UNITED STATES OF AMERICA

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

NATIONAL ADVISORY COMMITTEE

on

MEAT AND POULTRY INSPECTION MEETING

The Washington Plaza
National Hall
10 Vermont Avenue, N.W.
Washington, D.C.

Thursday,
November 15, 2001

The above captioned meeting convened at 8:47 a.m.

Chairperson:

Margaret O'K. Glavin
Acting Administrator
FSIS

Attendees:

Daniel Lafontaine
South Carolina Meat and
Poultry Inspection Department

Lee Jan
Meat and Poultry Inspection Program
Texas Department of Health

Brenda Halbrook

Yvonne Davis

Martin Holmes
North American Meat Processors Association

John Neal
Courseys Smoked Meats
Arkansas

Catherine Logue

Nancy Donely
S.T.O.P.

Phil Derfler

Robert Post

Deborah White
FMI

A G E N D A

M O R N I N G S E S S I O N

MS. GLAVIN: Good morning. Looks like we have most of our committee members. Some of them are -- I am sorry. Good, we are pleased to see you a second day. That is terrific. I know some people worked late last night, some, if not all. And then I heard that there were people down in the gym this morning and, gee. I am impressed. Okay.

And I am fumbling to find my agenda, which I can't find. So, maybe someone will loan me one. Thank you. Thank you, very much.

Are schedule this morning is to have the two subcommittees brief us on their work of last evening and then have a general discussion of how the committee wants to proceed on these two issues, the committee as a whole. So, Subcommittee 1 is Dan's subcommittee and he has some things up on the board already and would like to proceed. So, Dan, however you want to take this.

PRESENTATION OF SUB-COMMITTEE 1:

MR. LAFONTAINE: Good morning, everyone. Dan Lafontaine, South Carolina.

I was the chairman of Subcommittee 1 and we had a very healthy and rigorous evening, with a lot of participation from the members and also constituents of

other organizations.

The first thing I would like to do is thank some people. The Board members who did attend, Sandra Eskin, Mike Govro, Marty Holmes and John Neal, and of course, I was there myself. But, also I would like to acknowledge the input from representatives from the Food Marketing Institute, American Meat Institute, the American Association of Food Hygiene Veterinarians, Southwestern Meat Association, and the National Pork Board. So, as you can see we had a very healthy interest and participation in this topic. Also a special thanks to SFSI's assistance from Lorraine, Sondra, Darlene and Chavon. They were there, several of them to the bitter end helping us put this report together. So, I really appreciate that.

What I decided to do since some of the committee members had not seen our responses, what I would like to do is have, give an opportunity for a few minutes for everyone to read our responses to the four questions, go through all four of them, simultaneously with that, we will ask Darlene to scroll the responses on the screen for the general audience so that they can also see them. Give them a time to, an appropriate time to read each question. Subsequent to that then we will open the floor to the committee, to the full

committee for any comments or suggestions you might have about the content.

One other comment I wanted to mention while I think of it is that on several of the questions, or responses I should say, we did not have total consensus, although we didn't have any out and out dissension either, so, at the appropriate time if any of the subcommittee members would like to speak up with their comments or reservations about our responses, why I encourage them to do so. Like I said, we had close to a consensus on our responses, however.

So, let me give the appropriate amount of time for everyone to read our responses. And once I see a clue that folks are ready, we will proceed.

And Darlene, if you will let the audience give appropriate time, we will handle it that way. Thank you.

(Pause.)

MR. LAFONTAINE: All right, I believe everyone has had an adequate time to at least read the document once. What I would like to do is open the floor to the committee members, the full committee, and of course, anyone can contribute, question any of our comments and then we will do our best to try to explain our line of thinking. So, let me open if anybody has any

questions.

Marty?

MR. HOLMES: Dan, if I could make a comment here. Seeing it with fresh eyes again this morning, I wanted to make a comment here. On this first sentence, "The Committee agreed with Gates' proposed change to eliminate the HRI exemption." What we are talking about there is and I think we worded it properly here, but, there was talk last night about eliminating the retail exemption because that is what we are referring to. I want to make sure everybody understands the retail exemption cannot be eliminated. It is in the Statute. What we are talking about is eliminating retailers from having an HRI exemption. So, I think, I think it is written clearly here, but I just want to make sure that everybody understands that because we have thrown around retail exemption, retail exemptions, what we are discussing and that is not what we are discussing. We are actually talking about an HRI provision.

MR. LAFONTAINE: Yes, I am glad you brought that up. The first draft said retail exemption, and someone pointed out that the retail exemption in the basic law still stands, where retailers, true retailers are not subject to inspection, but so we reworded it so

that it applies to those who are operating under the commonly known HRI, Hotel, Restaurant and Institution exemption. Is that clear to everyone in the committee?

(Pause.)

MR. HOLMES: If I could make another comment, too, Dan.

MR. LAFONTAINE: Yes, Marty, go ahead.

MR. HOLMES: That is at the very bottom of the page, when we talk about normal retail quantities. I had a discussion with Deborah from FMI, I want to make sure everybody understands there, too.

MR. LAFONTAINE: Marty, could you speak in the mike, please.

MR. HOLMES: Yes, I am sorry.

The very last bullet point on the front page, we are talking there about in the, where, in the regulation it refers to caucus purchases, we are not talking about the dollar, the dollar limit set by SFSI and the Administrator. We are talking about caucus purchases is no longer relevant. It is not, we are not referring into today's terms the dollars that is set by the Administrator.

MS. GLAVIN: Dan, can I ask a question?

Under, under your second question, answer, the first bullet talks about the committee's desire

that data on sanitation differences between federal plants and retail markets would be helpful. Can you talk a little bit about what purpose you see that data serving and that, if you want us to collect data we sort of have know what, what we are looking at it for?

MR. LAFONTAINE: Which question are you on?

MS. GLAVIN: Question two, the first bullet says that it is the committee's feeling that data on sanitation differences would be helpful.

MR. LAFONTAINE: Let me defer to the individual that wrote that. Was that you, Marty?

MR. HOLMES: Right. I will, of course, the committee helped in writing all of this, but, the point we, the question that was raised last night was, okay, so, federally inspected plants have all these lists of things that we have gone through many years developing, SSOPs, HACCP, for federal plants, sampling protocols, performance standards in some situations, all these things that the federal plants do that a retailer does not do, the question was raised, well, are you saying that retail stores are producing unwholesome product? And the answer was no, we don't feel that retailers are producing unwholesome product or adulterated product. What we did feel though was that because of all these, these things that are put in place in federal plants,

the presumption would be that although both are producing wholesome product, that the federal plants are producing cleaner product. I am talking about the initial bioload. We are not talking about, you know, pathogens and that kind of thing, well, I guess, it would be both, but that the, the product coming out of those plants because of improved sanitation and improved control measures, you are producing a safer product. We didn't have data to show that. That is a normal assumption, I think, based on comparing what, what the two systems are under. And it was listed in the first section or under the first question concerning hasopecis, OP's, sanitation performance standards pathogen reduction programs, etc. And because of those things, that was a normal assumption, but we didn't have data to support that.

MS. GLAVIN: Would, if the data turned out that the retail product was a clean or cleaner, would the rest of the recommendations remain the same?

MR. HOLMES: I don't, my opinion is that the committee agrees regardless of what that outcome would be, that the HRI provisions should be removed.

MS. GLAVIN: Okay. So, the data isn't to support to the decision.

MR. HOLMES: That is my opinion, yes.

MS. GLAVIN: Okay. Thank you, that was the clarity I was looking for.

There is a lively group next door.

MR. LAFONTAINE: Lee Jan? Dr. Jan?

DR. JAN: Yes, this is Lee Jan from Texas. Although I generally agree in principal or with Marty that systems that are in place, that are highly focused on sanitation and quality of, food safety quality of the product, those systems are in place in the in inspected establishments or official establishments that are not in place in retail establishments, so, it stands to reason that the likelihood of having a product with a lower bioload would come from the inspected establishment. But, we also, I think, have to recognize that in the United States that we do have two systems, both designed to protect the consumer. And I don't know how much focus should be placed on making this a food safety issue rather than a position of law. And I was trying to look through this thing, but, it seems like everyday this writing gets a little bit smaller and it is a little bit harder to see. But, I believe the law somewhere states that, that it also applies to competition of providing a fair grounds or fair level playing field for industries, and that I think is a bigger issue, is that the playing field is

not level for one producer versus another serving the same customer, you know, and that being the wholesale customer of retails, of retail stores, because they don't have to implement these food safety systems. They are not subject to testing. If their product is tested, it is purchased versus being taken in inspected establishments. All those things create an unlevel playing field. So, I think this is a correct move that HRI exemptions should be eliminated, but I don't know that the focus needs to be very high on food safety, although, if we go collect the data, you do the, spend the money, collect the data, I think it will bear out what Marty is saying that there indeed is. But, I don't know that we want to present that to the consumer, that this system that is designed to protect you is not as good as this other system. You know, that is something that we may get into.

MR. LAFONTAINE: John?

MR. NEAL: Yes, Lee, last night, you know, I was jumped on this issue. They thought I was picking on them, but, you know, we are well aware of that. I think that food safety is part of the issue, it is just part of the mix, okay. Nothing says that the state or the federal is a better system, both, both compliment each other. The state system works just as well as the

federal system. It is not meant to be derogatory or anything else. I mean, I have the upmost respect for the state systems and that is what we lived under for years and years. And they do an excellent job in our area. You all do an excellent job and it wasn't meant to be a detrimental in this comment. And it is kind of taken that way, Marty, a little bit.

I just felt, last night I stated to a lady in the audience, Deborah White over there, that I felt that you, you have a tendency to be, have more of a team oriented sanitation attitude when you are logging and maintaining records. And I found that just simply because I am one that has to do that and I think I am a little bit better planned for it. Under state I would do the same things, but I wouldn't log it and I think over a period of time that gets selective. Nothing personal, nothing, I just do better with paperwork. It was nothing meant toward the state at all.

DR. JAN: I would just like to clarify. I agree with everything you say about, you know, why it is a better, could be considered better, but I want to clarify, I wasn't talking about the difference between state and federal. My feeling is that if we are talking about state, federal meat inspection, there essentially is not difference. But, I was talking

about the difference between FDA requirements and Meat and Poultry Inspection requirements. That is the difference that I was talking about, the dividing line. Still, whether it is enforced or implemented at the state level or from the federal level, I am just talking about the difference in the requirements from FDA versus under USDA.

MR. NEAL: Right, I understand. I just wanted you to know that, though, I wanted to clarify that.

MR. LAFONTAINE: Nancy?

MS. DONLEY: Nancy Donley from S.T.O.P. Was there any discussion in the subcommittee about the, should some of these retail establishments decide to continue to produce for HRI establishments the, I just don't see how, there are additional factors or concerns, the need for obviously these companies, these, these companies are going to have to put together HACCP plans, which is something that current retail establishments who just sell retail, don't have to do. And any discussion about going further back into other retail establishments who are not just selling, who are not selling wholesale, needing to implement HACCP programs as well?

