

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE

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ANIMAL RAISING CLAIMS

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1 P-R-O-C-E-E-D-I-N-G-S

2 (8:45 a.m.)

3 MR. TYNAN: It's working. It's always
4 good to have your microphone working first thing in
5 the morning.

6 Good morning. It's nice to have you all
7 here with us this morning to talk about animal
8 raising claims. That's our public meeting for this
9 morning. We have a very straightforward agenda.
10 For those of you registering, I think the table
11 directly across, we had handouts for the
12 presentations this morning. So if you didn't get
13 copies of that, if you raise your hand? Did
14 anybody not get copies? Okay. We'll try and get a
15 few copies and bring them in.

16 This morning, as I said, we have sort of
17 a straightforward agenda, with some opening remarks
18 from our Administrator and Acting Under Secretary,
19 along with an overview, a FSIS overview of raising
20 claims and then discussion of AMS Quality Systems
21 Verification Program which relates to our labeling
22 claim issue.

1 Both of those topics, as you can see, are
2 only a small part of the agenda. I think our
3 intent here today is not to talk to you but to try
4 and get comments from the audience about the
5 raising claims.

6 With that, I won't take any longer of
7 your time. I wanted to introduce myself. I'm
8 Robert Tynan. I'm the Deputy Assistant
9 Administrator in the Office of Public Affairs and
10 Consumer Education, and I'll be moderating today's
11 meeting. So you'll see me back and forth
12 occasionally.

13 So without further adieu, I'm going to
14 introduce our Acting Under Secretary, Ms. Elizabeth
15 Johnson.

16 MS. JOHNSON: Good morning to everybody,
17 and it's a big day for me because this is my first
18 public meeting as Acting Under Secretary. So I'm
19 excited to be with you all this morning. And thank
20 you, Robert, for the introduction and again thanks
21 to all of you for coming out today.

22 I'm really excited to have the

1 opportunity to be Acting Under Secretary. It's
2 going to be a short time and probably a whirlwind
3 but I'm really looking forward to it. I've been
4 with the Department for over six years, working on
5 issues, including food safety, animal health,
6 nutrition, many of the other issues that involve
7 protecting public health. And certainly food
8 safety has been a particular interest and concern
9 of mine. I've worked with many of you while I was
10 with the Secretary on these issues, the various
11 Secretaries I guess I should say while on these
12 issues.

13 Over the last few years, I've also had
14 wonderful opportunities to work with FSIS on some
15 critical and often sensitive public health issues.
16 In all of my dealings, I have found FSIS to be
17 very, very committed to the safety of the food we
18 eat and to public health. I'm pleased to join them
19 in meeting the challenges facing these important
20 programs.

21 Over the next two days, we're going to
22 focus on two of these important challenges. This

1 morning, we'll have the opportunity to listen to
2 you on the animal raising claims stated on meat and
3 poultry product labels. And then later today and
4 tomorrow, we will shift our attention to *E. coli*
5 O157:H7.

6 Secretary Schafer and I believe these
7 public meetings serve as a vital mechanism to share
8 diverse ideas, gain an understanding of the
9 different perspectives, and to be completely
10 transparent on important issues that we face.

11 This morning's meeting is the first step
12 in FSIS' process to review its policies on the use
13 of animal raising claims in the label of meat and
14 poultry products.

15 I'd like to thank the Agricultural
16 Marketing Service for agreeing to cosponsor this
17 meeting with us, as it involves both mission areas,
18 and we're pleased we could do this together.

19 Prior to getting to hear from you, you
20 will hear from representatives from the Food Safety
21 and Inspection Service and AMS relating to raising
22 claims. We will work to keep those presentations

1 short, as we didn't come here to present to you but
2 rather to hear from you and hear your thoughts and
3 concerns on this topic. It's an opportunity for us
4 to listen to what you have on your mind relating to
5 labeling claims.

6 One point, I do need to step out about
7 9:00 to get on a conference call. So I'm going to
8 miss a couple of the presentations by USDA staff
9 but will look forward to coming back as I'm very
10 interested in hearing your feedback on the issues.

11 Before I turn it back to Robert, I want
12 to thank you again for coming out this morning and
13 for those of you who are going to be here this
14 afternoon, for staying onto the next meeting on *E.*
15 *coli* as well. Thank you for your time, and I look
16 forward to hearing your comments.

17 (Applause.)

18 MR. TYNAN: Thank you, Ms. Johnson. It's
19 nice to have you with us.

20 I would like to introduce now our Agency
21 Administrator, Mr. Al Almanza.

22 MR. ALMANZA: Thank you, Robert, and

1 thank you Beth for the kind words. I'm certainly
2 surprised or not surprised from the number of
3 people that we have in the crowd here, being that
4 this is an important issue that we certainly take
5 very seriously, and I guess the main point here to
6 our meeting is to keep our consumer confidence in
7 our labeling system.

8 And so when we start looking at the
9 things that we do and the labels that we approve, I
10 think this is a necessary step to have an open and
11 transparent type of meeting to where all our
12 stakeholders are able to express their views, and
13 that's something that for the time that I've been
14 here has been a focus of the Agency and certainly
15 before that, but I think that these public meetings
16 serve as a very important forum for us to be able
17 to do that.

18 I certainly appreciate AMS being here and
19 cosponsoring this meeting. That shows the
20 Department's commitment to the two agencies working
21 together and getting this right.

22 I do want to thank everybody for being

1 here. I know it's a little bit warm, or maybe it's
2 just me, or maybe it's just that it's so crowded,
3 but I do want to thank you all for being here, and
4 certainly those of you that will stay for part two
5 this afternoon, and again I want everybody to speak
6 up, and if you have a thought or opinion, this is
7 your chance. Thank you.

8 (Applause.)

9 MR. TYNAN: Good morning once again. I
10 wanted to mention and may have omitted that in my
11 initial remarks. For those in the public comment
12 portion, for anyone who would like to comment
13 during that period, if you could register at our
14 registration table, let us know. Based on the
15 number of people that are registered, it will
16 determine the amount of time to give to any one
17 speaker. Normally we have a time limit to ensure
18 that everyone gets an opportunity to speak,
19 everyone gets an opportunity to put their comments
20 in.

21 Obviously with a two, three, four, five
22 minute limitation on your remarks, all of that may

1 not permit you to get everything said that you'd
2 like to say. You will also have an opportunity to
3 submit written comments after the meeting. So if
4 you come to the mic and you are unable to say
5 everything you'd like to say, we'll still give you
6 another opportunity through the written comments.

7 So with that, without further adieu, let
8 me introduce Ms. Mary Poretta. She's a Program
9 Analyst in the Policy Issuance Division of our
10 Office of Policy at the Food Safety and Inspection
11 Service. And she's going to take us through an
12 overview of raising claims on labels of meat and
13 poultry products. And with that, Ms. Poretta. Did
14 you want to stay there?

15 MS. PORETTA: I can stay here if that --

16 MR. TYNAN: Okay.

17 MS. PORETTA: Good morning, and thank
18 you, Robert. My presentation is basically I'm
19 going to give an overview of animal raising claims
20 in the labeling of meat and poultry products,
21 address some of the issues that have come up with
22 these claims, and then I'm going to go over a

1 certification approach that the Agency is
2 considering for evaluating and approving labeling
3 claims.

4 So FSIS, we're initiating this review
5 because of a recent experience with labeling claims
6 related to the raising of poultry. As was
7 mentioned earlier, we'll carry out this review in
8 cooperation with AMS.

9 COURT REPORTER: Could you get her closer
10 to the microphone?

11 MR. TYNAN: Sure. Mary, I think it would
12 probably be better, I know you wanted to sit there,
13 but it might be better to come on up here.

14 MS. PORETTA: You want me to come up
15 there?

16 MR. TYNAN: Yeah.

17 MS. PORETTA: Okay.

18 MR. TYNAN: And you have everything right
19 here in front of you.

20 MS. PORETTA: Okay. So as part of FSIS'
21 prior label approval process, we evaluate and
22 approval label claims that highlight certain

1 aspects about the way the animals used as the
2 source of meat and poultry products are raised.

3 Some examples of animal raising claims
4 that we have approved in the past including raised
5 without antibiotics, free range, vegetarian diet
6 and raised without added hormones.

7 FSIS evaluates label that contain animal
8 raising claims by reviewing testimonials,
9 affidavits, animal production protocols and other
10 relevant documentation provided by animal
11 producers.

12 We review the documentation submitted in
13 support of an animal raising claim to ensure that
14 it describes practices that are accurately
15 reflected in the claim being made.

16 If a company submits information that
17 demonstrates that an animal raising claim is
18 truthful or not misleading, FSIS allows products
19 derived from animals raised according to the
20 protocol to bear the claim on their labels.

21 In addition to producer testimonials and
22 affidavits, establishments or the animal producers

1 also submit certifications from certifying entities
2 to support animal raising claims.

3 FSIS accepts these certifications if the
4 Agency has evaluated the certifying entity's animal
5 raising standards and has determined that they are
6 truthful and not misleading.

7 FSIS allows the label of a meat or
8 poultry product to bear a certified claim if the
9 claim clearly identifies the certifying entity.
10 For example, certified free range by whoever
11 certified the claim, and the Agency determines that
12 based on its review of the entity's standards, the
13 standards accurately reflect the claim.

14 We make this determination in
15 consultation with AMS and other relevant agencies
16 with relevant experience.

17 Some of the issues associated with animal
18 raising claims -- the use of animal raising claims
19 in the labeling of meat and poultry products
20 presents issues that can be difficult for FSIS to
21 address through its pre-market label approval
22 process.

1 Because we don't regulate food animal
2 production, we're not on the farm, we may not
3 always have the relevant information needed to
4 properly evaluate the animal raising practices
5 described in a producer's animal production
6 protocol.

7 Animal producers and certifying entities
8 may have different views on the specific types of
9 practices that qualify a product to bear a raising
10 claim on its label. So the result is that the same
11 animal raising claim may reflect different animal
12 raising practices depending on how an animal
13 producer or a certifying entity defines the basis
14 for the claim.

