

UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

NATIONAL ADVISORY COMMITTEE ON

MICROBIOLOGICAL CRITERIA

FOR FOODS

+ + + + +

PLENARY SESSION

+ + + + +

FRIDAY,

MARCH 24, 2006

+ + + + +

The meeting convened in the F. Scott Fitzgerald Salon C of the Westin Arlington Gateway, 801 North Glebe Road, Arlington, Virginia, 22203, at 8:32 a.m., pursuant to notice, Robert E. Brackett, Ph.D., Vice-Chair, presiding.

EXECUTIVE COMMITTEE MEMBERS PRESENT:

ROBERT E. BRACKETT, PH.D.

Vice-Chair

CURT MANN, D.V.M.

Representing the Chair

LEEANNE JACKSON, PH.D.

FDA Liaison

BRADFORD W. HILDABRAND, D.V.M., M.V.P.M.

Defense Department Liaison

DAVID GOLDMAN, M.D., M.P.H.

FSIS Liaison

GERRI RANSOM, M.S.

Executive Secretariat

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

COMMITTEE MEMBERS PRESENT:

DR. DAVID ACHESON
DR. LARRY BEUCHAT
DR. KATHRYN BOOR
DR. SCOTT BROOKS
DR. DANIEL ENGELJOHN
DR. TIMOTHY FREIER
DR. LINDA HARRIS
DR. WALT HILL
DR. MICHAEL JAHNCKE
DR. LEE-ANN JAYKUS
LTC.ROBIN KING
MS. BARBARA KOWALCYK
DR. JOHN KVENBERG
DR. JOSEPH MADDEN
DR. ALEJANDRO MAZZOTTA
DR. ANN MARIE MCNAMARA
DR. JIANGHONG MENG
DR. DALE MORSE
MS. ANGELA RUPLE
DR. DONALD SCHAFFNER
MS. JENNY SCOTT
DR. JOHN SOFOS
DR. STERLING THOMPSON
DR. IRENE WESLEY
DR. DONALD ZINK

ALSO PRESENT:

TONY CORBO
CAROLINE SMITH DEWAAL
ROBERT G. HIBBERT

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

A-G-E-N-D-A

	<u>Page No.</u>
Introductory Remarks	4
Subcommittee on Determination of Cooking Parameters for Safe Seafood for Consumers Report, MS. ANGELA RUPLE	15
Subcommittee on the Assessment of the Food Safety Importance of <i>Mycobacterium avium</i> subspecies <i>paratuberculosis</i> Report, DR. DAVID ACHESON	21
Subcommittee on Consumer Guidelines for the Safe Cooking of Poultry Products Report, DR. DANIEL ENGELJOHN	28
Public Comment, ROBERT G. HIBBERT	59
TONY CORBO	61
CAROLINE SMITH DEWAAL	63

NEAL R. GROSS

3

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

8:32 a.m.

VICE-CHAIR BRACKETT: Good morning, everybody. It's 8:30, so if you could take your seats, please, we'll begin.

Well, good morning, and welcome to today's plenary session of the 2004-2006 National Advisory Committee on Microbiological Criteria for Foods. I'm Dr. Bob Brackett, Vice-Chair of the Committee, and Director of FDA's Center for Food Safety and Applied Nutrition.

Unfortunately, our Chair, Dr. Raymond, Under Secretary for Food Safety at the United States Department of Agriculture, is unable to be with us due to another obligation, and he does send his regrets, but in his absence we have Deputy Under Secretary for Food Safety at USDA, Dr. Curt Mann to my left here, and I would like to welcome Curt to our meeting.

Curt, do you have any comments?

DR. MANN: Yes, I'm just glad to be here. I've never been to one of your meetings. I look forward to just sitting in, and listening, and learning.

Dick Raymond wanted me to send his regrets he couldn't be with you. He's just in a

NEAL R. GROSS

4

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 very short time grown to appreciate and know the
2 value of this Committee, and also I'm just recently
3 reminded by the words of our President that,
4 "Service to the Nation is very, very important,"
5 whether you wear a uniform, or if you mentor a
6 child, and I think advisory committees are service
7 to the nation. So, I look forward to today and
8 thank you all.

9 VICE-CHAIR BRACKETT: Thank you, Curt.

10 To continue, I want to mention that our
11 2004 to 2006 Committee has been quite busy during
12 this term, assisting our participating food safety
13 agencies with a variety of very complex food safety
14 issues.

15 Our members are providing an invaluable
16 service, as Curt just mentioned, in lending their
17 expertise to our Nation's food safety programs.

18 I want to commend the Committee on the
19 hard work that goes into the scientific advice that
20 they generate, and for the important role that they
21 help in providing us with the scientific foundation
22 for regulations and programs aimed at reducing food
23 borne disease and enhancing public health.

24 Preventing and reducing foodborne
25 illness is an evolving challenge, and the reports
26 that the Committee adopts are a vital part of our

NEAL R. GROSS

5

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 success in this area. These reports serve as part
2 of our basis for science-based decision making, and
3 provide us with the latest information and direct
4 us to where important data and information gaps do
5 exist.

6 On behalf of the full Committee and the
7 Federal agencies that sponsor the National Advisory
8 Committee for Microbiological Criteria for Foods,
9 I'd like to thank each of you for your continued
10 service, and the valuable time that you spend in
11 volunteering in support of the activities of this
12 Committee.

13 At this time, I'd like to go around the
14 table and have Committee members introduce
15 themselves and state their affiliations, and just
16 throughout this entire morning what I would ask is,
17 make sure that you have your microphones turned on
18 for our reporter, and also state your name when you
19 do say anything.

20 So, at this point, I'd like to start
21 with introductions, and we'll start with Dr.
22 Schaffner.

23 DR. SCHAFFNER: Don Schaffner, Rutgers
24 University.

25 DR. KVENBERG: John Kvenberg, Food and
26 Drug Administration.

NEAL R. GROSS

6

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 DR. MADDEN: Joseph Madden.
2 DR. McNAMARA: Ann Marie McNamara,
3 Siliker.
4 DR. MAZZOTTA: Alejandro Mazzotta with
5 McDonald's Corporation.
6 LTC. KING: Robin King, DoD, Veterinary
7 Services Activity.
8 DR. THOMPSON: Sterling Thompson, the
9 Hershey Company.
10 DR. HARRIS: Linda Harris, University of
11 California, Davis.
12 DR. BEUCHAT: Larry Beuchat, University
13 of Georgia.
14 DR. WESLEY: Irene Wesley, U.S.
15 Department of Agriculture, National Animal Disease
16 Center, Ames, Iowa.
17 DR. MENG: Jianghong Meng, University of
18 Maryland.
19 DR. SOFOS: John Sofos, Colorado State
20 University.
21 DR. FREIER: Tim Freier with Cargill.
22 DR. ACHESON: David Acheson, FDA.
23 MS. RUPLE: Angela Ruple, U.S.
24 Department of Commerce, NOAA Fisheries.
25 DR. JAHNCKE: Michael Jahncke, Virginia
26 Tech.

NEAL R. GROSS

7

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 DR. JAYKUS: Lee-Ann Jaykus, North
2 Carolina State University.

3 DR. ENGELJOHN: Dan Engeljohn, U.S.
4 Department of Agriculture, Food Safety Inspection
5 Service.

6 MS. KOWALCYK: Barbara Kowalcyk, Safe
7 Tables Our Priority.

8 DR. ZINK: Don Zink, Food and Drug
9 Administration.

10 DR. MORSE: Dale Morse, New York State
11 Department of Health.

12 DR. BROOKS: Scott Brooks, E&J Gallo.

13 DR. BOOR: Kathryn Boor, Cornell
14 University.

15 DR. HILL: Walt Hill, Institute for
16 Environmental Health.

17 MS. SCOTT: Jenny Scott, Food Products
18 Association.

19 LTC. HILDABRAND: Brad Hildabrand, DoD,
20 Veterinary Service Activity.

21 DR. JACKSON: LeeAnne Jackson, FDA,
22 Liaison to the Executive Committee.

23 DR. GOLDMAN: I'm David Goldman, Office
24 of Public Health Science at the Food Safety and
25 Inspection Service.

26 EXECUTIVE SECRETARIAT RANSOM: Gerri

NEAL R. GROSS

8

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 Ransom, Food Safety and Inspection Service, NACMCF
2 Executive Secretariat.

3 VICE-CHAIR BRACKETT: Okay, at this
4 point I would to take a sort of sidestep here. I
5 just want to note that we have a special guest with
6 us this morning, and many of you know him, and
7 that's Dr. Merle Pierson, who is a past National
8 Advisory Committee Chair from 2002 to 2005, and
9 currently he is now the USDA Deputy Under Secretary
10 for Research, Education and Economics.