MR. LAFONTAINE: Yes, we did. And committee members, help me out if I stray here. Nancy, first I

want to make sure I understand your question. Was there discussion beyond just the HRI exemption as far as the need for more comprehensive food safety systems at the retail level, is that question? The answer is yes, and in fact quite a bit of discussion. But, after awhile we just had to say this is the, the issue that we have asked, have been asked to deal with at this particular session and that is what we did. And you can see that, you know, we did mention additional concerns along that line. So, I hope I have answered your question. We did discuss it, but we didn't delve into it beyond, you know, a general discussion.

MS. DONLEY: If I could just follow up with, on this point, is that if these, these clubs or whatever establishments decide to, that they want to continue selling to these establishments, they will in fact have to develop a, to come under federal inspection, will have to put all these same programs in place, am I correct on that?

MR. LAFONTAINE: Well, I think what I am hearing from the committee is that their, the subcommittee is, is coming to a recommendation that they be subject to the same inspection requirements as all other inspected establishments.

MR. LAFONTAINE: Right. For those that do

desire to sell wholesale, that they would have the same food safety systems required as the current state or federal, state inspection program or federal inspection programs.

MS. DONLEY: So, is there some way we could put in this, in this document some way, I don't know if it is in this question number two or somewhere, that we make it very, very clear that those institutes, or those retailers who wish to continue selling to institutions, HRI establishments, must follow all federal inspection requirements?

MR. LAFONTAINE: Nancy, I think the first response says that. It says that maybe in an indirect way, but we are saying we agree with the change, proposed change to eliminate the HRI and it is based upon the food, if you read the last sentence, on these food safety systems. So, indirectly, we are saying you need these food safety systems if you are going to sell wholesale.

MS. DONLEY: Thanks, Dan. And Marty is pointing out that it is also, I missed it, it is also under question number three, I think you spell it out clearly, too. Thank you.

MR. LAFONTAINE: Oh, okay.

Yes, Phil?

MR. DERFLER: I didn't, Phil Derfler. I just want to clarify one thing. Normal retail qualities is not defined in the statute. It is defined in our current regulations. So, any rulemaking that we do, that would obviously be an issue that would be subject to notice and comment and subject to additional input.

MR. HOLMES: Dan? Can I make --

MR. LAFONTAINE: Okay. So, you are talking about the third bullet, number two, rather than statute it should say regulation?

MR. DERFLER: Yes.

MR. LAFONTAINE: Yes.

MR. DERFLER: Yes.

MR. HOLMES: Dan, can I make a comment?

MR. LAFONTAINE: Let's go ahead and, if this committee agrees, we will change that word to make it more technically correct. All right.

MR. HOLMES: Dan?

MR. LAFONTAINE: Yes, Marty, go ahead.

MR. HOLMES: I also want to make, you know, the question number one was support, but when you looked at number two it is saying are there other things or concerns that need to be considered. And these were things that needed to be considered, but it did not, I don't know that those need to be done for

this subcommittee to, at least the subcommittee, and I don't know about the whole committee at this point, to support the changes. So, that was just something that came up as we said, well, wait, let's look at the reg, let's look at the statute, let's look at these things, is there anything else that may be out of kilter that needs to be looked at. And that was something that was addressed. But, I don't think that it necessarily needs to be opened up to, for at least the subcommittee to support this change.

MR. LAFONTAINE: Okay.

MR. HOLMES: But --

MR. LAFONTAINE: If we do rulemaking, we are just going to have to get in the issue of what is a retail sale.

MR. HOLMES: Right.

MR. LAFONTAINE: That is part of what the whole question that we are bringing to you all.

(Pause.)

MR. LAFONTAINE: Yeah, Lee?

DR. JAN: Lee Jan from Texas, again. Related also to this question number two about additional factors, and I guess it depends, if you are talking about this policy dealing only with the HRI portion of retail exemption or if this policy is talking about

exemptions in a general, I mentioned yesterday that I think that the agency should look at and it is not statutes necessarily, it would be more policy, but the policy of exemptions for certain products just because for some reason was made to exempt. And the example I gave yesterday was chicken salad requiring inspection but if you put it between bread, it is now a sandwich and it does not require inspection. And there are a lot of other products like that. And I think those exemptions need to be looked at and I think this is a good time, when we are looking at exemptions, let's do them all at once. Or you do them separately, let's not put that too far on the back burner, because that is also a confusing and very difficult to explain why a person making hamburgers because it is in a bun is exempt, while someone making a taco, that has got the same meat, but it in a Mexican bread, the toritia requires inspection. You know, there are a lot of issues like that and I think this needs to be addressed and let's use the same science, what is good for one is good for the other, or you know, if you decide it doesn't require inspection, make it across the board, but, not kind of pick and choose.

MR. LAFONTAINE: Picking up on that, if, if the agency in the future, well, I agree with Lee, that

is another exemption area that needs to be tackled in a future advisory committee. If that is done, what we need to, if and when that is done, we need to get to the committee is the RTI study that I mentioned yesterday. It is a very extensive review of this whole product exemption area, Lee, and carries you through a very torturous path over many years of how this all developed. So, this would be very good background reading for everyone concerned if we, if and when we tackle that issue in the future.

Yeah, Marty?

MR. HOLMES: Dan, and that is why we had the, I guess, the little, at the end of number two, or actually at the top of page two, it is the last part of number two, is that we were asked to look at this issue, which is a small piece or look at this issue in a vacuum, when there is really a much bigger picture on exemptions that needs to be addressed. And so, we were doing what the committee or what the Agency asked this subcommittee to do, but we felt that there is a much bigger picture that this has of implications over that needs to be addressed. So that is why the little editorial there at the end.

MS. GLAVIN: So, you weren't going to be restricted by the questions, is that --

MR. LAFONTAINE: What Marty just talked about, I think we should probably change that to regulations also, because it is really in the regulations and policies where the other exemption policies are, or stay statutes and regulations. So, let's change that to look at, look at other statutes, that the entire statute and regulations as it relates to exemption policy.

MS. TUCKER-FOREMAN: Dan?

MR. LAFONTAINE: Is that agreeable to everyone on the Committee?

MS. TUCKER-FOREMAN: I have a comment. I am very sympathetic to the point that, I am sorry, Carol Tucker-Foreman, very sympathetic to the point that Marty has raised and you have raised. I feel so strongly about bringing the statute into line and revising it so that it is risk based, that I am not sure I am going to support this proposal. I may just want to be known as not agreeing to it because I think that the time has passed for piecemeal regulatory approaches to trying to bring a statute passed in 1967 and earlier into line with 21st Century requirements. The industry has changed radically. And I would really like to see some more emphasis placed on that particular part. I think you have gone the right way.

I would just like to push you to go a little further in that direction.

MR. LAFONTAINE: Well, if you look at the next two bullets, risk based inspection should be the focus, food safety outcomes expected should be defined. That is a few words, but very definitive.

MS. TUCKER-FOREMAN: If it were changed just so that it pointed out that the point that I have just raised, that it is increasingly difficult, causes infinite confusion and conflict by trying to do these things by a regulation, that we need to start looking at revising this old statute. If we could put a little more emphasis on that with the risk base and the food safety, I would be a lot happier with it.

MR. LAFONTAINE: Do you have a specific recommendation on how to modify it?

MS. TUCKER-FOREMAN: If you could give me a couple of minutes, while the rest of discussion is going on, I would.

MR. LAFONTAINE: Sure.

MS. TUCKER-FOREMAN: Thank you.

MR. LAFONTAINE: Yes, Phil?

MR. DERFLER: This is Phil Derfler. I just want to sort of response a little bit.

We have a regulation that is in place now

that draws certain, draws the line in a certain place. We have heard from this Advisory Committee that that line wasn't drawn in the right place. And so we came to you now for further advice about this is how we have been thinking about moving the line, is that right? That is, I think, a different question than where we are dealing with the regulation that actually is in place and on the books. That is a different question than the broader question of are the exemptions that are drawn by the statute the right exemptions, are some of the other approaches that we have taken under the statute the right question. So, I think we were trying to address a problem that exists, that you suggested, that the Advisory Committee has suggested exists in our regulations today. And that is why we are here.

MR. LAFONTAINE: It appears we have exhausted the comments. Ms. Foreman, what we will do, if you are not ready, we can come back to you, you are ready?

MS. TUCKER-FOREMAN: No, but I want to, I want to say that if you give me just, while we start this other discussion, I think that having consulted a little bit here that I would like to propose and will draft something that is kind of a preamble to this statement so that it, the first question is "What is the committee's reaction to the Agency's new thinking?"

I think we might say, before that, the Committee has responses to these individual questions, but we find that this is a reoccurring problem. It is a problem with state inspected meat. It is a problem with salmonella standards. It is a problem with everything that comes up. This law was never intended, was never written to deal with today's problem. It is not risk based. It is not food safety based in many respects. Actually it is even relevant to these standards of identity, which have little or nothing to do with safety, are all economic. So, I think that it would be useful just to say that, to take some of that, that is in the response to question number two and say, maybe it is time to look at revising the statute so that it is risk based and food safety based and deals with today's problems.

MR. LAFONTAINE: So, if I understand, you would like to, some time to prepare a preamble and present it to the full Committee so we can, if we agree, we can assert it at the appropriate part in the report.

MS. TUCKER-FOREMAN: Yes.

MR. LAFONTAINE: So, let's do that. We will cut off the discussion at this point and then assume that, not assume but we will cut off the discussion at

this point and close the discussion, however, we will readdress this one part once they have had a chance. Is that right, Ms. Glavin?

MS. GLAVIN: That is fine. I just want to sort of see if I know where we are, though, that with some editing changes that have taken place during this discussion, and with the understanding that there is a further discussion on this broader topic, still to take place, the Committee at this point is together with the subcommittee on its report. Is that, okay.

Lee, do you want to go to, to your piece. I think it is a little early for a break. And if you willing to do that, let me just spend a few minutes on today's schedule. We have a, a schedule that goes through the whole day. I know many of you are anxious to by mid afternoon be on your way to the airport since it is so, one has to check in so early these days. And we will attempt to do that. The first briefing of the afternoon has been canceled. That is the Pat McCaskey one. So, I think, I think we should be able to by two, 2:15 have you out of here.

Another practical matter, we have arranged for committee pictures and I think we are going to do those at, just before the lunch break, just before the lunch break. So, everybody can go to lunch except the

Committee, who has to stay and have their pictures taken. And also Sonya West, who is not in the room at the moment, I was going to have her raise her hand, wants to meet with the Committee members for about five or ten minutes at some point just to make sure that travel and other kinds of documents are done appropriately so that we can get you, guys, paid. It can take forever if the documents aren't done right and they aren't self explanatory, believe me. So, Sonya will be setting up some time probably right after lunch to meet with the Committee members and I really do urge you to attend that so that you can get your reimbursement.

Yes, Marty?

MR. HOLMES: You just rephrased it, I just wanted to make sure. I was going to say I had never gotten paid, but, I have been reimbursed. So, I just want to make sure.

MS. GLAVIN: Thank you. Well, actually, we pay everybody but you, Marty, but, I let the cat out of the bag. Okay. So, with that, Lee, if you are willing to start your subcommittee report, and then maybe see how long that takes, take a break and come back to this discussion of the first committee's report.

