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December 21, 2000

United States Department of Agriculture
FSIS Docket Room
Room 102 Cotton Annex
300 - 12th Street, SW
Washington, DC 20250-3700

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**Re: Announcement of and Request for Comment Regarding Industry Petition on Hazard Analysis and Critical Control Point (HACCP) Inspection Notice; Opportunity to Comment
Docket No. 00-014N
65 Fed. Reg. 30,952 (May 15, 2000)**

AARP appreciates this opportunity to comment on the industry petition that seeks certain changes to the Hazard Analysis and Critical Control Point (HACCP) regulations adopted by the Food Safety and Inspection Service (FSIS). We support FSIS's continued efforts to develop and enforce a strong, standards-based HACCP program. These efforts help ensure that all Americans, including older citizens and others at special risk for food-borne illness, can purchase and consume the safest food possible.

While FSIS has done an admirable job in implementing and enforcing its HACCP regulations, there is clearly room for improvement. In a recent report, the Office of Inspector General (OIG) of the U.S. Department of Agriculture criticized FSIS for reducing "its oversight short of what is prudent and necessary for the protection of the consumer."¹ The OIG recommended, among other things, that FSIS further strengthen its HACCP program by expanding the pathogen-testing requirements.² AARP strongly support this recommendation.

Just when FSIS should be strengthening its oversight of the HACCP system, industry groups are petitioning the agency to make changes that would weaken the agency's ability to protect against food safety hazards. We strongly oppose these efforts. In particular, we urge FSIS not to adopt the proposal by industry to consider "prerequisite" programs (e.g., prioritizing emphasis on good manufacturing practices) when the Agency considers a plant's HACCP plan. While these programs provide an important foundation for a HACCP plan, they are aimed at quality control, not food safety. Prerequisite programs address plant-wide operations and do not focus on the identification and prevention of food hazards. A failure at a critical control point (CCP) requires corrective action by the plant; a failure of a quality control does not.

¹ U.S. Department of Agriculture Office of Inspector General, "Food Safety and Inspection Service: Implementation of the Hazard Analysis and Critical Control Point System," Sec. 1, p. ii (June 2000) [hereinafter cited as *OIG Report*].

² *Id.* at Sec. I, p. I - vi, 31.



identification and prevention of food hazards. A failure at a critical control point (CCP) requires corrective action by the plant; a failure of a quality control does not.

To include quality-control programs within the ambit of a plant's HACCP program would mean that inspectors would have little effective oversight over many plant practices and procedures; this is because inspectors have authority to review HACCP records only and not other operational records, such as those related to prerequisite programs.

The findings of two recent government reports on HACCP support our position. In a report issued last December, the Government Accounting Office (GAO) noted that FSIS inspectors have only limited oversight of non-HACCP programs, and that the use of non-HACCP programs to control food-safety hazards prevents the HACCP rule from being consistently applied.³ Similarly, the OIG Report rejected the use of prerequisite programs to manage food safety hazards on many of the same grounds cited by the GAO; it noted that there are no assurances that prerequisite programs have been adequately developed and implemented, and that these programs do not require documentation to show that they will prevent a specific hazard in the production process.⁴

Petitioners rely on the 1997 National Advisory Committee on Microbiological Criteria for Foods (NACMCF) HACCP guidelines in calling for FSIS recognition of prerequisite programs. However, the NACMCF guidelines are premised on the existence of rigorous prerequisite programs that are "documented and regularly audited,"⁵ which is not the case with the existing prerequisite programs. Further, we seriously doubt that the petitioners would support increasing the documentation and auditing for their prerequisite programs.

Because we oppose the petitioners' request regarding prerequisite programs, we also object to the suggested revisions to the hazard-analysis regulations that would implement their proposal. The proposed changes would weaken the HACCP system. The existing regulations assist plants in conducting full hazard analyses and allow the agency to verify that plants are controlling food-safety hazards in their establishments; any weakening of them is unacceptable.

However, we do support the petitioners' proposed amendments that clarify the definition of the term "shipping." We agree that a plant should not be penalized when it identifies a defect and takes corrective action (including recalling product back to the plant) before the product has left its direct or effective control.

As a final matter, FSIS asks for comment on the impact of FSIS and FDA having dissimilar HACCP regulatory requirements. AARP believes that, as long as there are separate agencies regulating food safety under different statutory schemes, the various HACCP regulations will

³ Government Accounting Office, "Meat and Poultry: Improved Oversight and Training Will Strengthen New Food Safety System," 19 (Dec. 1999)

⁴ *OIG Report* at Sec. I, pp. 14 - 15.

⁵ NACMCF, "Hazard Analysis and Critical Control Point Principles and Application Guidelines," 10 (Aug. 14, 1997).

never be completely coordinated. For this reason, we continue to urge Congress and the Executive Branch to seriously consider creating a single, food-safety regulatory scheme with a single food-safety agency that would ensure uniform food-safety protection for American consumers.

We appreciate this opportunity to participate in the continued improvement of nutrition labeling. Please contact Larry White of our Federal Affairs staff at 202-434-3800 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin A. Corry". The signature is fluid and cursive, with a long horizontal stroke at the end.

Martin A. Corry
Director
Federal Affairs