



NATIONAL CATTLEMEN'S BEEF ASSOCIATION

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Comments

on behalf of the

NATIONAL CATTLEMEN'S BEEF ASSOCIATION

in regard to

**Beef Products Contaminated with Escherichia Coli O157:H7
Docket No. 97-068N**

submitted to

**Food Safety and Inspection Service
Mr. Thomas Billy, Administrator**

submitted by:

**Lynn L. Kosty
Associate Director of Food Policy**

March 22, 1999

Initiated in 1898, the National Cattlemen's Beef Association is the marketing organization and trade association for America's one million cattle farmers and ranchers. With offices in Denver, Chicago and Washington D.C., NCBA is a consumer-focused, producer-directed organization representing the largest segment of the nation's food and fiber industry.

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The National Cattlemen's Beef Association would like to offer the following comments as they relate to the Food Safety Inspection Service's (FSIS) recent "clarification" of policy governing beef products contaminated with *Escherichia coli* O157:H7 (*E. coli* O157:H7).

The FSIS implemented a policy in 1994 that deemed raw ground beef products adulterated if sold while contaminated with *E. coli* O157:H7. Since 1994, the beef industry has developed various technologies targeted at eliminating *E. coli* O157:H7 throughout production in order to reduce the risk of foodborne illness. Although producers, packers, and processors have consistently shown their commitment to protecting the public health, FSIS chose to significantly alter the current policy without input from the industry.

On January 19, 1999, one week before small plants were scheduled to come on line with Hazard Analysis and Critical Control Point (HACCP) systems, the FSIS issued a Federal Register notice announcing a "clarification" of its existing policy on *E. coli* O157:H7 in beef products. The notice significantly altered the scope of the previous policy to include trimmings destined to become ground beef, and non-intact beef products (e.g., mechanically tenderized steaks) in addition to raw ground beef. Clearly, the original policy was expanded. Considering the fact that the policy has large implication on the industry and may require some changes to HACCP plans, the FSIS would have been better served if it had met with industry in advance, issued an official notice of proposed rule-making, held a public meeting, and set an official comment period. As a result, it appeared as though the beef industry and the agency were on opposing sides. In reality we are both trying to do what is best for consumers.

The National Cattlemen's Beef Association (NCBA) does not support the policy as currently written. We do not feel that *E. coli* O157:H7 should be classified as an adulterant because it is a naturally-occurring, random event, and is not intentionally added to products. However, we would endorse a policy that did not include tenderized and non-intact products and encouraged voluntary testing of carcasses as well as trimmings destined for raw ground beef.

During the legal proceedings over the policy issued in 1994, the agency argued that evidence existed that consumers were at risk of contracting illness from consumption of ground beef products. Studies showed that a significant percentage of consumers did not cook the products to a high enough temperature to kill *E. coli* O157:H7. The courts holding of *E. coli* O157:H7 as an adulterant was based on scientific data and consumer behavior studies that indicated contaminated ground beef products may be potentially hazardous to the public health.

The recent expansion of the *E. coli* O157:H7 policy to include tenderized and non-intact products is not supported by either scientific or consumer behavior studies. A recent scientific study conducted by Kansas State University (KSU) found that non-intact (tenderized) steaks that were inoculated with extremely high levels of *E. coli* O157:H7, posed no more of a health risk than did intact steaks. Tenderized steaks were better conductors of heat and were elevated to higher temperatures in a shorter amount of time than intact steaks prepared in the same manner. KSU scientists concluded that non-intact steaks did not need to be prepared any differently than intact steaks. According to the Centers for Disease Control (CDC), there have been no illnesses attributed to non-intact or tenderized beef products to date. Policy changes that effect the manufacturing of tenderized and non-intact products have a significant effect on small and very small meat processors. Rather than include non-intact steaks in the policy, FSIS should complete a thorough risk-assessment on these products. Based on results of the risk-assessment, a notice of proposed rule-making should be issued if changes are necessary.

The FSIS testing and sampling program must be designed and implemented using sound science. Testing is a tool for validating the usefulness of HACCP systems and intervention technologies. The FSIS should not expand testing, but should work with industry to develop applicable testing and monitoring systems. We are confident that through the proper implementation of HACCP systems and the incorporation of prevention technologies, the number of *E. coli* O157:H7 positives found will be minimal. Moving testing further back into the process allows for faster detection and quicker removal of contaminated products from retail channels. The result will be fewer illnesses and recalls.

NCBA encourages the FSIS to work with processors to establish a reasonable definition for lot size. The sample should be representative of the lot and must have statistical significance. A positive test result for *E. coli* O157:H7 should not result in the condemnation or required re-processing of an entire day's production, but only of the lot for which the sample is representative.

The National Cattlemen's Beef Association is committed to solving the *E. coli* O157:H7 problem in beef products. We appreciate the opportunity to provide comments on the "clarification" of the agency's existing *Esherichia coli* O157:H7 policy.