PRESENTATION OF SUBCOMMITTEE 2:

DR. JAN: Okay. Thank you, Maggie.

Lee Jan with Texas Department of Health. And I was chairing the standing subcommittee number two. The issue of modernizing standards of identity for meat and poultry products.

Before I get into this, I would like to thank the Committee members or subcommittee members that participated. Last night we had also, we would like to thank the general public that was there and especially would like to thank the FSIS staff for making, documenting all of our conversations and helping us prepare a document.

With that, I will just go through each, each questions. We have a few more questions, but we have shorter answers. So, it may not take as long.

The first question is what are the general comments of the Committee on strategy and guiding principles outlining agency. And essentially unanimously we felt we were supportive of the guiding principle as long as they are consisted with FDA for the development of petitions that the Agency can use as a basis for proposed rulemaking. We felt that the Agency is on the right track, working with FDA and making this move. And maybe we will go through the whole document and then we will open up for discussion

after that.

Our second question was did any Committee members have data that demonstrate the relationship between food standard modernization and the impact on public health? The Committee was unaware of data, but recommends calls for research through various channels available through USDA as well as query of various consortium that may already have some of that data. The call for research, the, now the acronym escapes me, but it is SFR or something like that. What is that called? No, no, the -- the funding, the request for proposal. RFP. RFP being one of the, being one of the, I guess, one of the ways that some of this research can be developed.

The third question is what is the process used by representatives of meat and poultry industry, consumer groups and others to identity the need for a change to an existing food standard or the creation of a new standard? And although we didn't necessarily define a process, you know, some of the things that came up were consumer trends, new ingredients, public focus group correspondence, market process, either domestic or international. The consumer market perceptions of product standards, ethnic demographics. All these we felt were, led to identifying needs for

change.

Number four was does the Committee have any data on the cost to the industry for compliance with the food standards, such as time, resources, trade competition and compliance? And we kind of broke this down into two categories. One with regards to data to support the Agency's proposed rulemaking and the other with regards to proposed, proposal outlining principles. So, anyway, the first part we said, well, regarding the support, to support the Agency for proposed rulemaking of guiding principles, we recommend trade groups serve an industry member to determine what information is available and then collect, compile and provide the appropriate information to the Agency. We didn't, we didn't, we were unable to identify any data available at the time, but we felt that that maybe the right direction to go to provide that data to the Agency. And as far as regarding the proposal outlining principles to follow Committee, to follow, the Committee recommends that detail be requested in the proposed rule for petitioners related to the data needed by FSIS relating to particular standard that is being brought up or that is being petitioned for, because they felt like there would be different data for the different standards, different reasons and they

need different data. So, we felt that would be put into the proposed rule.

Is the Committee aware of any research available regarding consumer and industry perceptions of food standards that support the rule making process. The Committee, again, was not aware of specific data beyond the National Pork Producers Council and the National Cattlemen Beef Association survey, which was submitted for review, I think, all members got that yesterday. And that was the only document that we were aware of.

Number six, is the Committee aware of any economic harm to industry because enforcement of outdated food standards or absence of a way for industry to modify current food safety standards? For perceived, real or potential economic harm due to enforcement of outdated standards resulting from an inability to keep up with consumer trends and explore new technologies might, that might enhance product safety. So, it was, it wasn't any data again, but we felt that that was more, you know, it was out there. Outdated standards also can result in loss of market shares to different commodities meeting consumer dietary needs, particularly if and the thinking here was if the consumers are looking for lower fat products

and we can't change the standard of some meat and poultry products, then they move to other commodities and eat, eat some other products instead of buying or using meat and poultry. So, we felt that that would be important to the industry.

Is the Committee aware of any implications of federal food standard modernization on state regulations or international food standards of identity or felt there would be an insignificant affect on states because preempted federal regulations require states to change with federal changes. Or to say another way, the standards that are federal standards are also the same standards used by the states. So, any changes it would just, it would just flow and we didn't see that that created a problem. We did recommend or do recommend that the Agency include modernization discussion with institutional U.S. standards as part of the guiding principles.

And then the final question number eight, does the Committee have any evidence that shows that modernization of food standards will result in greater product diversity market base? And we could only talk about antidotal observations. We didn't have any hard evidence, but we felt that antidotal observations of greater product diversity related to reduced fat

products as an example. You can go in a marketplace today and see things that you didn't see and a lot of that is because of some of the interim changes that FSIS did interim rules. So, we felt that may be evidence, but at least we know it is antidotal evidence.

And we recommend that, again, that trade group, marketing committees, survey the industry members for additional data. I think we want to rely a lot on the trade groups to provide some of this data.

So, now, I will open it up for any discussion.

(Pause.)

DR. JAN: That was easy.

MR. HOLMES: Marty Holmes, North American Meat Processors.

Under number six, I want to make sure that as a committee we are encouraging the Agency to consider new technologies, new science, that would increase consumer safety or product safety, as long as it does not have a detrimental effect on the standard of identity, that those technologies and processing aids be allowed to be used to enhance the safety of those products, but not have a, you have got to be careful in terms of what becomes an addictive versus a processing

aid. But, there are things that could be used today that the standard of identity, you can use them today, but you can't call the product the same thing you have been able to call it for years. And the only thing you have done is have a wash or something that is allowed on a caucus, not allowed on, on the end product, that would make the product safer, but you can no longer call it a ground beef patty, you have to call it, you have to come up with some new name, ground beef patty with whatever. And so, I would hope that, a washed patty.

But, something, and Robert, I think you know where I am coming from, but, I want to see if that is where the Committee is in making a statement here and maybe making it stronger to encourage the Agency to support and adopt those technologies and try their best to figure out how not to have that, have a negative impact on the standard of identity, so that we create this new, new, new list of products that really is going to confuse the consumer, when the ultimate objective is to provide a safer product.

DR. JAN: Robert, do you want to respond to that and what you already have and what you already have in the guiding principles, perhaps, cover that?

MR. POST: Sure. That aspect is considered in

the guiding principles. And something we thought about that would be part of the guiding principles would be to consider any safe and suitable antimicrobial and broader our approach to, rather than going case by case for approving ingredients and standards, we would allow for a blanket approach of all safe and suitable antimicrobial. And rather than wait for the guiding principles, we talked about, or I talked about the strategy for modernizing standards. We are going ahead with the development of an amendment now that would allow for the use of any safe and suitable antimicrobials in standardized meat and poultry products. So, we bumped up that priority.

MS. GLAVIN: Would it be useful for the Committee to make it clearer in their report that that is something they want to have happen?

DR. JAN: We can do the same thing. We can work on that if we need to. We will work that out and come back.

MR. LAFONTAINE: This is more a general, a general comment rather than a critique of your answers. I think the bottom line is that you do need standards of identity, whatever they may be, kind of as a bedrock of what the general public expects on certain commodities. Having said that, to not preclude

innovation, maybe more, products more desired by consumers or more, in some cases, more nutritional products, to allow that to happen, but make sure that it is labeled in the clear. And I think the biggest step forward in that we have done in this whole area is when we implemented the new nutritional information standards in FDA and USDA. That from a personal view has been a giant step forward. So, I think that is the line of thinking we have to have, is, is allow the food industry to be innovated so that they can meet what they feel is the consumer's desires. But, having said that, make sure that it is not hidden, but it is very clear that whatever the new widget is, that it is clearly in the label. And I know I am not saying anything new, but I just felt, I wanted to express my personal view that you have to have a bedrock, but also allow the marketplace to take off as long as the consumer is aware of what you are doing. Thank you.

DR. JAN: Yeah, if there are no other questions, if we could, maybe we could rework some of this and bring it at the same time the other committee brings theirs.

MS. GLAVIN: Okay. Well, why don't we take a break and let the two groups do some composing. And is this when we are going to do the pictures? Can we do

the pictures now? Or would you rather wait until just before lunch for the pictures? Your call. Do them now. Okay. And we will make sure we get the two composers, also. Okay.

(Whereupon, a short recess was taken.)

MS. GLAVIN: Okay. Dan, you got your changes taken care of, okay. Carol, did you get your rewrite in? She has got it. Okay. Okay. So, Dan, do you want to start out with the changes that your subcommittee is considering?

MR. LAFONTAINE: Yes, Darlene, do you have it available, you can put it on the board?

(Pause.)

MS. GLAVIN: I think all of our public have gone next door to the meeting.

(Pause.)

MR. LAFONTAINE: This would be, Darlene, the paragraph or two that Carol edited, or composed, rather.

(Pause.)

MR. LAFONTAINE: Let me introduce it and then Ms. Foreman can make any comments, but, what Ms. Foreman is proposing is that this statement be included as a preamble to the item we dealt with. In other words, this would be a preamble and then the questions

and answers would follow. So, I will give you a moment to read that and Ms. Foreman, if you want to make any comments, and then we will go from there.

(Pause.)

MS. TUCKER-FOREMAN: Thanks very much. It just seems to me that every time we have a discussion here, we come back around to the fact that we don't have a risk based statute with food safety as it is primary consideration. And so, we are always trying to work around the fact that the statutes basically is 35 years old and that production, processing and consumption patterns have all changed since then and people are now mostly concerned with food safety. So, why not instead of doing piecemeal revision, ask the Government to take a basic, a look at a basic revision to consider where we are now instead of where we were then. Of course, we may put ourselves out of business, but, I don't know that that would hurt anybody's feelings.

MR. LAFONTAINE: You need to explain, you are talking about the Committee, not everybody else.

MS. TUCKER-FOREMAN: I meant the Committee, I did not mean --

MR. LAFONTAINE: Are there any, any comments? Lee?

DR. JAN: I agree with the basic principal here, but I think it should also be clear that in the interim we should, FSIS should continue with their proposal to change the retail exemption as it is today, because if you go to the Government changed laws, we may be talking about this for the next 10 years. So, I think that is right, there are changes that need to be done. One of the groups I am associated with proposed overall reform of the Meat and Poultry Inspection Act several years ago, probably about five years ago now, and it didn't get anywhere. So, to abandon this FSIS's current thinking, I don't think would be the right thing to do, but, I do believe adding this is appropriate.

MS. TUCKER-FOREMAN: I think you are right. And I would make two suggestions on that. One is we might insert the word, in the sentence that begins "Efforts", put the word "only" or "solely" between changes and through. So, that it says "Efforts to adjust these, for piecemeal, change only through piecemeal changes." "Only through piecemeal revision of regulations adds to confusion and conflict." And then perhaps add a sentence at the end of this that says "In the interim we have the following suggestions with regard to the Agency's current thinking." Is that

okay?

MS. GLAVIN: I won't say anything about the Committee's age.

(Pause.)

MR. LAFONTAINE: Darlene, do you want to scroll it down to the bottom?

Carol, what did you have in mind to finish this? She has added --

MS. TUCKER-FOREMAN: Its --

MR. LAFONTAINE: You are composing and she is composing.

MS. TUCKER-FOREMAN: I can give it to you if you will give me the diskette, Darlene. It is being protesting because it doesn't have a disk.

(Pause.)

MS. TUCKER-FOREMAN: Thank you. What we need is what Marty has got.