15 In addition, consumers also may have
16 different views regarding the meaning of a specific
17 animal raising claim.

18 As an example, our free range raising
19 claims in the labeling of poultry products. FSIS
20 approves a free range raising claim in the labeling
21 of poultry products if the producer demonstrates
22 that the birds were allowed continuous free access

1 to the outside for over 51 percent of their lives.

2 So some producers may support a free
3 range claim if the source birds were allowed access
4 to the yard, regardless whether the birds use the
5 yard.

6 Other producers may establish stricter
7 standards for themselves and request that FSIS
8 approve a free range claim only if the source birds
9 actually use the yard.

10 We've decided to initiate a review of our
11 policies for evaluating and approving animal
12 raising claims and to facilitate the review, the
13 Agency published a Federal Register notice on
14 October 10th to solicit public input. And, in
15 addition, FSIS and AMS are holding this public
16 meeting.

17 Basically our objective in conducting
18 this policy review, we want to ensure that the
19 policies for evaluating and approving animal
20 raising claims create a level playing field for
21 companies that want to use these claims in
22 marketing their products and that will allow

1 consumers to use animal raising claims information
2 to assist in their purchase decisions.

3 So the approach that we're considering
4 right now is a certified claim. We're considering
5 a certification approach for the evaluation and
6 approval of animal raising claims.

7 Under this approach, a certifying entity
8 would evaluate a company's animal production
9 protocol to determine whether the company's animal
10 raising practices meet the entity's standards for
11 certifying the claim.

12 The certifying entity would define and
13 publish its standards, and we would review a third
14 party's standards to determine whether they would
15 in any way render the claim false or misleading.

16 For example, the claim, poultry raised
17 with antibiotics claim that was certified by a
18 third party whose standards covered only the period
19 post-hatch, but allowed the administration of
20 antibiotics *in ovo* would be considered false and
21 misleading, and we would not approve those
22 standards or a claim raised without antibiotic

1 claim that was certified under those standards.

2 The certifying entity would conduct
3 audits to verify that the animals used as the
4 source for the products bearing the animal raising
5 claims were raised according to those standards,
6 and companies would submit documentation of the
7 certification as part of their label approval
8 requests. So instead of reviewing, you know,
9 affidavits or animal production protocols, FSIS
10 would have already reviewed the certifying entity
11 standards, and then the companies would just submit
12 the certification with their label approval
13 request.

14 Under this approach, there are two types
15 of possible certifying entities, USDA's AMS and a
16 private certifying entity.

17 AMS establishes voluntary standards for
18 production and marketing claims, for example, grass
19 fed livestock raising claim. AMS also verifies
20 services through its Quality Systems Verification
21 Programs, to substantiate claims that cannot be
22 determined by direct examination of livestock,

1 their carcasses, parts or the finished product.
2 Companies may use AMS standards for animal raising
3 claims in conjunction with their QSVP Program.

4 If AMS has developed a voluntary standard
5 for a particular claim, FSIS considers claims that
6 comply with AMS' standards to be truthful and not
7 misleading, and that's typically because AMS, when
8 they developed their voluntary standards, will go
9 through a public process and has taken public
10 comments into consideration.

11 If AMS has developed voluntary standards
12 for an animal raising claim, private certifying
13 entities could establish standards for the claim
14 that differ from those developed by AMS.

15 However, when we evaluate animal raising
16 claims based on a private certifying entity's
17 standards, we would refer to the voluntary
18 standards developed by AMS to determine whether
19 claims based on the private entity standards are
20 truthful and not misleading, and we are interested
21 in comments on the use of the certification
22 approach that I just described and other possible

1 approaches for evaluating and approving raising
2 claims.

3 We're interested in input on the
4 following questions. First, should FSIS continue
5 to approve label claims based on animal raising
6 standards developed by private entities and by
7 companies themselves if the Agency has reviewed the
8 standards and determines that they would not render
9 a claim false or misleading?

10 Should FSIS establish any performance
11 criteria or standards for certifying entities? Or,
12 should we require that certifying entities be
13 reviewed and approved by AMS?

14 Should FSIS establish minimum standards
15 that companies would have to achieve to qualify to
16 use animal raising claims?

17 And for those animal raising claims for
18 which AMS has adopted standards, should we adopt
19 the AMS standard as the minimal standard?

20 Would the certification approach that
21 we're considering create any inequities or create
22 any problems for companies interested in using

1 animal raising claims on their meat or poultry
2 products?

3 And finally, what other approaches should
4 FSIS consider for evaluating and approving animal
5 raising claims?

6 That's it.

7 MR. TYNAN: I had to go out and get my
8 name tag. Otherwise, I wouldn't be legal. So now
9 I have a tent card. I can be up at the front
10 table.

11 Usually what we do at this point in the
12 meeting is allow for just a couple of questions
13 related to Ms. Poretta's remarks so that if there's
14 anything that she said that's unclear to you,
15 you'll have to get clarification. This is
16 anticipating the public comment period a little bit
17 later. So I'm going to open the floor up to some
18 questions from the audience to clarify anything
19 that Ms. Poretta talked about or any questions
20 specifically related to her remarks.

21 I have Ms. Sheila Johnson who is on our
22 staff, a terrific individual that helped organize

1 the meeting, and she has a microphone for anybody
2 that would like to ask a question. Questions from
3 the audience? Yes, sir. Please state your name
4 and your affiliation for the record.

5 MR. GRAY: Stephen Gray with Spring
6 Mountain Farms. I've got a question. She said
7 that AMS is looking to review the process for
8 certifying claims and to review those standards.
9 Eight years ago we had AMS come in, review
10 standards, audit the audit process. What has
11 changed?

12 MR. TYNAN: Mary or Dr. Morris, did you
13 want to --

14 DR. MORRIS: It might be better to hold
15 that question until after I talk. We have a number
16 of people with us. You're on the poultry side.

17 MR. GRAY: Yes.

18 DR. MORRIS: We have some representatives
19 from our poultry programs. AMS is divided along
20 commodity lines. So let's go through the AMS
21 presentation first, and then go over to that.

22 MR. GRAY: Okay.

1 MR. TYNAN: So, sir, we'll hold your
2 question. Other questions from the audience at
3 this point?

4 (No response.)

5 MR. TYNAN: Okay. There being none, I'm
6 going to introduce Craig Morris from the
7 Agricultural Marketing Service to talk about their
8 certifying program.

9 DR. MORRIS: For those of you who follow
10 the activities of AMS, I have to tell you how nice
11 it is to talk about something other than consortium
12 labeling. This is actually quite a treat to talk
13 about something that's much more core to our
14 traditional portfolio, which is working to
15 facilitate the marketing of agricultural products
16 in the United States and internationally, and this
17 gets to really our bread and butter of services
18 which are the development of marketing claims as
19 well as the utilization of our third party
20 independent verification services which are
21 provided voluntarily at a cost to the industry,
22 hopefully to benefit of all in the marketing chain.

1 Today I'm going to talk about two of
2 those services: One, how we assist the industry
3 with marketing their products; and then two, how we
4 assist FSIS with insuring that marketing claims
5 are, in fact, truthful and not misleading.

6 You can really divide that into two
7 different things which is outlined here. One, the
8 development of marketing claims and really the only
9 reason we develop marketing claims is for being
10 carried out through our independent verification
11 programs that we'll talk about today.

12 Specifically for raising claims as was
13 mentioned by Mary, those aren't things that can be
14 certified in the product, the animal, the carcass
15 or the cuts. That's something that actually
16 requires a certain bit of information to be
17 transferred through the production process, and
18 that's what we will refer to today as our Quality
19 System Verification Programs, come into play,
20 because those are systems that we set up with
21 production agriculture to make sure that when
22 labels are applied to meat products or poultry

1 products in commerce, that those claims can be
2 truthful based on the services that we provide
3 during the production process that again carry
4 information into a processing facility where
5 traditionally FSIS would operate and have authority
6 and traditionally we would operate and have
7 authority and, but through our audits on production
8 agriculture obviously we're able to have a bit of
9 confidence around the claim that's being made.

10 If we start first with the development of
11 marketing claims, what we're trying to do here is
12 provide producers with value added marketing
13 opportunities and in that vein, what I'm trying to
14 refer to is when producers do different things to
15 their livestock, because there's really no
16 mechanism available in the processing sector
17 itself, to ensure that those things are, in fact,
18 accurately labeled under those products, under
19 those products, our services or third party
20 services are designed to work with those producers
21 directly to ensure that those special things that
22 they're doing with their livestock or poultry

1 products can be with confidence transmitted all the
2 way onto the consumer. And so typically the
3 programs we provide have a consumer perspective in
4 mind mainly so that the marketing signals can be
5 sent all the way back onto the producer. So if the
6 producer is going sort of that extra mile, that
7 they're doing unique things, that there is a market
8 demand for it at the consumer level, that those
9 signals can be sent, and again, everything that AMS
10 stands for traditionally has really relied on those
11 market signals being sent, whether it be our market
12 news reporting functions or our grading functions.
13 All those really relate to market signals being
14 sent.

15 Now, in terms of our marketing claim
16 standards, again these are driven by consumer
17 demand. When we ask ourselves if that's a program
18 that we want to involve ourselves with or put the
19 AMS name on, we're really asking is that something
20 that is a bona fide niche out there? Are we really
21 facilitating the marketing of agricultural
22 products. Are we providing consumers with

1 something they desire? They're created to
2 differentiate the value in the commodity again. If
3 you look at all of the AMS services traditionally,
4 they are derived around different values so that we
5 don't have one commodity product out there. We
6 have differentiated niche products.

7 So when we develop these marketing claim
8 standards, we're looking for a single standard with
9 explicit attributes to create a common language
10 among the industry. So we don't want a bunch of
11 different terms out there all around essentially
12 the same process. We try in our marketing claim
13 standards development process to sort of herd those
14 cats, for lack of a better word, together under one
15 umbrella so that basically different producers that
16 are all doing the same thing can all refer to what
17 they're doing by the same terminology, and then
18 consumers can recognize that terminology and then,
19 by choosing to purchase products that are produced
20 in accordance with our third party verification
21 services, can send those signals back to the
22 producer and reward them for the production of

1 those products.

