UNITED STATES DEPARTMENT OF AGRICULTURE

IN RE:	X	HELD JUNE 2, 2004
	X	2:45 P.M.
NATIONAL ADVISORY	X	HILTON ALEXANDRIA OLD TOWN
COMMITTEE ON MEAT AND	X	1767 KING STREET
POULTRY INSPECTION	X	ALEXANDRIA, VIRGINIA
MEETING	X	

VOLUME III OF V

STANDING SUB-COMMITTEE NUMBER 2

APPLYING THE MARK OF INSPECTION TO
PRODUCT TESTED FOR AN ADULTERANT

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I N D E X

P R O C E E D I N G S

2:45 p.m.

DR. JOHNSON: I'm Alice Johnson, I'm with the National Turkey Federation, I think I know everybody but Darin, and we're tickled to have you join, you seemed to just fit right in during the discussion, so that's good, and I'll let you introduce yourself.

COURT REPORTER: John Del Pino.

DR. JOHNSON: And John's asked that we speak into the microphone, if everybody will turn -- the ones that brought their nametags, if we will turn our nametags around so that they can see, that'll help, and we'll do introductions here.

We'll try to work through, and I don't know that anybody really wants to be here tonight, but we can try to work through and get finished by 5, 5:15, and have time to write our report. So with that, I'll let -- why don't we start with introductions.

Like I said, I'm Alice Johnson, with the Turkey Federation.

MR. DETWILER: I am Darin Detwiler, with no real affiliation at all, but I am an educator.

MR. GIOGLIO: Charlie Gioglio, with FSIS.

DR. LOGUE: I'm Catherine Logue, with North Dakota State University.

DR. CARPENTER: David Carpenter, with Southern Illinois University.

DR. JAN: Lee Jan, Texas Department of Health.

DR. JOHNSON: And folks on the side, the Committee last time, I believe we had some good interaction from the folks on the side, as long as it doesn't get disruptive. Is it okay with Committee members if folks participate, as long as you state your name and affiliation and talk into the microphone. But Jason, you want to introduce yourself.

MR. FROST: Jason Frost, from the New Zealand (inaudible).

MR. CORSO: Tony Corso, consumer, public citizen.

MR. LOBSTEIN: Mark Lobstein. I'm here as a representative for (inaudible) Products Corporation.

MR. SHIRE: I'm Bernie Shire, I'm with the American Association of (inaudible) Processors.

MR. VERSTEYLEN: Sayandra Versteylen, I'm here as a private citizen.

MS. ADSON: Wanda Adson, I'm with FSIS, and I'm here to put anything on the flip charts that you might put up there.

MS. WELL: I'm Jennifer Well, with FSIS, and I'm here to help assist in writing the report (inaudible).

DR. JOHNSON: We'll try to get through, Jennifer, in enough time to get the report written and have a couple reviews by the committee before the 5:30, if that's okay with everybody.

MR. GIOGLIO: Alice?

DR. JOHNSON: Uh-huh?

MR. GIOGLIO: I'm here to answer, if you need any questions answered or something clarified or whatever, otherwise I'll keep my mouth shut.

DR. JOHNSON: Okay. Did --

MR. GIOGLIO: And let me just add, I have something that was sent over, faxed over, so Sonja's going to try to get some copies made and bring them up to us, so at least, you know, the folks here on the Sub-Committee will have some copies. Most of the information is stuff that was -- has been released information already, like from 2002, that's been cleared, posted up on the web-site, and stuff like that, but at least we'll have something to work with.

DR. JOHNSON: Because I think -- I know Michael brought up the question: is there any way to say how many positives you've had as compared to how many have been -- how many people hold product --

MR. GIOGLIO: Right.

DR. JOHNSON: -- and how many don't, and I think maybe one way to look at that would be --

MR. GIOGLIO: (Inaudible) work backwards --

DR. JOHNSON: Yeah, (inaudible) recall based on the number of positives.

MR. GIOGLIO: Correct.

DR. JOHNSON: Before we get started, the issue: "Should FSIS delay a decision on granting the mark of

inspection to product that has been tested for the presence of an adulterant until it has received the results of the testing?", our questions are:

What's the Sub-Committee's view on applying the mark of inspection?

How would such a policy impact industry, particularly the small and very small plants?

And: Are there ways that FSIS could mitigate these problems?

Any questions or clarification before we started (inaudible)?

MR. DETWILER: Thanks, Jan. I guess I still -- I just want to make a clarification on the -- this idea of -- this idea of the stamp, is this for the -- when you send out a message, obviously you have to figure out who your audience is. Is this for the audience of the next end user of the product or is this message for the end consumer? And if it's for the -- does that make sense?

DR. JOHNSON: Yeah. Charley can -- you want to talk about the mark of inspection? Because we probably do need some clarification.

MR. GIOGLIO: Sure, sure, because -- and I made a point of it during -- you know, during the briefing --

UNIDENTIFIED MALE: Excuse me, Charlie, I'm sorry to interrupt. Do you have a facilitator, somebody to do your flow chart?

MR. GIOGLIO: Yeah, we're all set.

UNIDENTIFIED FEMALE: We're cruisin'.

UNIDENTIFIED MALE: You're cruisin', all right.

MR. GIOGLIO: Go back -- let me just -- I mean just for clarity's sake, let me --

UNIDENTIFIED FEMALE: Hold the mic in front of you.

MR. GIOGLIO: Oh, I'm sorry. For clarity's sake, I'll talk a little bit about the mark of inspection. The Poultry Products Inspection Act and the Federal Meat Inspection Act talk in terms of the marks of inspection or the mark of inspection, which really isn't -- is -- goes back to the time when those Acts were written, originally written, the Federal Meat Inspection Act, a hundred-plus years ago, where each carcass was physically stamped with the mark of inspection by a federal inspector. Okay. That actually still, you know, goes on to some degree in slaughter inspection and to some degree in processing degree but to not very much of that -- you know, in processing, where -- but we still -- since the Act talks in those terms, the way we're using the terminology
here is to say: when we make a decision that in fact the product is inspected and passed and eligible to ship.

So here I would say that -- to go back to your question, the audience here for the paper here is really meat and poultry processors, primarily, and slaughterers, okay. The general public would not see any difference in any

labeling issues or anything like that, I mean the physical bug on the product is going to be the same regardless of whether FSIS sampled that particular product or not.

And I'm not sure if I'm answering your question or if I understand your question.

MR. DETWILER: Well, because -- and I understand (inaudible) versus the actual physical --

MR. GIOGLIO: Right.

MR. DETWILER: -- (inaudible) stamping, but even with the idea of -- today still we have companies and grocery stores that advertise that their meats are certified USDA grade this or certified USDA safe, and even if this message is for the next user, the packager, the processor, not for the consumer, I'm still fearing that the worst-case scenario is that the consumer, the end-result purchaser at the grocery store, is going to get the message that this is certified by the USDA as being tested free for -- or theoretically free of --

MR. GIOGLIO: Right.

MR. DETWILER: -- adulterants and that what they're not going to think about or be aware of is that here, on this timeline, is where this approval was made. All these steps between purchasing -- or between that stamp and purchasing are also places where adulterants could have come into the system, and so there's this false sense of security, and this making it worse if we're allowing the question of the

granting being made without even waiting for the tests to come back, is one more sense of false security with a stamp, and if we have two ways in which there's false security for the stamp, then that obviously creates a major problem with the relationship with the consumer and the inspecting agency.

DR. JOHNSON: And Darin, you realize the stamp that's applied is applied -- we can't send product out the door unless we have a federal inspected legend on our --

MR. DETWILER: I know.

DR. JOHNSON: Yeah.

MR. GIOGLIO: Right.

MR. DETWILER: The question is: should it be held until the test results come back.

MR. GIOGLIO: Right.

MR. DETWILER: If they're not held, then what purpose -- or what good is --

DR. JOHNSON: We recall product (inaudible).

MR. DETWILER: Yeah, you have to recall product, but then it's more time and money and effort and --

DR. JAN: And all the steps you talked about subsequent to that application of that stamp, that happens outside, once that package is opened and cut, the mark is not there, so the consumer is not going to get that mark, so unless it's done in another establishment where they meet all the requirements -- everything talks about the adulteration down the line, when the consumer buys it at -- ya'll don't

have ATB [phonetic], but Kroger or one of the grocery stores, if it doesn't have a federal or state mark of inspection, even if the consumer even looks for that, but if they're -- they won't see that if it's (inaudible) --

MR. GIOGLIO: Right.

DR. JAN: -- if it's subsequently handled at that grocery store.

MR. GIOGLIO: But the same -- Kroger --

DR. LOGUE: You mean like (inaudible), you mean -- you're talking like if they stamp the joint and then it's in the store chopped down.

DR. JAN: Yeah, well, the store makes -- cuts it, trims it, makes steaks out of it or --

DR. JOHNSON: But processed products, or cooked products going out the door, that all (inaudible) --

MR. GIOGLIO: Exactly.

DR. JAN: (Inaudible) the mark of inspection (inaudible).

MR. DETWILER: But the commercials in advertising, that the consumer still says, still say things along the line of "all our product are," you know, "this inspected" or "this grade" or "have this marking," and this, again -- whether or not the consumer actually sees that, I'm afraid that the retailers are going to from time to time use that -- those phrases in there, that these are all tested to be adulterant-free.

DR. JAN: Well, let me go back, just kind of bring you up to speed. Lee Jan, for the record. Can you hear me on that thing? Okay.

Some time ago -- and it was brought up to this committee by a former member -- they were concerned that mark of inspection does not mean what the Agency thinks it means, they -- and that mark says "inspected and passed," and that individual made a point that if that mark is on there, "inspected and passed," then it should be free of adulterants.

MR. GIOGLIO: Right.

DR. JAN: And I think that's what the Agency's trying to say, is that it is free of adulterants, and based on everything that the Agency has done to that point. The problem is that the Agency, at least at this point, is unable to test every product, what I brought up in the meetings --

MR. GIOGLIO: Right.

DR. JAN: That individual I think was wanting to have a hundred-percent guarantee that if it's got that mark, that nothing can go wrong with that product. That'll never happen in this -- not in this world.

MR. GIOGLIO: Right.