(Pause.)

MS. TUCKER-FOREMAN: Here you go. Bold it and blow it up some.

(Off the record.)

MR. LAFONTAINE: All right, is that the version that you are proposing, Carol?

MS. TUCKER-FOREMAN: Yes.

MR. LAFONTAINE: Okay. Committee, last crack,

any comments, questions? Hearing none, I assume that everyone agrees with this statement and we will finalize our report.

MS. GLAVIN: Okay. Thank you, Dan. Now, we have lost Lee, who is suppose to lead the next discussion, but maybe you can put his, his report up.

MR. LAFONTAINE: Ms. Glavin, what I would ask is that with this revision, which is the preamble, we have your staff make copies so we can take with us the revised version.

MS. GLAVIN: Okay. We will take care of that.

(Pause.)

MS. GLAVIN: Darlene, why don't we start on the second report and we will work on the copies subsequently. Thanks.

DR. JAN: Okay. I think we can start with that. We made only a few changes. The first change we added also prior to answering the questions, and it reflects a point that Dan Lafontaine brought up and we basically stated it, "Standards of identity are necessary, but should be flexible enough for industry to meet new consumer expectations, but must continue to be truthfully and inclusively labeled." And I think that covers, Dan, what you brought up. Okay.

And then, and then if we could scroll down to

Question six, we address Marty's concerns, okay, and what we added to the question is the Committee aware of an economic harm to industry because enforcement of outdated food standards or the absence a way for industry to modify current food standards, we left everything that was there, but added the middle paragraph that says "The Committee fully supports the guiding principles as outlined in the issue paper, and wishes to reemphasize that the modernization of food standards of identity would permit enhancing a product safety without adversely affecting its labeling and consumer product recognition." And that is, I believe, responds to his comments.

Does anybody have any questions or comments about either of those? Then so be it.

MS. GLAVIN: Okay. So, the subcommittee reports are complete and we will work on getting printed copies of them for you to take home, okay.

With that I would like to move onto one of our afternoon briefing. It is the briefing on the Introduction of Consumer Safety Officers. As you know we have dropped the lab briefing and we will still do the update on Advisory Committee, but, at the moment the presenter we have available is the Consumer Safety Officer presenter. So, this is Yvonne Davis, who will

provide a briefing on the Introduction of CSOs to the FSIS Field Force.

(Pause.)

MS. DAVIS: Maybe as we are getting set up with the Power Point presentation, has everyone had an opportunity to get the handout of the slides. They are on the back table and I think they have been distributed to the front table already.

I will, I would also like to mention that in the interest of time, I deleted a few of the slides as a part of this Power Point presentation. The handouts were already done, so you may see some slides in your handout that you will not see on the Power Point, on the overhead. So, just so you know, I will try to keep you informed as we go along, which ones you will see and which ones you won't.

(Pause.)

MS. DAVIS: Maybe as we are still set up, I will just like to say how happy I am to be here today. This is an initiative that has been very dear to my heart. I have been involved in it probably for over, well, over two years, working very closely with field operations officials in launching this new occupation within the work force. And we are very excited to say that we have 35 CSO positions established and in the

field and operating. So, this is an exciting moment for me to be able to say that.

PRESENTATION OF THE INTRODUCTION
OF CONSUMER SAFETY OFFICERS:

MS. DAVIS: With the passage of pathogen reduction and HACCP rule, the Agency recognized and even before that, that we needed a work force particularly on the front lines that could support a more science based inspection or regulatory program. And we had been talking with the work force for quite some time about the plan to introduce more scientific personnel on the front lines. So this was no news to employees, and many of our employees were getting the qualifications that were, that we were looking for and have been doing this over quite some time.

The Agency outlined its plan for implementation of this new occupational series in a report to Congress that was dated February 2000. And we briefed this committee, most recently in May of 2000, on our plan for introducing the occupation into the FSIS' field work force.

This is a quote from the report to Congress that kind of outlines what our plan was suppose to do, that we wanted, we wanted more individuals with a scientific background on the front lines, that would

serve to compliment those that we already had out there, our field veterinaries, our circuit supervisors, and others, but to be able to have that technical expertise within, within the plants, in the field, to serve as a resource to the Agency.

As I said, we hired 35 consumer safety officers this fiscal year. For those of you who know the Agency pretty well, and I think those at the front table do, we, you may know that we had 17 consumer safety officers already onboard. There is one located in each of our district officers. We organizationally know the position as an inspection coordinator. So, the 35 were in addition to the 17 CSOs we already had onboard.

The positions were advertised in July of this past year, within local commuting areas that had been identified by district managers based on a set of criteria. We asked the districts to tell us where do you believe that you need consumer safety officers. This was just the first wave of CSOs, so, we wanted them to identify those locations that we felt were most critical, in which to place the CSOs. We have 17 locations and two CSOs in each of those locations and in each of the districts, and three in the New York area.

Also, in announcing the positions or in identifying the locations, we wanted to know where we had our qualified applicant pools, since we were looking at ways of reducing, keeping cost down and looking to only advertise within local commuting areas. We found that over 800 employees in FSIS had the requisite education to qualify for this series. And that was very good news. So, it was a question of looking at where we had adequate applicant pools, and where we had the most critical need for the CSOs in determining those duty stations for the 35 positions.

The CSOs were trained in October of this year and that training had a number of components, had a scientific component, regulatory, an enforcement and an interpersonal component. The Agency contracted the training with the Texas Agricultural Experiment Station in College Station, Texas. And while the TAES provided much of the training, FSIS also provided a part of it and that was the regulatory part.

There were three college credits awarded for completion of the training. And that was through Texas A&M University. The training was pretty rigorous. I was down there for the first day of the training and the CSO candidates were naturally had some anxiety about it. This was an occupation that, we thought the

training was very important successfully completing it was very important. Certainly the educational background that these individuals had was, that we knew that they could carry out the work that we needed to do, but they also needed to successfully complete that training. So, we made it contingent upon successfully completing the training for these individuals to stay in the CSO positions. I am happy to report that all 35 successfully completed the training at the end of that month.

They began their work on 10/29 and the CSOs are assigned, as I said, to the districts. They are not in fixed plant assignments, however, the work that they do is in plant. That is the focus right now. They are also doing some other functions in terms of participating on in depth verification reviews and all, but, again, the focus is in plant, even for those activities. They report to the assistant district manager for enforcement or the ADEMs. And we saw that this position was somewhat unique in that there were a number of inspection related responsibilities but also enforcement related responsibilities. And this is consistent with the Agency's goal of further integrating inspection and enforcement, that these are tools to achieve the ultimate goal of regulatory

compliance.

Now, we will look at the major duties and responsibilities. We have kind of defined them in terms of five, five categories. The first one being the assessment of the design of the in plant safety systems. I think most of you know that the inspectors are focused largely on the execution of the HACCP plans, and the other plant control systems. We needed a cadre of people to be able to go in and to look at the hazardous analysis. To look at the interaction of the various food safety control systems. To be able to look at the scientific underpinning of the HACCP plans and to make some judgements about their adequacy. So, this is a very major responsibility that these individuals will be doing.

Another major function is data analysis. Looking at all of the data that is available throughout the district. They will be getting data on district, all the plants in the district and to be able to look at trends in that data. Trends and data that would indicate that there may be some design problems with HACCP plans or other control systems. That there maybe some epidemiological concerns or some emerging issues. So, really being able to take a step back and to analyze that data to see where do they need to be doing

the work, where might there be a concern. So, that they could talk with the district manager and the assistant district manager for enforcement about situations that may require their attention.

The administrative enforcement activity, I think you need to go back.

(Pause.)

MS. DAVIS: It says administrative, major duties, oh, I am sorry. Let's me see. No, go back to the one that has the five categories, that is where we are.

(Pause.)

MS. DAVIS: No, keep going back. There you go. Thank you. I took out a few of these slides.

Implementation and, oh, administrative enforcement. Take a look at that activity. We expect that the CSOs as appropriate, would prepare notice of intended enforcement actions. Again, where that is appropriate. They will be looking at the scope of any non compliance and recommend enforcement actions to the ADME. They can gather evidence and documentation for case files. And they will notify the ADME if there is any possible criminal activity that they suspect. They are not intended to be junior compliance officers, although they do have an enforcement role. And again,

because they are reporting to the ADME, the ADME can call in compliance as is necessary.

The implementation and correlation activity, what we are talking about here is the implementation of any types of new systems that would be used by, by field personnel, new initiatives, that the CSO is well positioned to participate and to help in that implementation.

The Small Business Regulatory Enforcement Act, SBREA, I think as you know was passed to give small business a greater voice in development and enforcement of regulations. The CSOs will have primary responsibility for SBREA activities at the in plant level. So, they will be working with small and very small plants in ensuring that they have the necessary resources to be able to be in compliance with regulatory requirements.

Transition is, as we introduce new occupations into the Agency, and have people take on new roles, we have transition issues and transition concerns. And they may be of a technical nature. There may be technical questions, in this case that the CSOs have and need places to go to for assistance in that regard. In terms of the technical, we would expect that the CSOs would work very closely with their

supervisors, the ADMEs, the district managers, the inspection coordinators, and also the technical service center. These are all avenues to provide the CSO with additional technical support as needed. And this was emphasized in the training that these would be resources to them.

The interactions also present some transition issues. They will be working within an existing system. We have circuit supervisors. We have inspectors. We have compliance officers. When you introduce people in new roles or in a new occupation, it is natural for people to try to make some sense of what does this person mean to me? How are we going to be interacting or working together? So, the Agency really has given a lot of attention to these issues. And had incorporated interpersonal skills component in the CSO training, because we believe that is an important part of the success of this program, is that the CSO sees him or herself as a part of the inspection team. And that they work very closely with the other individuals on that team, in helping the plants meet compliance, be in compliance.

We also emphasized the need to network, for the CSOs themselves to reach out to each other and to talk about technical issues, so that there is some peer

support as well for this new occupation and new roles.

These people are, we filled the positions from within the Agency. Again, because we had a number of experienced people who also had the requisite education. But, they are transitioning into new roles, and I think the networking will help them to let go of some of the old ways of doing business and to take on these new responsibilities.

We have a staff actually that is overseeing work force transition. I am happy to say that I am the director of that staff. It is a relatively new organization, two years old, the work force management transition staff. And we work hand in hand with an Agency work force of the future steering committee, that is made up of individuals from throughout the Agency, in the field, in Headquarters, in a range of occupations. We have representation on that committee from the National Joint Council, from out two employee associations, just a good range of individuals from various backgrounds that meet periodically during the year to advise the Agency, in somewhat of the same way that you do, on what we need to be doing to help people be effective. So, this group, these groups are dealing with the people issues that are very real, whenever you are implementing change. There is naturally transition

issues that go along with that. And so, we are focused on providing that kind of support. What we have done to this point, is we have visited with the Beltsville District and participated in a discussion of the two CSOs in that particular district as well as the circuit supervisors, the ADME, the district manager and some of the district staff. And we talked about what the CSO would be doing, how they would be working together. We spent about three hours. The CSOs gave a presentation of their own to the district, to let them know about the training that they received and how they saw that they would fit in with the inspection team. And it was an excellent discussion. I think that they couldn't ask for a better team work and support on all part. And I think there is acknowledgment that issues may arise and that they will need attention as with any new system, that that is normal. So, they will need to continue to monitor and work together.

