



**North American
Meat Processors Association**

1920 Association Drive • Suite #400 • Reston, VA 20191-1547
Phone: 703-758-1900 • Fax: 703-758-8001
E-Mail: namp@ix.netcom.com • www.namp.com

(B)

11/20/00

FSIS Docket Clerk
Docket #99-029P
U.S. Department of Agriculture
Food Safety and Inspection Service (FSIS)
Room 102, Cotton Annex
300 12th Street, SW
Washington, DC 20250-3700

99-029P
99-029P-15
Marty Holmes

In Triplicate

November 14, 2000

RE: Proposed Rule on Sharing Recall Information with State and Other Federal Government Agencies

The North American Meat Processors Association (NAMP), a non-profit trade association whose members process and distribute meat, poultry, seafood and other food products to the foodservice industry submit the following comments with respect to the Proposed Rule.

Let it be absolutely understood that NAMP is totally committed to the proposition that the public must be fully protected from health hazards that may be associated with of any product declared to be adulterated or misbranded as defined by the provisions of the meat and poultry inspection acts. We acknowledge that in the event a recall is requested by FSIS or initiated by the establishment, that the establishment or entity must voluntarily cooperate to the fullest extent possible to isolate, hold, or recover any product covered in these situations. To the extent that the recall request affects a Class I situation (one that presents a reasonable probability that the use of the product will cause serious, adverse health consequences or death) no stone should be left unturned to effect an immediate containment or withdrawal of the product from commerce. A circumstance such as this suggests that within defined parameters, as we will note later, an establishment's proprietary information, but only to the extent it is pertinent to the recall, should be made available to State and other federal government agencies so that they may effectively participate in the effort. To suggest, however, that the same in depth information be communicated in the event of a Class II or III recall, as it appears that the Proposed Rule implies, seems to us to be unnecessary and could possibly lead to unintended or intended abuses such as improper disclosure of customer lists, quantities purchased, and market breadth and strategies. The need for the Proposed Rule in order to assure absolute consumer safety is appropriate only when there is a "clear and present danger", but this is not the case either in a Class II recall where there is a remote probability of such, nor in a Class III where there is no adverse health consequence expected.

At the recent National Advisory Committee on Meat and Poultry meetings this specific subject was discussed and a recommendation forwarded to the Secretary. Among the recommendations we believe were approved was a call for a permanent blanket Memorandum of Understanding (MOU) as to the limitations and conditions under which any trade secret and/or confidential commercial information, decisions, and privacy matters could be disclosed whenever a recall affected that jurisdiction. We support the concept. In addition we believe the Committee recommended that it be established whom in each State or federal agency may be apprized of the confidential information and how that official may use the information to fulfill the intent of the specific recall. We support this concept as well. We also support the proposition that the State(s) or federal agency(ies) likewise cooperate with FSIS by providing information that would be helpful to FSIS in accomplishing its recall mission. Further, whatever private recall information being considered under this Proposed Rule should only be provided to those jurisdictions known to be part of the recall process and not distributed to the country or agencies at large.

Sincerely,

A handwritten signature in black ink that reads "Marty Holmes EVP/Sec". The signature is fluid and cursive, with the initials "EVP/Sec" written in a slightly different style than the name.

Marty Holmes
Executive Vice President

cc: Board of Directors