2 Although we do associate ourselves with
3 branded programs, we have a long and rich history
4 of that that we're quite proud of. The marketing
5 standard development process is meant to be much
6 more generic. So the different branded programs
7 can incorporate that within their brand, but again
8 various producers out there can market their
9 products in accordance with that one marketing
10 claim standard and then have a number of outlets
11 available to them for all those different branded
12 programs, and really that's what gives producers
13 true reward is it gives them the full range of
14 different marketing opportunities available to
15 them. And then again distinguishes products in the
16 marketplace, which is our end goal in sending those
17 signals back to the producer.

18 Now, marketing claim standards, as I
19 already referenced and Mary talked about it as
20 well, applies to unique livestock production or
21 processing activities. One standard that we have
22 completed is our grass forage fed standard that

1 relates to ruminant animals that are fed an
2 entirely grass or forage fed diet, and how we're in
3 the final stages or in final clearance for our
4 final marketing claim standard for naturally raise
5 livestock as well.

6 Again, these are intended to be marketed
7 at the retail level either by the term that we
8 would verify, too, or the marketing claim standard
9 itself or could be nested within a branded program
10 that might have a number of different raising
11 components or just product components to it, this
12 being one of them. So a consumer can either look
13 for that claim or look for a brand if they see the
14 AMS shield or logo associated with that product.
15 It not just goes towards the standard itself as a
16 common language but also that AMS as the
17 independent third party that we'll talk about here
18 in a second.

19 And again first and foremost, the vast
20 majority of all AMS activities are voluntary, this
21 being one of them. So these are not things that
22 producers, packers or even consumers are obliged to

1 play a part of unlike the FSIS activities.
2 However, I would say that once you want to market
3 using our standard or use our name, that obviously
4 all of the regulations associated with our programs
5 come into play. And again, these are user fee. So
6 these are things the industry pay for and overcome
7 that cost based on the premiums that those products
8 command at retail or during the different segments
9 of the value chain.

10 Now, the role of the Agricultural
11 Marketing Service in developing these marketing
12 claim standards, as I pointed out, we try to
13 identify a need. We have industry groups or
14 consumer groups or packers or whoever come to us
15 and say, there's a lot of disparity out there in
16 the use of some subjective term, or there's even an
17 objective issue out there like no antibiotics, no
18 growth hormones or something like that, that
19 requires some form of standardization so we can
20 quantitatively list out what does no antibiotics
21 mean, what is no growth promotence mean, what does
22 no animal byproducts fed mean, those sorts of

1 issues that we get into that sound quite
2 quantitative or objectively actually require quite
3 a bit of standardization underneath them.

4 We identify that need and then we request
5 input from stakeholders, the process that we
6 followed in grass fed and subsequently now have
7 followed with naturally raised, is putting a
8 proposed marketing claim standard in the Federal
9 Register requesting comments. We analyze those
10 comments. In the case of naturally raised, we
11 received 44,000 comments as an agency. So we try
12 to find consensus within that, and then finally
13 publish a final marketing claim standard which is
14 the process that we're trying to do in naturally
15 raised, and the process we could follow on any of
16 our marketing claims.

17 Now, second, and first and foremost, it
18 kind of goes out of order in a way that certifying
19 the validity of marketing claims is really what I
20 view as the agency's bread and butter. We only
21 develop the marketing claim standards for use
22 within our independent third party verification

1 services. So the only reason that we're developing
2 these standards isn't for them just to be used for
3 the good of the academic knowledge out there, it's
4 solely so that people can participate in our
5 services. So if you ask anyone at AMS what is your
6 role, it's facilitating the marketing of
7 agricultural products mainly through our
8 independent third party verification services. So
9 it's one of those, when a consumer buys a package
10 of meat or a package of poultry and there are
11 claims on it, don't take that company's word for
12 the fact that those claims are accurate, you can
13 take the USDA's word, and that really gets to the
14 core of our business model, not just at consumer
15 level, but all the way back to the producers as
16 well for a variety of things that we'll talk about
17 herein a couple of slides.

18 So again, this is the independent
19 verification by our agency of various marketing
20 claims and this is something we've done with our
21 grading system, for example, you know, for well
22 over 80 years.

1 Now, our process verified program, and
2 this really should more appropriately read, as Mary
3 pointed out, our family of services known as our
4 quality system verification programs, quality
5 system verification programs encompass everything
6 from our quality system assessment programs out
7 there that you might hear about for source
8 verification of cattle to our export verification
9 programs which allow U.S. meat products to be
10 traded internationally, to finally our flagship
11 program which is the USDA processed verified
12 program.

13 This is what we would refer to as our
14 fully ISO 9001 compliant program, producers that go
15 ahead and agree to a total quality system
16 management program that gets into management
17 commitment, training of employees. All of the
18 requirements of the ISO 9000 standard, cannot only
19 make their claims, utilizing the AMS marketing
20 claims or claims that they might otherwise make
21 that don't require an AMS marketing claim and not
22 only say that they utilized AMS as an independent

1 third party, but they can also utilize this shield
2 on their products and we see that in a variety of
3 instances in the industry today, that they can
4 actually market their product almost distinctly in
5 the marketplace as USDA process verified, that
6 they've agreed to such rigorous quality management
7 processes that they can differentiate their
8 program.

9 Now, the second bullet under the ISO
10 9001:2000 standard which again would relate to the
11 process verified program in its entirety, as well
12 as the family of the QSVPs at a lesser level than
13 the process verified, but also ISO Guide 65 Program
14 that we've carried out for years, ISO Guide 65 is
15 basically the ISO standard that defines the
16 accreditation of certification bodies. So it
17 really defines what does it mean to be a competent
18 certifier. We view ourselves oftentimes as a
19 certification body in those direct services that we
20 provide. Sometimes we remove ourselves a level and
21 become an accreditor of other certifiers to carry
22 out those activities on our behalf. We started

1 this program a number of years ago prior to the
2 launch of the national organic program when there
3 was a national organic standard in the European
4 Union and yet U.S. organic producers wanted to be
5 able to export their products into the EU. What we
6 used the ISO 65 Program for was to accredit organic
7 certification bodies in the United States as being
8 competent authorities to be able to export their
9 products into the EU, and we've utilized since then
10 this ISO 65 standard as the basis for our
11 accreditation of all the certification bodies out
12 there that we utilize for everything from animal
13 welfare auditing to the national organic program
14 currently in the United States as well as these
15 export programs as well.

16 So these are two sorts of services that
17 we provide. So anyone that talks to the agency in
18 terms of I want to make a raising claim in
19 association with meat products, there's really two
20 paths. One, you can utilize AMS directly, which
21 would mean that we would actually serve as the
22 certification body through again our quality system

1 verification programs to actually be the one that
2 goes on the farm and makes the assessment. Or,
3 second, we could accredit a certifier out there to
4 actually carry out that exact same function on our
5 behalf.

6 Either way, we feel that the consumer has
7 confidence, that when they make a purchase or
8 anybody in the marketing chain makes a transaction,
9 based on some form of claim, that there's an equal
10 level of confidence around that claim, that there
11 is, in fact, an independence of that assessment
12 being made on that claim itself.

13 Process verified programs, again you
14 could say this for the broader category of quality
15 system verification programs, they distinguish
16 specific activities throughout the production
17 process. They can be utilized to trace animal
18 trace back and identification, as I pointed out,
19 our quality system assessment programs or QSAs as
20 we refer to the, are used for source and age
21 verification, age verification being important for
22 certain export markets for U.S. product, Japan

1 requiring 20 months on their cattle, Korea, certain
2 other markets requiring 30 months or under. You
3 can utilize our quality system assessment programs
4 for that age, and then trace back would be source
5 verification which also dovetails well into animal
6 raising claims, that if you can verify the source
7 or the origin of that animal, you can also very
8 easily dovetail onto that what was that animal fed,
9 what environment was it raised in, all sorts of
10 other requirements that quite easily dovetail into
11 these broader services.

12 And then again, AMS is not appropriated
13 for this function. It's fully a user fee activity,
14 and by that we understand there's a cost that the
15 agency bears for our service whether it be direct
16 quality system verification or indirect through our
17 accreditation of certifiers, but again when we
18 choose to provides these services, we look at that
19 market need and we hope and obviously through the
20 utilization of our service, that the cost of that
21 service itself is, is not so much that it outweighs
22 obviously the benefit to the marketing chain that

1 those premiums are still being send.

2 And in any event, one thing that, Jim
3 Reeva (ph) I should point out to you is the Chief
4 of our Review Compliance Branch is with me, and
5 then Chuck Johnson's here today, too, who is the
6 Chief of Poultry Grading, AMS is divided primarily
7 among commodity lines. So I handle more of the red
8 meat portfolio, and then Chuck handles the egg
9 products as well as poultry side. One thing I
10 would point out is that we continually review our
11 services, and that if we set up a marketing claim
12 standard that is not being utilized or we provide a
13 service that exceeds the benefit to the industry,
14 the costs exceed the benefit, we always review
15 those, and that's one of the areas we work the
16 closest with the industry historically is making
17 sure that our services, since they're voluntary and
18 since they're user fee, are being utilized because
19 we could develop the best standard in the world,
20 and if nobody utilizes it, it doesn't fulfill our
21 mission which is the facilitation of agricultural
22 products, facilitation of the marketing of

1 agricultural products.

2 And again as I pointed out, there's two
3 levels of contacts here, that all of you have been
4 provided. Feel free to contact either. We do a
5 good job of kind of throwing over each other's
6 walls issues that fall in the right hands. Again
7 because AMS is divided along commodity lines, we
8 carry out essentially the exact same service but we
9 service as two different industries. And with
10 that, I was real brief. Thank you.

11 (Applause.)

12 MR. TYNAN: Thank you, Dr. Morris.
13 Again, as I mentioned earlier, there's a few folks
14 in the back. We have some seats here at the front.
15 I notice everybody's still hunkering to the back.
16 It's like my college classes. Everybody wanted to
17 sit at the back.