11 And, Dr. Pierson if you could come up
12 here, please, we would like to present you with our
13 appreciation for the service that you have done.
14 For those of you who don't know Dr. Pierson, when
15 the history of this Committee is written he will
16 probably be the primary author, because he's been
17 here from the very beginning, but what we would
18 like to do is give you in appreciation a
19 certificate that the sponsoring agencies have
20 provided and that the Executive Committee would
21 like to give you to thank you for the service and
22 your commitment to that Committee, and your
23 participation is very appreciated by all the
24 Committee.

25 (Applause.)

26 VICE-CHAIR BRACKETT: I will read the

NEAL R. GROSS

9

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 certificate so people know what, this says, "United
2 States Department of Agriculture Certificate of
3 Appreciation for Work You've Done, Merle Pierson,
4 for your dedication and service as the Chair of the
5 National Advisory Committee for Microbiological
6 Criteria from 2002 to 2005." This has been almost
7 a career for you.

8 DR. PIERSON: I can't help but say just
9 briefly -- wonderful friend -- but John, you've
10 been on this Committee longer than I have. I know
11 several of you have been on this a long time, and
12 I'll just say it's a fantastic committee, highly
13 respected, highly regarded and very, very much
14 appreciated. I think it's one of the, if not the,
15 top-notch advisory committees.

16 So, thank you very much.

17 (Applause.)

18 VICE-CHAIR BRACKETT: Thanks much,
19 Merle.

20 At this time, I'd like to turn over the
21 floor to Gerri Ransom, our Executive Secretary, who
22 will provide some additional information.

23 Gerri?

24 EXECUTIVE SECRETARIAT RANSOM: Good
25 morning, and again, welcome. As always, if anyone
26 needs any assistance please let myself or Karen

NEAL R. GROSS

10

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 know, and if your red light is on your microphone
2 is working, so if you'd look for that.

3 A quick mention on some meeting
4 procedure for today. If you would like to
5 participate in discussions, please take your name
6 tag and set it vertically, and the Vice-Chair will
7 be alerted that you would like to speak.

8 For any guests wishing to make public
9 comment today, we ask that you please register out
10 at our front table. We have a sign-up sheet out
11 there, and we are allotting each guest ten minutes
12 for comments, so please make sure you do that.

13 I also want to point out to our guests
14 that we do have a table set up front, where we have
15 made available documents relating to NACMCF work,
16 so please make sure and stop by and pick up
17 documents that interest you.

18 Related to NACMCF business, I have a
19 few updates I'd like to mention regarding the
20 status of a couple of NACMCF committee reports. The
21 report, "The Analytical Utility of *Campylobacter*
22 *Methodologies*" is in final stages of preparation
23 for posting on the FSIS website, and also for
24 submitting to the Journal of Food Protection, so we
25 are going to see that happen very soon.

26 The report, "Requisite Scientific

NEAL R. GROSS

11

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 Parameters for Establishing Equivalence of
2 Alternative Methods of Pasteurization," that has
3 been available on the FSIS website, has been
4 accepted by the Journal of Food Protection, and
5 should publish in the May issue.

6 Now, we are rapidly moving through the
7 2004-2006 NACMCF term. The current Committee
8 charter will expire September 23rd. We've already
9 initiated Committee renewal paperwork, and our
10 recharter packet is in-process.

11 The majority of current NACMCF members
12 are eligible to return for another term, but new
13 work will dictate what specific expertise will be
14 sought for the 2006-2008 Committee. The NACMCF
15 Executive Committee plans to meet in approximately
16 30 days to make decisions on new work for the
17 Committee, and also to review our budget for the
18 remainder of this fiscal year. At that time, the
19 Board is going to decide if we are going to have
20 another week of meetings and plenary session, or
21 whether we'll have separate subcommittees meet.

22 A couple of administrative notes.
23 Please check your entries on your particulars in
24 the meeting notebook to make sure we are up to date
25 on your contact information, and let Karen know if
26 there's any problems with that and we'll make

NEAL R. GROSS

12

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 corrections.

2 And finally, very importantly, please
3 fill out your travel expense sheets that are found
4 in the back of your notebook as soon as you can,
5 and get the required receipts to Karen, and we'll
6 work on your reimbursement.

7 You have our sincere apologies for any
8 delays that we've experienced on reimbursements for
9 past travel. We have dealt with a garden variety
10 of problem circumstances, but we hope we've got the
11 bugs worked out.

12 I hope you have an enjoyable meeting
13 today, and thank you, and I'm now going to return
14 the floor back to Dr. Brackett.

15 VICE-CHAIR BRACKETT: Thank you, Gerri.

16 And, one thing I missed is that we do
17 have one person on the phone, and if you could
18 introduce yourself, please, Patty. Can you hear
19 me? What I'm hearing is that -- and also I'm
20 reminded, if you could please speak as directly
21 into your microphone as you can, because -- we are
22 not hearing anything -- we'll see if we can fix
23 that as we move on, but they are having trouble
24 hearing unless you are talking directly into the
25 microphone, so we'll try to fix that.

26 Moving on, I'm pleased to report that

NEAL R. GROSS

13

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 all three of our active, subcommittees, have made
2 strong work progress this week, and these -- can
3 those of you on the phone hear us?

4 Can you hear me, Patty?

5 DR. GRIFFIN: Now I can for the first
6 time.

7 VICE-CHAIR BRACKETT: Okay, good. Well,
8 could you introduce yourself, please?

9 DR. GRIFFIN: Can you say that again?

10 VICE-CHAIR BRACKETT: Can you introduce
11 yourself, please?

12 DR. GRIFFIN: I'm Patricia Griffin from
13 the CDC.

14 VICE-CHAIR BRACKETT: Okay, and we will
15 try to yell into our microphones so that you can
16 hear us.

17 The Subcommittee on Determination of
18 Cooking Parameters for Safe Seafood for Consumers,
19 chaired by Spencer Garrett, and the second one is
20 the Subcommittee on Consumer Guidelines for the
21 Safe Cooking of Poultry Products, chaired by Dr.
22 Dan Engeljohn, and the third one is the
23 Subcommittee on Assessment of the Food Safety
24 Importance of *Mycobacterium avium* subspecies
25 *paratuberculosis*, chaired by Dr. Acheson.

26 The Subcommittee on Determination of

NEAL R. GROSS

14

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 Cooking Parameters for Safe Seafood for Consumers
2 has had a number of working sessions, which will
3 result in valuable information to consumers on how
4 to cook seafood safely. Spencer Garrett and his
5 staff were affected by Hurricane Katrina, but they
6 are back with us, and bouncing back and I am happy
7 to report, and so at this time what I'd like to do
8 is turn the floor over to, actually, Angela Ruple,
9 Spencer Garrett had to leave yesterday, so Angela
10 is going to provide us with an update on the
11 subcommittee's work.

12 MS. RUPLE: Thank you, Dr. Brackett.

13 First of all, I'd like to thank the
14 subcommittee members, as Dr. Brackett said, we had
15 several sessions. We had at least three face-to-
16 face meetings that were either one or two-day
17 working sessions, so the subcommittee has put forth
18 a lot of time and effort on this charge, and we
19 feel like we are making very good progress.

20 You should each have before you a copy
21 of Spencer's report on the subcommittee. You can
22 read that at your leisure.

23 What I would like to do this morning is
24 just kind of hit some of the high points on what
25 the Committee is working on, the approach that we
26 are taking, and where we expect to go with this

NEAL R. GROSS

15

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 charge.

2 You can read the background, but,
3 obviously, there is a definite need for consumers
4 to be able to determine whether a seafood product
5 is cooked.

6 Can you hear, Patty? Is this any
7 better, can you hear me?

8 DR. GRIFFIN: I can hear you, I can't
9 hear the speakers.

10 VICE-CHAIR BRACKETT: That was the
11 speaker.

12 DR. GRIFFIN: I can hear better now.

13 VICE-CHAIR BRACKETT: Okay.

14 DR. GRIFFIN: I can just hear now.

15 MS. RUPLE: Okay, I'll try to talk into
16 the microphone.

17 First off, I'd like to read, I think
18 most of you are familiar with the Committee's
19 charge, but I'd like to read that once again.

20 Our charge is to determine the minimum
21 requirements for achieving microbiologically safe
22 cooked seafood and the associated methods for
23 objective measurement of the cooking.

24 We were directed to assess all
25 pathogens of concern, bacteria, viruses and
26 parasites, also associated heat labile toxins, if

NEAL R. GROSS

16

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 applicable, and various seafood cooking methods
2 that may be used by the consumer.

