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MAR 22 1999

Honorable Virgil H. Goode  
U.S. House of Representatives  
1520 Longworth Building  
Washington, D.C. 20515

Dear Congressman Goode:

Thank you for your February 22, 1999, letter enclosing correspondence from Mr. Curry Roberts, Richmond, Virginia, expressing his concerns about the Food Safety and Inspection Service's (FSIS) decision to expand its policy on *E. coli* O157:H7 in raw ground beef products.

As you know, on January 19, 1999, FSIS published a notice in the Federal Register expressing its policy regarding beef product, including raw ground beef and non-intact beef products, contaminated with *E. coli* O157:H7 (copy enclosed). The notice afforded the public an opportunity to submit comments and recommendations regarding the Agency's policy and any regulatory requirements that might be appropriate to prevent the distribution of beef products adulterated with *E. coli* O157:H7.

FSIS issued a Constituent Alert on January 21, 1999, providing additional information on the Agency's *E. coli* O157:H7 adulteration policy (copy enclosed). In the Constituent Alert, FSIS indicated that no action will be taken by inspection personnel with regard to the policy notice until instructions from headquarters have been provided. The Agency also stated its intention to issue appropriate instructions to the field after the closing of the 60-day comment period and consideration of the comments.

On March 8, 1999, FSIS held a public meeting to discuss and get input from all stakeholders on the policy notice. All comments received, including those presented at the public meeting and written comments will be considered in making a decision regarding the Agency's *E. coli* O157:H7 adulteration policy. We will include Mr. Roberts comments as part of the administrative record on the matter.

We appreciate your interest and that of your constituent in food safety matters.

Sincerely,



Philip S. Derfler  
Deputy Administrator  
Office of Policy, Program  
Development and Evaluation

Enclosures

Federal Register Notice (64 FR 2803, January 19, 1999) on Beef Products Contaminated with *E. coli* O157:H7 and FSIS Constituent Alert, January 21, 1999.

Cc: Docket Clerk (w/copy of incoming)

Draft:FSEMCS:P.Bailey:720-9945:3/12/99:gooderob  
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Information:March 1, 1999, Federal Register Notice announcing Public meeting and FSIS Constituent Alert, January 21, 1999.

VIRGIL H. GOODE, JR.  
5TH DISTRICT, VIRGINIA

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4605**

February 22, 1999

7-13

Mr. Thomas J. Billy, Administrator  
Food Safety Inspection Service  
U.S. Department of Agriculture  
Jamie L. Whitten Building  
Rm 331-E  
Washington, D.C. 20250

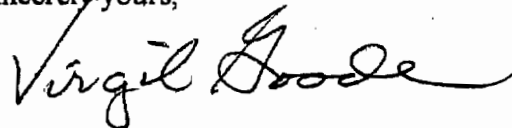
Dear Mr. Billy,

Enclosed is a copy of a letter that I received from Mr. Curry Roberts, President of PM Holdings, L.L.C., a beef packer, fabricator, and exporter in Richmond, Virginia. PM Holdings, L.L.C. is concerned with the FSIS decision to expand its policy on *E. coli* 0157:H7 in raw ground beef products.

I believe that Mr. Roberts makes some valid points in his letter, and I would be grateful for any consideration that you could show to the request that FSIS not broaden the scope of the *E. coli* 0157:H7 test. I believe that the letter is self explanatory, and please know that I share the concerns raised by Mr. Roberts and PM Holdings, L.L.C.

Thank you for your attention to this matter, and with kind regards, I am

Sincerely yours,



Virgil H. Goode

cc: Mr. Curry Roberts, President  
PM Holdings, L.L.C.  
2095 Dabney Road  
Richmond, Virginia 23230

2005117

**PM Holdings, L.L.C.**  
**2095 Dabney Road**  
**Richmond, VA 23230**  
Phone: (804) 359-5023  
Fax: (804) 359-4161

February 5, 1999

The Honorable Virgil H. Goode, Jr.  
1520 Longworth House Office Building  
Washington, D.C. 20515

Dear Virgil:

PM Holdings, L.L.C. is a beef packer, fabricator and exporter with its headquarters and a cutting plant in Richmond. PM employs more than 135 people in Virginia. Its equity owners include the Ukrop family and John Kluge.

I am writing to inform you of a critical issue facing our company and the beef industry generally.

