



Pivotal food regulatory updates abound in the recently released [Spring 2024 Unified Agenda](#) of Regulatory and Deregulatory Actions, announced earlier this month by the White House Office of Management and Budget (OMB).

The Unified Agenda outlines federal rulemaking actions currently under development and effectively provides stakeholders with a *preview* of federal agencies' top regulatory priorities in the coming months. In this Update, we summarize select U.S. Food and Drug Administration (FDA) and U.S. Department of Agriculture (USDA) proposed actions.

FDA Priorities

In the area of food and beverage, FDA's rulemaking priorities generally track the Agency's regulatory priorities enumerated in the Fall 2023 Unified Agenda. Highlights of FDA priorities in the Spring 2024 Unified Agenda include:

- **Continued implementation of the Food Safety Modernization Act (FSMA)** through amendments to food facility registration and exemptions for growing, harvesting, packing, and holding of produce, among others.
- **Modernizing standards of identity** (e.g., maple syrup, canned tuna, cheese products) and the processes for persons to do so.
- **Labeling and claims** (e.g., front-of-package nutrition labeling, defining "healthy", revoking the use of health claims between soy protein and coronary heart disease).
- **Heightened attention to imported foods** through proposed rulemaking for certification of imported foods.

FDA's work on draft and final guidances for the food industry continues apace. For example, on July 22, 2024, Dr. Conrad Choiniere, Director of the Office of Analytics and Outreach at FDA's Center for Food Safety and Applied Nutrition, noted at the FMI Legal, Regulatory & Compliance Conference that the Agency is working on finalizing its current [draft guidance](#) on Action Levels for Lead in Food Intended for Babies and Young Children. Relatedly, the Agency anticipates that it will propose action levels for these same foods for arsenic and cadmium by the end of 2024.

USDA Priorities

Key USDA regulatory priorities span the agency's Agricultural Marketing Service (AMS) and Food Safety and Inspection Service (FSIS). Highlights of AMS priorities in the Spring 2024 Unified Agenda include:

- Updating the list of bioengineered foods.
- Considering the inclusion of various substances on the National List for organic materials based on recommendations from the National Organic Standards Board.
- Finalizing agency rulemaking for organic mushrooms and pet food.

FSIS, which oversees the safety and labeling of meat, poultry, and egg products, is working towards a number of priorities, including:

- Establishing new requirements for the labeling of meat or poultry products made using animal cell-culture technology.
- Amending its labeling requirements for processed meat and poultry products to establish a new definition for "cured."
- Working with the FDA to establish general principles to modernize and update the framework for food standards.
- Finalizing a rule on the nutrition labeling requirements for meat and poultry products based on recent scientific research and dietary recommendations.
- Proposing a new regulatory framework targeted at reducing *Salmonella* illnesses associated with poultry products.

Perkins Coie's Food & Beverage team continuously monitors FDA and USDA agency developments and actions. If you have any questions concerning the material discussed in this Update, please contact the authors.

Authors



Brian P. Sylvester

Partner

BSylvester@perkinscoie.com [202.434.1669](tel:202.434.1669)



Sichang Chen

Associate

SChen@perkinscoie.com

Explore more in

[Food & Beverage](#) [Food & Consumer Packaged Goods Litigation](#)

Related insights

Update

[Ninth Circuit Rejects Mass-Arbitration Rules, Backs California Class Actions](#)

Update

[CFPB Finalizes Proposed Open Banking Rule on Personal Financial Data Rights](#)