meat products from commerce when there is reason to believe that such products are adulterated or misbranded under the provisions of the Federal Meat Inspection Act.

- Recall will be initiated if there is reason to believe there is adulterated or misbranded product in commerce.
Submit questions to *askFSIS*:  
[www.askfsis.custhelp.com](http://www.askfsis.custhelp.com)
Food Safety and Inspection Service: Final Rule

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are key to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the front FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE
Food Safety and Inspection Service

9 CFR Part 320
[Docket No. FSIS-2009-0011]
RIN 0583-AD46

Records To Be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products

AGENCY: Food Safety and Inspection Service, USDA

Executive Summary

This rule requires official establishments and retail stores that grind raw beef for sale in commerce to maintain specific information about their grinding activities. This rule is necessary to improve FSIS’s ability to accurately trace the source of foodborne illness outbreaks involving ground beef and to identify the source materials that need to be recalled. The recordkeeping requirements in this final rule will greatly assist FSIS in doing so.

FSIS has often been impeded in its efforts to trace ground beef products back to a supplier because of the lack of documentation identifying all source materials used in their preparation. On July 22, 2014, FSIS published a proposed rule (79 FR 42464) to require official establishments and retail stores to maintain records concerning their suppliers and source materials received. Having reviewed and considered all comments received in response to the proposed rule, it has been determined that the final rule is necessary and not dependent on the weight of any contaminated component. FSIS is also not requiring that establishments and stores that grind raw beef products maintain records of the names, points of contact, and phone numbers of each official establishment supplying source material because FSIS already has this information in its Public Health Information System (PHIS). Any marginal benefit presented by these two proposed requirements would be outweighed by the time burden associated with recording the information. In response to comments, this rule also differs from the proposed rule in terms of the place where the records must be maintained and the retention period. Under the proposed rule, based on existing recordkeeping requirements (9 CFR 320.1), establishments and retail stores would have been allowed to keep the required records at a business headquarters location if the grinding activity is conducted at a retail store.