18 If the audience has a few questions for
19 Dr. Morris to clarify his specific presentation, I
20 know there was a gentleman over here that had a
21 question, and I don't know if that was answered for
22 you, sir.

1 MR. GRAY: No.

2 MR. TYNAN: Then we'll ask you maybe to
3 repeat your question and then we'll go around for
4 those who have clarifying questions at this point.
5 And if you could give your name and your
6 affiliation please.

7 MR. KLIPPEN: My name is Ken Klippen with
8 Sparboe Farms, Litchfield, Minnesota. Dr. Morris,
9 I appreciate that presentation and, of course, we
10 are part of the process verification program now
11 having gone through five audits recently. It's
12 very comprehensive, and we thank USDA for that
13 process.

14 In your slide, you had USDA process
15 verified shield, but there was no process verified
16 point attached to that. I believe the guidelines
17 require that. Is this a change where we're using a
18 simplified shield or is that just simply for the
19 purposes of demonstrating the shield?

20 DR. MORRIS: It was simply to show
21 everyone what the shield looks like. We would --
22 again, the shield in itself means nothing besides

1 the fact that that organization, as you're well
2 aware, has agreed to set up an ISO 9001 quality
3 management system to have a very repeatable
4 process. Basically the same widget is produced
5 time and time again, and you have somebody else
6 coming in making sure that your process is stable.
7 All that is meant to say is that there's validity
8 behind the claim you make. So the shield in itself
9 means nothing to somebody except for that claim.
10 So, yes, you would also list process points in
11 association with the shield and that was just more
12 of a pictorial representation, if you see the
13 shield, what does it mean. Well, it means you can
14 have some reliability around all the claims on that
15 product.

16 MR. TYNAN: Okay. This gentleman over
17 here, I'm sorry, sir, I don't remember your name.
18 You asked the question earlier.

19 MR. GRAY: Dr. Morris, the question
20 earlier was in regards to the standards that are
21 already in place for third party certifying
22 agencies that AMS already has in place. Are we

1 talking about continuing that process, or now were
2 we referring to AMS' program replacing those or a
3 combination of both?

4 DR. MORRIS: Well, again, when it comes
5 to developing standards, we continually review our
6 standards to make sure they're still relevant in
7 today's marketplace. So I'm not sure what claims
8 you're making on your products but, sure, any given
9 marketing standard can be changed at any point in
10 time if, if we believe through our, you know,
11 basically outreach to the industry, that the
12 industries moved on. Either it's not utilizing the
13 standard at all or that frankly we feel that our
14 standard is inappropriate in today's marketplace.

15 Two, our third party verification
16 services, because we base that on international
17 standards, they move with the international
18 community. So as the ISO committee, the technical
19 advisory group that basically sets the standards,
20 the ISO standards, as they change the requirements,
21 we have to change along with it because we package
22 that program as meeting those requirements. So it

1 would move along, too.

2 MR. GRAY: All right. I hate to be a
3 little slow, but, you know, that's why I always sit
4 in the back of the class. Give me an example.
5 We're approved by the American Meat Association for
6 this certification program. And through that
7 program we have standards that are set in place and
8 those standards are international. We're also ISO
9 9000/1401, et cetera. As this program moves
10 forward, and we want to maintain the third party
11 certification outside AMS, in other words, keep
12 that third party certification from the American
13 Meat Association, are we going to be allowed to do
14 that or is AMS Program going to supersede what's
15 already in place. That's where I'm trying to go
16 with this.

17 DR. MORRIS: It would help me to have
18 some specifics around your question. No, that
19 would be an issue where we're accrediting an
20 independent certifier to carrier out that program
21 in accordance with their standard. We right now
22 have no plans on the books to sunset that program.

1 In fact, we don't have a proposed market claim
2 standard for animal welfare right now. So there is
3 no reason to see in the near future anyway that
4 there's any plans by the agency to sunset that
5 program.

6 MR. GRAY: And again, I've got to back
7 up. AMS originally came in with the American
8 Humane Association, reviewed their standards,
9 audited the program, came to our location, reviewed
10 the audit of the American Humane Association. So
11 again I'm trying to figure out what's changed.

12 DR. MORRIS: Lots of things are changing.
13 We're developing new marketing claim standards as
14 we talked about. We have a naturally raised that's
15 about to come online, our process verification
16 programs, our quality system verification programs
17 continually change as the international standards
18 change. So as in your specific example, the AHA
19 program, which is an ISO Guide 65 program, that we
20 accredit them to carry out their own certification
21 of their own standard. As the ISO 65 standard may
22 change, the requirements placed upon the AHA

1 program could change and then AHA's standard has to
2 be something that we continually review as an
3 agency that we would want to associate ourselves
4 with. For whatever reason, if there was concern
5 that that standard was not facilitating marketing,
6 we would have to revisit our association with that.
7 Again, right now that's not on the books.

8 MR. TYNAN: Okay. Do we have another
9 question? If you could please identify yourself
10 and your affiliation.

11 MS. RANGAN: My name is Urvashi Rangan.
12 I'm a senior scientist with Consumers Union. My
13 question is that a number of us played a role in
14 meeting with you all at AMS in hammering out say
15 the grass fed standard as an example. And a few
16 things that came out of that, that were of concern
17 to us and consumers, were a couple of things.

18 One, that that standard was apparently
19 grandfathered in at FSIS so previous producers who
20 had been approved through FSIS were allowed to
21 continue to do so to whatever that standard was.
22 And I'd like to know how that being addressed,

1 we've had a FOIA in since last January that we
2 haven't heard anything about.

3 Secondly, how are those standards --

4 DR. MORRIS: Well, let me just answer the
5 first question --

6 MS. RANGAN: Okay.

7 DR. MORRIS: -- I don't get too many.
8 One, we can't play -- again, we develop marketing
9 claim standards for basically people to utilize our
10 independent third party verification services. So
11 how FSIS chooses to utilize our services is wholly
12 FSIS' decision. AMS plays no role in that.

13 Two, grass fed is a really good point.
14 That standard, although we developed it, put
15 resources into it, tried to develop consensus based
16 on the comments that we received, that's a standard
17 right now that we are having no utilization of.
18 There is not one firm out there that is utilizing
19 our grass fed standard or utilizing AMS to
20 independent verify that standard. Because of that,
21 we view that standard currently as a bit of a
22 failure. It's not facilitating any marketing

1 because nobody's utilizing it.

2 So as we pointed out in the previous
3 questioner's example, we continually review those
4 standards in that how can we play a role here in
5 ensuring that producers that are trying to do
6 certain things can get rewarded for that, that's
7 not an example of a program that right now is
8 providing any premium in the marketplace.

9 MS. RANGAN: I'd be curious to know how
10 many are still grandfathered under FSIS who don't
11 see a need to go to AMS at that time, but that's a
12 follow-up to that question.

13 My other questions to AMS is that new
14 grass fed standard now applies to ruminant animals,
15 and we've learned that pork and poultry and dairy
16 products are all not part of that, and I know you
17 don't have jurisdiction over dairy, but from a
18 consumer perspective when they see these --

19 DR. MORRIS: Well, we do have
20 jurisdiction over dairy.

21 MS. RANGAN: Well, then that's great.
22 Then is there, is there movement at AMS to somehow

1 harmonize these standards across other products
2 that also carry the same claims?

3 DR. MORRIS: Yes, there is. Grass fed
4 would be impossible for a monogastric. That
5 requires the animal to be fed nothing but grass
6 forage fed for its entire life. There's no grain
7 feeding allowance, nothing like that. A non-
8 ruminant would die on that standard. So it is
9 specifically designed for ruminants, that
10 particular standard. So it isn't that we're trying
11 to be inconsistent with other livestock. It's just
12 that standard is solely designed around ruminants.

13 MS. RANGAN: And so for dairy products,
14 for example, that carry the grass fed label, at the
15 current time they're not required to meet the AMS
16 grass fed standard. Is there a plan for that?

17 DR. MORRIS: Well, I was referring to
18 dairy animals. If it's a meat product, then it
19 would fall under us. No, I cannot speak for dairy
20 products.

21 MR. TYNAN: Okay. I'm going to allow for
22 one more clarifying question with minimal follow

1 up.

2 (No response.)

3 MR. TYNAN: Okay. There being none,
4 we're just at the point then to introduce the
5 public comment period. Again, Sheila, did you have
6 the list of individuals?

7 How good is that? I have the Under
8 Secretary delivering. Nice, very nice.

9 We're going to allow for about a five-
10 minute comment period. So we'll have a five minute
11 comment period for each person. We'll cut it off
12 at the end of five minutes, not because we don't
13 think your comments are important, but again just
14 to be sure that everyone has an opportunity to have
15 their say at the meeting. If there's time
16 available, we may do a second round of comments as
17 well.

18 And with that, I will ask Dr. Spangler
19 Klopp? Did I pronounce that correctly?

20 DR. KLOPP: Klopp

21 MR. TYNAN: Klopp. Okay. I'm sorry.

22 DR. KLOPP: Yes. Good morning. My name

1 is Buzz Klopp. I'm a veterinarian with Townsend's
2 Incorporated. We produce some antibiotic free
3 chickens as well as some good old all American
4 chickens. And some comments on this meeting. One
5 is we believe that there is a need for a FSIS/AMS
6 minimal standard program for antibiotic free
7 chickens, for live production practices related to
8 this type of chicken. And we don't need two or
9 three or four or five different programs out here.
10 We only need one minimal program.

11 And along that line, I would also
12 encourage the agencies to evaluate antibiotic free
13 versus drug free. There are non-antibiotic
14 products that are used in our industry for control
15 of parasitic diseases. They have a very definite
16 place, and by this, I'm not referring to the
17 ionophore antibiotic or *in ovo* antibiotic fiasco as
18 I call it, but these are products that can be used
19 in live production, and we need to know, what are
20 we talking about? Antibiotic free or drug free.