We have scheduled conference calls with the Consumer Safety Officers and the ADMEs. And we will be developing and have developed some question and answers, sets of questions and answers to get out to the work force to let them know what kinds of issues are coming up and providing answers to those questions and being available to answer others that arise.

An important part of this whole process is to continually monitoring and assessing and evaluating the program and how it is doing. And I think we looked to this Committee in particular to provide us feedback and advice in that regard.

The first 35 is just the beginning of a longer gradual process of introducing this occupation into FSIS. We would expect that in 2002 to have somewhere around 100 CSOs. We will have about 75 CSOs and a number of veterinaries in our agency, who have been trained, who have gone through the rigorous four week training program, so that they are also equipped to do the same type of work that we are expecting the CSOs to do. It is undetermined at this point about 2003, but again, I think that we are continuing, we will be continuing to introduce more and more CSOs in the years ahead, because we need those kinds of individuals on the front lines. And we are, again, very, very pleased that this initiative, that this introduction has gotten started and we do look for your assistance, your feedback on how we are doing with it.

I guess at this point, I would like to ask if there are any particular questions.

MS. GLAVIN: Okay. Katherine and then John.

MS. LOGUE: Hi, Katherine Logue, North Dakota

State. Just a quick question. Are you always going to hire internally or eventually will you dry up the pool and then you are going to have to look outside?

MS. DAVIS: In the report to Congress, we talked about hiring internally for the first couple of years, because we have so many individuals who have the requisite qualifications. There may be over the next couple of years, there may be locations where we don't necessarily have internal candidates, where we may have exhausted those candidates and I think long term that we would be looking at bringing on individuals from the outside. But, at least early on, we have been looking mostly an internal recruitment process.

MR. NEAL: John Neal, Coursey's Meats. I think this sounds like an excellent program, but I have a question for you. When you, I know you state how many applicants you have on the job pool, when you do this do you have a physical interview with the people that you hire in this job? Because it seems to me, the reason I ask that question is because it seems to me like this individual here is going to have to be tremendously gifted with people skills because they are going to be going back and forth, they are liaison for small business, and small business, between the two and to assist them and guide them a little, which I think

we have needed because small businesses don't have the resource towards saying, well, yeah, this looks better, you can make a few changes on your HACCP plan. We have kind of needed this and I have a little bit of complaint with that from your DVMs and such. But, he is going to, he or she is going to have to be able to cross that line because they are going to be an enforcement, and then on the other side, they are going to supporting the plant, itself, but at the same time, they are going to have to do the other. And it seems like it going to be a very hard job and it takes pretty special person to be able to ride that fence and work both sides of the fence and come out smelling okay.

MS. DAVIS: I think you are right. I think that the job is going to be difficult and it is going to require people who not only have the scientific expertise, but, also the interpersonal skills to be able to do it, as you say, that kind of balancing. The training that was provided at, in College Station, did have an interpersonal skills component, because I think that the Agency recognizes that, you know, what we do and how we do it, are both very important. They will need to have coaching also. I think that the training is the first step. They will be, I think, coached by their supervisors. They have places to go for

assistance in working out situations, but the training, I think was very valuable. And I think the selection process, itself, that we look for people who were, had good people skills, that could articulate. I have met all 35 and I would say that they are a group that can communicate well and seem to be at ease around people. There were individual interviews conducted of all of the applicants that were on the certificates, so there was an interviewing component. And again, these individuals were not new to the agency, you know, they have had experience. So, that was all factored into the selection process.

MR. NEAL: Well, thank you. And I think it is going to be a good program. I just was a little concerned with that. I figured you had figured that out. I just want to warn you, if Charles applies, he doesn't have the skills.

MS. DAVIS: No good, huh.

MS. GLAVIN: All right, John. Alice and then Lee.

UNIDENTIFIED SPEAKER: Some of the comments you made, certainly within the industry, we have been asking the same questions, what does this mean to us and how are they are going to interact with us? Are they junior compliance officers or not? Are they

really here to help us or just what the situation is? And I guess that all remains to be seen, but, one thing I think that might help from an industry perspective is to see or to understand the training they have gone through, to know what they were told. And so we have some feeling for, where they are coming from when they do come in and what they are looking for. Because we have, we have gone back and forth for a number of years now on HACCP training and is it scientific, is it regulatory, just what exactly is it? So, I think it will be a big help if we could see that. And certainly, maybe as a committee here, moving forward, to kind of keep up with what is happening with these CSOs, because we have got the Food Safety correlation teams. We have got IDVs, now we have got CSOs out here, I mean, it just, it doesn't stop. There are more and more people looking at what we are doing every day. So, it would be nice to kind of keep up with all of that activity.

MS. GLAVIN: I would like to expand the discussion a little bit, because you started to do that and I think it is real important. I think, as you know, when the HACCP Pathogen Reduction Rule came out, we made a lot of promises. Promises about becoming more scientific, about a new paradigm for safety and

inspection, etc. And we then spent the better part of three and a half years doing the basic implementation. I think we and by "we" I mean, the Agency, the industry, interested parties, did a really terrific job in that. But, I also think it is pretty clear that right now the Agency's focus is on making sure we have got it right. And so, you are absolutely right, the presentation yesterday on the correlation reviews and this presentation on CSOs are linked very, very closely. These are part of making sure we have got it right, making sure that our employees got HACCP and understand it and are utilizing it and making the most of it, making sure that plants have HACCP plans and hazardous analysis, etc., that are scientifically based and grounded. And working, and you know, these are not, you know, they aren't there to help you necessarily. They do have enforcement responsibilities, however, they do have a particular responsibility to the small and very small plants to make sure that those plants have access to the help they need to do it right. With the large plants, I don't think that is such an issue. But, with the small and particularly the very small plants, we do see the CSOs as having a particular responsibility for making sure they have access to the help they need to do it

right. So, you know, this whole conversation and I hope the comments and suggestions you make, I hope will be in the context of, our focus at this time on getting it right and, and again, that "our" is both the Agency and the industry. So, with that, Alice, it really was your turn.

MS. JOHNSON: And, you know, I regret I let him go first, because he kind of took my question.

But, that is okay. Yvonne, to, to expand a little more on what Charles was saying, is it possible for the committee to see like the agenda or the outline of the training. That would probably be a service to the whole industry, so that there would be a better understanding of what the CSOs were actually trained in. Also, if there are any type of training materials that might be helpful, too. There definitely is a fear that you do have junior compliance officers out there and so anything you can do to show that, you know, it goes beyond just compliance and there is a lot of science in the whole interpersonal skills that the Agency is, has worked with, I think would be a benefit, so that when these people come in the plants, we don't, like draw up in knots and panic.

One other thing, when we are talking about that you envision eventually exhausting the current

pool of inspectors that are eligible for CSOs, part of the qualifications talk about 30 hours of science, plus one year of specialized experience. Is the Agency working in any way for inspectors that are currently employed that want to try to get 30 hours of science. I know that back years ago the Agency really promoted, you know, the educational aspect of and when they were talking about the food technologists series, are you working with inspectors or are there programs in place to do that? And could you expand a little bit on that?

MS. DAVIS: Sure, yes, I would be happy to.

We do have a continuing education program, which provides funding to inspectors, to people in field operations, who want to pursue their consumer safety officer credentials or other types of continuing education programs with an emphasis on science. A lot of individuals are taking advantage of that program. We never have enough funding to provide, you know, to cover everybody, but we also have a training initiative that is underway. It is called Tec 2001, Training and Education Committee 2001. You may have been briefed on that initiative, to look overall at our training in the Agency and to make sure that we have the resources that are necessary. We want to provide as many opportunities for individuals to, to continue their

education, whether that be with the goal of becoming a consumer safety officer or being a better procurement officer, or whatever. We want to have a program that has resources available for people to continue to develop.

MS. GLAVIN: Yvonne, I hope I am not putting you on the spot, but have we made the training, the training materials available?

MS. DAVIS: I don't believe we have at this time. I don't know why that couldn't be available.

MS. GLAVIN: Yes, because we had made a commitment to, which I had made a commitment, clearly I didn't get to the right person, that we would try to make that available.

MS. DAVIS: It will be done.

MS. JOHNSON: Just one follow-up. On the CSOs, you talked about that the training they received, they had got three college credits. Is there any requirements for kind of the continuing education, that they keep up with current science and practical technology?

MS. DAVIS: That is a part, of course, it is a professional occupation, so, we would expect that they would continue to keep abreast of latest advances in science. We are providing them with access to a

variety of data bases, where they can get information on technical issues. Again, they are networking with one another, so, they are learning from each other as well, what issues are arising, what are people seeing and how best to address concerns. So, I think there is a lot of emphasis in that area.

DR. JAN: I think I was next. This is Lee Jan with Texas. I think it is a great opportunity for small businesses to get the help they need, that they otherwise may not be able to get because non availability of courses or inability to send people, all those different reasons. But, I think it is an excellent thing. But, one, one thing that I think is missing in this picture at this point is the ability for state programs to participate and have individuals trained as, receive this CSO training. And many, many of the small plants, very small plants under state inspection grow up to be USDA inspected plants, because, primarily because of the unfair prohibition against interstate shipment and that is not going to change or it become obvious after each year that that is not going to change. So, a lot of them are growing up to be USDA plants and if we can get early into this or get some of our staff early into this training, become qualified, they can help make these plants able

to transition over to USDA at a younger or an earlier age, perhaps before they go out of business because they can't compete in the market through the Internet or to transportations or whatever. The marketplace is artificially shrunk for these folks, so they have to look for other ways. And if we could get state inspectors or state personnel to participate, and not wait until all the federal people are trained, I think it would be helpful for all concerned, not only state programs.

MS. GLAVIN: Okay. Dan?

MR. LAFONTAINE: Yes, I have a, Dan Lafontaine, South Carolina. I have two major comments. First of all, I commend FSIS for the step forward you have made over the last couple of years in providing technical training and skills to various groups of folks. I am talking about your, your supervisors training that Dr. Mina got started several years ago. You also several years ago started a four week technical track for inspectors and now this consumer office, consumer safety officer training. Those are bold, correct steps to give the work force the skills they need to function in this complex world we deal in today as far as products, and food safety systems.

Having said that, and this is my opinion,

there is a problem. And I call it command and control. And I am not talking about the command and control of industry. I am talking about command and control within FSIS. Several other speakers have alluded to, we have got various players talking to industry, and making judgements, decisions and providing advice on their systems. It could be HACCP, SSOPs, generica E.Coli testing, Sanitation performance standards, pathogen reduction, you name it. What, I think you need to do and this is my personal view, you need to refocus on who is in charge. And if I have got it correct, we are talking about the inspector in charge, the circuit supervisor, and the district manager, and then eventually Dr. Mina and his senior staff. And make it clear to all parties concerned, industry and to your work force, that that is where the buck stops as far as how you interpret the regulations and who makes the decisions. If you don't do that, and do it effectively, you are going to perpetuate, create and perpetuate in some instances, mass confusion within the industry and within the organization as to where to head. And if I am wrong, please tell me so, but, I think you have got to take a step back and make sure that everybody concerned understands who is in charge as far as making the final decisions. And I believe

the people I mentioned are those individuals. Thank you.

