THE NATIONAL ASSOCIATION OF
STATE MEAT AND FOOD INSPECTION DIRECTORS

c/o Texas Department of Health
Meat Safety Assurance Division
1100 W. 49th Street
Austin, Texas 78756
Telephone: (512) 719-0205 Facsimile: (512) 719-0240



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Docket Clerk
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Lee C. Jan

RE: Docket #97-013P

FSIS proposes to require that all establishments that produce RTE meat and poultry product conduct environmental testing of food-contact surfaces for *Listeria spp,* after lethality treatment and before final product packaging, unless controls validated to eliminate *Listeria monocytogenes* is incorporated into the HACCP plan. It is appropriate to move to more scientific methods of ensuring safe food production, so long as the result is improved food safety. However, the Food Safety and Inspection Service (FSIS) must be careful not to require scientific procedures that do not enhance food safety. FSIS must also be careful not to mandate requirements on small industry and State inspection programs that are costly and do not significantly improve the safety of food. Although ensuring that the food production environment does not pose a risk for pathogen contamination is definitely a move in the right direction, the time may not be correct for imposing such requirements on very small plant operators. There may be other options that could be used in the interim to demonstrate a sanitary environment for production of ready-to-eat meat and poultry products.

May we suggest that the requirement for environmental testing be implemented in phases, much like the implementation of the HACCP rule. Improved, faster, and more economical methods of testing environmental surfaces for pathogens may become available over the next three years. Simple test kits that provide accurate results within minutes or hours would make the testing in very small plant more practical. In the interim, perhaps very small plants could demonstrate a sanitary environment utilizing other methods such as hygiene monitoring kits or equipment designed to detect the presence of biofilm. We believe such options will allow very small plants an opportunity to demonstrate that the production environment is indeed sanitary, but not be burdened with excessive laboratory costs and lost time waiting for results.

It is important to recognize that many retail establishments slice deli meats, which FDA and FSIS point out are particularly likely to be recontaminated with *Listeria monocytogenes* by processes such as slicing. Therefore, it is important that the retail exemption not apply to this proposed rule and that the requirement for environmental testing for *Listeria ssp. a*pply to retail establishments that slice ready-to-eat meat or poultry products as well as to inspected processing establishments. If FSIS is unable, due to statutory restrictions, to impose this requirement on retail establishments, then FDA should adopt this provision as a mandatory requirement for retail establishments that prepare ready-to-eat meat or poultry products.

FSIS requests comments as to whether it should apply the proposed *E. coli O157:H7* lethality performance standards to RTE fermented poultry products that do not contain beef, as well as RTE fermented meat products that do not contain beef. Although there is no history that human disease has occurred as a result of consuming RTE poultry products or meat products that do not contain beef, it seems logical to assume that these products could also become contaminated with *E. coli O157:H7*, particularly since the organism has been found in the intestinal tract of chickens and meat species, other than beef. It is highly probable that the *E. coli O157:H7* organism will cause serious disease to susceptible individuals consuming the organisms, regardless of the product or source of the organism. FSIS should be proactive and require lethality performance standards for all RTE meat and poultry products before human cases are linked to consumption of these products. However, it is important that FSIS provide compliance guides that give explicit processing instructions and time/temperature combinations proven to achieve the proposed decimal reduction of pathogens to help small and very small establishments that do not have the technical resources to demonstrate that they are meeting the standards.

FSIS asked for comments on whether it should allow establishments that find *Listeria ssp.* on a food contact surface to determine if the positive sample is in fact *L. monocytogenes* before having to initiate product testing. The establishment should be given the option to either have further laboratory testing conducted on the environmental sample to determine whether it is *L. monocytogenes* before conducting product testing or going on and conducting product testing for *L. monocytogenes*. If the establishment chooses to have the environmental sample further tested and determines that the environmental sample is in fact *L. monocytogenes*, the establishment would be required to test product to determine whether it was or was not contaminated with *L. monocytogenes*.

FSIS is proposing that the processing plant must validate the process to show that lethality and stabilization performance standards are maintained throughout product shelf-life under the conditions in which the food is stored, distributed, and held. The processing plant has little to no control over most of these processes. Lethality and stabilization should be validated, and FSIS should provide a guide for very small plant compliance, but only for the conditions in which the food is intended or labeled to be stored, distributed, and held. The processing plant should not be held responsible for abuse in the distribution system -- A regulatory system, either FDA or FSIS through "in-distribution inspectors" should monitor transportation, storage, and distribution outside of the plant and hold the distributor or retailer responsible for meeting performance standards.

Sincerely,

Lee C. Jan, D.V.M.

Lee C. Jan, D.V.M. , Dpl ACVPM
President