

## §5.301

(i) The Director and Deputy Director, CVM.

(ii) The Director and Deputy Director, Office of Surveillance and Compliance, CVM.

(iii) The Director and Deputy Director, Division of Animal Feeds, Office of Surveillance and Compliance, CVM.

(d) The following officials are authorized to certify batches of color additives under section 721 of the act (21 U.S.C. 379e):

(1) The Director and Deputy Director, CFSAN.

(2) The Director of Regulations and Policy, CFSAN.

(3) The Director, Office of Cosmetics and Colors, CFSAN.

(e) The following officials are authorized to issue advance notices of proposed rulemaking pertaining to Codex Alimentarius food standards and notices terminating consideration of such standards when comments fail to support the desirability and need for proposing their adoption, under § 130.6 of this chapter:

(1) The Director and Deputy Director, CFSAN.

(2) The Director of Regulations and Policy, CFSAN.

(3) The Director, Office of Nutritional Products, Labeling, and Dietary Supplements, CFSAN.

(f) The following officials are authorized to issue notices of proposed rulemaking and issue or amend regulations affirming GRAS status of food substances under §§ 170.35 or 570.35 of this chapter where the affirmations relate to the assigned functions of the respective Center and do not involve novel or controversial issues:

(1) The Director, Deputy Director, and Director of Regulations and Policy, CFSAN.

(2) The Director and Deputy Director, CVM.

(g)(1) The following officials are authorized to perform all of the functions of the Commissioner under section 403(r)(4) of the act (21 U.S.C. 343(r)(4)) regarding the issuance of decisions to grant or deny petitions for nutrient content claims and health claims that do not present controversial issues and regarding the issuance of any notices of proposed rulemaking that result from such action:

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(i) The Director and Deputy Director, CFSAN.

(ii) The Director of Regulations and Policy, CFSAN.

(2) The following officials are authorized to perform all of the functions of the Commissioner under section 403(r)(4) of the act (21 U.S.C. 343(r)(4)) regarding the issuing of letters of filing in response to petitions for nutrient content claims and health claims:

(i) The Director and Deputy Director, CFSAN.

(ii) The Director of Regulations and Policy, CFSAN.

(iii) The Director, Office of Nutritional Products, Labeling, and Dietary Supplements, CFSAN.

(h) The following officials are authorized to issue letters concerning substances determined to be below the “threshold of regulation” under § 170.39 of this chapter:

(1) The Director and Deputy Director, CFSAN.

(2) The Director of Regulations and Policy, CFSAN.

(3) The Director, Office of Premarket Approval, CFSAN.

(4) The Directors of the Divisions of Petition Control and Product Policy, Office of Premarket Approval, CFSAN.

(i) The following officials are authorized to perform all of the functions of the Commissioner under section 409(h) of the act (21 U.S.C. 348(h)), excluding the duties to set out in section 409(h)(5) of the act (21 U.S.C. 348(h)(5)), regarding premarket notification of food-contact substances:

(1) The Director and Deputy Director, CFSAN.

(2) The Director of Regulations and Policy, CFSAN.

(3) The Director, Office of Premarket Approval, CFSAN.

(j) These officials may not further redelegate these authorities.

### **§5.301 Issuance of initial emergency permit orders and notices of confirmation of effective date of final regulations on food for human and animal consumption.**

(a) The Director and Deputy Director, Center for Food Safety and Applied Nutrition (CFSAN), the Director, Office of Field Programs, CFSAN, and the Director, Division of Enforcement and Programs, Office of Field Programs,

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CFSAN, are authorized to issue initial emergency permit orders under §108.5 of this chapter.

(b) The following officials are authorized to issue notices of confirmation of effective date of final regulations on food matters issued under section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)):

(1) The Director and Deputy Director, CFSAN.

(2) The Director of Regulations and Policy, CFSAN.

(3) The Director, Office of Nutritional Products, Labeling, and Dietary Supplements, CFSAN.

(4) The Director, Office of Plant and Dairy Foods and Beverages, CFSAN.

(5) The Director, Office of Seafood, CFSAN.

(6) The Director, Office of Field Programs, CFSAN.

(7) The Director, Office of Premarket Approval, CFSAN.

(c) These officials may not further redelegate these authorities.

### § 5.302 Detention of meat, poultry, eggs, and related products.

The Regional Food and Drug Directors and District Directors are authorized to perform and to designate other officials to perform all of the functions of the Commissioner of Food and Drugs under:

(a) Section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)), that relates to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(b) Section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) that relates to the detention of any poultry carcass, part thereof, or poultry product.

(c) The Egg Products Inspection Act (21 U.S.C. 1031 *et seq.*).

### § 5.303 Establishing standards and approving accrediting bodies under the National Laboratory Accreditation Program.

The Director, Deputy Director, and Director of Regulations and Policy, Center for Food Safety and Applied Nutrition, are authorized to perform all the functions of the Commissioner of Food and Drugs under sections 1322(b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the

National Laboratory Accreditation Program) (7 U.S.C. 138a), as amended hereafter, which relate to setting standards for the National Laboratory Accreditation Program and approving State agencies or private, nonprofit entities as accrediting bodies to implement certification and quality assurance programs in accordance with the requirements of these sections. The delegation excludes the authority to submit reports to the Congress. These officials may not further redelegate this authority.

### § 5.304 Approval of schools providing food-processing instruction.

(a) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs (Commissioner) under §113.10 of this chapter regarding the approval of schools giving instruction in retort operations, processing systems operations, aseptic processing and packaging system operations, and container closure inspections:

(1) The Director and Deputy Director, Center for Food Safety and Applied Nutrition (CFSAN).

(2) The Director of Regulations and Policy, CFSAN.

(3) The Director, Office of Plant and Dairy Foods and Beverages, CFSAN.

(b) These officials may not further redelegate this authority.

## Subpart F—Medical Devices and Radiological Health; Redelegations of Authority

### § 5.400 Issuance of Federal Register documents to recognize or to withdraw recognition of a standard to meet premarket submission requirements.

(a) The Director and Deputy Directors for Science and for Regulations and Policy, Center for Devices and Radiological Health; and the Director and Deputy Directors, Center for Biologics Evaluation and Research, are authorized to issue FEDERAL REGISTER documents under section 514(c) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360d(c)) recognizing or withdrawing recognition of a standard