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North American
Meat Processors Association

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Via Fax
Mailed In Triplicate

FSIS Docket Clerk - Docket No. 97-068N
U.S. Department of Agriculture
Food Safety and Inspection Service
Room 102 , Cotton Annex
300 12th Street SW
Washington, DC 20250-3700

RE: Action On Beef Products Contaminated with *Escherichia Coli* 0157:H7

Background

In mid-January, FSIS issued a clarification on its *Escherichia Coli* 0157:H7 policy. The clarification stated that the pathogen would be considered an adulterant on beef products when discovered at the slaughter house and on trimmings destined to be further processed for non-intact use. The clarification explains the differences between non-intact and intact products and defines mechanically tenderized and marinated products as non-intact. After considerable controversy, FSIS agreed to hold its clarification in abeyance until after a public meeting on March 8th, and the March 22nd comment period. The clarification action raised two separate issues. The first is the adulterant policy statement covering non-intact trimmings. The second is whether or not mechanical tenderization should be subject to it.

Issue Number 1

With respect to the first issue, the North American Meat Processors Association (NAMP) strongly supports the proposition that *Escherichia Coli* 0157:H7 be considered an adulterant wherever found. The original policy declaring the pathogen an adulterant only on ground beef products did little to prevent the pathogen from entering the food chain, rather it penalized thos who through no fault of their own were found to have produced finished product containing it. NAMP has challenged this interpretation since its inception. Downstream providers unless the was cross contamination, play no part in its introduction into the food supply. Further, it is

scientifically supported that the pathogen arrives with the animal, either in its intestinal tract or on its hide. We are pleased that FSIS has finally come to this same conclusion. We are further pleased that the slaughter industry, in conjunction with grinders and other processors together with their trade organizations, which includes NAMP, have independently moved to address and resolve the issue. The results of this independent effort were communicated to FSIS and consumer groups at the March 8th public meeting. We heartily agree that the adulteration policy should begin with the carcass as has been proposed by the industry coalition. This is an improvement over the earlier announced FSIS policy and a greater benefit to public health. We also agree that the source point of contamination has to be narrowly defined if the endeavor is to be successful. We believe that the proposed carcass testing plan, if given a fair trial, will provide substantial evidence that the protocols being developed by the coalition will add significantly to food safety.

Further, as good as this approach may be, the real key to the successful containment of *Escherichia Coli* 0157:H7 is **prevention**! The problem starts with the animal. We need to find out how and why. It is incumbent upon FSIS to expand on farm surveillance through direct cooperative efforts with livestock producers. The cattle industry has an opportunity to lead the way in this effort by exploring its production procedures and developing farm management practices designed to reduce the incidence of *Escherichia Coli* 0157:H7. If this can not be achieved through voluntary cooperation, then USDA should encourage it through a legislative mandate. Producers, slaughterers, processors, and end-users must all cooperate to establish the means to contain or eliminate this potentially fatal pathogen.

Issue Number 2

The second issue regarding the inclusion of mechanical tenderization in the definition of non-intact product is also of paramount concern to NAMP members whose businesses process and distribute high quality food products to foodservice providers. Many of our 350 member companies, as do other beef processors and a great number of retail stores, rely on mechanical tenderization to satisfy their customers' requirements. This process is used on all quality grades of subprimal cuts and portioned items to improve their palatability and tenderness. The process acts like an insurance policy and reduces consumer complaints about tenderness both at the foodservice and retail levels. The use of mechanical tenderization is particularly important to users of the Select grade, which make up over 1/3 rd of all graded beef, most of which is sold in retail stores.

Classifying mechanically tenderized product as non-intact, as outlined in the Agency policy, would necessitate internal cooking temperatures that would affect the state of doneness and palatability desired by consumers. Choice and Select beef accounts for nearly 90% of all the graded beef produced in the country. Reduced sales of Choice and Select- graded beef could add to the already serious economic problems of cattle producers. It is therefore unreasonable to put an entire industry at risk unless there is undeniable proof that a risk to human health exists due to the use of mechanical tenderization.

Neither the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) nor the Centers For Disease Control (CDC) have been able to identify that the mechanical tenderization process has been the cause of any foodborne illness. In fact, the NACMCF has called for a full risk-assessment in order to determine if a risk of contamination by *Escherichia Coli* 0157:H7 or other pathogens is at all possible when the mechanical tenderization process is used. Further, the Kansas State University research study *Escherichia Coli 0157:H7 Risk Assessment for Production and Cooking of Blade Tenderized Beef Steaks*, presented at the March 8th public meeting, using an inoculation level greater than known to be present, dramatically proves that there is little or no risk of *Escherichia Coli* 0157:H7 in steaks cooked rare at internal temperatures of 130°F or above. Since FSIS is now undertaking its own *Escherichia Coli* 0157:H7 risk-assessment, it should include a study of the mechanical tenderization process in the risk-assessment protocols in order to determine if such a risk exists. Certainly FSIS should not undertake any regulatory action with respect to mechanical tenderization until it is able to absolutely document the need for it. To do otherwise could wreak havoc upon the entire beef industry, since the products affected play an integral part in the well-being of the wholesale retail marketplace

Action Requested

We hope FSIS will evaluate our comments favorably, and proceed to move its emphasis on the control of *Escherichia Coli* 0157:H7 upstream to the source or point of origin rather than downstream upon the grinder and retailer. Further we hope FSIS will hold in abeyance any regulatory action with respect to mechanical tenderization until it can prove to the public and the industry there is a need for it.

NAMP stands ready in any way possible to help in making these determinations. We appreciate the opportunity to be heard in these matters.

Sincerely

Deven L. Scott
Executive Vice President