21 A third point I believe was we need
22 minimal standards for certifiers, and I have heard

1 the reference to going the accreditation route for
2 certifiers such as is done with the National
3 Organic Plan. Personally I support that plan.
4 We've had some certifiers that have come in that
5 have just not known what they should have known
6 when they come in. An example of this would be
7 that we had a test basically forced on us. It's
8 called the charm kiss test, which is a tissue and a
9 microbial test. Well, this was forced on us to use
10 at the feed level, and I checked with technical
11 people all over the country. It was a totally
12 inappropriate, inaccurate usage of that test, but
13 we need some help on these certifiers.

14 The fourth point would be that, yes, FSIS
15 faces a dilemma. It has no regulatory activities
16 at live production level, and I'll be honest with
17 you, I'm not looking for another agency to come out
18 in the field. No disrespect intended, but there's
19 a lot of stuff going on now. I would encourage
20 FSIS and AMS to work through certified accreditors,
21 through the affidavits and through the
22 testimonials, but again certify auditors.

1 My next to last point is, and it's not
2 related to antibiotics or to drugs, but don't bring
3 free range into this antibiotic or drug free. Free
4 range has not place in this. It's in the organic
5 plan, and I don't know why it is, but it is, but if
6 you want a reason, all you have to do is go to
7 avian influenza or bird flu as it gets referred to
8 in the newspapers. This is just something we do
9 not need.

10 My last point is, and I know the
11 Government has to look out for everybody, but there
12 are always going to be inequities. You're going to
13 do some things that I don't like. You're going to
14 do some things these folks over here don't like.
15 What you've got to do is develop a program. I
16 don't know how many letters and telephone calls I
17 had to answer to our customers of antibiotic free
18 chicken over the last five months, six months,
19 because of all the issues that evolved over
20 ionophores, antibiotics and *in ovo* injections. We
21 didn't have to change a thing we did to our
22 chickens, not a thing because we weren't doing

1 that. But we had to explain why what we were doing
2 was different than what came up through all of it.
3 That's why there's a need for a program. Thank
4 you.

5 MR. TYNAN: Okay. Thank you, Dr. Klopp.
6 The next person that is registered is Stephen Gray.
7 Mr. Gray. Mr. Gray, you have about five minutes
8 for comments.

9 MR. GRAY: I can do it less than that. I
10 agree with the comments albeit from I think it was
11 Townsend Poultry. Is that correct?

12 DR. KLOPP: Yes.

13 MR. GRAY: We'd like to also -- we do a
14 non-antibiotic administered poultry product as well
15 as one that makes the claim no chemical medicines
16 used because it's the same point he's bringing up.
17 There may be other medications that can be used
18 that are not listed as an antibiotic and to the
19 consumer, if they see, in our opinion, if a
20 consumer sees no antibiotics on the label, in their
21 mind they're perceiving that no medication is being
22 given to the birds. So that's one area that we'd

1 like for you all to take some more clarification in
2 through your process.

3 And then again back to the standards that
4 the AMS puts forward and I'm assuming that FSIS
5 reviews or accepts or can or cannot accept AMS'
6 recommendation on standards that are put in place,
7 on a humanely raised claim that is made. Will it
8 be FSIS' direction to accept what AMS is doing or
9 will it be the combination of the two? That's a
10 question and I'm not sure who that should be
11 directed to.

12 MR. TYNAN: Well, we're into the comment
13 period, but if somebody wants to answer that
14 question or at least give some kind of a brief
15 response at this point.

16 MS. PORETTA: Well, I was just going to
17 clarify just the approach that we were discussing
18 this morning. It would still be both. I mean AMS,
19 we would accept the certifications and AMS
20 standards, but we would also accept standards from
21 other certifiers, but we would review those
22 standards, and if we felt the standard were

1 truthful and not misleading in support of the claim
2 being made, like a humanely raised standard, we
3 would accept an outside certifier's standards.

4 MR. GRAY: Well, my only other comment
5 then, comment on this, I'd like to see any
6 standards that are in place, like the standards
7 that we follow are accessible by the public, where
8 the public can go in and review those standards, so
9 they can make a determination themselves on which
10 standards to follow. Thank you.

11 MR. TYNAN: Okay. Thank you, Mr. Gray.
12 I appreciate it.

13 The third person registered is Mike
14 Gerber. Mr. Gerber, if you could identify yourself
15 and your affiliation please.

16 MR. GERBER: Mike Gerber. I don't write
17 well.

18 MR. TYNAN: Well, I was told at a
19 previous public meeting that I could be a telephone
20 caller in the evening because I've ruined your
21 name.

22 MR. GERBER: No, I'm Mike Gerber, and my

1 affiliation is with our family business, Gerber
2 Poultry in Ohio. And this is my first time to
3 attend this type of a meeting, and I really
4 appreciate, you know, a small company like ours to
5 have an opportunity to come here and voice our
6 concerns.

7 This is extremely important to us because
8 we have committed our entire production, not just a
9 part of what we do in our poultry production, but
10 our entire production to the antibiotic and also
11 drug free type production. And in our marketing
12 efforts, why we run into the issues where the field
13 doesn't become even, you know, and with an entire
14 commitment to it like we've put into it, we're
15 running our entire business with that cost.

16 So it's important to us that the
17 opportunities for us on the marketing side, that
18 we're not running into the inequities. We've put a
19 lot of commitment to doing this very truthfully and
20 so the issue has become, you know, very personal to
21 me that when the consumer questions issues about
22 antibiotic free products because of what they hear

1 from some of the national brands that may have
2 brought, you know, the issues to the forefront,
3 they question our integrity, and this is not
4 something that I've, you know, I won't compromise
5 it. You know, we've made a very strong commitment
6 to the whole process from the hatchery, through the
7 feed program, the raising program, that we're going
8 to be consistent with what we do and never have to
9 apologize and step backwards and say, whoops, we
10 messed up. We didn't really cover our bases.

11 And so what I'm looking for here is that
12 we find that the program is going to support, you
13 know, whatever minimal standards you come out with.
14 It's going to take into consideration what a
15 company like ours has committed itself to and give
16 us a chance to have our voice with this.

17
18 Again, like I said, we're a small
19 company. We do only 300,000 per week, but it's
20 important to us. The consumer base that we have
21 has been very faithful to us. It continues to
22 grow, and we would want them to know that the, you

1 know, the verification can be there.

2 Now, the one other concern I have with
3 verification programs, to again mention the fact
4 that we're a small company. I understand that
5 there's going to be a cost to this, but when it
6 comes to where it has to be a one size fits all,
7 that's not equitable to us at all either. So I
8 would want to have you consider how you're going to
9 put a fee based program into place that smaller
10 companies like ours, yeah, we'll pay our fair
11 share, but I can't step in there and be considered
12 the same as the larger players in the industry.
13 Thank you.

14 MR. TYNAN: Okay. Thank you. The next
15 commentor is Urvashi Rangan. Do I do that
16 correctly?

17 MS. RANGAN: Yes.

18 MR. TYNAN: If I recall correctly,
19 Ms. Rangan, you were the one that suggested I
20 should be a telemarketer.

21 MS. RANGAN: I think you took on that
22 suggestion based on my comment but, yes, you'd be

1 very good. Thank you. My name is Urvashi Rangan.
2 I'm a senior scientist at Consumers Union. We
3 publish Consumer Reports Magazine.

4 I've been rating environmental claims on
5 food and a variety of other products for more than
6 10 years for Consumer Reports. Our website is eco-
7 labels.org, and you can type in many of the
8 different claims we've talked about here and find
9 out exactly what they do mean.

10 Quickly, we look to see if the labels are
11 meaningful. We look at standards. We look to see
12 if they're verified. We don't consider an
13 affidavit process a verification process.
14 Verification means something along the lines of
15 what you have developed and process verified. We
16 look for consistency. We look for transparency.
17 We do assess conflict of interest, and we look to
18 see how those standards were developed. Were they
19 with broad public and industry support?

20 And at the end of the day, you all at
21 USDA have a very powerful and important position to
22 play for the consumer when it comes to labeling.

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1 You can, in fact, level that playing field, and it
2 isn't without some of its growth pains that we see
3 in organic, but it's a really important role that
4 you play.

5 Up until now, there's been a few things
6 that have been very confusing for consumers,
7 especially when it comes to claims that come out of
8 the USDA, whether it's AMS or FSIS, a consumer
9 can't tell that from the package what's coming out
10 of what. It's a USDA claim, and so we really urge
11 you to consider that when you're looking at these
12 claims and when you yourselves start to bifurcate
13 the meaning of claims even among the agency,
14 consumers are lost at that point, and I think grass
15 fed is a very interesting example of that.

16 First of all, we think that you all,
17 especially the specific claims like no antibiotics
18 and no hormones, have to set transparent and
19 specific standards that we all can look at and know
20 what it is, and that there isn't some iron curtain
21 going on where you all are making decisions on a
22 case-by-case basis and consumers have to basically

1 guess at how one producer got to use the claim
2 versus another one.

3 You've said before that there can be a
4 variety of different meanings even under the same
5 claim, but that's what led to the no antibiotics
6 debacle and we'd like to stop that.

7 Now AMS had proposed claims for no-
8 antibiotics, no hormones in 2002, and withdrew
9 those claims and systematically and very well, so
10 by the way under Bill Sessions conducted focus
11 group meetings where all of us were able to
12 participate in what we thought those standards
13 ought to be.

14 Those seem to be off the board entirely,
15 and now this new thing has risen called naturally
16 raised, which is so amorphous, and the standards
17 underneath it do not constitute what consumers
18 think of as naturally raised, and we are
19 disappointed to hear that those standards may go
20 forward the way they've been proposed, especially
21 with so many comments indicating that things like
22 animal welfare, things like whether the animal had

1 access to the outdoors, aren't even a part of those
2 standards at all.

3 We don't think you can roll up no
4 antibiotics and no hormones under this very loose
5 and vague claim. Those specific and discrete
6 claims lead your definition and whether it's all
7 drugs, no drugs, antibiotics, antimicrobials, we
8 all need to know what it is so that we can figure
9 out what it is these producers are certifying to.

