NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** UNITED STATES OF AMERICA**If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** Food and Drug Administration (FDA), Health and Human Services (HHS) [2073]**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****X],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Canned tuna; Quality (ICS code(s): 03.120); Fish and fishery products (ICS code(s): 67.120.30) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Fish and Shellfish; Canned Tuna Standard of Identity and Standard of Fill of Container; (11 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - The Food and Drug Administration (FDA or we) is proposing to amend the standard of identity and standard of fill of container for canned tuna. This action partially responds to a citizen petition submitted by Bumble Bee Foods, LLC, StarKist Co., and Tri Union Seafoods, LLC (doing business as Chicken of the Sea International). We tentatively conclude that this action, if finalized, will promote honesty and fair dealing in the interest of consumers. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety; Quality requirements; Harmonization; Cost saving and productivity enhancement |
| **8.** | **Relevant documents:** 88 Federal Register (FR) 58157, 25 August 2023; [Title 21 Code of Federal Regulations (CFR) Part 161](https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-161):<https://www.govinfo.gov/content/pkg/FR-2023-08-25/html/2023-17916.htm><https://www.govinfo.gov/content/pkg/FR-2023-08-25/pdf/2023-17916.pdf>This proposed rule is identified by Docket Number FDA-2016-P-0147. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/FDA-2016-P-0147/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point by or before [4pm](https://time.is/EST) [Eastern Time](https://www.timeanddate.com/worldclock/) on 24 November 2023. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/FDA-2016-P-0147/document) on Regulations.gov if received within the comment period. |
| **9.** | **Proposed date of adoption:** To be determined**Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 24 November 2023 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** <https://members.wto.org/crnattachments/2023/TBT/USA/23_12051_00_e.pdf> |