DR. JAN: So that individual was looking for: let's not have the consumer have any responsibility for safety, but I think the Agency's moving closer to saying, with this proposal, is that if we have done all these things,

HACCP, we've, you know, assured safety -- sanitation and all -- everything was met according to regulations, then we would apply the mark of inspection, except in this particular case, on a random or periodic basis, we're going to put the stamp on to verify that all those things that we've done, or that our inspectors have done, or ensured that the plant has done, we're taking that revivification sample and we're going to run one more test. Now, we're saying that lot of product right there, that's affected by these tests, should FSIS not allow them to ship that product, and the way we can -- only way we can really not allow them to ship that product for commerce is not allow them to put the mark of inspection on there, so -- until we get that result back.

I think it makes sense. I think the logistics are going to be a problem, with processed product, because the labels, they go on there, and if we're labeling the package, the it's going to be on there, so we may have to think of different terminology, like "mandatory holding" rather than "not allow mark of inspection," as opposed to in the slaughter plants, where we are testing cattle for BSE, those, you can put them in a cage and not put the mark of inspection on them, because they do actually stamp those, until that test comes back, and then they can stamp it and send it on.

So, I mean, that -- I think it helps -- might tend to help us -- try to help you understand what that mark of inspection means to the Agency and what, I think, maybe the

perception of the consumer is, that -- at least those that pay attention and look for that mark, what their expectations are, and that was based on this other consumer advocate.

MR. GIOGLIO: Thank you.

DR. JOHNSON: And right now a lot of companies are holding anyway. I mean, I think if you look -- if I'm reading this thing right, you can tell product that is held, held, held, held, held, so there's a lot of -- you know, I think the majority of the companies will hold product. I think the big issue comes in because --

UNIDENTIFIED FEMALE: The time.

DR. JOHNSON: -- it's like you said, recall, we don't want to go through that, that's a nightmare, we don't want to do that, but the time when you've got the smaller guys -- because we have done a little work on the recalls, and it looks like the majority of the recalls are -- the poundage is very small, and, you know, it's the guys who either don't have the capacity or else have orders that they have to fill, grinding hamburgers today, I'm going to take it at 2 o'clock down the road to these folks, and that's where I think, you know, we -- there really -- as Dr. Jan was saying, the logistics become very difficult for folks like that, because it's difficult for them to be able to haul product.

I also think, when we talked about residue testing, particularly with the way we do poultry now, I don't know how we would be able to hold product. I think most -- most

poultry companies -- and some of you guys there close up, to let me know (inaudible) --

(Laughter.)

DR. JOHNSON: I was going to say "chirp off," but I thought well, hey, come on, pluck up if I'm saying this wrong, but most of the --

MR. GIOGLIO: In your case "gobble."

DR. JOHNSON: Gobble, yeah, "gobble up." Most of them do residue testing before the birds go to the plant, so that they can keep the birds from going to the plant if residues are at a higher level, but when USDA tests at the plant, you know, it's, I don't know, somewhere around 14 days to get samples back, and it's not like you can just hold one cow carcass, so I don't know how that would work.

MR. SHIRE: Can I just ask a question? If you don't want me to -- I'm not going to get out of hand or anything (inaudible) --

DR. JOHNSON: (Inaudible.)

MR. SHIRE: (Inaudible.)

(Laughter.)

DR. JOHNSON: Do you want to come up here to speak.

MR. SHIRE: I just wanted to ask Charley a question, to give you -- you know, because we were having this discussion about the fact that this is a sampling program --

MR. GIOGLIO: Right.

MR. SHIRE: -- and that most product goes out bearing the mark of inspection because it's been -- because it's gone through --

UNIDENTIFIED MALE: HACCP (inaudible).

UNIDENTIFIED MALE: All of --

MR. SHIRE: Well, all of it, I mean, but I'm -- but no, I'm just -- all of it does, but a part of that product goes through the sampling process.

MR. GIOGLIO: Correct.

MR. SHIRE: Do you have any figures as to what percentage of the product is sampled in this way? That's what I wanted to ask.

MR. GIOGLIO: What I brought are some numbers that OPHS, our Office of Public Health Science, was able to, you know, just -- just pull down and fax over for the discussion this afternoon. Let me ask you a question as best I can right this second, Bernie, and that is: a very small percentage of the actual production and the actual number of production lots that are produced are sampled. Our sampling is not intended to be, you know, acceptance sampling or is not intended to be statistically based, where we're making, you know, a generalized judgment about the product. What our sampling really is, and I had stated earlier, is just another verification tool.

So it's sort of hit and miss, and I don't know, I mean, at different times I may have said potentially once a

month each establishment gets sampled, or something like that, but I'm not exactly sure what it is. I do know last year, in fiscal year -- in calendar year '03, we took somewhere around 5600 samples of ready-to-eat product, and that's across the board, okay, that's -- so that would be sliced cold-cut type products and, you know, hot dogs and frozen dinners and all the various types of ready-to-eat products.

Certainly there were a lot more than 5600 production lots produced. I mean, there's how many processing plants, okay, you know, if there's 4,000, you know, plus, 5,000 processing plants, every one producing one lot per day, 200 days a year, you know, we can figure that out, many of them producing multiple lots, so you can sort of see where -- where the actual sampling is a small percentage of the -- you know, of the production. I mean, it's not intended to be acceptance.

To the other point, that Alice just made, I think it is very fair to say that presently the majority of the production is in fact held, when FSIS samples, because the inspector system is working, whereby the inspectors are in fact informing the establishments, you know, recommending strongly to them that they hold the product, and the establishments are, you know, taking advantage of that opportunity, doing whatever they need to hold it.

What we're looking at is, I think, looking to solve

the problem with, you know, 20 to 30 or so, you know, lots that in fact get shipped because people make either a business decision, or, you know, whatever they factor in, and you may be able to address that, what goes into, you know, an establishment's considerations to ship product when the inspector samples. Okay.

So that's what -- we're probably looking at somewheres around 20 to 30, most of the time small production lots. I will say, however, and I didn't make this point earlier, is that even to -- even though it's a small production lot -- and certainly a recall is, you know -- on one hand could be devastating to a consumer, you know, and to the industry, I mean, to that individual establishment, it could be, you know, extremely costly, and neither the Agency nor any individual plant, I'm sure, wants to have to be in a position to recall, but we're forced into it when things happen. So --

DR. JOHNSON: Charlie, on the -- you keep making the point that this is not a test-and-hold, this is verification.

MR. GIOGLIO: Yes.

DR. JOHNSON: I think the Agency has stated in their --

MR. GIOGLIO: That's true.

DR. JOHNSON: -- in some of the preambles to the pathogen (inaudible) rule --

MR. GIOGLIO: Right.

DR. JOHNSON: -- I think it was NAS and both -- International Micro Group that has said, you know, verification of the process is appropriate, test-and- release probably isn't.

MR. GIOGLIO: Correct.

DR. JOHNSON: So I don't -- I don't know how the Agency, having made those statements, and recognizing that verification of the process is what you're after and there's not enough time, energy, or money, to do a lot acceptance --

MR. GIOGLIO: That's correct.

DR. JOHNSON: So I -- it looks like it's difficult to be able to justify, you know, mandating, because it looks like it goes against what you've already said with the verification process and forces you into something that we really can't do, as far as the money and the resources.

MR. GIOGLIO: Yeah, I would say that it is true that what you said, you know, earlier, that we don't see this necessarily as a hold-and-test the way some of us who, you know, fortunately or unfortunately, go back a number of years and remember when we were -- you know, we did have hold-and -- quote unquote, hold-and-test programs and stuff like that, pre-HACCP. We don't see this this way. However, when we look at the Act and our mandate and so forth, you know, we question whether or not we can make the decision that the product is not adulterated if we know -- as an Agency, if we

know that there is this additional information that we except to come to us in, you know, 2 to 5 days or, in the case of listeria, maybe, you know, 3, 4, to 8 days on a positive, if we know that information is going to be coming to us, you know, can we make that decision to say yes, in fact, this product is -- you know, should be considered inspected and passed and all the requirements for it have been met and it's going out, until that comes in, and that's really where we are.

What I guess we're looking for is -- recognizing that it does set up a number of practical problems, and to talk about, okay, what are the ways to sort of get around those or mitigate those problems that it sets up for the small processors or, you know, in the case of a poultry establishment, you know, where a whole flock may be affected.

MR. SHIRE: I'll just kind of make one other point, then. Based on what Alice said, I agree that if there isn't the justification there for doing it, then I guess the question I have is, what would be the justification of basically proving that whatever percent we're talking about, and you said it's a very, very small percent, where is the jurisdiction for doing that, and what about the rest, what about the --

DR. JOHNSON: Releasing all the product.

MR. GIOGLIO: For doing what?

MR. SHIRE: Well, for taking this product that you

-- this small amount of product that you're sampling --

MR. GIOGLIO: Right.

MR. SHIRE: -- and withholding or --

MR. GIOGLIO: Right.

MR. SHIRE: -- holding out the mark of inspection --

MR. GIOGLIO: I think --

MR. SHIRE: -- but for the rest of it you're not doing it. That's the question.

MR. GIOGLIO: I think the rest of it -- we're able -- on those days and those lots where we sample, we know for a fact that there's additional information that's going to be coming to us. For any number of reasons we cannot sample every lot, I mean there's not enough funds that the Congress could, you know, allocate to the Agency to do something like that, but in all -- you know, and all that, so -- that's not where we're going to --

So in cases where we do not sample, okay, a plant conducts -- finishes their pre-shipment review, as long as they have found everything acceptable, we have -- on all our other verifications have found everything acceptable, we can comfortably then make the decision that the product is not adulterated and is eligible to ship.

But on those situations where we know there is this other piece of information coming in, we feel that, you know, the question is: do we have the responsibility now to wait

until that piece of information comes in before we make that final decision, and that's the difference. So we're not looking to change what we're doing on -- you know, on those lots of product where we're not sampling, only on those -- and it is in smaller percentage, okay, on those where we do.

DR. JOHNSON: In order to get to the question, does anybody else in the group have more clarification (inaudible)?

DR. CARPENTER: David Carpenter. You said that 40 percent recalls were due to positive FSIS sampling.