3 Specifically, the subcommittee was
4 asked to address seven questions, and these are
5 also listed on your handout, but I think it would
6 be worthwhile just running through those questions
7 quickly.

8 What pathogens and parasites are of
9 concern in seafood purchased by consumers?

10 Do cooking methods differ in their
11 ability to eliminate the identified organisms?

12 Do the cooking requirements differ by
13 type of seafood, for example, fin fish, molluscan
14 shell fish, or crustaceans?

15 What effect, if any, does the condition
16 --

17 DR. GRIFFIN: We're only getting half
18 the words. If you could call me back.

19 VICE-CHAIR BRACKETT: Can you on the
20 phone hear me when I'm saying this?

21 DR. GRIFFIN: I haven't gotten anything
22 in writing about the Committee work.

23 VICE-CHAIR BRACKETT: We're going to try
24 to -- have to cut them off, yes, they are not --

25 Go ahead, Angela.

26 MS. RUPLE: We were also asked to look

NEAL R. GROSS

17

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 at what effect, if any, does the condition of the
2 seafood when purchased, for example, whether it's
3 raw, cooked, frozen, have on the cooking treatment
4 required, and to determine if there is a single
5 temperature that will ensure safe seafood.

6 We were also asked to determine if
7 there are other consumer methods of preparing
8 seafood that need to be addressed. And, as an
9 example of this, we were told to look into things
10 like using lime juice in cerviche, where consumers
11 often think that this results in a cooked product.

12 And also, should consumer advice vary
13 based on any susceptible, at-risk population?

14 We've spent a great deal of time
15 addressing these questions, and at the last plenary
16 session we asked for some clarification, and it was
17 determined that our document will address
18 biological pathogens only, for example, viruses,
19 bacteria and parasites, and we would exclude any
20 chemical pollutants at this time, and that the
21 document will focus on microbiological hazards
22 reasonably likely to occur in specific raw seafood
23 commodities.

24 I'd just like to now briefly tell you
25 where we are in addressing this charge. One of the
26 first things that we've done is to obtain

NEAL R. GROSS

18

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 epidemiological data from CDC, as well as from the
2 Center of Science and the public interest. We are
3 now in the process of examining that data to
4 determine what the most relevant pathogens are, and
5 what the frequency of occurrence and the location
6 of these pathogens might be.

7 The second thing that we have spent
8 some time on is to discuss the different methods of
9 cooking. We defined different methods of cooking
10 and preparing seafood, and we are in the process of
11 comparing these to determine what the similarities
12 and differences are, and how they affect the
13 pathogens present in the seafood.

14 Our main emphasis has been in
15 recognizing that *Listeria monocytogenes* is the
16 hardest of the vegetative bacterial pathogens
17 associated with seafoods. We are in the process of
18 reviewing thermal inactivation data of *Listeria*
19 *monocytogenes*, particularly, in the commodities
20 that we are addressing.

21 So, we've obtained data and we are now
22 in the process of evaluating the methods that were
23 used to determine the D and Z values that we're
24 looking at to determine if they were determined by
25 similar methodologies, so that we can make a
26 decision on whether they can be compared.

NEAL R. GROSS

19

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 We will also look at thermal
2 inactivation, similar thermal inactivation review
3 for viruses in molluscan shell fish, as well as
4 parasites.

5 The last area that we are focusing some
6 time and attention on is, perhaps, the most
7 difficult, and that is investigating ways to
8 determine, by laboratory means, but most
9 importantly how the consumer can determine the
10 doneness of a seafood product. Our subcommittee is
11 very serious about doing this. I understand that
12 at the last meeting in Miami several of the
13 subcommittee members went out to dinner and
14 thoroughly questioned the restaurant staff on how
15 they determined if their seafood was cooked.

16 We've also been in contact with
17 culinary institutes to determine how they teach
18 their chefs to determine the doneness of seafood.
19 So, we'll take all of this information and,
20 hopefully, be able to provide some advice to the
21 agencies on what type of information the consumer
22 needs to determine whether seafood is cooked.

23 So, that's sort of where we are on
24 this. Where we hope to be is that we feel like we
25 need two more working sessions in order to complete
26 the draft document, and we are very hopeful that

NEAL R. GROSS

20

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 the next time we have a plenary session we will be
2 able to provide the draft document to the full
3 Committee for deliberation.

4 That's all I had. If there are any
5 other subcommittee members that would like to add
6 anything, please feel free to do so. Or, if there
7 are any full Committee members that have questions
8 or comments of the subcommittee.

9 VICE-CHAIR BRACKETT: Any questions?

10 And, I would preface, to remind the
11 Committee, too, to keep your comments and questions
12 to what the speakers have just said, and not take
13 the time to do subcommittee work at this meeting.

14 Any comments for Angela?

15 Okay, thank you, Angela.

16 MS. RUPLE: Thank you.

17 VICE-CHAIR BRACKETT: Next, we'll
18 proceed with an update on the assessment of the
19 food safety importance of *Mycobacterium avium*
20 subspecies *paratuberculosis*, or MAP, that was
21 chaired by Dr. David Acheson.

22 David?

23 DR. ACHESON: Thank you, Dr. Brackett.

24 Well, the subcommittee met the first
25 time yesterday, and we had an extremely good day.

26 What I'd like to do is to go through

NEAL R. GROSS

21

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 briefly a short presentation for the Committee, so
2 that they can see where it is we are going here.

3 Can we back up to the first slide,
4 please? That's not quite where I want to start.
5 Short and sweet, right.

6 Next slide, please.

7 By means of background here, I really
8 want to sort of put this in the context of Johne's
9 Disease, which is an infectious bacterial disease
10 in ruminants, caused by the organism that we are
11 focusing on here.

12 During the course of the discussion, it
13 became clear that even though the focus is on
14 ruminants, particularly cattle, other ruminants are
15 known to carry this organism, particularly goats
16 and sheep, as are wildlife. So, certainly, in
17 terms of the scope of sources, it was already
18 beginning to spread fairly broadly.

19 The fact that Johne's Disease has been
20 spreading slowly through domestic livestock
21 populations for many years, and is continuing to do
22 so, is an important part of where we need to think
23 on this, and in terms of the United States, U.S.
24 dairy cattle represent the largest population of
25 MAP infected animals.

26 And, one of the things that we learned

NEAL R. GROSS

22

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 during the course of the discussions yesterday was
2 that on an average day an infected MAP animal may
3 put out up to 10^{-12} organisms per day, so it's a lot
4 of organisms.

5 Next slide.

6 It appears that the primary source of
7 MAP is infected cattle, but as I've said, there are
8 other animals certainly we need to have discussion
9 around, other domestic wild animals that I've
10 already mentioned.

11 We know that MAP has been isolated from
12 the environment, from water and from a variety of
13 foods, especially milk has been a primary focus,
14 because of the cattle, and ground beef. And, a lot
15 of the discussion that we had yesterday was
16 beginning to explore what other sources, foods, do
17 we need to consider as the subcommittee moves
18 forward in their deliberations.

19 Next slide.

20 The next few slides just go over what
21 the charge is to the Committee.

22 Before getting into this, I want to
23 just emphasize that the goal of this subcommittee
24 is really to focus on the question of the sources
25 getting into the food supply and mitigation,
26 potential mitigation, steps that could be exercised

NEAL R. GROSS

23

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 in the food supply to remove those -- to remove
2 MAP.

3 Very specifically, the subcommittee is
4 not getting into the issue of whether MAP is a
5 human pathogen. While that's clearly an
6 interesting exercise, and many of the folks around
7 the table yesterday were trying to pursue that, we
8 really were focused on the food aspects of this,
9 and distinctly making the decision that our role
10 was not to determine whether MAP is a human
11 pathogen, even though, obviously, that has to
12 integrate in the overall thinking of MAP.

13 So, the charge to the subcommittee
14 firstly, what food, water and environmental sources
15 are of the most concern with respect to exposure to
16 humans?

17 Secondly, what are the frequencies and
18 levels of MAP contamination found in the above
19 sources?

20 Thirdly, what is the efficiency of the
21 current methods of detection for MAP?

22 Now, I just want to digress on that one
23 a little bit, because it was very clear during the
24 discussions that methods to tag MAP was a key area
25 that we needed to focus on. The methods have
26 evolved over a period of time, but the vast

NEAL R. GROSS

24

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 majority of them, if not all of them, are focused
2 on detecting MAP in sick animals, as a veterinary
3 diagnostic. They are not focused on detecting MAP
4 in food, and they've been adapted by many
5 researchers to do that, but we have a lot of
6 questions around the validity of those methods.

