



**North American
Meat Processors Association**

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April 6, 2000
In Triplicate

99-060N-2
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Deven L. Scott

FSIS Docket Clerk, Docket No. 99-060N
Room 102, Cotton Annex
300 12th Street, SW
Washington, DC 20250-3700

Comments RE: Recent Developments Regarding Beef Products Contaminated With *Escherichia coli* 0157:H7; Public Meeting - Docket No. 99-060N

The North American Meat Processors Association (NAMP) participated in the Public Meeting held on February 29th to address topics that concern our membership in the agency's handling of beef products that may be contaminated with *Escherichia coli* 0157:H7 (*E.coli* 0157:H7). As a follow up to remarks we made at that time, we wish to add these additional comments.

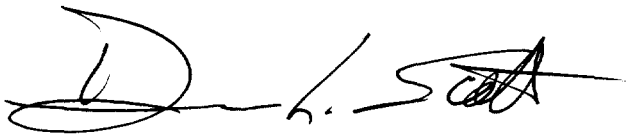
We endorse and support the basic principle enunciated by Administrator Billy that the agency's policy in this and other food safety measures is dedicated to protecting consumers' well-being. We doubt whether anyone would want any other course of action. The measures the agency takes, however, must be based on scientifically supported quantitative and qualitative risk assessments so that the rights of industry members are as protected as are those of consumers. We feel this is not the case in the instances we now describe. Too many of the agency's initiatives have been implemented on "worst case scenarios" and are not supported by scientific risk assessment. For example, expert opinion from many sources, academia, professional organizations, and the scientific community including the CDC, negates as ill conceived and inappropriate end product testing for *E.coli* 0157:H7 as it not does not address the source of the problem. It is generally agreed that prevention is the best course, but to date the emphasis is on "after the fact" discovery, after the beef has been ground, when trace-back and responsibility become difficult to determine. Such "after the fact" discovery does not cure the problem, it only frightens consumers and creates an appearance that the agency is protecting the public, when in fact most times the affected product has already been consumed so that the press releases and recall notices are relatively meaningless. Further, the damage has already been done if sickness or death has occurred. It is like closing the barn door after the horse has been stolen. In addition, due to fear, or for other reasons best known to those who responded, it is not unusual for a recall to end up with countless pounds of unaffected product returned at substantial economic cost to processors who played no part in the entry of the pathogen into the distribution system in the first place. Until the agency changes its position and makes a positive commitment to prevention at the farm level, or at the very least in discovery of the pathogen at the slaughter level where affected product may be withdrawn from commerce prior to it passing into the distribution chain, real progress in eliminating or minimizing the pathogen's presence will never occur.

Another issue of serious concern to our membership is the "shoot from the hip" approach applied in the intact/non-intact decision. Without prior proof of danger or illness, and without risk assessment, as was requested by The National Advisory Committee for the Microbiological Criteria for Foods, the agency has jeopardized the use of mechanical tenderization and has endorsed warning labels and supported FDA food code action on steaks and other beef cuts. This in the face of the fact that for some 40 years mechanical tenderization has been used without reported illness or death that anyone has knowledge of. For years many of our members, as well as other beef processors including a great number of retail grocery stores, have relied on mechanical tenderization to satisfy their customers' needs for palatability and tenderness. The process acts as an insurance policy and reduces consumer complaints both at the food service and retail levels on Select and lower grade products as well as on high quality Choice and Prime grade sub-primal cuts and portioned items. The use of mechanical tenderization is particularly important to users of the Select grade which makes up over 1/3rd of all graded beef most of which is sold in retail stores. Reduced sales of Select and Choice graded beef could have a disastrous economic effect on the entire beef industry. Not only would cattle producers be affected but NAMP members, other meat processors, retailers, and foodservice providers would have their business negatively affected if beef products became less desirable to consumers because they could not be cooked to the state of doneness desired, especially the "rare" state requested by many restaurant patrons, let alone the fear raised by a menu or package warning label.

The intact/non-intact rule should not be considered for implementation until there is documented verified scientific risk assessment that the use the mechanical tenderization process poses a danger to public health. We therefore petition that the regulations and actions affecting intact and non-intact beef products be held in abeyance until the risk assessment is completed, and then analyzed by The National Advisory Committee for the Microbiological Criteria for Foods and, if should be the case, verified to be cause for the implementation of the intact/non-intact regulation. There are other considerations to support our request in addition to the facts presented above. Carcasses are now treated with several Pathogen Interventions and must pass a zero tolerance check for generic *E.coli* before entering the cooler for further processing. Further, today many carcasses are trimmed to purchaser specifications, and in addition the primal and sub-primal cuts are further trimmed before being tenderized or cut in to steaks so that the external surface of the original carcass, even if it had been contaminated in any way, would likely have been removed prior to the mechanical tenderization process. Further in the only documented research conducted to date, Kansas State University used *E.coli* H7:1057 inoculation levels on the surface far beyond any levels currently known to exist in the current fresh red meat supply and the results still showed no difference in risk between intact and non-intact steaks.

Based on the information supplied here, and in light of other expert testimony with respect to testing procedures and the effect present procedures affect both consumers and industry alike, we hope the agency will give due consideration to views expressed herein. Please let us know if we may of further help in the matter. We look forward to your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Deven L. Scott". The signature is stylized with a large initial "D" and a long horizontal stroke extending to the right.

Deven L. Scott
Executive Vice President

cc Executive Committee