MS. GLAVIN: Okay. Thank you, Dan.

Are there other questions or comments? Let me just mention that Bobby Palesano let me know that the Tech Service Center is working with the contractor to make training, training materials available. So, that is underway.

MR. DERFLER: In response to Dr. LaFontaine's question. We are looking at some of our directives to try and clarify in them whose responsibility, the people in the field, whose responsible for what and where responsibilities lie between the in plant personnel, CSOs, questions like that. So, we are in the process of at least starting to address at least some of the issues raised in your comment.

MR. LAFONTAINE: I think that is a very, that is a correct step. And with then direct feedback that I get, why, that really is needed as soon as possible. Thank you.

MS. GLAVIN: Okay. Are there other comments or questions for Yvonne? Okay. Thank you very much, Yvonne.

MS. DAVIS: Thank you.

MS. GLAVIN: Let me ask the Committee's advice

on how we proceed. We have a briefing on the National Advisory Committee for Micro Criteria in Foods and the briefer is with us. And we also have on the agenda remaining issues and plans for the next meeting and a public comment wrap up. It is almost 11:30. Do you want to keep on, it is almost 11, okay, I can't read my watch. My arm is too short. Do you want to keep going? Okay.

Brenda Halbrook is with us. She is the secretariat for the Micro Committee and she will give us an update on the work of that committee.

PRESENTATION OF UPDATE ON NATIONAL ADVISORY COMMITTEE FOR MICROBIOLOGICAL CRITERIA FOODS:

MS. HALBROOK: Good morning. I am Brenda Halbrook, the acting executive secretary for the National Advisory Committee on Microbiological Criteria for Foods. And I am here to tell you about our recent activities.

Since the last time we met, I think I addressed this group back in May, and our committee had just met on May 7th and I think I gave you a summary at that point of the two issues that we had covered at our May meeting. Our two primary issues at the time were salmonella performance standards and something called blade tenderization/E.Coli 0157:H7. I hope you have

handouts. Have you received the handouts that have been passed around? The charges on those two issues are before you. These are the original charges submitted in May. And we spent a couple, well, we spent one day discussing these issues. Our next meeting will be in January. Right now it is scheduled for the week of January 21st. So, we plan to meet on, in Plenary, on the 23rd, 24th and 25th of January. We had a meeting scheduled for September, but it was during the week of September 17th, which ended up being not possible to hold.

I would like to go over the charge that you have in front of you for the performance standards issue. I am going to paraphrase in my overheads the points that are before you. These comments were made by Mr. Billy when he gave the charge to the committee on our May 7th meeting. He liked the committee and also the subcommittee, which is addressing this in the smaller forum, to look at the use of indicator organism in lieu of a specific pathogen, such as salmonella. We asking whether it is both scientifically appropriate and wise from a public health standpoint to incorporate regional and seasonal variations into performance standards. What is the best way to quantify a baseline prevalence data? And how should it be used to

develop or modify performance standards, is question number three? And finally, what are the key considerations that should be factored in when using risk assessments to develop performance standards?

As I mentioned we have formed a subcommittee to look at these questions in a smaller group, more manageable group. And they are, they have named themselves the Microbiological Performance Standards for Meat and Poultry Subcommittee, MPS/MPS. And they are looking first at performance standards for ground beef and then they will go to other ground products.

Currently that subcommittee is nearing completion in their deliberations of questions one, three and four. Question two they have identified the need for more data, which they are currently gathering. And a report will be produced by this subcommittee before the January Plenary session. So, that the full committee can review the work of the subcommittee.

And issue number two is the blade tenderization/E.coli 0157:H7 issue. If you will look at your second page of charges, this is the first question. Is there any reason to conclude that translocation of E.coli 0157:H7 occurs with blade tenderization or similar processes that would render traditional cooking of non intact beef products

inadequate to kill the pathogen? Number two is do non intact blade tenderized beef steaks present a greater risk to consumers from E.coli 0157:H7 compared to intact beef steaks if prepared similarly to intact beef steaks? Question number three is do non intact blade tenderized beef roasts present a greater risk to consumers from E.coli 0157:H7 compared to intact beef roasts if prepared similarly to intact beef roasts? And had we had our September meeting an additional charge was submitted to this committee and the subcommittee and it states, "The current law does not require that labeling distinguish between intact and non intact blade tenderized beef steaks and roasts. The question is does the available scientific evidence support the need for a labeling requirement to distinguish between intact and non intact products in order to enhance public health protection?"

Now these two subcommittees were active over the summer. The Microbiological Performance Standards for Meat and Poultry Subcommittee met July 16 through 18 and August 14 and 15. In their July meeting they clarified the questions that were put before them and defined and requested data, define the data needs and then requested those data of FSIS. And then they came back again in August, when they had received the data

that they requested and after evaluating it realized that there were other data that were needed to help them answer the questions. So, they then submitted further requests for other data of the Agency as well as, I think they were also provided data that they had not had in their earlier meetings. So, since August they have been reviewing the data and trying to analyze it and reach some conclusions.

The Blade Tenderization Subcommittee met on August 3 and they made some progress answering some of their questions, but, again, they identified many data gaps, which they are continuing to work on. They will again meet later and try to produce a document before the January meeting or during the January meeting.

Again, the next Plenary session is scheduled for the week of January 21, which the 21 is a holiday, so, it is the 22 to the 25. We will be holding a subcommittee meeting in conjunction with the Plenary session that week. And right now the schedule stands that the Performance Standards Subcommittee will meet January 22 all day, and part of the day on the 23. The Blade Tenderization Subcommittee meeting will be on part of the day, half a day on the 23 of January. And these subcommittee meetings are open to the public.

In January we plan to talk about these

topics. We will again review the salmonella performance standards. We will have a report from that subcommittee. We will review the blade tenderization issue and have a report from that subcommittee. The hot holding temperature subcommittee, I mean, issue, will be raised to the full committee. There was a committee formed which did discuss this issue and they will bring their conclusions to the full committee at this Plenary meeting.

We will discuss a Codex Document, which we will see on the next overhead. And the issue of criteria for shelf life based on safety will be introduced by FDA. We do not have a charge on this, for this issue just yet.

So, in closing these are the issues that, this is the one issue which will be new to the full committee is the hot holding temperature charge. And FDA is seeking advice as to whether the recommendation for hot holding temperature in the food code should be changed from 140 degrees Fahrenheit to a lower temperature and if so, should there be an associated monitoring and record keeping requirement.

The Codex subcommittee will be discussing the documents that is entitled "Decision Paper and Proposed Draft Guidelines for the Validation of Food Hygiene

Control Measures." Again, these two issues were on the docket for the September meeting, but they have been postponed to the January meeting.

And that is it. Are there any questions? I have Dr. Wachsmuth in the audience to help answer any of your questions that might arise.

MS. GLAVIN: Okay. Questions for Brenda or for Kay, who has been volunteered there?

Carol?

MS. TUCKER-FOREMAN: Thank you. I was away when the committee met on the blade tenderized product, the first time, but I read about the data that, some studies that were presented to the Committee, at least a study, on the subject. And the study perforated, used a research in which the meat was perforated only once, when in practice the meat is perforated numerous times in order to tenderize it. And this study, as I recall, had the blades cleaned before they were used again, when, of course, that doesn't happen in actual practice. I don't understand why the results of those studies will be relevant to use.

MS. HALBROOK: Well, that is an excellent question. It was raised by the subcommittee at that meeting and in fact, they have asked for further studies to be done with more real world situations and

I believe that is being planned. Anything else?

MS. GLAVIN: Any other questions or discussion on the work of the Micro Committee? Okay. Thank you.

Then I believe we are at remaining issues and plans for the next meeting. Dan, did you have your flag up? I apologize, I didn't -- Your flag up, no. Okay. Okay.

Remaining issues and plans for the next meeting and let's start with remaining issues. Are there issues that either have not been raised or have not been, have been raised and not fully completed by the Committee that anyone would like to bring up at this time? Okay. Sounds like we did a good job.

How about plans for the next meeting? Charlie, can I ask you to kind of introduce where we are in terms of the next meeting?

CHARLIE: I guess basically at this point, we will simply go through the procedure that we had gone through last time and Sonya will poll you as far as a convenient date for everybody. I mean, we will look for, I guess, last time we were in early June, we will probably look for late May or early June again and at this point I have no, no sense of the venue, which particular hotel, but we will look to have it here in D.C. And we will be back in touch, I guess, as far as

that, logistically.

MS. GLAVIN: All right. Let me ask the Committee, are there particular issues that you would like to considered for inclusion in the agenda in a late Spring meeting? Dan?

MR. LAFONTAINE: Dan Lafontaine, South Carolina. I am kind of indirectly answer your question. What this Committee had done previously, several years ago, is set aside some time for what I call brainstorming on what are the issues that are pertinent to the Agency and to the Committee members that need to be addressed. And so, each, the way it worked, is each Committee members was, had an opportunity to submit several topics. And these were then composed into one set and based upon a ranking of importance were ranked ordered. And those became the pot for discussion in future meetings. In fact, one of the topics today, Retail Exemption, came from that brainstorming session. The non amenable, amenable species was another topic I remember. So, what I am suggesting is setting aside at the next meeting some time to do that again, to just sit back and everyone look at what are the issues that we have presently or we can see in the future that would be worthy of this committee's deliberation. So that is my suggestion to

the Committee and to FSIS. Thank you.

MS. GLAVIN: Nancy?

MS. DONLEY: Actually Carol was first, but, can I just respond, Carol, real quick, because it is to this? I would like to, I agree with Dan, I liked that process that we went through, however, I really would like to see if we can't do the process between now and our next meeting and, you know, just if FSIS can send us out something, and that we respond to, do it by an email or phone or fax, whatever, so that we have, we can vote on an agenda for the next meeting.

MS. GLAVIN: Carol?

MS. TUCKER-FOREMAN: All through this meeting we have had a number of occasions to have the idea that our basic orientation ought to be food safety raised the suggestion of revising the law, so that it is more oriented toward food safety was pretty much agreed to unanimously. And I know that the two issues that were on the agenda this time were ones that were raised by Committee members. But, I hope that we will be able in the future to give some preference and some emphasis to those issues that do have to do with food safety.

MS. GLAVIN: Okay. It would help if we could have the beginnings of a discussion now of some of the issues that the Committee would like to be part of, a

further discussion. Carol?

MS. TUCKER-FOREMAN: We will have some preliminary data at least and maybe final reports from the Micro Committee and I recall the NAS committee is suppose to report by May, aren't they?

MS. GLAVIN: I thought it was August, but you might be right.

MS. TUCKER-FOREMAN: No.

MS. GLAVIN: Actually there is someone from NAS here earlier, but I don't see them at the moment. Right, they are hoping to have the committee formed by the end of this month and have their first meeting after the first of the year, is my understanding.