MR. GIOGLIO: That's true.

DR. CARPENTER: I mean, so that's almost half of that's tested.

MR. GIOGLIO: No, sir. I'm sorry, go ahead.

DR. CARPENTER: I mean, you've got -- there's a certain percentage that you are taking a sample, FSIS, and 40 percent of those are saying "you must recall this product" --

MR. GIOGLIO: No.

DR. CARPENTER: No?

MR. GIOGLIO: Let me try to clarify that.

DR. CARPENTER: Okay.

MR. GIOGLIO: 40 percent of the recalls -- and let me just make round numbers here.

DR. CARPENTER: Okay.

MR. GIOGLIO: Okay. Let's say in a given year there were a hundred recalls, okay, there could be any number

of reasons for those recalls, some may be because the Agency got information that there was an outbreak and we investigated and it was, you know, linked to a particular lot or lots of product; there may be other -- other times where we get information from a state program and we investigate and we determine that a particular lot of product is adulterated, you know, for some particular reason and we need to recall; there may be other situations where product is misbranded or -- you know, any number of reasons that drive a recall.

The point I was saying is that when you look at all of those reasons and look at the percent and break it down, if you made a pie chart, so to speak, 40 percent of those recalls would have been driven by our -- a situation where the Agency took a sample and the sample came back positive for a particular pathogen, you know, let's just say O157:H7 in ground beef product or listeria monocytogenes or salmonella in a ready-to-eat product, where the establishment chose not to hold the product.

There are -- the majority of cases -- with our testing program, in the majority of situations, the products -- the establishments opt to hold the product, so there may be a greater number of positive samples that we find where the product is in fact held and therefore no need for a recall, the product was never released out of the establishment's control, it never in fact got into commerce,

where the consumer could have gotten, you know, the product.

So the two things don't equate, I mean the number of positives don't necessarily equate to the number of recalls. Does that --

DR. JOHNSON: In fact, there would probably be a very small percentage of positives that -- I was trying to find some data --

MR. GIOGLIO: Right.

DR. JOHNSON: We put together some recall numbers for our guys last year to look at, recalls of -- what the major cause of recalls and what we needed to do about it, and Charlie, what you said, in '03 there were 113 recalls --

MR. GIOGLIO: Okay.

DR. JOHNSON: -- and of that, 40 percent were where you had routine micro sampling --

MR. GIOGLIO: Correct.

DR. JOHNSON: -- most of it was micro, but you said over a given year you did 5600 listeria tests --

MR. GIOGLIO: Okay.

DR. JOHNSON: -- so --

MR. GIOGLIO: In '03 there were somewhere around there.

DR. JOHNSON: So if we knew for sure the number of positive listeria, then we could look at how many listeria recalls we have where we give the percentage of plants that

were holding product for recall, which obviously is going to be pretty good.

MR. GIOGLIO: Okay. There was probably about 40 or so positives, I believe, in '03.

DR. JOHNSON: I have 15.

MR. GIOGLIO: 15?

DR. JOHNSON: Listeria positives.

MR. GIOGLIO: Okay.

DR. CARPENTER: So it's only testing for listeria.

UNIDENTIFIED MALE: (Inaudible.)

DR. JOHNSON: It's off the web-site, it's off the recall web-site.

DR. CARPENTER: Okay, so, Charlie in your statement --

MR. GIOGLIO: Yes.

DR. CARPENTER: -- that you gave us, if the ones who elected to hold --

MR. GIOGLIO: Correct.

DR. CARPENTER: -- were not held, how many would have been in the recall category?

DR. JOHNSON: So if we knew the number of positives, we'd know that.

MR. GIOGLIO: Right. And that -- in this table you can see what they list here as product status?

DR. CARPENTER: Uh-huh.

MR. GIOGLIO: Okay?

DR. CARPENTER: Uh-huh.

MR. GIOGLIO: Those that were not held were in fact recalled, the Agency went to the firm and requested a voluntary recall.

DR. CARPENTER: How many situations where a firm is holding --

MR. GIOGLIO: Correct, okay.

DR. CARPENTER: -- does FSIS or USDA [phonetic] come back and say, "You have an adulterant, you can't release that"?

MR. GIOGLIO: Every -- in every case where a positive result comes back, okay --

DR. CARPENTER: If there are ten -- ten are in the held category --

MR. GIOGLIO: Correct.

DR. CARPENTER: -- what typically are the number that wind up with a positive FSIS result, one out of every ten, two?

MR. GIOGLIO: No, much less, it's much less. I mean, if you're asking me -- what the percentage of positive results, is that what you're asking me?

DR. CARPENTER: No. I'm asking --

MR. GIOGLIO: Okay.

DR. CARPENTER: -- out of the ones that are held, how many --

MR. GIOGLIO: Out of the ones that are held --

DR. CARPENTER: -- how many -- obviously you don't have a recall if they haven't released it.

MR. GIOGLIO: Right, correct.

DR. CARPENTER: But if they had released it, how many are in the category of: would have been positive? One out of a thousand, one out of 10,000 --

MR. GIOGLIO: I'd have to --

DR. JOHNSON: We need that number --

MR. GIOGLIO: (Inaudible.)

DR. JOHNSON: -- but I think --

DR. CARPENTER: You see the point I'm trying to make, though?

DR. JOHNSON: Yeah --

DR. CARPENTER: I mean it's not the recall category because it never got -- it never got released.

MR. GIOGLIO: Right.

DR. JOHNSON: That's right.

DR. CARPENTER: And so can we extrapolate that to all the product that doesn't get any kind of testing?

DR. JOHNSON: Well, I think we need to be careful --

DR. CARPENTER: (Inaudible.)

DR. JOHNSON: Yeah. I think --

DR. CARPENTER: (Inaudible.)

DR. JOHNSON: I think we need to be careful going there, because I just don't know how the Agency could justify

the policy if in fact they say -- exactly what you said, "Okay, well, we're going to hold this, but we have all this other poundage that we're letting go, that we're not -- we get into a test-and-hold that -- you know, I know the industry can't afford to do it, and I just can't imagine FSIS can afford the sampling costs of that stop [phonetic].

UNIDENTIFIED MALE: But what do we do --

UNIDENTIFIED MALE: (Inaudible.)

DR. JOHNSON: Yeah, because it's hard to say, "Oh, we're going to hold this" because there's more information that can be gathered, but yet you can say that for all the product that's not being tested at this point, you know. I mean, I just -- I think that --

MR. GIOGLIO: Right, but that's not -- I mean that is not what the Agency is suggesting at this point, at all. I mean, that's not what we have considered here. We're looking only at those situations where we're routinely sampling and --

DR. JOHNSON: But I think it's hard to make -- it's hard to make an alternate argument unless you simply go with the fact that you're using this for verification, and I think that's where you've gone.

MR. GIOGLIO: And that's what it is, and the same exact situation would be -- somebody had asked the question earlier about the imported product, and that -- again, that is a verification sampling that we do at the point of

reinspection now upon import, okay, there's a series of tests that the inspectors do before a given lot of product is accepted. One of those may be: taking a sample and sending it off to the lab to test for the presence of listeria, let's say. Before we would complete that inspection, okay, and in fact release that product into domestic commerce, we would wait until that result comes back.

That's not to say that we're going to, you know, test every single lot that's presented, you know, at the border for inspection, for reinspection --

DR. JOHNSON: Yeah. I think --

MR. GIOGLIO: -- or, you know, at the federal --

DR. JOHNSON: Yeah. If everybody's comfortable, we maybe start trying to work through some of our questions, and where I think might be good, I want to do some more [phonetic] work for the government, brainstorming. (Laughter.)

DR. JOHNSON: (Inaudible) I don't want to (inaudible) keep it down to just one or two words.

The Sub-Committee's view on applying the mark of inspection to product tested for adulterant, basically the test-and-hold concept, do you want to just go around the table and say good, bad, indifferent, more questions, you want to try to start trying to work through some of the questions so we can -- I'm sure we'll have a lot more questions as we try to come up with answers.

DR. JAN: I know you want to move this thing along, but if I may, I might say one more thing about this and see what the Committee thinks about it, but it seems to me that this -- what we're talking about is: product is not tested to gain mark of inspection and just because it's tested now we're going to say, "Okay, should we hold it back or not," I think if we look at it from the other way, that the Agency is confident that the system is in place, the food-safety system is in place, for -- the end result is a non-adulterated product, but to verify that, or to prove that, to demonstrate that, we're going to take samples, and when we do take a sample, since we know there's more information coming, then we're going to say, "You can't send this because we don't want you to have to recall it, we don't want to recall it, and we don't want anything going out under the mark of inspection that we have" -- "are able to say contains an adulterant."

Now, to make that system better, I think, the Agency ought to come up with a statistical number of samples per that chosen lot, and maybe do few chosen lots to be able to afford that, so that when they do take a sample, we can know that if it was a positive, that lot was positive, that there's a 95-, 98- -- or some level of confidence that we in fact found a positive, if there was as positive there.

Right now we're taking samples and getting some positives, but probably -- I'm not a statistician, but I bet

it's, you know, probably less than a 70-percent level of confidence that we're going to pick up a positive from a positive lot, (inaudible) negative, so the Agency was turning around --

UNIDENTIFIED FEMALE: (Inaudible.)

DR. JAN: -- and then -- and I think that would also give the industry an incentive to say, "Yeah, I really want to hold it because there's a better chance of being picked up if it's there." I'm just thinking if we do that, to keep these plants to be able to survive -- now, the big giant plants probably can handle it, but I think the Agency ought to buy those samples, I think the Agency -- and I know that means a lot of (inaudible), but under -- outside the plant, the Agency buys samples, so it seems (inaudible) --

UNIDENTIFIED FEMALE: (Inaudible) retail, though (inaudible).

