AMERICAN ASSOCIATION OF MEAT PROCESSORS

One Meating Place P. O. Box 269 Elizabethtown, PA 17022
Phone: (717) 367-1168 Fax: (717) 367-9096
E-mail: aamp@aamp.com Website: www.aamp.com

September 5, 2001

FSIS Docket Clerk
Docket #00-026N
Room 102 Cotton Annex Building
300 12th Street SW
Washington, DC 20250-3700

00-026N
00-026N-1
Bernard F. Shire

RE: FSIS Docket No. 00-026N Residue Policy

The American Association of Meat Processors (AAMP) is an international trade association with members in the United States, Canada and several foreign countries. Our members are meat and poultry processors, slaughterers, wholesalers, retailers, caterers, home food service companies and suppliers/consultants to the industry. Most of our members are very small, small and medium-sized businesses, many of them family-owned.

AAMP's goal is to work cooperatively with both the Food Safety and Inspection Service and Congress to make sure that American consumers have the safest possible meat and poultry products.

We appreciate that FSIS has asked for comments about this notice, because we have some major concerns about what the Agency is proposing. We do not see how this change in FSIS policy -- to harmonize its procedures with FDA in testing animal tissues for residues -- could improve the health of consumers of meat and poultry products.

Instead, we believe that the implementation of this notice will put more burdens on meat and poultry slaughterers and processors, for no good reason.

On Page 40965 of the August 6, 2001 Federal Register, in the notice, there is a statement at the beginning of the last paragraph in the first column as follows: "FSIS is aware that the change in its procedures announced in this notice will affect the industry." We believe that to be a great understatement.

How Many Animals Will Be Thrown Away For No Reason?

It is the responsibility of the rulemaking Agency to explain how this notice will affect the industry. It is our opinion that many more animals will be affected by this change in FSIS policy. In other words, many more animals will be thrown away for no reason.

But how many more animals? It is obvious from this notice that FSIS has no idea. Or if the Agency can guess how many more, it isn't saying. Why not? As part of the policy change, doesn't FSIS believe it has a responsibility to tell the industry how it would be affected by this policy change – other than to say that "the changes in the (FSIS) procedure will affect the industry?" AAMP believes that FSIS has a responsibility to tell the industry how many!

FSIS Plan Will Hurt Industry Cost-Wise

One way the meatpacking industry will be affected is to have massive costs thrust on it by this proposed change in FSIS policy. Under current FSIS policy, six percent of the carcasses with violative drug residue levels in an organ such as liver or kidneys had any residual drugs in the muscle tissue. In those cases, under current FSIS practice, the carcasses of the animals were condemned.

But under the proposed FSIS policy outlined in the above captioned notice, it is possible that a large portion of the 94 percent of remaining carcasses without muscle tissue containing violative levels of drug residue could be condemned. What would the figure be? Is 25 percent, one out of every four animals, a good estimate? That would cost slaughterers a huge amount of money. If each animal costs, say, $500, and FSIS condemns an additional 200 animals a year at this slaughterer, it would cost the slaughterer an extra $100,000 a year. That would be meat, by the way, that during the past 25 years FSIS had approved for public consumption, but now all of a sudden won't approve it because the Agency wants, after 25 years, to "harmonize its procedures" with FDA's marker residue policy.

Would the number of animals condemned actually be higher? In fact, what would be the point of testing at all?

In the same August 6 issue of the Federal Register, FSIS published another notice dealing with residue testing procedures. In this notice, the Agency proposes adopting an industry request to publish on its web site the names of companies and individual producers that sell livestock and poultry containing drug and chemical residues, which the Agency calls "repeat violators." Before proposing this policy, the identity of these violators were known only to government officials.

Why Not See If Publicizing Violators' Names Works?

The American Association of Meat Processors strongly supports this action. But why doesn't FSIS give this new policy a chance to work? Instead of changing its testing policy, why doesn't FSIS see if releasing the names of the violators will reduce the amount of carcasses containing residue? Why run ahead and adopt a policy with an unknown effect on the number of carcasses condemned?

Why Aren't Producers Held Responsible For Residues? They Put The Drugs Into Animals

And since we're talking about producers, it's time for us to point out that they, not the slaughterers and the processors, bear the ultimate responsibility for drug and chemical residues in carcasses. The same thing is true of auction houses and sales barns. After all, the vet gives the drugs to the animals at the farm, not at the slaughterhouse. Slaughterers and processors don't have the ability to buy cattle that have been checked ahead of time for drugs. And under the law, the slaughterer must pay for livestock he buys before the close of business the day after the sale. Also, withholding payment for an animal until it has passed a test for residues is against the law.

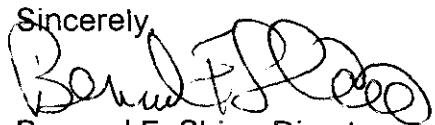
So this change in policy that FSIS is proposing would do little or nothing to convince producers to stop giving drugs to their animals before they sell them to slaughterers. Instead, the same old game would continue. The slaughterer or processor has to pay the regulatory penalty when a test is carried out on "his" animal, and illegal residue is found. He gets punished – and he can't go back to the producer, the auctioneer or the sales barn to get a refund.

Right now, with the slowdown in the economy, the meat and poultry industry face great economic challenges, especially the small meat and poultry industry. New nutritional labeling regulations, the increasing costs of rendering, and the "next steps of HACCP" are putting great burdens on the industry. These increasingly regulatory demands are putting concentration pressures on the small industry especially, as it has never faced before. This kind of policy change is not going to help the industry.

We also note that this proposed change in policy conflicts with the position of **Codex Alimentarius**, the international food standard-setting organization, because FDA and Codex have different tolerance levels for some drug residues.

The American Association of Meat Processors (AAMP) is pleased to present the above comments, and is willing to work with FSIS to come up with better ways to make sue drug residues don't get into carcasses, meat and poultry products.

Sincerely,



Bernard F. Shire, Director
Legislative & Regulatory Affairs

cc: Gary Baysinger, AAMP President