10 As far as free range goes, the slide we
11 saw for free range for at least 51 percent, I've
12 never seen that standard before, and I've been
13 reviewing these things for years. My understanding
14 was it was the option to go outdoors. We haven't
15 seen a very broad, specific definition for free
16 range come out of USDA. We'd like to encourage you
17 to take this opportunity. Start with the claims
18 that are discrete, that are specific in meaning,
19 and give those things some standard definition that
20 have transparency that we can all see because it's
21 only then that you're going to get consistency
22 among these claims, and it's only then that you're

1 really going to give the equity to the marketplace
2 so that consumers are served well and those in the
3 room who are really trying to do the right thing on
4 their farms are also served well by the process as
5 well. Thank you.

6 MR. TYNAN: Thank you. Amy Peterson.
7 Ms. Peterson, if you'd identify yourself again and
8 your affiliation please.

9 MS. PETERSON: Sure. First, I'd like to
10 thank USDA, APHIS and AMS for the chance to
11 participate in this public commentary.

12 I'm a veterinarian, 2001 grad of Tufts,
13 and currently a Ph.D. student at Hopkins in
14 epidemiology as well as Fellow at Center for a
15 Livable Future. However, I'm here representing
16 myself and not any institution, and I just want to
17 state that.

18 I also want to address some of the public
19 health issues related to this commentary.

20 The labeling process represents a very
21 important purpose of providing clear and reliable
22 signals to consumers as has been stated who want to

1 make informed choices and health choices about
2 their food purchases while sustaining their
3 confidence in the integrity of the USDA.

4 Consumers deserve accurate labels to know
5 that claims are factual and based on some
6 standards, and in this, the USDA has an obligation
7 as has just been mentioned to establish standards
8 that are transparent and not on a case-by-case
9 basis.

10 Hormones, antibiotics, supplementation
11 and the use of animal byproducts as feed sources
12 are extremely important issues that can be
13 succinctly and accurately addressed through this
14 process I believe.

15 So, first, I just want to talk about why
16 is labeling such an important issue. Antimicrobial
17 resistance is a major public health crisis
18 throughout the world at this point in time.
19 Currently the ability to effectively utilize our
20 antimicrobial arsenal is being eroded by rising
21 levels of resistance in all sectors. There's
22 growing consensus that agricultural usage of

1 antimicrobials in a non-therapeutic fashion is one
2 of the major contributors as well as hospital and
3 human usage, that we need to consider all of these
4 factors.

5 Drugs from every clinical class are
6 employed across the board and research at Johns
7 Hopkins has shown consumers are exposed to
8 antimicrobial resistant pathogens via preparation
9 and consumption of animal products as well as
10 through widespread release into the environment.

11 Additionally, this usage can lead to a
12 reservoir of resistant genes in both pathogenic and
13 non-pathogenic bacteria, and that's an important
14 consideration. We're creating something we may not
15 be able to change rapidly.

16 You know, it's been shown that reduced
17 usage and bans do result in a reduction in this
18 resistant reservoir. And as a result of that, I
19 think there's a clear public health origin for this
20 market that needs to be supported. Consumers care
21 about, you know, what's going into them, and they
22 should be able to make those decisions through a

1 clear and informed process.

2 As well, clear and consistent labeling
3 will help international and national marketing of
4 products I believe. I think this is an opportunity
5 to expand markets for U.S. agriculture.

6 So what do we need to do to ensure this
7 approach now with an eye to the future? I think we
8 need broad, not narrow definitions of terms.
9 Antimicrobial and antimicrobial-like drugs, and not
10 just human -- should be considered. We need a
11 system that's transparent, as has been stated, so
12 that consumers know what a label means and can
13 trust the system.

14 And also, there needs to be built into
15 the regulatory and oversight system an ongoing
16 review of scientific literature so that in the
17 future, the process of labeling is agile enough to
18 change to these changes as we develop evidence and
19 continue research so that consumers can be
20 protected in their choices and producers can be
21 rewarded for what they're doing as has been stated.
22 I think that's hugely important.

1 As consumers are increasingly aware of
2 the public health impacts of their food choices,
3 they're looking for alternatives, and we need to
4 support that choice.

5 Additionally, as has been stated, there
6 are many agencies that have a piece in this process
7 and I think it's important that we facilitate
8 communication between the different agencies within
9 the USDA and outside, including the FDA, that might
10 have some part of this so that we do have a clear
11 standard in the future.

12 FSIS has been instrumental in maintaining
13 and promoting a safe and consistent food supply.
14 This process will only continue with your
15 promotion, and I want to encourage FSIS to continue
16 moving forward with improving consumer ability to
17 make informed choices with a consistent
18 certification process. Thanks.

19 MR. TYNAN: Thank you. The next
20 commentor is Ferd Hoefner. Did I pronounce that
21 correctly?

22 MR. HOEFNER: Hoefner.

1 MR. TYNAN: Hoefner. If you could state
2 your name and your affiliation, I would appreciate
3 it.

4 MR. HOEFNER: Great. Thanks. This is
5 Ferd Hoefner. I'm the policy director at the
6 Sustainable Agriculture Coalition. We represent 35
7 groups from coast to coast that are farmer based
8 organizations with a keen interest in sustainable
9 agriculture and policy reform, and thank you for
10 this opportunity to testify.

11 Let me begin by saying as a producer
12 based organization, this is perhaps somewhat
13 unusual but I want to completely identify our
14 organization with the remarks of Consumers Union
15 this morning. Everything I heard, we totally agree
16 with, and I particularly want to stress the
17 comments that were made about the bifurcation issue
18 and also about the grandfather issue. We think
19 those are extremely important.

20 A few comments based on the questions
21 that were asked. We do believe that FSIS should
22 continue to approve label claims based on raising

1 standards by third party certifiers or by companies
2 themselves, but only through a certification
3 process.

4 Animal raising claims are frankly either
5 too difficult or too driven by ongoing, on-farm
6 management decisions to be handled through the
7 traditional FSIS pre-market approval process. A
8 third party certification system is certainly
9 needed to protect consumer confidence and to ensure
10 that producers who are meeting or exceeding
11 management based raising claims are not being
12 undercut by those who are not.

13 Whether an animal raising label claim is
14 developed by a producer, a company or a certifier,
15 it should be subject to third party certification
16 or to process a verified program. We absolutely
17 concur with view that FSIS should establish
18 performance criteria and standards for third party
19 certifiers, and it seems logical for those
20 certifiers to be reviewed and approved by AMS.

21 It is of paramount importance, however,
22 that there be a single set of performance criteria

1 and a single process, not one for each agency.

2 In cases where AMS has established
3 processed verified label claim standards,
4 producers, companies and third party certifiers
5 should not be allowed to declare that the claim
6 means something different. Companies and
7 certifiers should not be allowed to establish
8 weaker standards for claims that differ than those
9 developed through AMS.

10 By the same token, FSIS should indeed
11 adopt AMS standards for animal raising claims as
12 the minimal acceptable standards. FSIS should not
13 be in the business of approving labels as truthful
14 when they do not comport with the published
15 processed verified standard for that claim.

16 In addition, there needs to be an
17 automatic review process in place whereby requests
18 from producers, companies or certifiers who are
19 raising claim labels that do not have accepted
20 standards in place triggers an evaluation of
21 whether or not a new meat label claim standard
22 should be developed.

1 In cases where there is no AMS standard
2 and after automatic review, there are no plans to
3 develop one, FSIS needs to develop a clear process
4 for evaluating the truthfulness of the raising
5 label claim. In these cases, FSIS should establish
6 the defined standards for such label claims and not
7 evaluate claims on a case-by-case basis. It would
8 be our hope that over time, the need for such
9 claims without publicly developed standards would
10 greatly diminish.

11 Let me just also mention that we very
12 much believe that label claim standards need to
13 work for consumers and need to be clear and
14 specific. We continue therefore to strongly,
15 strongly oppose the draft naturally raised claim
16 that has been proposed by AMS.

17 Like many other groups, we object because
18 the three characteristics chosen by the Agency are
19 incomplete and also we object over the unnecessary
20 confusion created by having a natural and a
21 naturally raised claim that is confusing to the
22 consumer, but most importantly we object because

1 implementation of a naturally raised claim would be
2 an overt subversion of the core principles that to
3 date have lent credibility and integrity to the
4 processed verified labeling claims.

5 In developing the grass fed standard, the
6 Agency stated in the public record its strong
7 preference for keeping terminology separate and
8 distinct and for issuing modular rather than
9 bundled claims. Yet, if it issues a final standard
10 for naturally raised, AMS will violate the very
11 principles on which it has established the program
12 and will be complicit in establishing a vague,
13 ambiguous, and misleading label that does not mean
14 what it says in plain English.

15 We urge you therefore one last time not
16 to issue this naturally raised label claim, and we
17 continue to urge FSIS not to approve labels for
18 such a claim. Expecting, however, that our plea
19 will go unheeded, we are still in the process and
20 will continue to do so to explore all our legal
21 options should that label claim be issued.

22 Thank you for the opportunity to testify.

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1 MR. TYNAN: Okay. Thank you. Patty
2 Lavera. Ms. Lavera, if you'd identify yourself
3 again and make sure I got it right and your
4 affiliation please.

5 MS. LAVERA: Thanks. My name is Patty
6 Lavera. I work with Food and Water Watch, which is
7 a consumer group, and we have offices here in D.C.
8 and in San Francisco.

9 I'm going to make my comments very brief
10 because we agree what we've heard from Consumers
11 Union, Sustainable Agriculture Coalition. So I'm
12 just going to emphasize a couple of points.

13 One is that I don't think this is a
14 surprise to anyone in this room, but there is
15 widespread consumer interest in these labels, but
16 there is also growing confusion. And so, at the
17 forefront of all of these efforts, we just think
18 it's incredibly important to keep in mind that it
19 shouldn't require a law degree or intermittent
20 knowledge of the organization chart of USDA to go
21 grocery shopping and to navigate the meat case. We
22 need clear, transparent standards for consumers.