DR. JAN: They go to the retail store and buy a sample for testing -- I mean take a sample -- they don't take it away from them, they buy it. So it would make sense that the Agency would look at this and say, "Okay, we're going to need take" -- "of your jerky, okay, you've made a hundred-pound batch of jerky, our statisticians say you need to give us 20 pounds of that," and just -- I don't know where it is, but if they say you've got to test 20 samples out of a hundred pounds, small plants will go out of business if you do that to them very often, but if the Agency buys those

samples, the plant can go -- there's still going to be the issue of holding, but when you get a result back that was negative, I think you've got a lot more confidence and can say, you know, "this system's working," you know, because you're not going to pick up -- and that's just the way sampling works, you know, you can have it here, you may not have it here, side-by-side samples. We've seen that many times, because if we have a positive, a plant says, "Wait a minute, I want to see" -- "I'm going to take a sample and I'm going to test it" and they come back negative, so you've got a mixture of stuff.

But anyway, that's another concept, but I think if we're going to talk about withholding, let's have -- let's make it -- make it significant on that testing, make that testing mean something rather than just be eyewash [phonetic] that we're testing.

DR. JOHNSON: And I think that it's important to remember that the -- Charlie, I would say the majority of samples you take, the companies elect to hold, so there's already the voluntary measure in place, I think the real issue is on the smaller guys, and I would argue if they're going to buy the sample, then should they buy the holding capacity for these guys, or is there some way -- and I think we're already (inaudible) -- is there some way that you could make it so that the smaller guys -- because a lot of times now I don't think they feel like they have the opportunity to

hold because they're getting ready to ship out the door and a sample's taken and they've got an order to fill, and is there some way the Agency could work with the smaller guys to give them notification, to allow them to -- to change trends that -- their grinding or something, so that we don't disrupt business but they have the opportunity to hold product, I think that's --

DR. JAN: And what you're talking about -- if it's on the very small, they produce per order, and so if we could tell those in advance, early enough -- if they had an order that -- they maybe need to fill a hundred pounds of sausage, for example, tell them early enough they could -- on that particular day they could produce two lots, two 100-pound lots, one for the government and one they could sell to their customer, and then that one that they hold for the government, then once it come back negative they could sell that (inaudible) --

DR. LOGUE: But you may lose some of the roundness [phonetic] effect by doing that, because it's like, "Oh, we know we're going to be government-inspected" --

MR. GIOGLIO: They don't inspect it every day.

DR. LOGUE: -- how do people change?

DR. JOHNSON: Yeah, and the government tells them -- you're supposed to give advance notice that they're being tested anyway, so -- and some of the inspectors will tell you the day before and some will tell you two hours before, but

like if I'm a grinder and I have an option of the different trim I'm going to use, if I get tested then I'll clean up, stop using that trim, go to the next trim, so I can make my order, and hold that until I'm sure it's okay, but I don't know that the opportunity is there now.

Dr. Masters, you have numbers?

DR. MASTERS: You can't quote me on these, because they're still working to get them published, but they will help the discussion. For Lm, for calendar year 2003, there were 43 positives. You have to subtract the number of recalls --

UNIDENTIFIED FEMALE: How many samples were taken?

DR. MASTERS: They didn't give me that.

UNIDENTIFIED FEMALE: You have them here, don't you?

DR. MASTERS: Yeah, you should have that --

MR. GIOGLIO: For '03, for --

DR. MASTERS: Yes.

MR. GIOGLIO: I understood from a discussion this morning with OPHS about 5600 samples for Lm --

DR. MASTERS: That would have been E. coli -- oh, maybe it was --

MR. GIOGLIO: She told me for Lm.

DR. MASTERS: -- for Lm too, because I know we've got -- okay, so if we say 5,000 samples, 43 positive, and my number says 15 were recalled for Lm, so we know that

(inaudible) give our fingers --

UNIDENTIFIED FEMALE: So that means that 30 of them didn't make it (inaudible) in the first place.

DR. MASTERS: Thank you. 30 of them were held --

UNIDENTIFIED FEMALE: 30 were held, right.

DR. MASTERS: -- 30 of them were held.

DR. JOHNSON: Right.

DR. MASTERS: And then on E. coli O157:H7, it was also close to 5600 samples, and --

UNIDENTIFIED FEMALE: That's a good number (inaudible).

DR. MASTERS: Yeah. I mean, it was actually very close to that, and it was 18 positives.

DR. JOHNSON: 18 positives.

DR. MASTERS: So then you have to subtract out your recalls again --

DR. MASTERS: All right, and for -- I have -- I have 11 recalls for '03.

DR. JOHNSON: But does that include Stampede, which was a recall based on an outbreak as opposed to a positive sample, and that I don't know.

MR. GIOGLIO: I don't -- I'm not sure either.

DR. JOHNSON: Wait a minute, I bet I have a chart. (Laughter.)

MR. GIOGLIO: (Inaudible), actually.

DR. JOHNSON: Because we did look at it based on

what initiated the recall --

MR. GIOGLIO: Right.

DR. JOHNSON: -- whether it was --

DR. MASTERS: But that's the information we (inaudible) answers.

DR. JOHNSON: Yeah. Okay, but if we look at the percentage, then --

DR. MASTERS: Because there was 18, and you said there was 11, so that would have been a high percentage.

DR. JOHNSON: 15 --

(Pause.)

DR. MASTERS: So you've got about -- for Lm, over 70 percent of the folks that -- and I'm rounding up numbers, this is called mental math, I know, my niece, with her "very mental math" -- of that, then 70 percent of the folks elected to hold --

MR. GIOGLIO: Are holding.

DR. JAN: And with no (inaudible) product.

DR. JOHNSON: Yeah. And I think that something else that our little working group that put this together found, that the majority of the recalls were very small poundage, 180, I mean even -- there's one for 18 pounds --

MR. GIOGLIO: And that squares with what --

DR. JOHNSON: The small (inaudible).

UNIDENTIFIED FEMALE: It's not dependent on the size of the batch that was originally produced --

UNIDENTIFIED FEMALE: Yeah, and whether --

UNIDENTIFIED FEMALE: -- (inaudible) small batches.

UNIDENTIFIED FEMALE: Yeah. Whether they needed to go out the door, which would bode for that it was a smaller -- smaller companies that are having reason to -- can't hold or something.

MR. DETWILER: Well, wouldn't that -- can I ask the obvious question, that's indicative of the fact that I'm a new guy: what is that defining line between not small and very small plants, and small and very small plants?

UNIDENTIFIED FEMALE: What's the production level (inaudible)?

UNIDENTIFIED FEMALE: Well, by USDA standard, the pathogen-reduction HACCP rule, small is less than 10 employees.

UNIDENTIFIED FEMALE: The very small (inaudible) --

UNIDENTIFIED FEMALE: Very small is less than 10. Small is less than 400 -- 500.

MR. GIOGLIO: 499 and less, I guess.

UNIDENTIFIED FEMALE: Yeah.

DR. MASTERS: So (inaudible) checking, but there are folks downstairs, if you guys have additional things that will be useful to you (inaudible) downstairs and they'll do what they need to (inaudible) --

UNIDENTIFIED MALE: Thank you, Dr. Masters.

DR. JOHNSON: Yeah, I think that kind of helps, to

at least have some --

UNIDENTIFIED FEMALE: At least (inaudible) can move forward.

DR. JOHNSON: -- some sort of view of what the -- how many people are holding as opposed to not. Okay, are we ready to start the questions? All right, Question Number 1, (inaudible) apply the mark of inspection?

DR. LOGUE: Well, the first thing, when Dr. (inaudible) started talking here, one thing that kind of struck me about it was that some of what they're trying to do almost seems like it's dependent on the production facility, that there's level of kind of -- you know, as he said, it's a verification in some ways, so they're very dependent on what the company is doing.

I just kind of wondered, if that's the case, then is there any way that they could start looking at maybe sharing more information with the company? The plants that I deal with tend to batch-test everything anyway, and they're not required to give it to FSIS, but they do it for their own -- as you said, their own internal clearances.

Would that be worth exploring or negotiating that with them, and that would help some of this process? I know it's kind of a -- it's a big think to ask.

DR. JOHNSON: Well, I think that now, with the latest Notice FSIS has access to all testing that's related --

MR. GIOGLIO: (Inaudible.)

DR. JOHNSON: -- that's used, as part of the hazard analysis, and I think that's kind of a different issue than the test-and-hold. I would agree that sharing would probably be the way of helping the very small guys understand the need to test-and-hold and the need to -- but I think that, you know -- I personally think mandatory test-and-hold is not a good way to go because I think we get a lot of acceptance [phonetic] and I don't believe there's any way we can really justify that, if in fact this is truly verification, as NAS and International Micro Group has stated, you know, verification is not a hold-and-release.

DR. LOGUE: See, that's the way I see this right now, is pretty much want a verification.

DR. JOHNSON: Yeah, and that -- and I think that's the only way the Agency can afford to do it. Dr. Jan, what --

DR. JAN: Well, it's a tough issue, but I think if we're going to -- if the Agency's going to say this mark tells the public that it's been inspected and passed and there's a pending result that they prove to be an adulterant, I think I'm going to have to lean towards saying (inaudible) --

DR. JOHNSON: Toward mandating?

DR. JAN: -- mandating that they are not allowed to go into commerce. I mean, this generally -- contrary to the

way I believe, (inaudible) impact on small business, but public health has to be first, and the confidence in that mark has to be (inaudible), and if -- and if there is a sample, if we know there's -- we're waiting on a result to know what the final outcome is, then it doesn't make sense to me that we let that product go --

DR. LOGUE: What about all the other product that's going to -- that has that mark and -- I mean, now it's based on (inaudible) because you couldn't sample it all anyway.

DR. JAN: Right, and that's based on what Alice said earlier, that the Agency has the confidence in all the systems that they've already mandated that they in fact do produce this product that is safe, and this verification --

DR. LOGUE: Well (inaudible) faith-based confidence thing, so -- you know, how can you just simply apply it to one part and not to all the other bits [phonetic] that went out without that?

DR. JAN: Well, the only option, then, would be, if we're going to say we have the confidence that this system works, we have so much confidence that the system works that we're going to provide the mark of inspection, and if you don't want to hold this verification lot, because we know everything's not perfect, but if we're going to say, "Okay, we're going to" -- you know, if we're going to not hold this, then let's just not do any verification, I don't think we have that much confidence in the system (inaudible)

confidence the system works, we do have to have, I think, some way to verify that the system not only works but it continues to work, that once we sample this -- and particularly if we would increase the sampling on that particular lot to give a level of confidence, a higher level of confidence, that the test results truly indicates what's in that product, then I think (inaudible) pending a test or a result, to make our final decision, based on that, we say, "You can't send that" until we know everything that we are going to know.