To the surprise of the entire beef industry, the United States Department of Agriculture's Food Safety Inspection Service (FSIS), announced on Friday, January 15, 1999, a dramatic expansion of its policy on *E. coli* 0157:H7 in raw ground beef products. Without prior notice or comment, the agency expanded its interpretation of *E. coli* 0157:H7 as an adulterant in ground beef to include other "non-intact" beef products. Non-intact beef products would include any raw beef products whose surface area was altered prior to being sold to consumers, such as mechanically tenderized and marinated products and all beef trimmings intended for future use in ground beef production. Any such products containing *E. coli* 0157:H7 would be considered "adulterated" unless further processed into cooked or ready-to-eat items (RTE). This regulation appears to discriminate against beef processors widening the competitive advantage of the competing meat proteins of pork and poultry. The pork and poultry industries are similarly faced with bacterium that contribute to foodborne illnesses; however, they are not included in this broadened interpretation—only "beef products".

On January 20, 1999, and after a tremendous response from all segments of the beef industry, FSIS decided to delay implementation of this new policy until "after the closing of the 60 day-comment period and consideration of the comments." The comment period closes on March 22, 1999. FSIS officials also indicate they will hold a public forum to gain additional input from all "stakeholders".

Obviously, this broadened interpretation would have far reaching ramifications within our company as well as within the entire red meat industry. In addition to our Richmond facilities, we operate a small packing plant in Minnesota (Caldwell Packing Company, Windom, Minnesota), a small fabrication facility in Northwestern Iowa (Beef Specialists of Iowa, Hartley, Iowa), and a small purveyor in Nebraska (PM Beef, Omaha, Nebraska). We employ 194, 385, and 30 at each plant, respectively. FSIS's new policy could adversely affect PM Beef's economic viability and its ability to operate plants in these regions, as well as Richmond, which would also affect the lives of our employees and their communities.

At PM, we strive to provide our customers with the highest quality products, monitoring critical process control points from the ranch to the customer. As a matter of fact, we are the only beef producer to date to have cooperated with USDA on process verification of our ranch-to-retail program. Further, our manufacturing facilities, due to size, were required to be within HACCP compliance by January 25, 1999. We readily accepted the challenge, believing it a quality control program we should implement unilaterally, using all reasonably available methods to offer our customers the safest, most wholesome products possible. However, just as we are trying to comply with the stringent regulations of HACCP, for which we have received initial approval, we were surprised with this new regulation, which significantly increases the regulatory burden on our business.

For a variety of reasons that we would be glad to explain to you, testing for *E. coli* 0157:H7 has never been an effective method to reduce or eliminate pathogens. Simply broadening the category for sampling and subsequent testing will not ensure identification of *E. coli* 0157:H7—it is like looking for a needle in a haystack. This type of testing program will offer product consumers a false sense of security, at the same time that it financially inhibits the companies producing, manufacturing, processing, packaging and merchandizing the product. Currently, in the event of a positive sample traceable to one of our facilities and subsequent product recall, all accountability and costs remains the burden of our company. Further, the only technology that could effectively ensure the elimination of *E. coli* 0157:H7, other than proper cooking and handling by the consumer, is irradiation. Even though approved for poultry more than six years ago, USDA has yet to publish final approval for red meat.

We do not want to criticize the agency's decision without offering some solutions. The FSIS staff's requirement for increased inspections would significantly increase the agency's costs associated with this program. We respectfully submit that the same money would be better spent assisting industry in developing additional bacterium elimination technologies--preventative methods versus inspection tools. Research indicates that the majority of food-borne illnesses are contracted due to improper handling once food products are taken home. Moreover, the approval of irradiation for treatment of red meat would not be a complete solution, as this technology only assures it is safe/sterile up to the point it leaves the retail store. If improperly handled by consumers at home, because irradiation kills all of the "good bugs" in addition to the "bad bugs", the products are an open playground for any subsequent contamination. We believe the agency's money would be better spent on a joint industry/government program to educate consumers (both individuals and restaurants) on safe food handling practices.

We are requesting your support to persuade FSIS *not* to broaden the scope of the *E. coli* 0157:H7 test, when this "needle in a haystack" approach has proven not to be an effective means of eliminating the bacterium.

Thank you for your consideration on this matter. If you have any additional questions, please contact me at (804) 359-5023.

Sincerely,



Curry Roberts  
President

Cc: Rick Carlson  
Tim Weiler  
Kristina Fritz  
Leann Saunders  
CB Baugher  
Jim Bever  
Lester Tessum  
Mike Freking  
Jennifer Deter