



441 G St. N.W.
Washington, DC 20548

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December 21, 2015

The Honorable Pat Roberts
Chairman
The Honorable Debbie Stabenow
Ranking Member
Committee on Agriculture, Nutrition, and Forestry
United States Senate

The Honorable K. Michael Conaway
Chairman
The Honorable Collin C. Peterson
Ranking Member
Committee on Agriculture
House of Representatives

Subject: *Department of Agriculture, Food Safety and Inspection Service: Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Agriculture, Food Safety and Inspection Service (FSIS) entitled "Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish" (RIN: 0583-AD36). We received the rule on December 4, 2015. It was published in the *Federal Register* as a final rule on December 2, 2015. 80 Fed. Reg. 75,590.

The final rule establishes a mandatory inspection program for fish of the order Siluriformes and products derived from these fish.

Enclosed is our assessment of FSIS's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review of the procedural steps taken indicates that FSIS complied with the applicable requirements.

If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Shirley A. Jones, Assistant General Counsel, at (202) 512-8156.

signed

Robert J. Cramer
Managing Associate General Counsel

Enclosure

cc: Charles E. Williams
Director, Issuance Staff
Office of Policy and Program Development
Department of Agriculture

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF AGRICULTURE,
FOOD SAFETY AND INSPECTION SERVICE
ENTITLED
“MANDATORY INSPECTION OF FISH OF THE
ORDER SILURIFORMES AND PRODUCTS DERIVED
FROM SUCH FISH”
(RIN: 0583-AD36)

(i) Cost-benefit analysis

The Food Safety and Inspection Service (FSIS) prepared a cost-benefit analysis in conjunction with the final rule. FSIS projects that the annualized cost to the covered domestic industries over 10 years will be \$326,548, at a 7 percent discount rate, and \$317,777, at a 3 percent discount rate. FSIS projects that the annualized agency costs over 10 years will be \$1,114,402, at a 7 percent discount rate, and \$1,097,217, at a 3 percent discount rate. FSIS states that it assumes the transitional costs to foreign governments and producers are minimal. FSIS performed a break-even analysis and concluded that the final rule would break even with an annual reduction of salmonellosis illness of 595 cases averted, using a 7 percent discount rate, or of 584 cases averted, using a 3 percent discount rate. FSIS also determined that the public may accrue additional unquantified public health benefits from the removal of products with illegal or violative concentrations of chemicals from the market.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603-605, 607, and 609

FSIS certified that the final rule will not have a significant economic impact on a substantial number of small entities in the United States.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The final rule does not specifically address the Unfunded Mandates Reform Act.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

On February 24, 2011, FSIS published a notice of proposed rulemaking in the *Federal Register* to implement section 10016(b) of the 2008 Farm Bill, Pub. L. No. 110-246. 76 Fed. Reg. 10,434. In May 2011, FSIS held two public meetings to discuss the proposed rule. On February 7, 2014, the 2014 Farm Bill, Pub. L. No. 113-79, was enacted and made changes to the provisions of the 2008 Farm Bill, which were to be implemented under the February 2011 proposed rule. FSIS was authorized to issue the final rule without regard to the notice and comment provisions of the Administrative Procedure Act. Pub. L. No. 113-79, § 12106(b)(3), referencing § 1601(c)(2). In the final rule, FSIS implemented the provisions of the 2014 Farm Bill and responded to the comments made in response to the February 2011 proposed rule.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501-3520

FSIS is exempt from the requirements of the Paperwork Reduction Act for the purposes of this final rule as provided by section 12106(b)(3), referencing section 1601(c)(2) of the 2014 Farm Bill, Pub. L. No. 113-79.

Statutory authorization for the rule

The final rule is authorized by section 10016(b) of the 2008 Farm Bill (Pub. L. No. 110-246), as amended by section 12106 of the 2014 Farm Bill (Pub. L. No. 113-79).

Executive Order No. 12,866 (Regulatory Planning and Review)

FSIS determined that the final rule was “economically significant” under the Order, and the rule has been reviewed by the Office of Management and Budget.