Those lots that aren't tested, we know everything that we've got to know already, we already know that they've met performance standards, sanitation and performance standards, and the SSOP and they've met HACCP and met all the critical limits [phonetic] and all those things that go along with producing a safe product.

So we're relying on that system, but now we (inaudible) --

DR. LOGUE: So your level of confidence is a statistical level of confidence.

UNIDENTIFIED FEMALE: Yeah.

DR. JAN: Yeah. That -- I mean, because there's no way, in this world, that I know of, that we can be a hundred percent sure about anything, but when we know that we're still waiting on a test result, and we have historical data saying that taking one sample out of a lot comes back

positive sometimes, then, you know, it doesn't make sense, if we're waiting on a test result, that we allow the mark of inspection to go on that product, and -- I mean, it's -- it's not an easy situation, it's not an easy place to be, but I think if we're going to try to support or continue to support (inaudible) the consumer, if that mark of inspection does mean inspected and passed, I think it's got -- it's more credible to say: we're not going to let it out if we're still waiting on test results. I just --

DR. JOHNSON: I agree that we don't need to have it out in commerce, but I have trouble with the Agency mandating it, and one of the reasons is, you know, you put -- that means Agency tags product, sample results come back, you have to get an inspector to release that product --

MR. GIOGLIO: Not necessarily the Agency tagging the product.

DR. JOHNSON: But if it's mandated that you have to get inspection -- you have to notify someone the product's ready to be released --

MR. GIOGLIO: Currently -- just remember a couple of things. One, the establishments can get the sample results in real-time just the same as the inspectors can --

DR. JOHNSON: Right.

MR. GIOGLIO: -- electronically. They presently make decisions -- if a lot is not sampled, they presently make the decision, after they complete pre-shipment review,

that the product -- you know, that everything was met and so forth, you don't need to get the inspector's permission or, you know, clearance to ship the product.

DR. JOHNSON: Well, Charley --

MR. GIOGLIO: Right?

DR. JOHNSON: No. I know what you're saying, and that's why I say --

MR. GIOGLIO: So --

DR. JOHNSON: -- if it's the plant's choice to hold, then they --

MR. GIOGLIO: Correct.

DR. JOHNSON: -- release, because you get samples over the weekend, you get -- you know, through the computerized system.

MR. GIOGLIO: Right.

DR. JOHNSON: However, if it's a mandate that they have to hold --

MR. GIOGLIO: Right.

DR. JOHNSON: -- then -- then it looks like to me the inspector would have to -- you would have to notify -- "We have the sample results back, we're releasing," you wouldn't be able just to release because the plant -- that's where I get back to -- we already have the voluntary system in place.

I look at it kind of like recalls, there's not a mandate -- we aren't mandated to recall, but does anybody

ever not do it? No. I think that's where we have to kind of work through -- I mean, I would see it being voluntary and we have to work through how we make it so that everybody can have a voluntary hold, instead of mandating, because I think mandating is going to get us into too many hoops.

DR. LOGUE: Because then you're going to (inaudible) over how long it took and the quality of product went down, shelf life -- that's destroyed product (inaudible) --

DR. JOHNSON: Yeah, and you'd have to have some sort of notification from the inspector that it's okay to go. If not, you've still got the same thing we have in place now, a company elects to do it and when they get their results back they go forward with it. So --

MR. CORSO: Alice, I have a question. What would be the Agency's legal exposure if they were holding the product, the test, but eventually released it into commerce and a test comes back positive and the stuff has already gotten into the -- into commerce?

MR. GIOGLIO: The Agency's legal exposure?

MR. CORSO: Yeah. In terms of any -- if people got sick from contaminated product.

MR. GIOGLIO: I honestly don't know the answer to that -- that question.

DR. LOGUE: (Inaudible.)

MR. GIOGLIO: I think it's more the company's legal

exposure rather than the Agency's legal exposure, if -- in other words, if the Agency -- if we took this position and we tested and that product would not be eligible to be shipped until the result came back negative, okay, and --

MR. CORSO: Maybe I didn't ask the question properly. If you tested and released the product -- I used the wrong word.

MR. GIOGLIO: Okay.

MR. CORSO: If you tested and released the product and then the results come back, you've already put the mark of inspection, you have not held the product --

MR. GIOGLIO: Correct.

MR. CORSO: -- you've released it into commerce --

MR. GIOGLIO: Right.

MR. CORSO: -- the test comes back (inaudible) --

MR. GIOGLIO: That's the situation today.

MR. CORSO: Right. And so what's the Agency's, you know, legal exposure in terms of being sued for releasing a product that --

MR. GIOGLIO: I don't --

MR. CORSO: -- you were testing, you were testing?

DR. LOGUE: (Inaudible) --

MR. GIOGLIO: That's the situation -- that's the situation today --

MR. CORSO: Uh-huh.

MR. GIOGLIO: -- and I'm sure we've never been --

you know, the question has never been brought up in court or anything like that, but I don't believe the Agency, FSIS, has a legal -- you know, is legally necessarily exposed. Potentially, yes. I'm not an attorney, so I can't really answer your question.

MR. CORSO: Wouldn't it come back to -- just -- terminology, wouldn't it come back to traditional organoleptic inspection versus micro, FSIS uses strictly the senses they have to make the determination about the wholesomeness of a product (inaudible) --

MR. GIOGLIO: And the verification of the HACCP records and verification that had taken place in the plant during -- you know, during the time that that particular product was being produced. But -- I mean, it goes back to the same question we started the whole thing with, the one cow that had come back BSE-positive, the Department had taken the sample, but the particular cow was released, and then, you know, the result came back sometime later.

DR. LOGUE: But it was a long time later, because BSE wasn't -- they weren't testing for it that quickly either.

UNIDENTIFIED MALE: Right.

UNIDENTIFIED FEMALE: Yeah.

DR. LOGUE: I mean, it was like that cow's head was sitting in a fridge for, what, weeks, wasn't it?

UNIDENTIFIED MALE: Yeah.

UNIDENTIFIED FEMALE: Yeah, it was.

DR. LOGUE: So, I mean, if that carcass had left tied back or pushed back in that fridge forever, it would have sat there and rotted, you know. But --

UNIDENTIFIED FEMALE: (Inaudible) sick out of it, yeah.

(Laughter.)

DR. LOGUE: But, I mean, that's the thing, again, some of this is tied to the limitations of the test and the method. They're not overnight.

DR. JOHNSON: I hate to be like pushy, but we do need to address our questions. On test-and-hold, applying the mark of inspection, I say let's work it out voluntarily, it seems to be working, we just have to figure out for some of the -- some of the special cases. That's my vote. Dr. Jan, you're mandatory.

DR. LOGUE: I agree with you.

DR. CARPENTER: I'm leaning toward doing what Dr. Jan saying, but realized that we've got to come up with a balance with the producers, the regulators, and the consumers' confidence in the assurance of the viability of the system. You know, it's tough, because your producers want to get the product out there, the regulators are going to have to satisfy the taxpayers that you're doing what's needed to make sure the public's health is maintained, and they want that -- they want those assurances.

I would vote in favor to get rid of the testing, saying, "The way we manufacture, and all the HACCP stuff, and everything's in place," and Charlie says, you know, we checked that, and no one's deviated from it, and our routine testing shows we don't have bugs, like listeria, where they shouldn't be, and as long as all that is maintained, you send stuff out the door.

You get into a real sticky situation because, like Dr. Jan said, you're never 100-percent sure. In fact you're never a hundred-percent sure that every food sample you take you get the bug you're looking for, because food is so heterogeneous.

UNIDENTIFIED FEMALE: Uh-huh.

DR. JOHNSON: It's your turn.

MR. DETWILER: I'm agreeing with Dr. Jan, but I have to admit that I think some of it comes back to the word choice, I really look at this as: we are saying -- we're saying that this is like a sample taken but it reads "it's been inspected, therefore passed." If we're marking it as "sample taken," like, you know, sample and then a lot number or some type of a tracking number, then it doesn't carry the connotation that it has the stamp of approval.

I read it as being a stamp of approval. If that is what it's being read, then I would go: that it has to be mandatorily held. If we're going and saying, "No, we're calling it a sample for quality assurance taken," then I

agree that we could do it on a voluntary basis. It's all in the word choice, and it goes back to consumer confidence, the erosion thereof, and -- which I alluded to earlier, in terms of: who is the ultimate receiver of the message?

DR. JOHNSON: Well --

MR. DETWILER: And maybe it's -- maybe we just need to make sure we phrase it the way we mean it, not the way it's going to be misinterpreted.

DR. JOHNSON: I would argue that we already have -- none of the companies that I know of want to put -- will put product out there that they know has been tested, I mean, we test -- we test -- as (inaudible) said, we test a lot of stuff and we hold it till we get test results back. So I think the majority of the companies already hold product until they get something back.

I think when you go to mandate it, we're still going to come out with the same issue: how do we help the folks that don't have the resources or the ability to haul product or the capability to haul product? I think we go down -- we're really going down a hold-and-release for all product when we start talking about mandating test-and-hold, particularly when we know we're 70 percent in one case and it's already being held, and when you look at the numbers and see, you know, those that weren't held were 180 pounds that went to the barbecue place or -- you know. I mean, it's obvious it's -- I can't believe that anybody wouldn't want to

hold product, but I think it's the issue of how to do it without disrupting (inaudible) --

DR. JAN: There's probably 15 more that will.

DR. JOHNSON: Huh?

DR. JAN: Probably 15 more that will.

DR. JOHNSON: What?

DR. JAN: Those 15 that had recall, I bet they're holding product now.

UNIDENTIFIED MALE: (Inaudible) next time.

DR. JOHNSON: Well, you know --

DR. JAN: (Inaudible.)

DR. JOHNSON: If they're --

DR. LOGUE: But it's probably giving them time to figure out how to do it as well.

UNIDENTIFIED MALE: How to do what?

DR. LOGUE: How to handle it next time. Maybe they've improved their facility to such point that they can hold it now. They might have had to.