7 The fourth charge is what processing
8 interventions are available for foods of concern,
9 to eliminate or reduce the levels of MAP
10 contamination to an acceptable level, or to ensure
11 that MAP doesn't enter the food supply?

12 Next slide.

13 The fifth point, what are the research
14 needs to determine, (A) additional sources of map;
15 (B) the frequencies and levels of MAP contamination
16 in specific sources of concern; (C) potential
17 processing interventions to eliminate or reduce the
18 levels of MAP contamination; and, (D) potential
19 processing interventions to prevent MAP from
20 entering the food supply.

21 And then finally the sixth charge is,
22 really, just open ended, in terms of other
23 additional research needs to help address the
24 charge.

25 The Committee, as I said as I was going
26 through this, had a very good discussion yesterday.

NEAL R. GROSS

25

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 I think that the focus really was on data needs.
2 There are a lot of references on this. As I've
3 said, most of the focus to date has been focused on
4 milk, and it was very clear during early
5 discussions that it needs to broaden way beyond
6 milk, and part of the goal of the subcommittee is
7 to gather the references, review them, and develop
8 a sense as to where the science is to answer the
9 charge.

10 We were lucky yesterday to have a
11 couple of experts who were part of the audience for
12 the subcommittee meeting, who very generously gave
13 presentations spontaneously for us, and that was a
14 huge help, and clearly, we are going to need to
15 rely on experts, both within the subcommittee and
16 outside.

17 That really concludes my formal
18 comments. I would certainly, first off, ask if
19 there are any members of the subcommittee who were
20 part of the discussions yesterday have anything to
21 add to what I've said?

22 And then, I think we can go on to the
23 next slide, open for questions generally.

24 Thank you.

25 VICE-CHAIR BRACKETT: Questions for Dr.
26 Acheson? No questions, okay.

NEAL R. GROSS

26

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 Interestingly, at this time we are
2 scheduled to go to a break, but unless there's any
3 objections I would propose that we charge forward
4 and go on to the next subject. Anybody object?

5 Okay, next up we have Dr. Dan Engeljohn
6 of the Poultry Cook Subcommittee, who is bringing
7 the subcommittee document titled, "Response to the
8 Questions Posed by FSIS Regarding Consumer
9 Guidelines for the Safe Cooking of Poultry
10 Products," and he's bringing this to the full
11 Committee for consideration and adoption.

12 Dan has been under considerable
13 pressure to work his group extra hard, to complete
14 their document as it contains information critical
15 to FSIS' food safety programs, and the agency has
16 made the specific request of Dan to set a goal to
17 finalize the work at these March, 2006 meetings.

18 Dan has provided draft versions of the
19 document to the subcommittee and to the full
20 Committee for review and comment, and to assist in
21 its development.

22 The work is timely, because of the need
23 for FSIS to immediately consider the
24 recommendations in the report, specifically, there
25 is a current outbreak associated with a raw breaded
26 poultry product, as is addressed in the report, and

NEAL R. GROSS

27

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 there is an urgent need for FSIS also to convey
2 safe poultry cooking procedures to consumers and
3 the industry regarding avian influenza.

4 And, with that, I will turn the floor
5 over to Dr. Engeljohn for a discussion.

6 DR. ENGELJOHN: Thank you very much.

7 And first, Dr. Brackett, I'd like to
8 say thank you to my eight other subcommittee
9 members, they worked very hard, and we had three
10 face-to-face meetings in which the majority of the
11 subcommittee members were actually in attendance
12 and provided constructive and helpful input, and
13 then members of the full Committee also attended
14 the subcommittee working group meetings and
15 provided valuable input. So, we were very
16 fortunate to have a group of individuals who
17 engaged in this process and were quite constructive
18 in getting this document in the shape that it is in
19 for today for adoption.

20 I'd also like to identify that we had a
21 number of technical resource experts to join our
22 working group meetings to provide input, and I will
23 name them, just so I can have their names in the
24 record. Kevin Elfering from the Minnesota
25 Department of Health and Agriculture was asked to
26 come to the first subcommittee meeting on this

NEAL R. GROSS

28

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 subject, to provide information about a current
2 outbreak that was occurring last year at the
3 beginning of the year in the State of Minnesota,
4 with the type of product that is involved in an
5 outbreak at this time, which that is a raw poultry
6 product that's encased in a breading for which the
7 product appears to be ready-to-eat, but is not.
8 And so, he provided valuable input about the
9 outbreaks that his state had uncovered on two
10 different occasions in the past.

11 And then in addition, from the FSIS
12 staff, Paul Uhler came to the meetings and ran the
13 laptop and provided the assistance of getting the
14 documents typed and edited.

15 And then, Diane Van from the USDA
16 Hotline staff, a Home Economist, provided valuable
17 information about how consumers handle these types
18 of products, as well as general information about
19 consumer behavior, as she is understanding it by
20 the questions that come in to her hotline staff.
21 It's also her staff that provides information to
22 consumers. So, her input was quite valuable to
23 this subcommittee, in understanding what type of
24 information would be helpful to the consumers, and
25 what kind of information has been conveyed to them.

26 And then, from the labeling staff at

NEAL R. GROSS

29

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 FSIS, Dr. Robert Post and Roslyn Murphy-Jenkins
2 provided examples of labels and cooking
3 instructions for the subcommittee to review, and
4 have some understanding about the labeling policies
5 that the agency has.

6 And then, Dr. Faye Bresler, from FSIS,
7 also provided the subcommittee with information
8 about the epidemiology investigations that have
9 occurred with some of the outbreaks.

10 So, as technical resources, this group
11 of individuals was quite helpful I think to the
12 subcommittee.

13 We did have three face-to-face
14 meetings, as well as electronic communication of
15 the documents, along with sharing those with the
16 full Committee, and so at this time I'm not aware
17 of any substantive edits or concerns that have been
18 identified by any Committee member. We did spend a
19 great deal of time editing this document on
20 Wednesday, and we think we did a really good job
21 capturing all the edits, that if this document is
22 adopted today the intention is to submit it for
23 peer-review publication, and we do know that there
24 will be edits needed for any type of publication,
25 and that if the Committee is in agreement we will
26 make those types of minor edits on a case-by-case

NEAL R. GROSS

30

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 basis.

2 I also want to point out that we did,
3 as an agency, FSIS, identify seven questions,
4 similarly, to what the seafood group was asked to
5 answer with regards to what is the safe cooking
6 temperature, as well as practical guidance as to
7 how to determine that the product is safe.

8 And, the final document that we have
9 put together has six main points that I'd like to
10 just summarize for everyone to have a good
11 understanding.

12 The document does identify a minimum
13 internal product temperature of 165 degrees for the
14 microbiological safety of poultry, as to be
15 achieved by the consumer in their preparation
16 practices.

17 This document does make clear that food
18 establishments that operate under Federal
19 inspection or state inspection, as an example,
20 continue to have the flexibility that they need in
21 order to produce a safe product, and that they may,
22 in fact, have lower time and temperature options to
23 achieve the same level of safety that we provided
24 to the consumer, with the minimum internal product
25 temperature of 165 degrees.

26 We've also identified that there is a

NEAL R. GROSS

31

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 need to provide to the consumer evidence that the
2 products that may appear to be ready-to-eat
3 contains uncooked or raw product, in this case
4 poultry, if, in fact, this is the type of product
5 that's being distributed.

6 The outbreaks that have been associated
7 with the types of products that the Committee
8 focused on all revolved around the issue that the
9 consumer really was not able to discern that the
10 product was not-ready-to-eat because it appeared to
11 be ready-to-eat.

12 And, the labeling was confusing to many
13 of the consumers, as well, the cooking
14 instructions, even if followed in some cases, would
15 not achieve the desired or necessary level of
16 microbiological safety, and so there's a need for
17 more accurate validated cooking instructions.

18 There's also a need to ensure that the
19 practical validated cooking instructions are, in
20 fact, based in some part on evidence that the
21 consumer will likely follow the guidance that's in
22 the cooking instructions. It's one thing to tell
23 the consumer to cook their product to 165 degrees
24 and provide a variety of means to do so, but if the
25 instructions are confusing, or complicated, or not
26 practical, they still likely will not follow them,

NEAL R. GROSS

32

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 and in many cases may not have temperature
2 measuring devices available to them to check the
3 temperature. And so, it's essential that
4 manufacturers have validated practical cooking
5 instructions, and so the document expresses a need
6 for the agency to provide such guidance to the food
7 processing industry.

8 We also want to point out that although
9 when we began the work of this subcommittee, in
10 terms of our charge, the agency did ask us to look
11 at the primary microbiological pathogens of public
12 health concern, and identified *Salmonella* as the
13 primary organism, also identified *Listeria*, because
14 with ready-to-eat products *Listeria monocytogenes*
15 is known to be a contaminant of the post lethality
16 treated product.

