



BEEF PRODUCTS INC.

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FSIS Docket Clerk
U.S. Department of Agriculture
Room 102, Cotton Annex
300 12th Street, S.W.
Washington, D.C. 20250-3700

98-027R-18
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Eldon Roth

Re: Docket No. 98-027R

Beef Products, Inc. (BPI) is pleased to submit these comments on the Food Safety and Inspection Service's (FSIS) notice reopening the comment period and soliciting additional comments regarding the agency's proposed rule on advanced meat recovery (AMR) systems.¹

FSIS is soliciting comments on research by the Agricultural Research Service (ARS) which raises questions about the methodology used by FSIS to measure iron as a marker for marrow in AMR product. The ARS research found that using a dry ash digestion procedure produced iron values approximately double those found by FSIS' hydrochloric acid wet ash procedure. FSIS is also requesting comments on two papers that raise concerns about the impact of the proposed rule on worker safety and on the economic health of the meat processing and related industries. BPI has reviewed the three documents and believes that none of them raise any impediments to adoption of the proposed rule. BPI strongly urges FSIS not to back away from this rulemaking.

Iron Methodology

ARS has submitted data indicating that a dry ash digestion procedure yields a more accurate measure of iron than the hydrochloric acid wet ash procedure used by FSIS in setting the standard for excess iron in the proposed rule. ARS re-tested 188 samples of AMR product and hand-deboned meat from FSIS's 1996 survey and found iron levels about twice as high on average as those found by FSIS using the wet ash method. Moreover, the ARS iron values were generally consistent with iron values listed in the former Agricultural Handbook 8 (as well as with those submitted by BPI in its June 1998 comments). The hydrochloric acid digestion procedure used by FSIS understates iron content, because it does not completely oxidize all organic matter in the meat, leaving some of the iron bound and unavailable for analysis.

¹U.S. Department of Agriculture, FSIS, "Meat Produced by Advanced Meat/Bone Separation Machinery and Recovery Systems," 64 *Federal Register* 70200 (Dec. 16, 1999) (the "FSIS Notice") and 63 *Federal Register* 17959 (April 13, 1998) (the "FSIS Proposed Rule").

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Since different methodologies produce such markedly different results, we believe the final rule must address the issue of methodology. This can be done in one of a number of ways. FSIS can prescribe a single method in the final rule. Alternatively, FSIS can use the dry ash method to set the excess iron standard but permit plants to use other methods for process control provided the results are adjusted as appropriate (e.g., if a plant uses the hydrochloric acid digestion procedure, it would have to multiply the results by 2.12).² It would not be acceptable, however, to use the dry ash digestion procedure to set the excess iron standard while permitting processors to use the hydrochloric acid procedure, which understates iron content, for compliance purposes. To allow this would render the excess iron standard meaningless. Provided the same method is used by FSIS to set the excess iron standard and by plants to determine process control (or, if a different method is used, the results are adjusted), we do not think it makes a great deal of difference which method is used.

In fact, BPI believes that a straight iron test would be just as effective as an excess iron standard. The attached paper prepared by ABC Research Corporation includes relevant data on the established iron values for hand-derived meat from beef back/neck bones, AMR, and marrow. BPI continues to believe a simple iron test is an excellent indicator of marrow present in AMR and that an appropriate cutoff could easily be set. The iron test is also a better indicator of bone constituents than the current calcium test which could likely indicate the presence of both bone and calcified soft tissues, but not marrow.

Finally, FSIS must make the performance standard sufficiently tight to ensure not more than negligible amounts of marrow are present in product eligible to be used/labeled as meat. A 20% deviation from the USDA Handbook 8 (or new ARS findings) for the iron content of hand-derived meat (neck/back) seems fair.

Worker Safety and Economic Impact Analyses

A meat industry group apparently opposed to the proposed rule has submitted two papers, one criticizing the proposed rule for its impact on worker safety and the other an economic

² "The average ratio of ARS Dry Ash to FSIS Wet Ash digestion results is approximately 2.120." *Revised Results of 1996 FSIS Advanced Meat Recovery (AMR) Survey, Based on Agricultural Research Service (ARS) Procedure for Analyzing Iron.*

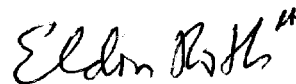
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analysis of the proposed rule.³ While BPI agrees that the proposed rule would result in an economic loss for some meat processors and might result in some limited additional use of whizard knives, we believe that the two papers greatly exaggerate the impact and fail to consider other options -- reducing pressure or relabeling the product if it contains marrow -- available to processors.

The principle economic loss associated with the FSIS proposal is reduced yield. To the extent that most of the increased yield enjoyed by bone press AMR processors since the new rule went into effect in 1995 results from incorporating bone marrow into the product, this is not a true loss since marrow is not meat. Processors have two options. First, they could reduce the pressure settings to produce a product which complies with a reasonable performance standard for AMR "meat." Second, they could use and label the product as "mechanically separated (species)." The poultry industry has taken this latter course without any of the dire consequences claimed in the economic and worker safety papers.

The debate over mechanically separated meat and poultry dates back to the 1970s. Several years ago, FSIS took the courageous step of finally forcing the poultry industry to differentiate between chicken and turkey on one hand and mechanically separated chicken and turkey on the other. At long last, the Agency should take the same step with regard to meat and mechanically separated meat.

Respectfully submitted,



Eldon Roth
President

³Sparks Companies, Inc., *Advanced Meat Recovery Systems - An Economic Analysis of Proposed USDA Regulations* (July 1999), and *Worker Safety Issues Related to Advanced Meat Recovery*. The first paper appears to have been commissioned by meat processing companies. It is not clear who wrote the second paper.