MR. SHIRE: I'll tell you, we can generally urge our members -- not just our members, but a lot of other people, small and very small plants, to do it, and I've been on innumerable phone conversations with people who told me that they didn't do it (inaudible) --

DR. LOGUE: (Inaudible.)

MR. SHIRE: -- because -- because they -- well, they go into their problems and they'd say, "I can't afford

to do it," and then I say -- I come back and I say, "You can't afford not to do it," and I have talked people into -- into doing it.

In some places the inspectors, as Charlie said earlier, have urged people to do it, in other places they tell them "You have the option to do it." Urging them is obviously better. But I -- and we -- as I said, we publicize this with our members and other folks (inaudible) you know, to a great extent, and I think there have been a lot of people who have been turned around who -- even before they had the recall, you know, they decided to go ahead and do it and they found ways, but it seems to work, like Alice said, you know, in terms of the whole question of recalls on a voluntary system, it seems to work well.

DR. JOHNSON: How much education has been -- you know, a lot of times the -- maybe the guys don't understand that they've got some options, maybe, you know, if we go back and -- I guess we're now to Question 3, "How do you mitigate these problems?"

MR. GIOGLIO: Alice, what I was going to suggest, just for your process, you may want to do just that, answer Questions 2 and 3 and then circle back to 1, because that might help you with your whole thought process, and --

DR. JOHNSON: I think that's pretty much what we're doing anyway.

DR. LOGUE: Yeah.

DR. JOHNSON: But I wonder how much -- I mean has anybody said, you know, "We can tell you we're going to sample" -- and I don't know if it's verifying the process itself, then is the randomness -- I mean, they -- they're going to come up and say, "We're going to do it two hours into production," so that the guys have the ability to say, "Okay, take the sample, I'm not going to use this trim anymore, I'm going to go over here and get this trim, I'm going to clean up so I can run this trim, and when you tell me what's going on with this, I can do something about it," or, you know, in the case of listeria, "I can clean up, I can sanitize." I mean -- but maybe it's done -- if all the samples are taken at the end of the day, and some of these companies that are doing 180 pounds of corn beef, you know, things like that, that's going to be an issue for some of these guys, particularly the smaller, seasonal guys that are crankin' it out for St. Patrick's Day, but -- so maybe there's ways for FSIS to -- to help these people understand the importance of holding and help them figure out some options on ways to hold. You deal with a lot of these --

DR. JAN: Yeah. Some of the small plants -- and I think maybe going to 2 and 3 is a better idea. Some of these small plants do produce today, and they have in -- the companies have to have it in their customers' hands "today," and the idea of giving them enough notice so that they could hold that product, if they choose to do, is what -- is a

positive now, but that doesn't mean a week or day or two before, that means earlier enough in that day --

DR. JOHNSON: -- that they can make adjustments--

DR. JAN: -- so they can make that adjustment and then they can start another line or something so they can -- and some of these buy 50 pounds of trim, maybe 45 pounds of hamburger, and sell it to two or three customers, and they don't have another 50 pounds, they're going to get that tomorrow when they get the money here, and it's just one hand to the next, and so those companies, making them hold it's going to put them out of business because if they don't make that money from that 45 pounds of beef that they sold, they can't buy the raw material for the next day.

DR. JOHNSON: Yeah.

DR. JAN: I mean, you wouldn't think that half of them are like that, but there are people out there -- there are companies that are just barely making ends meet, there were even some companies that were using -- I knew they were retiring from -- they were using their retirement checks to pay the employees so they could make product. I don't understand how they felt like they were making -- maybe they had some future (inaudible) --

DR. JOHNSON: They just like running [phonetic].

DR. JAN: I guess they like work or something.

DR. JOHNSON: We like to (inaudible) turkeys.

DR. JAN: So they -- but the point is that it can

impact a very small number of plants, those are the very small, and probably put those out of business.

DR. JOHNSON: Yeah.

DR. JAN: I think most even the very small have or would have the capability -- I think Mr. Schad mentioned earlier that he didn't think that it was an insurmountable problem to hold product, but there's some, you know --

DR. JOHNSON: They'd have to have a way to hold and still be able to meet their orders.

DR. JAN: And still meet their orders, and there are some that just may not -- may not be able to do that at all, (inaudible) take the chance, and I think there's a few out there that are operating on the assumption that "I'm producing a clean product or a product that's not adulterated, and I'll keep doing that, and if I ever have to do a recall, I'm out of business," and they take that risk.

MR. VERSTEYLEN: (Inaudible) point also to what you're saying. I mean, I have found out that even big industry as well, that (inaudible) come out with an issue, a safety issue, and I have heard the exact same thing. We cannot do it any other way. When we make sure that the people, the companies, the industries, understand what is at stake, they will use their inventive [sic.] and to find a solution, so we're talking here about an issue, with small companies, that at this point there is no solution, but if -- if there is no consequences, there is no incentive to find a

solution.

Big industry, when there's a lot of -- hundred, two hundred thousand dollars' worth of product, they're going to hold product because they aren't going to risk, I mean, having their product turned away [phonetic], if it's 180 pounds, I may be inclined to take the risk.

So the question also is (inaudible) what happens when there is a small company (inaudible) 180-pound recall, so the product may already be gone --

DR. JOHNSON: That -- well, but they get the publicity. And I would argue that the 180 pounds that -- I'm thinking it was somewhere in Florida, I remember reading "180-pound barbecue," I mean, that's as devastating to that small guy as it would be for 180,000 pounds for, you know, some of our (inaudible) --

UNIDENTIFIED FEMALE: For big industry, yeah.

DR. JOHNSON: -- because it represents maybe a day or two production for those guys, that they're now having to pull back and having -- so I would argue the consequences with those guys are probably just as severe as they are, it's just the ability to hold product, really (inaudible).

MR. SHIRE: And I think the ability to hold product, unless the business -- is that the customer expects first-ground [phonetic] today, that would be the one -- otherwise I think that the ability to hold product is probably doable, because if a company produces 180,000

pounds, if they can hold 180,000 pounds, a company could probably hold 180 pounds, because they could sell the next day's batch, or whatever, and (inaudible) keep building it up. I think to hold the product -- every product, every day's production for five, six days, waiting for (inaudible) to test it, that would be a different (inaudible), but these few tests I think is random, or these periodic tests of lots -- I think the holding in most cases is doable except for those small businesses -- and I think you'll find this would be only the very small -- that have a niche where they --

DR. JOHNSON: (Inaudible.)

MR. SHIRE: Right. -- the reason that they're (inaudible) is because -- maybe McDonalds -- not McDonalds of course, but maybe Burger King or some of the local (inaudible) restaurants pride themselves on selling fresh-ground or today-ground hamburger, you know, "our hamburger's ground today," and if they can't get it from this company, I mean if this company can't sell it, then they can't sell theirs, and so there -- but it's going to be a very small amount. Those companies would probably take a risk, because if they don't (inaudible) service their customer, they're going to go out of business anyway.

DR. JOHNSON: Well, and that -- that's what I think -- that's --

MR. SHIRE: What they might do -- and what Lee said is exactly right, about the small businesses. What they

might do -- Jill's not here so I guess I can say this, but, you know, what they might do, if they're selling a very small amount of ground beef, they might just decide, "Well, I'm going to do this retail, I'm not going to do it under inspection," and so -- like when you go into the grocery store and, you know, you have (inaudible) processing there, it's under retail, it's not under -- it's not under inspection, and they'll just say, "I'm just going to sell this in the retail front of my store, I'm going to move it out, the inspected part, and I'm going to sell it in the retail part."

DR. JOHNSON: Good point. You lose total --

MR. SHIRE: And so -- and that's something we -- we have a real hard time with, because we try to encourage inspection, we don't want people dropping inspection, but that -- for some of the very, very small people, that's the thing that they're getting pushed into.

MR. GIOGLIO: Alice, let me just make a -- since we're sitting here I've gotten a couple of e-mails back in, which might go back and clarify some of it, the questions of the numbers and so forth that have come up, and this estimate goes to both ready-to-eat sampling and E. coli, okay, and the best estimate that OPHS could come up with this afternoon, okay, based on a number of different things that they looked at, is: probably about 1 in 100 production lots are sampled, today, so whatever that -- that works out to time-wise or

whatever, but -- so that's probably what you're looking at, so it's a pretty small percentage, you know, 1 percent of the production lots, about 1 in a hundred, of both ground beef and ready-to-eat products would be sampled for pathogens.

I think, to the other point, and you kind of danced around it a little bit, I think, Lee, also, is that, yes, the inspectors are instructed presently now to give ample opportunity to the establishment to hold the lot, that's the instruction that they have, and they're supposed to have that communication. It may at times break down, but that's -- that's what the Agency intends.

And we also, I think, have allowed the establishments the opportunity to, you know, figure out a way that they can in fact break that production lot, okay, as long as they didn't change their production practices or did anything else special, you know, some kind of special -- you know, something way over and above what they would always do, or anything like that, they can in fact, once a sample is taken, stop -- and some of the largest -- and I know for a fact some of the very largest and the very smallest companies do do this: after a sample is taken, let's say two hours into production, stop and do a full cleanup and so forth and then maybe start back up again.

Now, that, you know, could be at times disruptive to their process or whatever, but it's certainly a lot better than having to deal with a recall and everything that

attaches to that. So it's a different batch, a different lot --

DR. JOHNSON: Yeah (inaudible) --

MR. GIOGLIO: -- different batch and a different lot, and the Agency has worked with, you know, companies on that. And I don't know if you have any direct experience with that, but that's --

UNIDENTIFIED MALE: (Inaudible.)

DR. JOHNSON: How much education is given, though, to these guys, that instead of --

MR. GIOGLIO: And that --

DR. JOHNSON: -- instead of --

MR. GIOGLIO: That's --

DR. JOHNSON: -- instead of sending out, let's see if we can get another -- have another box of trim sitting here, the trim issue, that would be the big one, I think, because they'd have to break the cycle of the trim they were using, so they'd have to have another supplier or trim or another box of trim sitting back there.

Dr. Jan, you said sometimes that's an iffy assumption.

DR. JAN: (Inaudible.)