MS. TUCKER-FOREMAN: I hope we would have some fairly lengthy presentations on the Micro Committee's findings and maybe a detailed status report on where the NAS is. Surely, by then they will have had a couple of public hearings, and we ought to begin laying the groundwork for dealing with the recommendations they make.

MS. GLAVIN: Sandra?

MS. ESKIN: I would like to follow up on the change that we made to Question number one and spend some time outside of the box. I mean, if staff can look at that recommendation to step back and look at

the statute as it and consider what it might look like if it did, if it was made more consistent with current processes and market and all the other factors. I think that would be very useful.

MS. GLAVIN: Okay. So, you would propose having as a possible agenda topic some discussion of the statute.

MS. ESKIN: Right and maybe if the staff had an opportunity to think about this and as a starting point, have something to look at and if we had a chance to do a little preparation, getting familiar with the general statute and then, again, if staff has done a little thinking, that would get us started in a discussion. Which would be general, I assume, but, move us a little bit more toward a larger picture of the landscape we are dealing with.

MS. GLAVIN: Okay. Okay. Other ideas for possible topic areas? Okay. Then I think we have come to the public comment time. It is my understanding that no one has signed up for comment, but I see someone is ready to comment. And if you have signed up, I apologize for saying you hadn't. But, you do want to, okay.

MS. WHITE: Sorry, I didn't realize there was a sign up sheet.

Okay. Can you hear me? No?

(Pause.)

MS. WHITE: Ready. Okay. How is this? Good, okay.

Deborah White, Food Marketing Institute, one more time. I wanted to address the Committee's discussion and deliberations with respect to the retail exemption. I wanted to start, again, as I started yesterday afternoon, by saying that I think it is important that the retail community be represented at the table with respect to these deliberations. I think the failure to have somebody who can offer a practical retail perspective, adversely affects the quality of the deliberations. I appreciate the Committee's consideration of my comments and the recognition that we were there last night, as well as yesterday. But, there is a qualitative difference between offering comments as I am now, at the end, once the Committee has adopted their recommendations and positions from being present and being allowed to participate in the Committee's deliberations themselves.

Let's go to the substance of the matter. As I stated yesterday, the statute limits the establishments to which continuous inspection can apply. I agree that it is within the Agency's

discretion to work on the boundaries of the regulatory definition of what constitutes retail, but at a certain point the Agency is bounded by the statute, which provides an exclusive list of establishments that can be under continuous inspection. I, again, would like to refer to that citation, which is Section 606 of the Federal Meat Inspection Act. There is a corresponding provision in the Poultry Act. "The Secretary shall cause to be made by inspectors appointed for that purpose, an examination inspection of all meat food products prepared for commerce in any slaughtering meat, canning, salting, packing, rendering or similar establishment." Once again the court in the honey baked ham decision found the list to be an exclusive list and found the lack of the fact that retail was indicated on there to mean that retail was not included. In fact, they didn't even refer to the retail exemption for most of their, of their decision.

And just to cut to the chase here, we read through the relevant discussion yesterday, but the conclusion is a statute listing the things it does cover, exempts by omission the things it does not list. As to the items omitted, it is a mistake to say that Congress has been silent. Congress has spoken. These matters are outside the scope of the statute.

I think the closest argument the Agency would have to try to bring a retail establishment under the continuous inspection provision of Section 606 is that it is a similar establishment. That is similar to the ones that are enumerated there. But, it is our position that even if a retailer sells up to 25 percent, part of their sales go to HRI, that is not sufficient to make them similar to a slaughtering, canning, salting, rendering, packing establishment.

Second, we strongly disagree with the Committee's recommendation that removing the HRI prong of the retail definition is a food safety issue or based on food safety systems. As I stated yesterday, there has been absolutely no showing that there is a food safety problem at retail. Moreover, the Committee said in their paper that meat at retail is wholesome. A statement that we would wholeheartedly agree with, with which we would wholeheartedly agree.

Moreover, there is no showing the removing the HRI prong would address problems or improved safety at retail. Mr. Lafontaine and I discussed this at some length last night. I understand his contention, that there is a lot of science that went into HACCP and the other parts of that regulation. But, again, there is no showing that just because those systems are

necessary or helpful for one part of the chain that they will be good for another part. And I was thinking about it a little more. I think a medical analogy might be, might be helpful here. Although antibiotics are helpful for colds caused by bacterial infections, they could be useless and potentially harmful for viral infections. So, again, you need to consider the remedy, but you can't just pull a remedy out of thin air. The remedy has to be addressed to the specific problem that is being caused. In this case there is no showing that there is a problem or indeed if there is a problem, that the solution proposed would cure it.

Here the problem is economic. I think that has been recognized repeatedly, particularly with Mr. Holmes' response to Ms. Glavin's question earlier this morning. He stated that even if the data at retail showed that the retail produce was cleaner than the product produced at wholesale, that still wouldn't change his recommendation with respect to whether or not to get rid of the HRI prong. Again, if the food is safer than what is the point unless it is economic?

Mr. Jan mentioned that he thought that part of the purposes of the statute might go to economic fairness. There are some provisions in Section 602 which sets forth the purpose of the Act that seem to

allude to that, but my reading of that, and I thought about reading the whole thing, but it is long. I won't bore you with it. But, my reading of that is that basically if you have un, unsafe product or unwholesome product in commerce that that will weakened the commercial system or that product that isn't, that is adulterated would, might compete unfairly against product that is not adulterated.

The current system is effective. Again, the subcommittee said products sold at retail is wholesome. All products must meet the same standards for adulteration and misbranding. Current system relies on state and local oversight, which again, there has been no showing that is ineffective.

I would also like to echo the concerns that were expressed in the Committee's paper with respect to adding another layer of depletive oversight at retail.

Finally, it is not clear how the Agency would implement the Committee's recommendations. I think, you know, as a practical matter, it may be that what the Committee has recommended is that the Agency conduct rulemaking to remove the HRI prong at the retail definition, but, it is not clear to me whether the Agency or this Committee is suggesting that the Agency require that sales only be, that product only be sold

to household consumers or if they would be recommending that, that there be a requirement imposed that sales, that all sales of the same product be, be performed under the same terms and conditions. I think there are problems either way you go with that. And that is something that we would want to take a closer look at, but just as an initial comment, if you go the all household consumers route, I think you are going to have a problem with enforcement. How are you going to figure out whether anybody is a household consumer or not? And on the other, on the other hand, I think the anti trust laws allow people to set their own prices and terms and the volume discount is certainly a recognized procedure under Robinson Hatman. So, again, I think there is some considerations there that would need to be looked at further before you proceeded on this.

In conclusion, FMI's position is that rather than tinkering with one little element of one little portion, or one little exemption, the Agency should be taking a broader view of the, of the whole system. It should be looking at where the risks are, and it should be allocating resources accordingly. Thank you.

MS. GLAVIN: Thank you.

Other comments? Alice, you wanted to make a

comment?

MS. JOHNSON: Yes, please. It is not related to Deborah's comment. I would like to address the comments made yesterday morning about the microbiological performance standards and to the effect that the industry opposes performance standards. This is an inaccurate portrayal of the industry's position. As Marty stated yesterday, I think industry has always supported science based performance standards. The industry's position is documented back as far as 1994 and '95 for the use of science based performance standards and I think the comments submitted during the pathogen reduction HACCP proposed rulemaking and the various technical conferences supported the use of science based performance standards.

It was also suggested yesterday that the industry and others have backed away from recommendations made by this Committee which related to interstate shipment of meat and poultry products as it relates to the performance standards. Not having served on the committee in 1998, when the recommendation was passed, I will have to honestly say I don't, I didn't know what the recommendations stated. I did have a chance to look at the recommendations last night and to talk with some of the industry

members that were on the committee during that time. I think if you look at the recommendation that was passed, you will see that the wording that talks about to the extent that the Secretary requires microbiological performance standards to be met, I think the whole intent of the committee at that point was to say that products being shipped interstate from state establishments should meet the requirements of the pathogen reduction HACCP rule. I think that some of the concern that maybe industry has backed away was based on language that was brought about in the Agapros and over the last few years. I think the Agapros' language is totally different from the recommendations that were supported by the Committee. And that they actually codify enforcement actions based on standards that the industry has always contended are not based on science information.

I would like to say that surrounding the results of the various debates and the various opinions that came about in discussing the Agapros language. There was the initiative to do the two scientific reviews of the role of microbiological performance standards.

I want to commend the Agency for the work they have done with the Advisory Committee as well as

NAS in presenting the charges. I know that a lot of people within FSIS have worked hard to facilitate the meetings and as well as going through of volume this amount of data in order to present it to the committees in the manner that is useful. And I think the Agency is to be commended for that effort.

I know that once the panels have come to some sort of recommendation, as Carol stated before, there will be a chance for this committee to talk about performance standards again, if the Agency determines that there is a need to. As Maggie and Dr. Murano have said, yesterday, you know, the Agency decisions at that point can be based on science, looking at the recommendations of the two very well respected scientific bodies. As Carol indicated, I don't think our debate over performance standards is over. And I certainly hope that when it is brought, when it is or if it is brought to the Committee, that we will have the representation of all the stakeholders on the committee. I certainly have enjoyed my term working on the committee. We all bring different perspective to the table. And this group doesn't seem to have a problem with voicing their opinions in a professional and straightforward manner. And I think that is to be appreciated. I definitely commend the Agency again,

they have taken issues that and put before the Committee in very open, straightforward manner. And I certainly hope that they continue to do so. I hope that in the future when the Committee meets and we talk about the controversial issues, such as performance standards, that we continue to have the full representation that can truly discuss the issues and in the past the Committee after long nights as some would say happened last night, come up with some recommendations that are workable. And I think it really has helped me to get to hear the different perspectives of the issue.

So, again, I want to thank the Agency for the workings of this committee. I think Charlie and his staff have done a great job once again in putting together this meeting. And I appreciate the participation and hope that we will continue to be a committee that is, has representation from all the stakeholders. Thank you.

MS. GLAVIN: Carol?

MS. TUCKER-FOREMAN: Thanks. I think I need to respond just a little bit. There is, there is a difference in language here. I didn't say yesterday or at any time microbiological performance standards. I said, pathogen performance standards. The rule, the

name of the rule is the pathogen reduction and HACCP rule. Consumer organizations opposed HACCP for years. We agreed to it only when the Department agreed to have pathogen reduction performance standards. It is pathogen reduction that is at issue. Everybody in the industry says they are in favor of microbiological standards. That is not what we are asking. And it is not what the rule was originally, what says now and was designed to say. It was pathogen reduction. There is in our view a need to have an objective measure of whether or not a HACCP plan results and this is language that we have used from the beginning, that a HACCP plan results in food coming off the end of the line that is cleaner, safer and less likely to cause food borne illness than food that came off the line before there was a HACCP plan.