17 At the time that (we) began our
18 deliberations, avian influenza was not a central
19 focus, particularly, here in the United States,
20 although it was something that we were tracking in
21 terms of what was happening in the international
22 community. But, since we began our work on this
23 particular charge, it has become a more urgent
24 issue to identify what, in fact, is a safe
25 temperature to cook poultry to, should that virus
26 be present, and this document does identify that

NEAL R. GROSS

33

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 the 165 degrees, which we have identified in this
2 document to be the appropriate temperature for
3 microbiological safety, is established with
4 *Salmonella* as the target organism, but that this
5 temperature exceeds that which is necessary to
6 adequately destroy avian influenza virus if it's
7 present. So, we do make mention of that issue
8 within this document.

9 And then finally, the document does
10 identify that although we are providing
11 instructions that are valid to the consumer, to the
12 food processor, making more evident that the
13 product is not ready-to-eat when, in fact, it
14 appears to be so, and that the safe microbiological
15 temperature to be achieved will, in fact, result in
16 a product that may not reach the desired level of
17 doneness that consumers are used to having with
18 their cooked poultry products. And so, this
19 document does identify that it is important to at
20 least convey that there's a distinct difference
21 between achieving microbiological safety through an
22 endpoint temperature, which is a minimum internal
23 temperature of the product, and doneness. And so,
24 there is a descriptor in there, in the document,
25 about what doneness is, and some guidance to the
26 agency of how to address that issue when consumers

NEAL R. GROSS

34

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 ask about that particular issue.

2 So, with that, I'd like to say that the
3 agency, as Dr. Brackett noted, has identified that
4 this document is quite timely. We do have a current
5 outbreak on this same type of product that
6 initiated the charge for the subcommittee to begin
7 work, and we have given the industry a timetable of
8 resubmitting labels to the agency by May 1 of this
9 year. And so, with that, this document contains
10 the type of information that would be extremely
11 valuable to them in development new labels for
12 their products that more clearly articulate to the
13 consumer whether or not the product is a not-ready-
14 to-eat product that contains raw poultry. It
15 contains information about appropriate use of a
16 microwave when processing a frozen raw chicken
17 product, and then importantly, it contains
18 information about validated cooking instructions.

19 So, the agency's intention will be that
20 if this document is adopted that we will quickly
21 convert it into a compliance guideline that would
22 provide instructive information to our industry, in
23 order to comply with the labeling requirements that
24 the agency has put in place as a consequence of the
25 recall that we asked for last week, and then begin
26 the process of also conveying to the consumer

NEAL R. GROSS

35

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 important food safety information about how to
2 properly prepare their poultry products for
3 microbiological safety.

4 And then finally, it is the intention
5 to publish this document in a peer-review journal,
6 and as I said earlier, we know that we may need to
7 make some edits to the document in order to comply
8 with the formatting requirements of the peer-review
9 journal, and that if the Committee is in agreement
10 we will make those types of changes.

11 So, with that, I will close with my
12 review of what the subcommittee has done, and
13 entertain any questions.

14 VICE-CHAIR BRACKETT: Are there any
15 further questions for discussion regarding the
16 document presented for adoption here?

17 Dr. Kvenberg?

18 DR. KVENBERG: John Kvenberg, Food and
19 Drug Administration. Just a point of information,
20 and a request, in that I noted that the document,
21 if it is passed by the full Committee, will be
22 submitted to the agency on or about May 1. Did I
23 understand that correctly? For FSIS, the point of
24 information is, and I know some of you may know
25 this, the Conference for Food Protection is
26 scheduled to meet in Columbus, Ohio in mid April,

NEAL R. GROSS

36

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 so take into consideration, perhaps, the final
2 document discussions between agencies, as we are
3 both represented at that particular organization.

4 For those of you that don't know the
5 Conference of Food Protection deals with retail and
6 food service operations, and I think this document,
7 if passed, would be of great interest at that
8 meeting, prior to formal submission in May, if I
9 understood you correctly.

10 Thank you.

11 DR. ENGELJOHN: Thank you, Dr. Kvenberg,
12 and I will make one clarification. The May 1
13 deadline that I identified was the date by which
14 food processors who have approved labels that are
15 under Federal inspection have to resubmit new
16 labels to the agency by May 1.

17 And so, there's a need to get them this
18 information prior to that time. And so, this could
19 be something, Dr. Brackett, that we may need to
20 agree upon, but from the agency's perspective,
21 although we intend to take this document if adopted
22 this morning and convert it into compliance
23 guidelines, it would be prudent, if possible, to
24 post the document as is, as a document adopted
25 today, if it is, on to our website as quickly as
26 possible, meaning in a matter of a day or days, so

NEAL R. GROSS

37

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 that it is available to the public and to the
2 industry as additional context.

3 And then, on the issue that Dr.
4 Kvenberg raised about the Conference of Food
5 Protection, we also know that we, FSIS, will need
6 to work with FDA as a matter of policy principle
7 for the Conference for Food Protection, in that the
8 Food Code, we know, does identify a cooking
9 temperature of 165 for 15 seconds for retailers and
10 restauranters that comply with the Food Code, and
11 there will be a need to work together to change
12 that in the Food Code in order to make it
13 consistent with the consumer guidance which we are
14 giving, which is 165 degrees with no dwell time.
15 So, there is that inconsistency that we are aware
16 of.

17 We do identify that in the document as
18 an inconsistency and something that we'll work
19 together to ensure the Food Code is modified if
20 appropriate.

21 So, thank you for that input, and we'll
22 make sure that this is available prior to that
23 meeting as well.

24 VICE-CHAIR BRACKETT: Okay, thank you.

25 Dr. Morse?

26 DR. MORSE: My question, actually,

NEAL R. GROSS

38

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 refers to the two previous comments, the
2 discrepancy on page 18 in the last paragraph before
3 the conclusions of the difference in the
4 temperature requirements, and I just wondered if
5 there could be some further elaboration on the
6 basis for these differences, specifically, were
7 there any differences in the scientific data that
8 was reviewed by the two to come to different
9 conclusions, or did the Food Code not have the
10 benefit of this data that was looked at by this
11 Committee? It refers on page 13 to, I guess, a
12 table, and I wasn't sure the tables were available,
13 just looking at what temperature was adequate.

14 DR. ENGELJOHN: Yes, thank you, Dr.
15 Morse.

16 On that particular -- which is the
17 issue related to the Food Code temperature of 165
18 degrees for 15 seconds, versus the 165 degrees with
19 no hold time for consumers.

20 I would say that the Food Code has the
21 values of 165 for 15 seconds for some time now, and
22 the information that the subcommittee reviewed with
23 regards to the 165 for no hold time is based on
24 more current research that the Agriculture Research
25 Service at USDA, particularly, has done on
26 establishing D values for *Salmonella* in cooked

NEAL R. GROSS

39

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 poultry products.

2 And so, we have more current
3 information that we are relying upon here for the
4 consumer information, and then for the processors,
5 such as restaurateurs and institutions, this would
6 be a matter where we think we can just make that
7 change.

8 It would also make it more consistent
9 with what we also have in our Federal regulations
10 for inspected facilities, and there is always the
11 goal to make the Food Code consistent with Federal
12 regulations and other more current science.

13 So, I think it's just a matter of more
14 current science and better information available
15 than it is in terms of differing science that's the
16 basis.

17 DR. MORSE: Just to follow up, and so
18 the mechanism, would this still have to be reviewed
19 -- the same data would have to be reviewed by the
20 Conference for Food Protection, and they'd have to,
21 I guess, review this to make the same conclusion,
22 would that be the next step?

23 VICE-CHAIR BRACKETT: John, do you want
24 to address that?

25 DR. KVENBERG: Thank you, John Kvenberg,
26 Food and Drug Administration. That's correct. The

NEAL R. GROSS

40

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 way the council is set up, it would be Conference
2 for Food Protection has three councils, the third
3 of which is the Science Council. I think Dr. Zink
4 may be involved in that from the FDA's standpoint.
5 Relative concerns you may have on instantaneous
6 temperature versus 15 seconds, I think the science
7 wills out, and will be presented, at least that in
8 that format initially, I guess it's a question,
9 Dan, only to the point I want affirmation of this
10 is, the heat dynamics of achieving 165 degrees
11 account for come-up time and cool-down time, so the
12 new science that basically is being generated takes
13 into consideration lethality going up and coming
14 down, and that's sort of the gist of the scientific
15 information we've in the ARS work, and that's the
16 current information you are referring to.