1 They shouldn't have to be able to remember the
2 difference between a FSIS standard for natural and
3 an AMS standard for naturally raised. We need to
4 figure out a way to make solid, transparent
5 standards so people know which labels they're
6 looking for.

7 So to just make a couple of comments
8 about the questions that were asked, we think that
9 there is a role for FSIS to set these standards,
10 and we think the key piece of that is to get away
11 this case-by-case approval and get to a point of
12 setting standards, that those standards are based
13 on a really solid body of understanding of what
14 consumers think about these terms. The focus group
15 process that was mentioned should be used as well,
16 and also that those standards be open to public
17 comment before they're finished. And we also think
18 it's an important option to consider using an AMS
19 standard as a floor so that there is some
20 continuity between these different branches of the
21 agency.

22 And so when it comes to the questions

1 that were asked in the PowerPoint presentation, we
2 think that there is a role for using third party
3 entities to certify these standards but that we do
4 have to have standards for those entities.
5 Otherwise, you've just shifted from a case-by-case
6 approval of a label to a case-by-case approval of a
7 certifier and we need to have some transparency
8 about how this process is working.

9 We think that there should be minimum
10 standards and that there could be a role for AMS'
11 standards to be that minimum but once again we
12 don't want to get into a situation where we have
13 the grandfathered grass fed at FSIS and the new
14 grass fed at AMS or natural meats or naturally
15 raised animals. We need to really think very
16 clearly about the message consumers get at the meat
17 case and how much deciphering they have to do.

18 For the issue about inequities, I think
19 the gentleman from Ohio who runs the poultry plant
20 had a really good point that the idea of certifying
21 things and having minimum standards, it is not our
22 intention to have companies be locked out. So I

1 think that we have to really look hard at the
2 inequity issue, make sure that some firms aren't
3 shut out by this process, and if that means sliding
4 scales or some other consideration about how every
5 player at every type of production and level of
6 production can take advantage of these marketing
7 opportunities, if they can meet the standards.

8 And finally, I'll just echo what we just
9 heard about the naturally raised label. You know,
10 we wish that AMS finish these discrete, you know,
11 concrete labels first rather than moving up to this
12 bundled umbrella kind of grandiose label that
13 really implies a lot more than some of its parts,
14 and the standards that we saw last round, don't
15 live up to that grandiose umbrella of a naturally
16 raised animal. So we're going to, you know, join
17 in with our allies in this room in opposing that
18 label if it comes out the way it did in the last
19 rounds. Thank you.

20 MR. TYNAN: Thank you, Ms. Lavera.
21 Jennifer Palembas. Did I pronounce that correctly?
22 Probably not. Did I?

1 MS. PALEMBAS: Yes.

2 MR. TYNAN: Good for me. All right.

3 MS. PALEMBAS: Thank you. My name is
4 Jennifer Palembas. I'm with the Union of Concerned
5 Scientists. We're a member of the Keep Antibiotics
6 Working Coalition. I appreciate this opportunity
7 to provide comments to FSIS today as it initiates a
8 process to review its policies regarding the use of
9 animal raising claims on the labels of meat and
10 poultry products.

11 Keep Antibiotics Working, as you may
12 know, includes a number of organizations that stem
13 from the sectors of health, consumer, agricultural,
14 environmental, human and other advocacy groups. We
15 have more than 10 million members in sum, and they
16 all are working together to reduce the growing
17 public health threat of antibiotic resistance. Our
18 primary goal is to end the overuse and misuse of
19 antibiotics in animal agriculture.

20 We've primarily focused on label claims
21 regarding antibiotic use, but we understand that
22 production practices and label claims in the meat

1 arena are interconnected. Therefore, our member
2 organizations either individually or through the
3 coalition have participated in a number of label
4 related activities over the last few years.

5 In our view, the underlying problem with
6 regard to labels is twofold. First, there's a lack
7 of consistent process at FSIS for evaluating and
8 verifying label claims. Second, there is confusion
9 about how FSIS and AMS interact in setting and
10 enforcing labels.

11 So we're very pleased that this forum has
12 been drawn today to address these broad concerns so
13 that we can all discuss them.

14 To our first point, strong federal
15 involvement in the establishment of meaningful and
16 consistent labels on consumer products is essential
17 to achieving Keep Antibiotics Working goal of
18 protecting drug efficacy by reducing antibiotic use
19 in animal production facilities. Our organizations
20 and consumers in general are increasingly concerned
21 about the widespread use of antibiotics,
22 particularly at confined animal feeding operations.

1 Some consumers are willing to pay a
2 premium to producers who adopt measures that reduce
3 or avoid antibiotic use. Product labels enable
4 consumers to make these choices and can result in
5 market driven changes in the livestock and poultry
6 industry.

7 On the flip side, producers cannot
8 benefit from premium prices or other market
9 advantages unless consumers trust that label claims
10 are accurate. For this reason, USDA's role in
11 regulating and enforcing the truthfulness of animal
12 raising claims on meat labels is critical. In our
13 view, FSIS' resources and procedures have not kept
14 pace with consumer and producer demands for clear,
15 meaningful information and consistent standards.

16 Recent missteps surrounding the approval
17 and subsequent cancellation of two iterations of a
18 label claim by Tyson regarding antibiotic use have
19 left producers and the public with little
20 confidence in FSIS' ability to evaluate label
21 claims.

22 Clearly, a new process is needed.

1 In the past, FSIS staff have explained
2 that the Agency's process for evaluating the
3 truthfulness of label claims relies on a case-by-
4 case evaluation of each particular label, not on
5 consistent standards. We feel that this is a
6 mistake.

7 FSIS should establish and use standards
8 for evaluating label claims, not evaluate them case
9 by case. We also urge FSIS to publish a list of
10 claims and standards approved by the Agency as
11 truthful and not misleading.

12 Finally, where a label would have a
13 significant commercial impact, FSIS should
14 establish a process including notice in the Federal
15 Register an opportunity to comment to ensure
16 stakeholder impute in the development of claims.
17 When stakeholders have different positions
18 regarding the standards for a claim like raised
19 without antibiotics, for example, whether the
20 definition pertains to ionophores or *in ovo*
21 injections, a notice and comment period would allow
22 these considerations to be aired before the Agency

1 makes a decision. In defining what a significant
2 commercial impact might be, the Agency should
3 consider both the number of producers who may use a
4 label as well as the market share represented by
5 users.

6 A transparent public process with broad
7 stakeholder participation would go a long way to
8 avoid a situation like the Agency faced in its
9 handling of Tyson's raised without antibiotics
10 claim.

11 In our experience, FSIS seems
12 understaffed and unable to deal with the growing
13 demand for establishing and verifying increasingly
14 important animal raising claims. We urge USDA to
15 increase the staff and resource capacity at FSIS.

16 Our second recommendation is that USDA
17 clarify the relationship between FSIS and AMS as
18 we've heard from other people who have already
19 spoken in establishing and enforcing label claims.
20 We understand, for example, that in order to be
21 considered truthful by FSIS, products using the
22 grass fed standard will have to meet the standards

1 by AMS for its process verified grass fed claim.
2 Maybe some of the earlier presentations we've
3 already heard has answered this. I'll need to look
4 at that in a little more detail but we're not sure
5 if this is the case, and if so, will this become
6 the norm for all FSIS claims worded similarly to
7 processed verified label claims.

8 If a policy of synchronized standards is
9 understood to be the norm for grass fed and other
10 processed verified claims, it should be described
11 in public documents.

12 MR. TYNAN: Jennifer, one more minute.

13 MS. PALEMBAS: Okay. Understanding the
14 relationship between AMS and FSIS claims will have
15 many benefits including helping find a satisfactory
16 resolution of the controversy surrounding the use
17 of the term natural. As the Agency is undoubtedly
18 aware and as others have already stated, consumers
19 associate the term natural not with the processing
20 definition adopted by FSIS, but with a broader set
21 of animal raising claims.

22 A July 2007 poll by Consumers Union found

1 that 80 percent of respondents thought that the
2 term natural on a meat label should mean, among
3 other things, that it came from an animal that was
4 raised in a natural environment. Many producers
5 have long used the term natural to refer to how
6 animals were raised, although there are no FSIS
7 standards for the truthfulness of natural as a
8 raising claim.

9 AMS has now proposed a processed verified
10 naturally raised label. While it may make sense to
11 USDA that naturally raised and natural stem from
12 two different agencies with different missions and
13 regulatory functions, this fact is lost on the
14 public at large. The market created for naturally
15 raised products and thus the desire of consumers
16 for meat from animals raised on a vegetarian diet
17 without antibiotics or added hormones could be
18 seriously undermined unless FSIS and AMS work in
19 tandem to create harmonized label standards for the
20 term natural and adopt a coordinated mechanism for
21 auditing and enforcement.

22 I'll leave there, and we'll be submitted

1 longer written comments that will go into these
2 points in further detail. Thank you.

3 MR. TYNAN: Okay. Thank you very much.
4 And again it's not because Ms. Palembas' comments
5 are not important, just to give everybody an
6 opportunity to have their say, and we'll come back
7 and perhaps give another opportunity as well.

8 The next person I have on the list is
9 Larissa McKenna. Ms. Palembas, would you like to
10 hand your comments to -- (laughter).

11 MS. MCKENNA: Good morning. My name is
12 Larissa McKenna, and I'm with Food Animal Concerns
13 Trust or FACT. Thank you for this opportunity to
14 discuss USDA's policy on the use of animal
15 production claims in the labeling of meat and
16 poultry products. FACT is a non-profit
17 organization that promotes better methods of
18 raising livestock and poultry, and we've been
19 involved in labeling discussions with the USDA
20 along with numerous other stakeholders for many
21 years and feel that clear and meaningful production
22 claims are important tools for both consumers and

1 farmers.

2 So briefly I'd like to raise three points
3 that echo many of the previous comments, the first
4 being the need to improve the current labeling
5 process at FSIS and AMS. A transparent and
6 consistent process is needed for defining
7 production claim standards and evaluating
8 applications for use of each claim. Standardized
9 criteria need to be established not by a company
10 and effectively verified before it can receive
11 approval to use an animal production claim.

