

Illinois Department of
Public
Health

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George H. Ryan, Governor
John R. Lumpkin, M.D., M.P.H., Director

525-535 West Jefferson Street • Springfield, Illinois 62761-0001

September 6, 2000

FSIS Docket Clerk, Docket #00-027N
U.S. Department of Agriculture
Food Safety and Inspection Service, Room 102
Cotton Annex Building
300 12th Street, SW
Washington, DC 20250-3700

Dear Sir:

The Illinois Department of Public Health, Division of Food, Drugs and Dairies appreciates the opportunity to submit the following comments in response to the Federal Register notice issued August 14, 2000 by the Food Safety and Inspection Service (FSIS), United States Department of Agriculture. This notice announced the availability of materials from the June 9, 2000, public meeting on In-Distribution Activities and Initiatives.

The Division of Food, Drugs and Dairies urges FSIS to re-evaluate this proposal. Our concerns are based upon the following observations:

- 1) Since last year, FSIS has been in the process of hiring additional inspectors to meet the minimum work force required in slaughter/processing plants. Considering this fact, it is surprising that FSIS is planning to move more inspectors away from the plant level inspection, where they are most needed, to conduct in-distribution checks.
- 2) We are not aware of any evidence to suggest that increased inspection oversight is needed in the distribution chain. As far as recent outbreaks are concerned, none of the cases were attributed to breakdowns in the distribution system. Contrary to this, most meat borne outbreaks have been traced back to packing plants.

- 3) As per FSIS, the In-Distribution Inspection will assess the adequacy of HACCP plans under which the product is produced. In our opinion, this should be accomplished before the product leaves the plant and not at the retail level. Once the plant has completed the pre-shipment review of their product in the plant and satisfied all the requirements of a particular HACCP plan, there is nothing much FSIS can do as far as the plant's HACCP plan is concerned. Moreover, distribution channels or retail establishments are not covered under the plant's HACCP plans.
- 4) FSIS' plan claims that the In-Distribution Inspection will ensure other consumer protections such as labeling. In our opinion, it is the plant's responsibility to label its product correctly and truthfully. Verification of this should be done by FSIS before the shipment is allowed to leave the plant's premises. It is difficult to understand why FSIS wants to inspect labels after the product leaves the plant. We could not find any documentation linking any disease outbreak to mislabeled meat or poultry product. Products that are often associated with allergies which are of public health concern are non meat and poultry products. While we share your idea of checking for "economic fraud or adulteration" associated with some kinds of mislabeling of the product, our opinion is that "economic adulteration or deceptive practice" is not a direct food safety issue. It does not pose any public health problems and thus does not warrant deployment of additional resources.

As a matter of fact, FSIS is proposing to leave the initial inspection of meat and poultry carcasses to industry line workers during slaughter. This will allow industry line workers to make decisions concerning the wholesomeness of the carcasses, which is the most critical step in inspection. Deploying a number of inspectors from the more critical food safety work to In-Distribution Inspection to check for economic adulteration or economic fraud of products may not be in the best interests of food safety and public health. A retailer cannot cause or correct economic adulteration or misbranding of a pre-packaged product. In our opinion, economic fraud or misbranding problems can best be handled at the plant level before the product is shipped out to retail stores.

- 5) We understand that FSIS will have a surplus of inspectors if and when slaughter plant employees start inspecting carcasses or other meat products. We also understand FSIS' obligation to find work for them. However, it is our understanding that the area where FSIS is planning to allocate these valuable resources is already fully regulated and we do not see the need for further federal oversight.

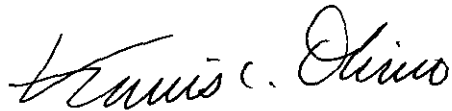
- 6) We urge the FSIS to look into the concerns raised by the Association of Technical and Supervisory Professionals in their July 12, 2000 letter addressed to Secretary Dan Glickman. The letter states that the individuals in this project have little to no experience in dealing with issues outside federally inspected plants. These individuals will be performing their duties with only one week of training. These individuals are not trained to handle the type of problems they could encounter.
- 7) We are of the opinion that implementation of this project will create more confusion, mistrust, misunderstandings and misinterpretations of rules rather than provide better food safety. FSIS inspectors are trained to work in an in-plant environment where they are responsible for compliance with Meat and Poultry regulations. They can't enforce those regulations in retail food establishments because retail establishments operate under state's regulations or FDA's Food Code. FSIS's In-Distribution inspectors are not trained in retail operations and do not have knowledge of the Food Code.
- 8) Well trained and experienced sanitarians from both state and local health departments inspect the retail food outlets according to established procedures and assure compliance with state or federal food code regulations. Implementation of In-Distribution inspection may create a confrontational environment and could offend the regulated community, which might overreact to federal oversight where local health departments already have jurisdiction.
- 9) In our opinion, additional inspection oversight by plant oriented inspectors with limited to no knowledge of food codes and retail regulations or retail operations will undermine the work and ability of well trained state/local sanitarians who have always done an exceptional job in the area of food safety.
- 10) Recently, New York state health officials, in a summary report (from January 1980 to December 1995), concluded that out of 1895 reported cases of confirmed or suspected food borne illnesses only 13 (0.7%) have been confirmed to have arisen from a retail food store. We are of the opinion that this proportion of food borne diseases at the retail level is negligible as compared to the other sources, including packing plants, and may not justify the proposed, substantial increase of federal inspection.

- 11) We appreciate the FSIS' idea of partnership with other food safety agencies at the state and local level to make the maximum use of available resources. But, it is difficult to understand this philosophy in the light of the In-Distribution Inspection System, which will add another layer of inspection on a fully regulated community being inspected by local authorities. We are concerned that duplication of inspection activities might be a waste of limited federal resources.

- 12) We are further concerned that implementation of In-Distribution Inspection may give rise to another controversy regarding the regulatory authority of FSIS to institute inspection in retail stores. The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) limit the FSIS to inspect facilities engaging in the production of meat and meat by-products and poultry and poultry products only. According to these laws, inspection of retail outlets is not included in FSIS' regulatory authority.

Thank you for giving us the opportunity to express our concerns to you.

Sincerely,



Francis C. Okino, D.V.M., M.P.H., Chief
Division of Food, Drugs and Dairies