Now, there were other things that we asked for, that were not granted by the Department. For starters, we asked that every HACCP plan be reviewed by and approved by the Department. That was not agreed to. We asked and have continued to ask that the pathogen reduction performance standards be extended beyond salmonella. That hasn't taken place. And, in fact, now, there is an effort to rollback the salmonella standard. When we had the interstate

discussion, now, it is clear that the industry disagrees, but, the fact is that we supported the HACCP plan with that caveat. And if the pathogen reduction part of the pathogen reduction and HACCP rule ceases to exist, we will, I can assure you, not support HACCP anymore because we don't believe that there is any objective measure of whether or not a company is, has a plan that actually produces reasonably safe food. That is one of the ways.

When we had the discussion here about interstate shipment and as you noted, you weren't here, I think everybody who is here, who is in the room now, will recall that our support for that, Nancy and I, Caroline Smith-Dewall, and in fact, some other members, was absolutely predicated on the notion that there would continue to be pathogen reduction performance standards. They were part of the rule at that time and that they would continue to be. I brought with me several of the concept papers that the Department circulated during that time. They all talked about pathogen reduction as part of this scheme.

And then just on, two final points. One, on October 16, I received a letter from Undersecretary Murano saying that the Department supports the use of pathogen reduction performance standards in meat and

poultry inspection. So, it appears to me that the Department remains on record in favor of pathogen reduction performance standards.

Finally, with regard to the question that the Department asks of the National Advisory Committee on microbiological standards, the USDA asks the Committee, which is on microbiological standards, to examine FSIS' salmonella performance standards and their proposal to revising the salmonella standards. So, we are talking here once again, pathogens, not microbiological. It doesn't serve anybody's interest to not make clear what our terms are. And for the record, ours are there has to be some relationship between the occurrence of the organisms that make people sick and a company's ability to control those through a HACCP plan, for us to believe that it has a relationship to human health and food safety and to continue to gather, earn our support.

MS. GLAVIN: John?

MR. NEAL: My thanks to the Committee for letting me be here. She is very, Alice is right, this is a very objective and open views here with everybody and I enjoy that.

I appreciate your concerns, Carol, and your, not your concerns, but your stand. And I think we all

have those same stand. I think the industry does in their own certain way. It is easy to sit here and talk, but have you ever been in a plant and watched an operation under HACCP? No, and I am not, no, Ma'am, I am not insulting you, Ms. Foreman, but you know I, it is easy to sit here and not see what happens under these guidelines. I mean, you attack a HACCP program, I am not sticking up for them. I am sticking up for what I know and I see. And, you know what, I have learned a lot coming in here that I didn't know. You teach me a lot. I have gathered a lot of knowledge from you that I didn't understand or know. So, I am not insulting you, Ms. Foreman, I promise you I am not challenging you or attacking you. Okay. And that is fine, and I think that is important in people who have problem with pathogen reduction and everything and a proper HACCP plan or it could be a similar plan. We will work, if the plant is doing their job right. And believe we try, whether it is small plant, big industry, and I specifically, when there are some big plants between last meeting and this meeting, because it had been a long time since I have been there. It is easy to work in the small environment but I went to see what these guys have in their plant. And I wasn't trying to insult you, I really wasn't.

MS. TUCKER-FOREMAN: Let me respond.

MR. NEAL: And that is all I have, that is all I have to say.

MS. TUCKER-FOREMAN: Yes. Let me, nobody is on this committee because you run a dirty plant.

MR. NEAL: Oh, I understand that.

MS. TUCKER-FOREMAN: The cream of the crop gets picked to be on this committee. There are 6,100 meat and poultry plants out there. Not all of them are either sophisticated or very good. We all know that. And the rules are not written for those of you who do the good job, although sometimes you make mistakes, look at Sara Lee, but they are written for those people who without the rules would cheat us and you. They would drive you out of business and they would make us sick. Those are the people who rules are written for. And somebody has got to be sure that their HACCP plans perform as well as yours does.

MS. GLAVIN: Alice and then Marty.

MS. JOHNSON: Okay. Again, I do appreciate, Carol, your comments and your views. And I think that is again a tribute to the Committee that we can all talk this openly, and I am sure that this debate is not over and we will have the recommendations from the Committee, the science advice to consider. So, thank

you.

MS. GLAVIN: Marty?

MR. HOLMES: Yeah, I just wanted to clarify a few things, too. And you will not see, I don't think industry, but I will certainly speak for now, run away from trying to decrease pathogens on our products. Making our customers, of which we consume our own products, but, making our customers sick, certainly does not enhance our ability to stay in business. So, we are not, we are not interested in producing unwholesome food or certainly no pathogen in our food.

I don't think you see us, we are certainly not opposed to a zero tolerance on 0157:H7 in raw product, raw ground beef product, which is speaking for our own standpoint, we produce a tremendous amount of ground beef in this country, through our membership. So, we are not opposed to 0157:H7 zero tolerance at all. We are very supportive of that. But, you mentioned a statement or mentioned some words in your last statement which was within the company's ability to keep that out of the supply. And I challenge you to help me and help our industry and our members find a way in a raw plant, raw in and raw out plant, without a kill step, okay. It is very difficult and I, to find a way to help, help get rid of that pathogen, that one in

particular. I mean, there are numerous, but, you know, there is zero tolerance for listeria on cooked products, which I am not, I am not an expert by any means, but you know, we are continually trying to look at our suppliers. And I mentioned yesterday, 0157:H7 is a disease that or is a pathogen that affects humans, but doesn't affect the live animal, in trying to find a way to bridge AFSIS and USDA, or AFSIS and FSIS to have some, some control there to see if we can do anything to prevent it in the live animal, before it ever gets to the packing plant. So, you know, I think we are preaching from the same, same hymnal, but it does concern me to hear, hear you say that your organization would not support HACCP when, at least in my opinion, and I think the industry's opinion, is that we are producing safer product and cleaner product today than certainly we were, you know, 10, five years ago. So, it is a continuous process and a continuous improvement, but I would hope that you all would continue to support HACCP in its, in its capabilities. Thank you.

MS. TUCKER-FOREMAN: There has to be an objective measurement that you are meeting a standard that has a relationship to health. And 0157:H7 doesn't do it, Marty, because it is not a poultry issue. What

are you going, what measurement are you going to use in a poultry plant for 0157, for the pathogen? You and I can have this discussion elsewhere, I don't want to go on with it, but, at the last meeting you are the one who raised the fact that there are now a number of ways that you can, or at least a couple, that you can, as a grinder, reduce the presence of pathogens on raw material that comes into your plant. I want you to be sure and be using those, and I want the companies who wouldn't do it without the USDA requirements, to have an incentive to do it.

And I will now shut up about, for this meeting, except to say that Alice represents an organization, I represent an organization. We have members. I went to my members and said, this is a pathogen reduction and HACCP rule, we should ask the inspectors to let it work and we should ask the public to let it work. If there is no pathogen reduction requirement, then the basis on which we supported it has been removed. And that would be really very unfortunate for all of us.

MR. HOLMES: Can I say something?

MS. GLAVIN: Absolutely.

MR. HOLMES: I concur with you and you are right, I did bring that up and specifically to Sinova

product, and I think that tied into some of the conversations we had today, which was standards of identity and labeling issues. Our members are excited about that. We do have some members that although you can't put in the grinder at this point, because it is not allowed, we are working on trying to resolve that issue. But, we are getting there. That is right, and we are getting there. But, I can use it on trimmings. I can use it on primals. I can use it on trimmings. I can't use it in the grinder. It doesn't necessarily make sense yet, because I can use it on caucus and all these other areas, but I can't use it here. So, we are getting there. And you are going to see, you will see our members adopt that technology. And so, you know, I concur with you. We want a zero tolerance for 0157:H7 or whatever is appropriate that we can put in place. But, obviously the technology and the, you mentioned the ability for a plant to do that, we do have some, some inabilities because of either regulations or policies and so, you know, that is part of this committee's job, is to identify that. And I think what Dan brought up was, let's look at, let's look at what issues, what roadblocks, what hurdles are in our way of producing safer product in achieving pathogen reduction and the brainstorming idea of being able to bring these

to the table, and prioritize them. And I agree with you, that those, that priority list should be based on food safety concerns and risk based inspection. And so, I don't know we are that far apart, Carol.

MS. GLAVIN: Okay. Thank you.

Are there other comments, oh, Lee, I am sorry. I didn't mean to --

DR. JAN: Well, I want to change the tone just a bit. What I want to do is ask, I don't know, a favor or at least support from the Executive Staff at FSIS, and particularly you as acting administrator, ask that you support the development of some work groups to work on a directive that affects how cooperative state, cooperative meeting special programs are overseen by FSIS. It is a directive that we started some work on. FSIS has but, we as members of the State Directors, wish to participate to have a product that is workable and would like to just ask that we have your support in that, in that endeavor in the formation of work groups.

MS. GLAVIN: Okay. I am afraid I am not real familiar with this, but, it certainly sounds like a reasonable request.

MR. DERFLER: Now, tell me how you want to participate?

DR. JAN: We have already even started talking

to the staff about forming work groups, but we want to be able to know that we have your support to participate as work groups and that your staff will work with us on that. And we would actually work with them rather than they work with us, because it is going to be their directive or your directive. But, we want to be in, in up front. And there are several issues that we have concerns about that need to be addressed, laboratory support requirements and oversight and lot of those things that we have to live by and we just want to, we just want to, like to have it on record that you will be supportive and allow us to work as, form work groups and work with that into a final product.

MS. GLAVIN: Okay. Sounds like a win.

Okay. Other comments? Final words?

They are having so much fun over there. I can't believe that we haven't all joined them. Not over there.

Okay. I do need to ask the Committee members to linger so that Sonya can, has she spoken, if you have not met with Sonya, please do so and make sure that your reimbursement and for everyone except Marty, your pay, is taken care of.

I would like to thank you all. As always,

this is a very good group. I think that it is, it is very good that we can have these discussions and I really appreciate the comedy with which the discussion, which is on a subject that is near and dear to all of our hearts, has been carried on. I think that is how we can get to the appropriate place. I hope that as you head back to your usual locations, that you think about additional topic areas that you would like brought before this committee and provide those to Charles and his staff, so that we can consider them as we move towards the next meeting. Obviously, one of the things we look at is also the timeliness of things, where we are in the process. So, you know, there might be some things that right now seem hot, that as we get closer to May, are not so hot. But, you understand that.

Dan, you had another?

MR. LAFONTAINE: Yes, to pick up on Nancy's suggestion. Are we going to have a query from your staff as far as topics and then specifically with some guidelines and then we specifically respond to it? Is that the plan?

MS. GLAVIN: We can do it that way. Sure.

MR. LAFONTAINE: Okay. You know, it needs to be structured. If we just say to send in comments, it

never works. You have to have a tickler so to speak.

MS. GLAVIN: Okay.

MR. LAFONTAINE: And then the other, I had a question, you know, there was an initiative to meet in Athens to be able to see one of the FSIS labs. Is that idea dead or not?

MS. GLAVIN: We will consider that. At the moment the security at the labs probably wouldn't make that possible, but, we will certainly put that back on the table as an option.

MR. LAFONTAINE: Okay. Thank you.

MS. GLAVIN: Okay. Any other suggestions, questions?

Okay. Thank you again. I really appreciate your hard work and your good, good humor. And if you want to go to the revival, I think they are still there.

(Whereupon, at 11:55 a.m., the meeting was concluded.)