17 So, that's just the affirmation, I
18 wasn't on your group, is that correct?

19 DR. ENGELJOHN: That's true, and I will
20 point out that the ARS research that we relied upon
21 in the subcommittee, specifically, dealt with --
22 and actually it is addressed here in more depth in
23 the document, but the research actually shows that
24 it's 165 degrees for less than ten seconds, and we
25 clarified in this document, for all intents and
26 purposes that is the equivalent of an instantaneous

NEAL R. GROSS

41

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 temperature, no dwell time.

2 By the time you take the temperature,
3 you will have achieved at least ten seconds, and so
4 it actually is for less than ten seconds.

5 DR. KVENBERG: Thank you for the
6 clarification.

7 VICE-CHAIR BRACKETT: Dr. Madden, you
8 had your flag up?

9 DR. MADDEN: Yes, Joseph Madden.

10 One concern I have is also a difference
11 in the Food Code for egg products versus poultry
12 products, and this document doesn't really address
13 egg products, but I'm concerned about the term
14 "poultry products" may be all encompassing,
15 considered all encompassing by consumers. So, my
16 concern there is that if egg products are brought
17 up to a temperature of 165, they may be
18 unpalatable. You address it for 165 degrees, maybe
19 leaving a rubbery texture in some meat products,
20 but there is nothing about a statement for egg
21 products.

22 DR. ENGELJOHN: Thank you, Dr. Madden.

23 I will say that for -- although as a
24 bureaucrat we do distinguish things differently,
25 and it doesn't mean that we shouldn't make more
26 effort in providing better information to the

NEAL R. GROSS

42

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 consumer.

2 For the purposes of how we conveyed our
3 information and dealt with this particular topic,
4 poultry here means poultry meat as opposed to an
5 egg product that would be derived from poultry.
6 And so, we typically handle poultry and eggs as
7 separate entities.

8 And, I do think that in terms of
9 guidance to consumers we certainly can, in fact,
10 make some distinctions in what the agency conveys,
11 particularly, to consumers that there is a
12 difference between the egg and the poultry meat.

13 And, we didn't deal with what is the
14 safe temperature for eggs. That could be another
15 charge for another day, but right now I think we
16 can certainly make some distinctions for the
17 consumer guidance that we put forward.

18 VICE-CHAIR BRACKETT: Dr. Madden?

19 DR. MADDEN: Joseph Madden, thank you
20 for the clarification, Dr. Engeljohn.

21 I commend the subcommittee for bringing
22 up the subject of thermometers, and proper
23 calibration of them, and I'm just wondering if we
24 are going to go on in this regard and possibly
25 another subcommittee to address that issue, or
26 something else, does the subcommittee have any

NEAL R. GROSS

43

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 recommendations in that regard?

2 DR. ENGELJOHN: I would say that we
3 touched on the issue of what does the consumer use
4 when they take temperatures, and we actually got
5 into the debate of, should we be referring to this
6 document throughout as a thermometer or as a
7 temperature measuring device.

8 We actually use both terms in the
9 document, because from our consumer hotline at
10 USDA, where consumers call in and ask questions, we
11 are finding that our consumers actually are more
12 sophisticated in their understanding about food
13 safety than they were a few years ago, and that
14 they do have access to temperature measuring
15 devices that, in fact, can be calibrated.

16 And so, we do, in this document, make
17 recommendations to the agency that we need to focus
18 on providing better information about how to have a
19 consumer who can't calibrate their thermometer
20 actually know that their thermometer is registering
21 properly at a hot or cold temperature. And then,
22 if they have a temperature measuring device that's
23 capable of being calibrated, and they are, in fact,
24 becoming more available to the consumer, of how to
25 do that and more information on it.

26 And, I think from the perspective of

NEAL R. GROSS

44

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 the subcommittee's work, and they can certainly
2 correct me, but we did actually provide some
3 research needs and some additional things that
4 could and should be done, and I think that there
5 also was, in fact, a direction to the agency that
6 we need to follow up, FSIS, with some type of a
7 measuring tool to ensure that the consumer guidance
8 and industry guidance that we are providing is
9 effective. It's not enough just to say we are
10 going to give new information to the consumer, we
11 realize this is probably new information that will
12 be confusing, and so there is a need to ensure that
13 our consumer messaging and industry guidance is
14 effectively doing what we intend.

15 And so, I will say that FSIS likely
16 will, and my hope will be that we do, follow up
17 over the course of time with measuring what
18 consumers are doing, the temperature measuring
19 devices you raised is one that's of particular
20 interest to us. We, in fact, had conducted an "Is
21 It Done Yet" campaign, and it's mentioned in this
22 document, it is one where we provided information
23 to consumers, and then did a pre and post test to
24 measure their understanding if there were changed
25 behaviors, or at least changed understanding, and
26 found that that was an effective way to gauge

NEAL R. GROSS

45

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 whether or not our messaging was working.

2 And, I think as you suggest, we would
3 likely do the same thing with the thermometer.
4 And, if we find that there is need for more
5 guidance from this scientific Committee, that would
6 be the type of thing we would consider coming back
7 with a new charge at another day.

8 VICE-CHAIR BRACKETT: And, I have
9 written that down as a future item for
10 consideration by the Executive Committee.

11 Do we have any other questions for Dr.
12 Engeljohn?

13 Dr. Acheson?

14 DR. ACHESON: Dr. Engeljohn, two
15 comments, and this actually relates to page four of
16 the document, where you've sort of summarized, I
17 think, where you ended up.

18 On the third bullet, I'm talking about,
19 roughly, lines 9 through 12, I think the gist here
20 is, don't rely on microwaving alone to achieve
21 doneness.

22 When I read this I thought, well, is
23 this going to potentially confuse the consumer, in
24 terms of that it would suggest that they shouldn't
25 use a microwave to thaw a product prior to cooking.

26 DR. ENGELJOHN: Thank you.

NEAL R. GROSS

46

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 In the document, we actually do have
2 some discussion about, first of all, when
3 conducting their validation for cooking
4 instructions, the food processor first needs to
5 know what the consumer is going to do. And if
6 cooking from the frozen state, and the use of a
7 microwave is, in fact, what is likely going to
8 happen, this document does say that one
9 consideration to reduce vulnerability, at least in
10 terms of ensuring that the intended endpoint
11 temperature is achieved, is to also investigate
12 whether or not the product should, in fact, be
13 thoroughly thawed before it is, in fact,
14 microwaved.

15 And, the document does actually
16 identify that as an option, and then goes into the
17 issue of, if doing so, then there's a need to
18 ensure that appropriate guidance to the consumer on
19 how to safely thaw the product should be conducted.

20 DR. ACHESON: Okay.

21 DR. ENGELJOHN: So, we've included that
22 in the document as well.

23 DR. ACHESON: Okay.

24 This is David Acheson again. I just
25 wanted to make sure that we didn't give the
26 impression to the consumer that actually using

NEAL R. GROSS

47

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 their microwave to thaw products was the wrong
2 thing to do. That was my concern on that.

3 The second point is, moving down a
4 little bit, line 26, where recommendations to the
5 food processor is to validate cooking instructions,
6 when validating cooking instructions or labeling
7 the processor must take into account a variety of
8 issues.

9 It struck me reading that, that the
10 variables of what consumers may do is infinite, and
11 the suggestion here is that if the food processor
12 doesn't explore this to some infinite degree they
13 have not reached a point of satisfaction for the
14 agency.

15 Do you need to put some arms around
16 that in terms of what's expected, as you may issue
17 guidance on this? It just reads as a very open
18 statement, in terms of --

19 DR. ENGELJOHN: I would say, and thank
20 you, Dr. Acheson, these are just bullets that
21 summarize the more in-depth discussion that
22 actually is in the document, but the agency clearly
23 has informed the industry, particularly, the
24 industry that produces a raw poultry product that
25 appears to be ready-to-eat that is not, and that is
26 frozen, is the causative product, it is the product

NEAL R. GROSS

48

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 that has, in fact, been associated with three known
2 outbreaks in the very recent period.

3 And so, on that issue alone, one of the
4 things that from this document, and what was
5 discussed in the subcommittee, the agency likely
6 will, in fact, develop more guidance on this, but
7 one means by which that can be addressed is that,
8 more can be done with capturing consumer feedback
9 to a manufacturer by providing an 800 number, as an
10 example, for a consumer to inform the food
11 processor that when following the cooking
12 instructions they found the product not to be
13 palatable, or not to achieve the desired
14 organoleptic or aesthetic qualities that they
15 intended or would like to have, and that as a
16 consequence they would reduce the cooking time the
17 next time if they used a microwave.

