It's what your *family* deserves.™

(1)

March 30,2001

98-062P
98-062P-7
Dr. Ellis W. Brunton
Michael J. *Gregory*

FSIS Docket Clerk
Room 102
Cotton Annex Building
300 12th Street SW
Washington, DC. 20250-3700

Re: **FSIS** Docket No. 98-062P, Performance Standards for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses, Fed. Reg. 65, Friday, December 1,2000

Dear Sir or Madam:

Tyson Foods, Inc. is the largest poultry producer in the world. We operate over 40 chicken slaughter plants in the United States. Each of these facilities utilize some form of reprocessing as necessary to recondition unintentionally contaminated carcasses that may have visible digestive tract contents. For these reasons we have a significant interest in this rule.

Tyson Foods, Inc. supports the principles of on-line reprocessing of pre-chill poultry carcasses. We have utilized both techniques outlined in the proposed rule, Sanova™ and TSP, and have found both to be efficacious. Because of certain operating characteristics, we have found that both antimicrobial interventions must be considered at different plants. One specific issue of concern is the disposal of **TSP** in certain geographic locations. Although there have been different techniques used by Rhodia and Alcide to demonstrate effectiveness of their particular antimicrobial agent, both have well founded and supportable results that demonstrate that they are equally acceptable.

The proposal (at page 75190) points out that FSIS is not proposing a specific pre-chill microbial performance standard for Salmonella or E. coli. The Agency does state that some type of unspecified pre-chill performance standard will be required. Tyson strongly disagrees with this approach and

encourages FSIS to continue to refrain from imposing any such standard within a specific process. Current regulations require poultry plants to test for generic E. coli and FSIS is testing finished product (post chill) for Salmonella. There has been significant debate about the adequacy of these testing protocols. To impose another standard within the same process is not only redundant and a waste of effort; the results would be fraught with the same concerns of bias, as are the current tests. The use of any performance standard should be limited to evaluation of the entire process including this specific proposal.

While we have very strong beliefs about interim performance standards, we also recognize the need for validation **of** the on-line reprocessing procedure as it is applied in each plant. The validation work that has been done by Alcide and Rhodia provide firm foundation and ample scientific basis to implement the process. At the time of implementation the plant is required to immediately begin validation of the HACCP plan as prescribed at 9 CFR part **4**17 and as outlined in this proposal. The validation studies that are to be undertaken by the specific plant would include those techniques and documentation procedures as are utilized by the plant in any step involving a potential microbiological hazard. HACCP principles would be far more applicable at this point than applying any potential performance standard. Specifically we recommend that validation be the only criteria for judging the efficacy of on-line reprocessing and that the process be expected to achieve two criteria, 1. ***An*** E.coli count significantly ($p \leq .05$) lower than visually non-contaminated carcasses (identified at the inspection station) and sampled prior to any washes, and 2. ***An*** E. coli count less than or not different from non-contaminated (identified at the inspection station) and sampled just prior to the anti-microbial treatment. While not a specific performance standard, this demonstration would assure the process meets minimal expectations in all plants where on-line reprocessing is implemented. In addition, this standard assures that carcasses that are unintentionally contaminated with digestive tract content enter the chiller with a microbiological background equal to or better than carcasses entered the chiller prior to the time on-line reprocessing was implemented at the plant.

FSIS requested comment in the proposal about the acceptability of including antimicrobial agents as a pre-chill treatment for poultry. We recommend that the chart at 9 CFR **424.2** (c) be amended to include antimicrobial agents to pre-chill poultry.

FSIS also requested comment regarding the disposal of TSP in certain geographical locations. This is certainly a significant issue of concern at individual facilities. Certain areas of the United States have very strict and limited options available for the disposal of phosphates of any kind. While technology may exist to remove the phosphates from the water effluent stream of the plant, the phosphates must nonetheless be disposed of in some manner by the plant. In some geographical locations the cost of disposing of the phosphates is simply moot since no reasonable or practical method exists. In these locations, no economic impact study needs to be considered simply due to the current regulations.

Tyson Foods, Inc. appreciates FSIS proposal, which will improve the method of processing poultry in the United States. As we stated earlier, we support the proposal in principle and urge the Agency to consider the specific comments we have included above.

Sincerely,

Dr. Ellis W. Brunton
Sr. Vice President, Science and Regulatory Affairs

Michael J. Gregory
Director, Regulatory Compliance