DR. JOHNSON: But if they were told -- if we're testing -- we're going to -- you know, we're pulling a sample and they had time to adjust, but I wonder how much education is actually given to these guys, to say, "Now, here are some

of your alternatives," you know, "here's 15 reasons why you should hold product and here's" --

MR. GIOGLIO: And that may go to Question 3, where that may be a mitigating --

DR. JOHNSON: That's where we were --

MR. GIOGLIO: -- factor. Exactly.

DR. JOHNSON: Yeah.

MR. GIOGLIO: I mean --

MR. LOBSTEIN: Could I ask one question, to get clarification. We discussed it before (inaudible) started, but for purposes of defining "adulterant," are we going to include residue testing?

MR. GIOGLIO: Presently what -- yes, what we're talking about -- yes, residue testing would be included, if that would come back above a violative level --

MR. LOBSTEIN: Because that certainly makes --

MR. GIOGLIO: -- okay, at this point it's an illegal, you know, substance that's in -- you know, in the particular product. Yeah.

MR. LOBSTEIN: And that certainly makes a big difference, and certainly in large industry, where we're talking about residue testing and holding product and by flock, in the poultry business, you know, I can appreciate everything, and the red meat industry, in a small, very small situation, but if we're talking about residue violation in a small operation, red meat, that we're talking all about one

carcass, generally, and the ability to hold that one carcass, well, it might be devastating to that small operation to await pending results for ten days, maybe -- you're going to get aged beef. If you're talking about a poultry flock --

DR. JOHNSON: (Inaudible.)

MR. LOBSTEIN: -- and if we identify the flock by either the house or the farm, and if we do it by farm, grower, which are under similar circumstances, similar growing conditions, a five-house operation of 120,000 poultry, and you're going to hold that entire flock pending that result --

DR. JOHNSON: And the Agency doesn't treat residue violations that way now, in most cases. I'm looking. It's a very small percentage of pesticides, which is what we have listed, that's been recalled. But right now, in poultry, they just -- it causes you to go back and look at the grower, and I think that's pretty close to the same way they do it in the red meat.

MR. LOBSTEIN: And so we -- you know, we're --

DR. JOHNSON: So it's not a common practice, that they do that now.

DR. JAN: Well, they've got two kinds of residue testing in red meat, if it's suspect or suspicious, an animal's carcass is held, but if (inaudible) --

DR. JOHNSON: Lesions or something.

DR. JAN: -- surveillance -- which I think they've

stopped the surveillance, I haven't seen it for a long time, but they'll do random sampling of normal red-meat animals, all species, just in that case to get a sense of an area what -- if there's any area they need to start focusing on, but -- so those don't (inaudible) recall, there's no way to recall them because they're not identified (inaudible).

DR. LOGUE: I think (inaudible) where the meat's going. If it's going into like baby food, it's a different story. Certainly meat going into baby food has to be residue-free.

DR. JAN: And that -- I don't know how that --

MR. LOBSTEIN: That's not (inaudible) currently, they just do the surveillance samples --

DR. LOGUE: Maybe it's a European thing, then.

DR. JOHNSON: Well, but if you're going --

DR. LOGUE: I know (inaudible) --

DR. JOHNSON: If you're going into baby food you probably have it included in your HACCP plan (inaudible) --

DR. JAN: We feed our Texas babies T-bone steaks, so --

(Laughter.)

DR. JOHNSON: That have been aged, right, that have been aged?

DR. JAN: (Inaudible.)

UNIDENTIFIED FEMALE: (Inaudible.)

DR. JOHNSON: But yeah, so if you look at a test-

and-hold, a mandatory test-and-hold, then how are we going to do residues, because that's different than what we're doing now, because I know with poultry, and used to be in red meat, if there were lesions or something, it was suspect, but we did the surveillance, and you'd come back and go check the grower and the producer next time they brought something in --

DR. JAN: Suspect versus surveillance is a whole different ball game, so --

DR. LOGUE: Plus you've got the problem with the residue, so it's a long method.

DR. JOHNSON: Yeah. It takes (inaudible) --

DR. LOGUE: They're trying to make them rapid, but they're still not rapid. Plus it depends on what you're looking for.

DR. JOHNSON: I think most of the poultry -- the integrated poultry companies have surveillance testing on the farm, and you can hold the turkeys until you get the results and (inaudible) --

UNIDENTIFIED FEMALE: (Inaudible.)

DR. JOHNSON: But yeah, if you're doing ones that's been slaughtered --

(Pause.)

Okay, so if we -- I guess we're ready to (inaudible) we're going to be in trouble. All right, so if we say the ways FSIS could mitigate these problems -- I want

to put: education of the smaller producers, as to alternatives, how about educating FSIS as to their responsibility for notification --

UNIDENTIFIED FEMALE: This idea of train them how to (inaudible) production --

UNIDENTIFIED FEMALE: Have (inaudible) and have --

DR. JAN: And under the education of small producers we might encourage more -- we call them town hall meetings, I'm not sure what -- in terms of town hall meeting, but having some -- just some information meetings.

MR. VERSTEYLEN: FSIS has been doing this (inaudible) --

DR. JAN: (Inaudible) for a small industry --

MR. VERSTEYLEN: -- HACCP for small plants on Saturdays (inaudible).

MR. SHIRE: (Inaudible) Saturday seminars.

DR. JOHNSON: Well, now, they used to actually do like at night, after the inspectors went through a session they'd do like a couple hours at night, which was good, because the inspectors would -- could go and attend that (inaudible).

DR. CARPENTER: Alice, can we put the burden on the producer to comply with -- you know, "You have to understand your process, you have to know what FSIS is educating you about" --

DR. JOHNSON: Yeah.

DR. CARPENTER: -- "in terms of maintaining the process, you know you're going to be tested, some portion, and you're going to have to gather" --

DR. JOHNSON: "You need to know what that means."

DR. CARPENTER: Correct. -- "and gather the data to verify that you understand and have your process in control, eventually to give your customers" -- or that Agency's -- excuse me -- "that institution's customers the assurances that this is an up-and-up operation."

I mean, does that -- I mean, FSIS could (inaudible), couldn't they, by saying, "You've got big responsibilities here, fellow," "lady" --

DR. JOHNSON: Yeah. That's --

DR. CARPENTER: You know.

DR. JOHNSON: To be able to say -- I think as Bernie said, we all harp on that all the time, but yet there's the question of: well, I've always supplied the handy-mart with their ground beef and they expect it to be there this afternoon at 2 o'clock," so I think that's -- we have to get everybody to understand what the true risks are and that there are ways around -- there's still an option.

DR. CARPENTER: And by doing that, does that in any way mitigate the responsibility of FSIS to make sure that the regulated are in compliance? I mean, there's things you have to do --

UNIDENTIFIED MALE: Right.

DR. CARPENTER: -- to say (inaudible) --

DR. JOHNSON: Well, we're just keeping FSIS from having to go through -- I don't think it changes any of their responsibility other than recall responsibility, and we (inaudible).

MR. GIOGLIO: Right. But this could go a long way into --

DR. JOHNSON: -- keeping that (inaudible) --

MR. GIOGLIO: -- to getting compliance with -- I don't know.

DR. JOHNSON: Yeah.

DR. CARPENTER: Yeah, but you don't want to be in a position where the Washington Post writes a story that says, "FSIS personnel shirked their responsibility in this institution," you know, you want -- there's that balance.

UNIDENTIFIED MALE: Exactly.

DR. JOHNSON: Yeah (inaudible) with the fact that they would end up recalling, I think that it'd be hard to justify that they -- that they carried out their responsibility, and it doesn't seem like there's a problem with (inaudible).

MR. GIOGLIO: But this up-front sort of proactive is -- if -- what you're I think you're all suggesting --

DR. CARPENTER: Right.

MR. GIOGLIO: -- this up-front proactive education campaign, so to speak, may be really helpful --

DR. LOGUE: One other thing --

MR. GIOGLIO: -- and actually avoid some of the -- some of the problems.

DR. LOGUE: One other thing we should consider here and we should encourage FSIS to do to help the mitigation of this testing and timing is to really look seriously into more rapid methods for doing things --

DR. JOHNSON: Rapid testing (inaudible) --

DR. LOGUE: -- rapid testing, molecular assays --

DR. JOHNSON: That's right [phonetic].

DR. LOGUE: -- things that will reduce the time to the minimum possible.

DR. JOHNSON: Yeah.

DR. LOGUE: You know. I mean, if we can (inaudible) --

DR. JOHNSON: (Inaudible) what we mean --

DR. LOGUE: If you can get it to the point where it's almost real-time, or 6 to 18 hours, or less than 18 hours, it's not an unreasonable expectation, there's a lot of research on that done --

DR. CARPENTER: (Inaudible.)

DR. LOGUE: They talked today about (inaudible) tests, less conventional method [phonetic].

DR. CARPENTER: So what you're really saying is that FSIS has responsibility for development and employment of these rapid tests for the benefit of the industry?

DR. LOGUE: Well, it would help mitigate some of these problems, reduce the holding time --

UNIDENTIFIED MALE: Absolutely [phonetic].

DR. LOGUE: -- and you're not waiting 5 days for results, that you're going to have it in less than 24 hours, which will help everybody.

UNIDENTIFIED MALE: Right.

DR. CARPENTER: That's a tough thing to do (inaudible) laboratories, to embrace it as something that's very important (inaudible).

DR. LOGUE: At the rate things are going, it should not be as big an issue as it is. I mean, it's a lot more expensive but it's (inaudible) --

MR. GIOGLIO: Just for clarity: FSIS doesn't have the authority or the wherewithal, really, to develop methodology for -- you know, like -- but we could encourage that, we could (inaudible) --

UNIDENTIFIED FEMALE: Yeah, I know places out there (inaudible) --

MR. GIOGLIO: Exactly.

DR. JOHNSON: But to adopt --

MR. GIOGLIO: To adopt it (inaudible) and deploy it I think is (inaudible) --

DR. JAN: There you go.

UNIDENTIFIED MALE: I'm sorry, I'm not supposed to --

DR. JOHNSON: (Inaudible) put it on as part of -- you know, make suggestions to ARS on the problem, as to what needs --

DR. CARPENTER: Right.