18 That is extremely important information
19 to that manufacturer to use in knowing how
20 consumers use their product. And, I would just
21 point out that from the agency's perspective, the
22 HACCP regulations actually require the manufacturer
23 to have information about the intended use of the
24 product. We know that this particular type of
25 product involved in the outbreaks is one for which
26 the consumers, first of all, don't have good

NEAL R. GROSS

49

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 information about whether or not it's raw or not,
2 and the cooking instructions may, in fact, not be
3 practical. And so, from that perspective, we are
4 identifying as guidance in this document, and in
5 recommendations to the agency, that we need to
6 pursue better means to gather that kind of
7 information to use as feedback.

8 Clearly, having practical cooking
9 instructions is important. It's not enough just to
10 say, cook it to an endpoint temperature, and then
11 follow this host or variety of instructions that
12 may or may not be followed. You need to get more
13 information, and on this product in particular, and
14 this document does suggest that that is something
15 that needs to be done.

16 DR. ACHESON: Thanks for the
17 clarification.

18 VICE-CHAIR BRACKETT: Dr. Morse, an
19 additional comment, question?

20 DR. MORSE: Thank you.

21 I seem to be asking follow-up questions
22 to just the previous ones.

23 I was also interested, in light of the
24 outbreaks that occurred and the Committee
25 recognized the importance of labeling on foods, so
26 that the consumer is confused whether they are

NEAL R. GROSS

50

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 really cooked or not, and the labels such as
2 "ready-to-cook," where they may think it's already
3 been cooked. And so, this is more of an
4 implementation question, sort of a follow-up of
5 what the agency touched upon already a little bit.

6 But, I guess the question, in light of
7 the outbreaks, what kind of enforcement or
8 regulations will take place to try to prevent this?
9 You mentioned something earlier about a May 1st
10 deadline for labels, so is there going to be like a
11 review of labeling of these products by companies,
12 and some kind of action taken to improve that?

13 DR. ENGELJOHN: Yes, and I would just
14 suggest that rather than give you a lot of details
15 in this Committee on that, I will say that on the
16 agency's web page we have posted the letter that we
17 sent to the manufacturers who produced these kind
18 of products what they need to do by May 1.

19 This document, in and of itself,
20 actually provides much of the support that the
21 industry could, and should, likely be following in
22 order to meet the agency's expectations.

23 Within this document, the subcommittee
24 has identified that it would be prudent, as an
25 example, that for products that are raw, that
26 appear to be ready-to-eat, or at least contain a

NEAL R. GROSS

51

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 raw product, that it would be critical to put on
2 the principal display panel an identifier that
3 says, contains uncooked poultry, or contains raw
4 poultry, for safety must be cooked to a minimum
5 internal temperature by measurement of a
6 thermometer, I think is the language we actually
7 used in the document.

8 That was intended as guidance to the
9 agency, as one way to convey to the consumer that
10 the labeling, using the terms "ready-to-cook" is to
11 some extent ambiguous and confusing to the
12 consumer, and that more explicit labeling is
13 needed.

14 So, the document actually does have
15 some suggestions in there, such as that, to be
16 considerably more explicit about the presence of an
17 uncooked or raw product in a product, particularly,
18 that appears to be ready-to-eat.

19 So, the agency will take this guidance,
20 right now we instructed the industry what they can
21 and should do by May 1st, we will continue to pursue
22 whether or not there's a need for more aggressive
23 regulatory fixes, or whether or not this corrects
24 itself through the guidance that we think this
25 document provides to the industry and to the
26 agency.

NEAL R. GROSS

52

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 VICE-CHAIR BRACKETT: Dr. Kvenberg?

2 DR. KVENBERG: John Kvenberg, Food and
3 Drug Administration.

4 And, I guess one point on page four
5 again, on the second bullet under food processor,
6 which deals with the recommendation we are dealing
7 with here, it has to do with assuring elimination
8 of *Salmonella*, being the most heat resistant
9 pathogen of public health concern that's coming out
10 of raw poultry.

11 I note that the sentence after there in
12 brackets, I guess you would call it, says,
13 "Although *Listeria* is more heat resistant, it is
14 considered a hazard from post processing
15 contamination rather than under cooking." I'm
16 trying to put together, to understand for
17 clarification, how we regulate foods that are
18 ready-to-eat versus those that are not-yet ready-
19 to-eat, and the role of cooking instructions, not
20 only for advice to the consumer, but how we view
21 these foods.

22 If a food did contain other organisms,
23 such as *Listeria monocytogenes*, but had cooking
24 instructions supplied on it, and it was
25 demonstrated that *Listeria monocytogenes* didn't
26 survive the provided cooking instructions, where

NEAL R. GROSS

53

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 does that leave the industry and everyone relative
2 to that kind of situation, considering this
3 recommendation deals with *Salmonella*?

4 DR. ENGELJOHN: There is more
5 discussion, I think, beginning on page 13 of the
6 document, but the issue became one of consumers
7 need information about how to safely prepare their
8 products and prevent cross contamination. That's
9 one thing. And so, the document does deal with
10 that to some extent.

11 For the purposes of providing clear
12 validated cooking instructions, the products that
13 we are dealing with in this particular charge
14 related to cooking poultry from the raw state or a
15 partially cooked poultry, and that it is important
16 to address all those pathogens, although *Listeria*
17 is more resistant to heat than *Salmonella*, it also
18 generally is there in lower numbers than
19 *Salmonella*, and that the research the agency relied
20 upon in establishing its requirements for food
21 processors did, in fact, identify that a seven log
22 reduction for *Salmonella* is more than adequate to
23 deal with the expected level of *Listeria* that would
24 be on the raw product or the precooked product
25 that's undergoing the lethality treatment.

26 So, for the lethality treatment,

NEAL R. GROSS

54

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 *Listeria*, the intention here is to identify
2 *Listeria* as not the issue, in terms of the target
3 organism, even though it's more resistant, it, in
4 fact, would be adequately destroyed.

5 For those products that are not-ready-
6 to-eat, but are adequately labeled as such, for
7 which a nominal heating treatment is required, and
8 the cooking instructions only need to be adequate
9 to deal with the expected level of contamination
10 that's there. So, what's provided in this document
11 is really geared at the level necessary for raw
12 poultry product, which would require a seven log
13 reduction for *Salmonella*. That's what is required
14 of the industry, and then the 165 instantaneous was
15 deemed to be the equivalent for what we would
16 provide to the consumer.

17 So, if it's a partially cooked product,
18 or something that just needs a nominal cook for
19 *Listeria*, then a lesser degree of lethality is
20 appropriate.

21 DR. KVENBERG: So, if I can just follow
22 up for the purpose of people who regulate foods and
23 those who produce it, where does this leave us
24 relative to foods that are, say, frozen, not-ready-
25 to-eat, with cooking instructions on them, relative
26 to the status of a food that's examined at that

NEAL R. GROSS

55

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 level with the presence of an organism like
2 *Listeria monocytogenes* that was recovered?

3 DR. ENGELJOHN: If I can understand your
4 question correctly, if *Listeria* was present on that
5 type of product, a not-ready-to-eat product, is the
6 question should the -- are the cooking instructions
7 intended to be sufficient to deal with that level
8 of *Listeria*?

9 DR. KVENBERG: In general, that's the
10 question I'm asking, since we have a risk
11 assessment saying that the *Listeria* is not
12 necessarily a very low level infectious organism.
13 Where are we going as a Committee in this
14 recommendation, because if a food is found to be
15 positive for the organism, and you have cooking
16 instructions, do you look at it after lethality
17 treatment for purposes of whether or not the
18 product represents a hazard?

19 DR. ENGELJOHN: I see.

20 From the purpose -- I can tell you the
21 perspective of FSIS on this issue. FSIS would not
22 be looking at measuring or detecting the presence
23 of *Listeria* on a product identified as not-ready-
24 to-eat. That would not be the type of product that
25 we would be pursuing, in terms of what level of
26 contamination likely would be present, because it's

NEAL R. GROSS

56

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 considered to be a not-ready-to-eat product. And
2 so, the cooking instructions, therefore, for that
3 product, because there would be a lethality
4 necessary, would need to be appropriate so that the
5 end product would have non-detectable levels of
6 *Listeria*.

7 So, the cooking instructions would need
8 to be representative of what likely would be
9 present, but it would not be a type of product that
10 FSIS, as a regulatory agency, would pursue. We
11 would pursue those products that are labeled as
12 ready-to-eat, we would expect that there would be
13 no detectable *Listeria* there. That is the product
14 we focus on. This would absolutely not be the type
15 of product, this product that appears to be ready-
16 to-eat but contains a raw product, would absolutely
17 not be the type of product that as a regulatory
18 agency FSIS would focus upon, if that answers your
19 question.

