

State of West Virginia
DEPARTMENT OF AGRICULTURE
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United States Department of Agriculture
Food Safety and Inspection Service
FSIS Docket Room

By Fax: 202.205.0381

Reference Docket 03-021 N
Meeting of the National Advisory Committee
on Meat and Poultry Inspection

03-021N-1
03-021N
W. Jan Charminski

Below are my comments for the public meeting of the National Advisory Committee on Meat and Poultry Inspection scheduled for June 23-24, 2003, in Washington, D.C.

PLEASE DISTRIBUTE THE COMMENTS TO THE MEMBERS OF THE ADVISORY COMMITTEE BEFORE THE MEETING.

As of today, June 17, 2003 (three days before the meeting), an agenda for the meeting is still unavailable. This questions the public's ability to participate in the public meeting to provide any meaningful comments.

The FSIS Notice of public meeting (*Federal Register*, June 11, 2003) only mentions three topics for the public meeting. My comments on the topic *State Review Methods* follow.

The National Advisory Committee on Meat and Poultry Inspection (NACMPI) extensively deliberated the methodology of state meat and poultry inspection program reviews during the last meeting on November 6, 2002. During the meeting, the full Committee discussed and endorsed a document entitled *Procedures for Evaluating State Meat and Poultry Inspection Programs Under the FMIA and PPIA* (dated October 2002). *The Procedures* were presented by Mr. Ralph Stafko from FSIS' Office of Policy, Program Development and Evaluation and were a result of more than four years of discussions and consultations with the National Association of State Meat and Food Inspection Directors (NASMFID). The final draft presented to the National Advisory Committee on Meat and Poultry Inspection is a 17-page document that reflects all the requirements for state meat and poultry inspection programs resulting from the introduction of the HACCP system in the regulated industries. *The Procedures* were intended to replace FSIS Directive 5720.2, Revision 2: *Cooperative Inspection Programs* (dated July 24, 1992) that has become mostly outdated due to the promulgation of regulations on SOPs, pathogen reduction, HACCP and passage of time.

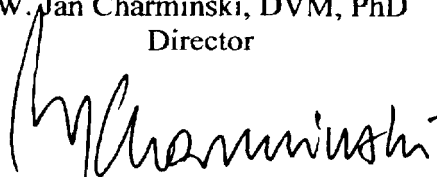
Directive 5720.2, Revision 2: *Cooperative Inspection Programs* (dated July 24, 1992) that has become mostly outdated due to the promulgation of regulations on FSOPs, pathogen reduction, HACCP and passage of time.

On November 6, 2002, the full National Advisory Committee endorsed the FSIS document and recommended its implementation as an FSIS directive. This recommendation was based on statutory provisions contained in the Federal Meat Inspection Act and the Poultry Products Inspection Act which, in almost identically worded provisions on *Federal and State Cooperation*, require the Secretary to consult with the National Advisory Committee ("the appropriate advisory committee") in matters related to cooperation with state inspection programs. The Secretary, represented by FSIS, adhered to the statutory requirement and the full Committee acted according to the law. Therefore, it is very surprising that the topic, so well researched and deliberated, has been again placed on the agenda for the upcoming meeting of the NACMPI.

In spite of the National Advisory Committee's clear endorsement of FSIS' own document *Procedures for Evaluating State Meat and Poultry Inspection Programs Under the FMIA and PPIA* (dated October 2002), FSIS did not follow the recommendations of the Advisory Committee and took no action for over half a year to implement the endorsed document. Instead, during an early May 2003 meeting of the NASMFID, Eastern Region, in Asheville, N.C., the directors of state meat and poultry inspection programs were presented with a *FSIS Manual for State Meat and Poultry Inspection Program Reviews* (89 pages). After correcting tens of errors, the poorly drafted Manual was resubmitted to all state program directors at the meeting in Washington, D.C., June 2-3, 2003. The Manual has grown now to a monstrous document of 300 pages. It requires answers to 600 questions. In addition, if a state program did not incorporate by reference FSIS directives then a divergence from over 100 FSIS listed directives and other FSIS internal documents requires a narrative description of "state requirements" and "state implementation documentation." Incorporation by reference of FSIS internal documents is not legally possible. Please compare the 600-question Manual with the 17-page all inclusive cooperative document endorsed by the National Advisory Committee.

The members of the National Advisory Committee would create a dangerous precedent if they would disregard their very last recommendations. The authority of the Secretary's Advisory Committee would be seriously compromised and the need for the very existence of the Committee as a true advisory body, not a rubber stamp for every FSIS proposal, would be questionable.

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