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January 18, 2000

Attn.: FSIS Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
Cotton Annex - Room 102
300 12th St., S. W.
Washington, DC 20250-3700

98-027R-4
98-027R
Keith L. Brickey
Robert Burns
Leonard J. Huskey
Warren Mirtsching

**RE: Docket No. 98-027R
Reopening of Comment Period for the Proposed Rule: Meat Produced by Advanced
Meat/Bone Separation Machinery and Recovery Systems (63 FR 17959)**

Dear Sir/Madam:

ConAgra Beef Company, ConAgra Poultry Company, ConAgra Refrigerated Prepared Foods, operating as both Armour Swift-Eckrich and Butterball Turkey Co., and Swift & Company are the ConAgra, Inc. companies that produce and distribute processed meat and poultry products, deli meats, beef and pork products, and chicken and turkey products in the United States and international markets. Our well known brands include Armour, Blue Ribbon Beef, Brown 'N Serve, Butterball, Country Pride, Decker, Eckrich, Healthy Choice, Hebrew National, Longmont, Monfort, Swift Premium and Webber's. We appreciate the Agency reopening the comment period on the proposed rule, Docket No. 96-027P, to which we refer you to our filed comments of June 12, 1998.

Although we appreciate the Agency's acknowledgement of the issues regarding the testing methodology and results used by Agricultural Research Service (ARS) and the economic effects and worker safety issues in this docket, we still remain concerned with the apparent intention to continue to establish these criteria for product produced by advanced meat separation machinery and changes to the current "meat" definition.

We continue to support the comments made on the behalf of our industry by the Coalition for Advance Meat Recovery and the American Meat Institute. The issues of worker safety and adverse effect on the industry's ergonomic efforts, the potentially devastating economic impact to the industry and the current state of regulatory product standards are of deep concern. We do not believe this rule is necessary. Product produced by advanced meat separation machinery, new technology four years ago, is safe and wholesome. It has provided an economic value to consumers and has been widely used in many products and has in no way been a food safety concern. The industry is using this technology in a responsible manner and with separate control programs consistent with the HACCP approach. Therefore, we do not agree that additional regulation is warranted.

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Our comments though will specifically address the FSIS methodology and the measurement procedures that were used in developing the iron standard, multipliers, and the data from the 1996 survey. This is because we agree with the Agency that the 1996 FSIS survey which employed a wet ash digestion procedure contrasted by the ARS method which employs dry ash procedures for digestion certainly deserves comment.

Accordingly, we believe the originally proposed compliance target as a measure of excess iron of 1.80 mg/100 g, (i.e., [iron content--(protein content x 0.067 for beef or x 0.034 for pork)] >1.80 mg per 100 grams of beef or pork) is inappropriate for the reasons below and that the derivation of the 0.067 beef and the 0.034 pork multiplier in the compliance evaluation equation should be reevaluated.

After reviewing the ARS iron values resulting from the dry ashing methods and due to the variation of digestion and ashing procedures, it is suggested the preferred method used for compliance evaluation be the dry ashing procedure followed by atomic absorption or emission spectrometry determination. This is because of the apparent improved recovery of iron over the wet ashing procedure. It would also be necessary to determine a specific method/protocol for iron determination including specific reagents, which should be followed to ensure comparability of data. Due to the limitation of some plants' laboratory equipment we recommend that this method be used only for periodic process control once values are established.

To better understand whether any compliance target can be established or reliably achieved, controlled optimum AMR equipment parameters e.g., pressure, etc. need to be established in a protocol to uniformly evaluate the AMR process. It is also proposed that the agency design an additional specific test protocol for hand deboned species and corresponding AMR species evaluation. This is important because chemical analysis of meat collected from hand-deboning will vary considerably due to how closely the meat is trimmed from the bone and how much time is spent on collecting the meat.

Variation in iron values from all raw materials can have an impact on the multiplier and effect compliance in meeting the target. In looking at plant data, empirical variation (percent relative standard deviation) in the multiplier in specific carcass parts in hand deboned beef and pork has been found to have wide variation. To reflect this variation, it is suggested that any compliance target be set to reflect the upper limit of variation for each category.

Furthermore, due to the variation of iron/protein ratios relative to many factors including species, age/maturity of animals, a single compliance target does not appear appropriate. It would also be recommended that the "maturity score" be considered to establish appropriate categories.

Additionally, we would like to comment on the revised results from AMR Survey Tables I and II. The values shown in Table 1 for the 188 data points should also have % protein values shown to allow individual data point evaluation.

Furthermore, in reviewing Table 3, it would appear the industry would either have to substantially reduce their yield and/or the proposed compliance target is obviously too low. This is because when applying the compliance equation $5.716 - (16.35 \times 0.138) = 3.46$ mg/100g,

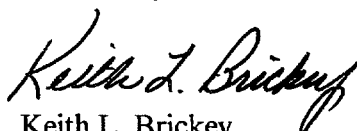
where 0.138 is the average hand deboned multiplier, we find that neck bones do not comply with the proposed 1.80 mg/100 g compliance target. When a “back” calculation is performed, it is found that a 4.056 iron content (relative to a 16.35 protein value, which would likely not be the same) would meet the 1.80 mg/100g compliance target. No AMR establishment would pass the 1.80mg/100g target with average iron values in the 5.079 – 6.421mg/100g range. This again implies the 1.80mg/100g target is suspect and must be reevaluated.

Additionally, current regulatory limits are applied using related acceptance criteria to accommodate statistical variation in sampling and analytical methods. These have been previously administered through agency approved quality control programs. Performance standards with defined limits should be established to include these accepted variations due to sampling and analytical methods. More broadly, any performance standard criteria must be scientifically valid and reflect suitable limits which protect the public’s right to choose from safe products offered and available in the marketplace at good value.

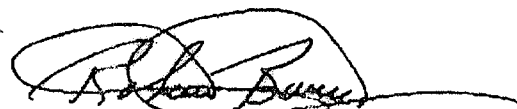
In summary considering the industry’s use of the advanced meat recovery machinery over the past few years, the beneficial results on workers safety issues, the lack of any food safety concern and the acceptance of the product by consumers, we urge the Agency to reevaluate the need for this regulation. Notwithstanding, the Agency must use scientifically sound methodology to ensure any proposed factors and standards are appropriate for effective regulation. Furthermore, as any additional regulatory changes will include an enormous economic cost, an economic impact analysis with respect to the proposal is certainly critical, as is the Agency’s obligation to minimize economic impacts to manufacturers.

We appreciate the opportunity to comment and the agency’s careful consideration of our comments on this proposed rule. Please contact us to further discuss this issue.

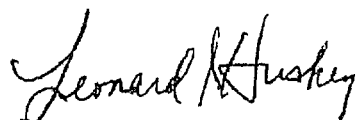
Yours truly,



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