20 DR. KVENBERG: Thank you.

21 VICE-CHAIR BRACKETT: Any other
22 questions?

23 Well seeing none, I would like to now
24 ask, considering there are no more questions, for a
25 motion to accept the document as presented, and
26 please state your name when you do this for the

NEAL R. GROSS

57

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 record.

2 DR. WESLEY: I so move.

3 VICE-CHAIR BRACKETT: Okay, that's Irene
4 Wesley from ARS.

5 DR. WESLEY: I so move.

6 VICE-CHAIR BRACKETT: A second?

7 DR. SOFOS: I second.

8 VICE-CHAIR BRACKETT: Dr. Sofos, from
9 the University of Colorado --

10 DR. SOFOS: Colorado State.

11 VICE-CHAIR BRACKETT: Colorado State,
12 I'm sorry, I should have known better.

13 Thank you very much.

14 Okay, having a motion to accept the
15 document and a second, all those affirm by say aye.

16 (Ayes.)

17 VICE-CHAIR BRACKETT: Opposed?

18 VICE-CHAIR BRACKETT: Okay, the document
19 is accepted, and as was recommended that we will
20 put that on the website, is that correct, as an
21 accepted document, and I do want to thank you all
22 very much for this. I especially thank Dr.
23 Engeljohn for your excellent leadership in getting
24 the document adopted.

25 We have one final agenda item today,
26 and that is public comment, but before we go to

NEAL R. GROSS

58

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 that I think what I would like to do is have maybe
2 a 15 minute break, allow people to get some coffee,
3 and allow our secretary to find out who all is
4 scheduled for the public comment.

5 So, if we could meet back here, it's
6 now 9:40 according to my watch, at 9:55, and we
7 will continue with public comments.

8 (Whereupon, at 9:42 a.m., a recess
9 until 10:02 a.m.)

10 VICE-CHAIR BRACKETT: This morning we
11 only have one commenter that has signed up, but I
12 will say that if there are others we will entertain
13 others as well this morning, but we want to make
14 sure.

15 The one commenter that I have a listed
16 here is from Robert G. Hibbert, for public comment,
17 and I would ask the commenters to please go up to
18 the podium, if they could, and use the microphone.

19 So, Mr. Hibbert (of McDermott Will &
20 Emery LLP, Washington, DC.), if you could come up
21 at this point.

22 MR. HIBBERT: Thank you, Mr. Chairman.

23 I don't know whether to be flattered or
24 intimidated by my solitary status here, but I have
25 just a brief comment, in which I probably would
26 like to embed a question. I understand that's not

NEAL R. GROSS

59

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 quite consistent with the format, but my comment
2 goes to, I think, the need for some sort of -- some
3 degree of regulatory certainty for manufacturers of
4 these products, assuming that the guidelines the
5 Committee has adopted are complied with. In other
6 words, if I am a manufacturer of one of the
7 products that the Committee has been entertaining,
8 and if consistent with FSIS' response to these
9 recommendations I go ahead and change my labels in
10 accordance with the provided validation, change my
11 labels, get those labels approved, and go forward,
12 the question I think becomes, what happens in the
13 unfortunate event that something goes wrong?

14 My assumption, and my hope would be,
15 that that relabeled, revalidated product,
16 essentially, has the same regulatory status as what
17 you might call an ordinary piece of raw poultry.
18 That is, if an ordinary piece of poultry, say a
19 chicken leg, is in the marketplace and is found to
20 contain *Salmonella*, even in the unfortunate
21 instance where that becomes associated with an
22 illness, my understanding of the FSIS position,
23 that product is neither adulterated, nor
24 misbranded, and is not subject to recall or any
25 other regulatory action.

26 It would be my hope that products that

NEAL R. GROSS

60

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 comply with these guidelines wind up in the same
2 category, and whether -- and regardless of whether
3 my hope is realized or not, I think it's extremely
4 important for the agency to clarify for the
5 industry's benefit whether my assumption is
6 correct.

7 Thank you very much.

8 VICE-CHAIR BRACKETT: As I mentioned, we
9 do have some time this morning, too, and so at this
10 time I will ask if there are any others in the
11 audience that wish to make a public statement at
12 this time.

13 Mr. Corbo?

14 And then, when you get up, please
15 announce your name and your affiliation, and keep
16 your comments to ten minutes or less.

17 MR. CORBO: My name is Tony Corbo, and
18 I'm with the consumer organization, Food and Water
19 Watch (Washington, D.C.).

20 First, I want to commend the Committee
21 for taking up the issue of MAP (*Mycobacterium avium*
22 subspecies *paratuberculosis*). The consumer groups
23 meet on a regular basis with the management staff
24 at FSIS, and this has been an issue that we have
25 raised as a consumer concern.

26 And, from a personal standpoint, one of

NEAL R. GROSS

61

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 my family members has been diagnosed with Crohn's
2 Disease, and I know that the Committee is not
3 taking that up as an issue, in terms of the linkage
4 between Johne's and Crohn's, but I think this is
5 significant in terms of the research that you all
6 are going to start doing on the issue, and so I
7 want to commend the Committee for taking this up.

8 Second comment, I had some specific
9 questions about the "Is It Done Yet" campaign that
10 was raised during the discussion on the safe
11 cooking instructions for poultry.

12 I'm holding up a refrigerator magnet,
13 very attractive. I picked up a stack of these at
14 the USDA Outlook Forum last month, and I've
15 actually mailed them out to family and friends
16 around the country. But, that was the only place
17 I've seen these. They are very attractive. They
18 have the safe cooking temperatures recommended by
19 FSIS for different types of foods, including
20 seafood. I don't know how you got that by Spencer
21 Garrett, but it's on there.

22 And, the thing is that, I don't know
23 what kind of outreach is being done, because this
24 is very useful. This is a very useful tool.

25 One of the things that I was interested
26 in is whether FSIS is reaching out to the Food

NEAL R. GROSS

62

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 Network, for example. My wife and I, during --
2 between Christmas and New Years, spent some time
3 looking at the various programs there, to determine
4 whether they were following the recommendations
5 that FSIS has in terms of safe food handling
6 techniques, and it's very rare that any of the
7 chefs on those programs follow those practices.

8 And, I would think that that would be a
9 good place for FSIS to start reaching out on the
10 use of thermometers, to get the chefs to talk about
11 the recommended cooking temperatures for the
12 various types of foods.

13 So, with that, thank you very much for
14 your time.

15 VICE-CHAIR BRACKETT: Thank you very
16 much.

17 I think I saw another -- Caroline Smith
18 DeWaal?

19 MS. SMITH DeWAAL: Good morning,
20 Caroline Smith DeWaal, with the Center for Science
21 and the Public Interest (Washington, D.C.).

22 First of all, I want to apologize for
23 missing most of the presentations this morning.
24 Kendra Johnson, from my staff, has been here most
25 of the week, but the challenge of actually finding
26 this location in Virginia proved difficult this

NEAL R. GROSS

63

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 morning. So, I'm urging the Committee to move back
2 into Washington to a more central location.

3 But, on a far more serious note, while
4 I commend -- I join Tony in really commending the
5 Committee for a lot of the work it is doing right
6 now, and for finally coming to some congruence,
7 hopefully, on the poultry messages about cooking.

8 I think it's very important that as you
9 are advising your commissioners and your
10 undersecretaries on consumer messages regarding AI,
11 avian influenza, that you not rely on a cooking
12 message as your core message about AI.

13 While it is true, and the WHO has put
14 out information saying that cooked poultry does not
15 pose a risk, it is very important that the industry
16 work far before the kitchen in controlling the
17 hazard. We don't want the virus on raw poultry in
18 our kitchens. We want the poultry -- we want the
19 virus kept out of the processing plants. So, it's
20 really critical as you go out with consumer
21 messages that the messages on AI start far before
22 the kitchen in informing consumers about the risk.

23 Thank you.

24 VICE-CHAIR BRACKETT: Thank you.

25 Do we have any other requests for
26 public comment in the audience?

NEAL R. GROSS

64

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com

1 I see none, and so I will thank our
2 commenters for the comments that they've provided.

3 And, at this point, this does conclude
4 the end of the public comment period, and I do want
5 to thank all of the members of the Committee, and
6 especially the subcommittee chairs, for their hard
7 work on the issues that they discussed this
8 morning, and that they've done all week.

9 And, the fact that we have industry and
10 consumer groups at this meeting, and involved
11 actually every day, is an indication of the
12 importance of the work of this Committee, and it's
13 something that we very much appreciate.

14 So, at this time, I will call the
15 meeting adjourned and wish you all safe travels
16 home.

17 (Whereupon, the above-entitled matter
18 was concluded at 10:11 a.m.)

19
20
21
22

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com