12 In addition, the process whereby FSIS and
13 AMS work together should be explicitly stated and
14 formally codified. Currently, the relationship
15 between labeling efforts, FSIS and AMS is unclear.

16 A listing of specific products for which
17 specific claims have been approved should also be
18 made easily available to consumers.

19 Second, I'd like to comment on issues
20 FACT has raised previously with regard to AMS'
21 proposed naturally raised claim. While FACT
22 welcomes restrictions on the use of antibiotics,

1 hormones and animal by products and feed as part of
2 a naturally raised label, we firmly believe that a
3 standard must also address a broader array of
4 management practices. Such a definition would
5 require that an animal be allowed to express its
6 natural behaviors and preclude the use of intensive
7 confinement production practices.

8 We also support an all-encompassing
9 natural label that covers animal production from
10 consumption to consumption and is consistent across
11 all agencies of the USDA including AMS and FSIS.

12 We do not support one natural label for
13 livestock production and a second for processing.
14 We believe a single label will eliminate the
15 potential for confusion in the minds of consumers.

16 So as with some of the other groups who
17 asked USDA to reassess its proposed claim and
18 carefully consider all the issues relevant to how a
19 consumer or sustainable producer would
20 realistically perceive natural animal production.

21 Finally, I'd like to comment on the need
22 to close certain labeling loopholes, specifically

1 those associated with production claims found on
2 retail cartons of raw shell eggs. Regulatory
3 authority for egg claims such as cage free and free
4 range falls to FDA. The Agency has stated,
5 however, that it only has post-market authority to
6 regulate these production claims on egg packages.

7 The USDA regulates labeling claims found
8 on cooked egg products and, of course, the National
9 Organic Program is responsible for certifying
10 organic eggs.

11 FACT is concerned that the vast majority
12 of production claims on egg cartons do not need
13 approval before they hit the market or are only
14 regulated if there is a complaint filed as to the
15 claim potentially being deceptive or misleading
16 after the fact. This is an obvious oversight that
17 needs to be addressed by relevant departments at
18 both FDA and USDA, an effective process to ensure
19 that production claims found on egg cartons are
20 both truthful and not misleading must be
21 established. Thank you.

22 MR. TYNAN: Okay. Thank you. Ken

1 Klippen. Mr. Klippen is over there in the corner.
2 Again, if you'd identify yourself and your
3 affiliation please.

4 MR. KLIPPEN: My name is Ken Klippen.
5 I'm the Executive Director for government relations
6 and animal welfare for Sparboe Farms. I'm also a
7 Ph.D. candidate in animal welfare.

8 I want to thank both FSIS and AMS for
9 this public forum because I do believe it's
10 important that we look at ways to improve the claim
11 evaluation process, and that's what we're doing
12 here today, and I thank you for that.

13 Sparboe Farms complexes, we have several
14 in several different states, Minnesota, Iowa,
15 Colorado and we do produce caged eggs as well as
16 cage free egg products, and that's what I wanted to
17 address today because oftentimes the claim of a
18 cage free product means that there are no cages on
19 the premises at all, and indeed that's not
20 necessarily the case because of new systems that
21 are coming out, European systems that are aviaries
22 that do have cages, but the chickens are roaming

1 freely. The cages are necessary so they could
2 escape from other chickens that are in the pecking
3 order.

4 So it's a technicality, and I'm
5 suggesting that we go with the principle rather
6 than a technicality. I've been through five PVP
7 audits. If you say cage free, you must verify
8 there are no cages on the premises. So indeed
9 that's just one little technicality, but this whole
10 process of claim evaluation, we applaud this forum,
11 and we want to thank both agencies for having the
12 opportunity for us to comment and, of course, all
13 of us will be submitting additional comments in
14 writing.

15 MR. TYNAN: Okay. Thank you. We have
16 Charles Hansen.

17 MR. HANSEN: Right here.

18 MR. TYNAN: Okay. Charles, if you could
19 identify yourself and your affiliation.

20 MR. HANSEN: I sure will. I'm Charles
21 Hansen, and I'm with the Truthful Labeling
22 Coalition. It was a couple of our members that

1 wound up having to litigate to finally get resolved
2 the whole raised without antibiotics. I've heard
3 it referred to as a debacle, as a fiasco. It was
4 painful and expensive for a couple of our member
5 companies. We want to applaud USDA for finally
6 getting it right, but I think what we want to point
7 out as well is that although after a lot of pain
8 you all got it right, the process is broken. That
9 labeling branch process is a black box and that
10 needs to be opened up. I heard Urvashi and a
11 number of others talk about transparency, and we
12 strongly believe that the process has got to be a
13 lot more transparent than it is now, and only with
14 some sunlight on that process I think are we going
15 to be able to avoid fiascoes like that in the
16 future.

17 A lot of talk about truthful and
18 misleading, not misleading, and I think that's
19 where we've got to focus our attention. I mean
20 that's a very tall order. A label must be truthful
21 and it cannot mislead, and we all I think can agree
22 on what truthful means, so long as we're not trying

1 to parse words. I heard Food and Water Watch speak
2 about not needing a law degree or a Ph.D. when you
3 grocery shop, and we totally agree with that.

4 But the misleading portion is also
5 important. We've got to ensure that these labels
6 aren't misleading consumers and that consumers can
7 understand them, and when labels are approved, that
8 parsed words, raised without, you know, not
9 administered, 100 percent all natural, when you've
10 got a quarter font size enhanced with up to 15
11 percent chicken broth, that confuses consumers and
12 by definition misleads many of them.

13 And so we strongly believe that in order
14 to ensure that labels are not misleading, that they
15 be supported by third party consumer data. Too
16 often I think the labeling branch will approve
17 labels because someone's got a two-page consumer
18 survey instrument that claims that three out of
19 four consumers prefer this or that. So we think
20 consumer data has got to be a key part of this new
21 transparent process.

22 Finally, on naturally raised, we also

1 strongly oppose the notion of naturally raised,
2 just like Food and Watch Watcher, Sustainable
3 Agriculture and Consumers Union. We've got a lot
4 of problems with the current FSIS natural
5 definition or lack thereof and to try and weigh in
6 now with a naturally raised proposal from AMS would
7 further confuse an already confused issue and by
8 definition mislead consumers we believe so. Thank
9 you.

10 MR. TYNAN: All right. Thank you, sir.
11 That concludes the group of commentors that
12 registered. I'm going to give an opportunity for
13 those in the audience who maybe have had second
14 thoughts that might like to make some comments at
15 this point. If you'd just raise your hand, and
16 we'll go from there.

17 Yes, sir. This gentleman over here.

18 MR. PHILLIPS: My name is Ron Phillips,
19 and I'm with the Animal Health Institute. I
20 probably should start by commending you on bringing
21 a great deal of agreement across a wide spectrum of
22 opinion. I think we've heard today we need more

1 clarity, and as we talk about it, I want to just
2 reiterate what we just heard from Mr. Hansen.

3 As we attempt to make labels, devise
4 labels and standards for labels that are truthful
5 and not misleading, it's not as much what we mean
6 by them as it is what consumers perceive them to
7 mean, and the need for independent, I recognized
8 that in your invitation to groups, you've asked us
9 to submit consumer research that's been done, and
10 that's all well and good. Verification is a watch
11 word this morning, and I would urge you also to
12 independently verify that with some independent
13 consumer research.

14 The only other point I'd like to make is
15 that we've heard a lot this morning about the
16 consumer confusion between AMS and FSIS, and we
17 need to add to that, of course, what's going on at
18 FDA and at FDA, they have done a good job of making
19 sure that absence claims are misleading with
20 regards to safety, and it's important for USDA to
21 consider that in their effort as well.

22 There is, of course, a wealth of

1 literature. For instance, there is a wealth of
2 literature about the lack of microbiological
3 differences between conventionally raised and
4 antibiotic-free meat, and in making sure that
5 consumers are not misled, we need to make sure
6 that they understand what labels do mean as well as
7 what labels don't mean.

8 MR. TYNAN: Okay. Thank you. Do we have
9 anyone else that would like to make a comment at
10 this time? Okay. We have this lady whose name,
11 I'm sorry, I don't remember.

12 MS. PETERSON: That's all right. It's
13 Amy Peterson.

14 MR. TYNAN: Okay.

15 MS. PETERSON: I also just wanted to draw
16 more attention back to the benefits to stakeholders
17 from this process. There's a lot of markets where
18 because there's been a lack of trust in the system
19 in the past, where people will stick to say farms
20 that they know locally, word of mouth, local
21 networks, that if they know the particularly or
22 that region knows it, you know, the demand will far

1 out strip supply in those settings.

2 So getting increased transparency and
3 also consistency across this system and across this
4 process can only lead to greater parity for all
5 stakeholders who are taking on these changes in
6 their system. And I think that's important to also
7 consider.

8 MR. TYNAN: Okay. Thank you. Anyone
9 else at this point that would like to make a final
10 comment?

11 (No response.)

12 MR. TYNAN: Okay. With that, I want to
13 thank you all for coming to today's meeting for the
14 very insightful and good comments. Those will all
15 be taken into consideration.

16 I would also remind you that you have 30
17 days to submit written comments, and I believe
18 that's November 14th, to submit written comments to
19 our docket office.

20 And last but not least, I would also
21 remind you that this afternoon at 1:30, we'll be
22 starting a meeting related to *E. coli* and some of

1 the issues associated with that.

2 But again, thank you all for coming.

3 (Whereupon, at 10:15 a.m., the meeting
4 was concluded.)

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C E R T I F I C A T E

This is to certify that the attached proceedings in
the matter of:

UNITED STATES DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

ANIMAL RAISING CLAIMS

Washington, D.C.

October 14, 2008

were held as herein appears, and that this is the
original transcription thereof for the files of the
United States Department of Agriculture, Food
Safety and Inspection Service.

TIMOTHY J. ATKINSON, JR., Reporter

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