

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

24-08

4/9/08

CANCELLATION OF NON-FSIS LETTERHEAD EGG PRODUCTS MEMORANDUM AND NOTICES, AND SECTIONS OF AMS PY-INSTRUCTION NO. 910

I. MEMORANDUM, NOTICES, AND INSTRUCTION CANCELLED

A. This FSIS notice advises inspection program personnel that the following non-FSIS letterhead egg products memorandum and notices to the egg products industry are null and void:

1. U.S. Department of Agriculture Memorandum, signed by Howard M. Magwire, National Supervisor, Egg Products, Poultry Grading Branch, and dated October 17, 1977. This memorandum advised dried egg products inspectors that *Salmonella*-positive dried egg whites could be re-sampled and tested as an alternative to further processing. Food Safety and Quality Service policy at that time permitted the re-sampling and testing of dried yellow egg products determined positive for *Salmonella*.

2. Notice to the Egg Products Industry, signed by William D. Sutherlin, Acting Director of the Egg Products Inspection Division, and dated September 14, 1995. This notice advised the egg products industry that the policy that permitted, under certain circumstances, for the re-testing of egg products determined positive for *Salmonella* at Government expense, was being re-assessed. It also effected procedural changes to the re-testing procedures for *Salmonella*-positive dried, liquid, or frozen egg products and revised USDA's *Salmonella* surveillance sampling plan used for a plant's required testing of liquid and frozen egg products.

3. Notice to FSIS Egg Products Inspection Staff and the Egg Products Industry, Number 96-4, signed by William D. Sutherlin and dated January 18, 1996. This second notice amended the 1995 notice by stating that if retesting authorized by the Government of a production lot from which a sample was reported *Salmonella*-positive by a USDA laboratory, then the retest samples would have to analyzed at either a USDA or USDA-recognized laboratory at company expense. If retest samples were performed at a non-USDA laboratory, five laboratory audit samples from the production were to be submitted to a USDA laboratory for individual analysis at Government expense. All costs associated with the shipment of these samples were the responsibility of the official plant.

DISTRIBUTION: Electronic

NOTICE EXPIRES: 5/1/09

OPI: OPPD

B. This notice also cancels the following sections of AMS PY-Instruction No. 910 (Egg Products)-1 (The Egg Products Inspectors Handbook) and AMS PY-Instruction No. 910 (Egg Products)-5 (Dried Egg Products Instructions):

1. AMS PY-Instruction No. 910 (Egg Products)-1: Section 9.IV, Resampling and Retesting *Salmonella* Positive Frozen Egg Products, and 9.V, Resampling and Retesting *Salmonella* Positive Dried Egg Products, Pages 3-4, 4-18-77.

2. AMS PY-Instruction No. 910 (Egg Products)-5: Section XV. Resampling and Testing *Salmonella* Positive Product, Pages 21-22, 11-15-72.

II. POLICY ON RE-TESTING *SALMONELLA*-POSITIVE EGG PRODUCTS

The October 17, 1977, memorandum, and September 14, 1995, and January 18, 1996, notices are null and void because they are not consistent with either sound science or FSIS policy. Because pathogens, including *Salmonella*, are unevenly distributed in a product, retesting that results in a negative result does not overcome a positive finding in a product. Therefore, FSIS does not recognize the results of retesting of either meat or poultry once a pathogen is found. There is no basis for FSIS to take a different position with respect to egg products.

III. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES

Awareness Meeting

A. Upon receipt of this notice, inspection program personnel at egg products plants are to conduct an awareness meeting with plant management. At the meeting, inspection program personnel are to inform plant management that:

1. the October 17, 1977, memorandum, and September 14, 1995, and January 18, 1996 notices are null and void;

2. AMS PY-Instruction No. 910 (Egg Products)-1 (The Egg Products Inspectors Handbook) and AMS PY-Instruction No. 910 (Egg Products)-5 (Dried Egg Products Instructions) are cancelled;

3. Because pathogens are unevenly distributed in a product, retesting that results in a negative result does not overcome a positive finding in a product. Therefore, FSIS does not recognize the results of retesting of meat, poultry, or egg products once a pathogen is found; and

4. FSIS will not approve any requests to retest frozen, liquid, or dried egg products that have been determined to be pathogen-positive, unless the product has been reprocessed, pasteurized, and analyzed in accordance with 9 CFR 590.504(o)(1).

B. In a memorandum of the interview, inspection program personnel are to document:

1. who was present at the awareness meeting;

2. the date and time of the meeting;
3. what was discussed, and
4. any documents that were shared with management.

C. Inspection program personnel are to maintain a copy of the memorandum in the official government file and provide a copy to the establishment management.

Refer questions to the Policy Development Division at 1-800-233-3935.



Assistant Administrator
Office of Policy and Program Development