



From: Glenn Mott, Compliance Division Head
Gerber's Poultry, Inc. (P-20604)
5889 Kidron Road
Kidron, OH 44636
330.857.2731 x 335
Fax: 330.857.2731
E-mail: gmott@gerbers.com
10.27.06
To: USDA / FSIS Risk Based Inspection

To whom it may concern,

Our company was present at the Reynoldsburg, Ohio location for the USDA / FSIS public meetings held & webcast October 10th & 11th regarding RBI. Gerber's Poultry, Inc. applauds the agency's desire to develop an objective inspection system which focuses on true public health concerns as related to inherent risks in food production.

Two areas of special concern to the company in the RBI proposal as explained in the meetings are, 1) the nature of the structure of the expert elicitation and, 2) the six parts of the *Establishment Risk Control* as related to the *Risk Combinations* grid.

1. The expert elicitation as presented by Matthew Michael: The consideration parameters given to the experts seemed vague and, indeed this thought is supported by the extreme range of the scores rated by the experts. I spoke personally with Lynne Knipe, one of the experts participating in the elicitation. Mr. Knipe has been helpful to our company through his HACCP training at OSU. He stated that there were fairly rigid guidelines as far as considerations to be taken in each rating but that the ratings themselves were open to wide interpretation. Hence the recorded ranges from 5.0 to 300,000,000. Our company questions:
 - a) Is the consuming public assumed to be largely uninformed regarding any basic hygiene and food preparation knowledge? This seems to be the assumption and if so the company believes the USDA thus underestimates public intelligence and over penalizes companies for that underestimation. To rate raw poultry as a high risk food seems indefensible. Is applesauce in a glass jar a high risk food because of the danger of the packaging if used as a child's toy? This seems to be the rationale
 - b) The data from the panel of experts is extrapolated to define risk categories of a broad populace. Is there not additional merit to convene several such panels, possibly focusing on particular foods and arrive at a more realistic and scientifically defensible consensus?

2. Establishment Risk control as presented by Don Anderson: As noted by several participants the Food Defense category should be removed and considered and developed on its own merit. The company agrees. The company has grave concerns regarding the System Implementation step. The success or failure of a facility's food safety system is to be defined by NR's. This will not support a "science based" RBI system for the following reasons:
- a) NR's, agency position and goals notwithstanding, are simply not objective. Our company assesses every NR, often questions the intent and receives modifications of NR's that the company believes to be incorrectly detailed or worded. There is a give and take because the nature of the agency judgments is often subjective. This is borne out by appeals. If a superior grants the appeal of a subordinate's NR it is generally not because the subordinate was stupid, but that the "facts" were seen in a different light by a different individual.
 - b) Our company has accepted NR's while asking for, and receiving the removals of certain linkages to previous NR's or regulations. Again, these are removed because upon discussion the agency sees a different point of view. Subjective, not hard science.
 - c) Company responses to NR's often note company disagreement, in minor or major detail. There are times an NR is accepted simply to give the company the means to regain control if the agency has indeed taken control of a process or product. In the written record this would appear to be the company acceptance of the NR.

This list is much longer but the unchanging thrust is that NR's are not subjective and will weaken any objective "science based" program they are used to support. The company cannot support the sole use of NR's to support the efficacy of a system's implementation even if the agency restricts its data to NR's related directly to food safety issues. If NR's are to be a *part* of the implementation foundation they must be mitigated by taking into account company responses to NR's as well as possibly utilizing the findings of an EIAO. NR's can be a source of information but the agency must accept that they are biased completely and individualistically.

Since the new program is to be a living program the company believes there should be more public meetings seeking stakeholder input, even during the implementation of RBI.

Sincerely,
Glenn Mott