DR. JAN: Yes.

DR. JOHNSON: -- where the research dollars should go, so --

UNIDENTIFIED FEMALE: ARS is already doing all this (inaudible) --

UNIDENTIFIED MALE: Right.

UNIDENTIFIED MALE: Yes.

UNIDENTIFIED FEMALE: There's lots of these (inaudible) companies.

UNIDENTIFIED MALE: Uh-huh.

DR. CARPENTER: Yeah, they've got to be in a position to be the objective evaluator of all the available methodologies, and then whichever one performs best, deploy.

DR. JOHNSON: (Inaudible) implementation on it.

DR. CARPENTER: Right.

DR. JOHNSON: That's good. I'm going to jump for Number 2, because I think we -- before we lose a couple of thoughts there. We mentioned that it would put -- the impact would put some out of business.

DR. LOGUE: The holding-time issues, yeah.

UNIDENTIFIED MALE: (Inaudible.)

DR. JOHNSON: Yeah. And it would -- it may not

have an effect on public health because it would change the method in which they deliver their product to the public, they would go out from under inspection. I think that's an important one to remember, that it probably -- I mean, you could argue that if a small -- very small company can't meet the food-safety standard (inaudible), but at the same time they could go to retail, which I think is very valid, which doesn't really --

MR. SHIRE: Because under, you know, the regulations now (inaudible), but you have the retail exemption, which allows plants to -- to make a certain amount of product under a retail basis and sell it to (inaudible) -- $50,000, I forget what it is, but it's a very small amount --

DR. CARPENTER: Right.

MR. SHIRE: -- (inaudible) some of the very small people to make product and sell it --

DR. CARPENTER: Correct.

MR. SHIRE: -- on a wholesale basis while they operate under retail, so --

MR. GIOGLIO: That's correct.

MR. SHIRE: -- it might encourage more people --

MR. GIOGLIO: Yeah, that's correct. There is no retail exemption and we do have wholesale retail establishments, but it would not be -- let me -- just to clarify something, at least from my perspective, okay, as an inspector, I'll go back and put my inspector hat on: if I

came into a plant and I was to -- you know, just about to sample a particular product after -- you know, and I gave the notification and all that, then found out, "Oh, no, wait a second, Doc, this is going to go," you know, "retail," I don't know that that would necessarily fly, but in other words, what I'm saying is you can just simply divert a given lot --

MR. SHIRE: Oh, no, no, no (inaudible) --

MR. GIOGLIO: Okay, that's not what you were saying.

MR. SHIRE: (Inaudible) --

UNIDENTIFIED MALE: (Inaudible) --

UNIDENTIFIED FEMALE: Changing the (inaudible) --

MR. GIOGLIO: Okay, changing the (inaudible) --

MR. SHIRE: What I meant is that if a (inaudible) --

MR. GIOGLIO: (Inaudible) --

MR. SHIRE: (Inaudible) --

MR. GIOGLIO: Okay.

MR. SHIRE: -- (inaudible) small basis --

MR. GIOGLIO: Okay.

MR. SHIRE: -- they would just take that lot -- or not that lot, take that product and convert it to a retail operation, rather than operating under inspection.

MR. GIOGLIO: Not -- yeah. I just didn't want to leave an impression (inaudible) --

DR. CARPENTER: What you're saying, they can do that, they can say, "Oh, I'm going to do this as retail today."

DR. JOHNSON: Yeah (inaudible) --

DR. CARPENTER: As long as (inaudible), there's nothing you can do about it. If they have a retail exemption.

MR. GIOGLIO: If they have a retail exemption.

DR. CARPENTER: Right.

MR. GIOGLIO: But not after it's -- the product was --

DR. JOHNSON: You'd have to have the pre-shipment review --

DR. CARPENTER: Anytime before pre-shipment review --

MR. SHIRE: Right.

DR. CARPENTER: -- and you take a sample before pre-shipment review, they can say, "Oh, I'm not" (inaudible) --

MR. SHIRE: Right, and that's true, they can do that now and decide not to ship the product --

DR. CARPENTER: Right.

MR. SHIRE: -- and not perform or not complete their pre-shipment review.

DR. JOHNSON: We don't even want to -- Charlie and I have had discussions about pre-shipment review, and if we

know they're going to -- it's going to be tested, should we really sign the pre-shipment review and all that, but --

MR. GIOGLIO: Right, and --

DR. JOHNSON: -- (inaudible) we're not going to stop with (inaudible) --

MR. GIOGLIO: Yeah. I mean, this is not to change that policy that we've started with HACCP, that we don't send the sample to the lab until pre-shipment review is completed. So if you choose not to complete pre-shipment review, the company can't ship the product.

MR. SHIRE: Right.

MR. GIOGLIO: So you get --

DR. JOHNSON: But I would argue that the company wouldn't want to sign the pre-shipment review form because there's additional information out there that may make a different as to whether they -- I mean, you know -- and I understand that's what we have to do, but that's --

UNIDENTIFIED MALE: Right.

DR. JOHNSON: -- it kind of -- it puts us in a situation.

DR. JAN: I think that statement needs to be expanded, though, where we say "may put some out of business," we need to -- because that's kind of sounding like a cop-out, I think we should say "may put some out of business because their customer" -- or something about --

UNIDENTIFIED FEMALE: Customer base (inaudible) --

UNIDENTIFIED FEMALE: (Inaudible) --

DR. JAN: -- some of their customer expectations could not be met at the time, or whenever a sample is taken, if they have to hold it. That way we can -- I think it would be more meaningful than to say go out (inaudible), that's easy to say that.

UNIDENTIFIED MALE: (Inaudible.)

DR. JAN: It could -- that type of policy, if we would make it mandatory, could affect critical money flow, or what --

UNIDENTIFIED FEMALE: Cash flow.

UNIDENTIFIED FEMALE: Yeah.

DR. JAN: Cash flow?

UNIDENTIFIED FEMALE: What's the right word?

DR. JAN: What's the business word?

UNIDENTIFIED MALE: Cash flow.

DR. JAN: Cash flow, there you go. Which may be critical for small business.

DR. JOHNSON: Critical for (inaudible) turkeys (inaudible).

And we're talking about education, and I know we're probably meaning broader than just education, on the ways to (inaudible) the lots, to do things like that, but we also probably ought to include "continue the education efforts on," you know, "sanitation," you know --

UNIDENTIFIED FEMALE: (Inaudible.)

DR. JOHNSON: Yeah. That we don't just self-assessment this is educating on how to handle sample taking, we need to be sure that there's good education on what causes the listeria contamination --

UNIDENTIFIED MALE: What would it be, 2?

DR. JOHNSON: Is that a 2 or a 3?

DR. JAN: That would be a 3.

DR. LOGUE: Be a 3.

DR. JAN: (Inaudible.)

DR. JOHNSON: (Inaudible) for education. And the interventions that are available.

MR. VERSTEYLEN: (Inaudible) include sanitation intervention.

DR. JOHNSON: Yeah.

UNIDENTIFIED FEMALE: So it'd be education --

UNIDENTIFIED MALE: (Inaudible.)

UNIDENTIFIED FEMALE: (Inaudible.)

DR. JOHNSON: Education on process control for -- that's good, education on sanitation and intervention.

DR. JAN: And on that education side, I think what might would be helpful, particularly for small producers, is: when FSIS comes out with a directive which is a directive to inspectors, and I know large (inaudible) have people that are going to understand that, but you get some of these mom-and-pops, and it could be concise to -- a one-page (inaudible) industry, "this is what we" -- "this is what we mean," like

you've got the E. coli directive, I don't know, you can make it one-pagers, but get it down to the -- just, you know, what is expected for --

DR. JOHNSON: What the companies --

DR. JAN: -- what's expected of the company, as (inaudible).

DR. JOHNSON: And that always gets into -- you know, when they were doing the PDIS system and some of these, they would do like joint sessions in the evening and talk about "here's" -- it wasn't the thorough training they gave the inspectors, but it was -- the inspectors were in there so they could interact and ask questions too. So I would say --

DR. JAN: At least give them something that they can quickly look at and kind of hit the high points --

DR. JOHNSON: So they (inaudible) --

DR. JAN: -- and then they could at least maybe understand the directive better or could go to it if they want more information --

DR. JOHNSON: Yeah.

DR. JAN: -- (inaudible) take that away, but that, I think, would help them. Now you've got something written there, aren't you happy?

DR. JOHNSON: Yes, I am (inaudible).

MR. DETWILER: Along with the proactive education, you had -- I believe you had said something about the idea of giving them, you know, like a heads-up, a -- more of -- the

smaller the plant, the more advance of the notice? I mean, I --

DR. JAN: I don't think that would be appropriate. I mean --

MR. DETWILER: Even though --

DR. JAN: -- if you intended -- let's say we have a producer, that their customer, the only customer they have, they expect to have sliced lunchmeat for today's dinners, or today's lunches, that a restaurant is serving, or they're going to make ground beef for a hamburger joint that's going to sell only fresh-ground meat, and if they only have the raw materials available to produce that day's production and tomorrow they're going to get more raw materials, it -- I mean, in those cases you might say, "Well, we're going to have to give you an extra day's notice," but I don't think that would really set well with the consumers --

MR. DETWILER: Well, but what I was alluding to was the idea that (inaudible) small or very small plant, you need to come up with some type of a plan of (inaudible) --

DR. JOHNSON: An alternative plan.

MR. DETWILER: Yeah. You need to -- don't think about it after you've been told this and you never knew this until now and you can't go, "I didn't know about this, what am I going to do" --

UNIDENTIFIED FEMALE: Yeah.

MR. DETWILER: -- in advance --

UNIDENTIFIED FEMALE: (Inaudible) have to have accountable action for --

MR. DETWILER: Exactly, come up with like a proactive approach to giving them time to come up with a plan of attack or a plan of action. We talked about the idea of maybe doing -- having an extra day's quota --

UNIDENTIFIED FEMALE: (Inaudible) --

MR. DETWILER: -- on-hand or maybe the idea of expanding storage facility or having a backup connection with another company, and "Hey, I've got this thing going on today, will you do me a favor" and you handle their need, so they have -- they have a way in advance, before this inspection -- or before this takes place, to take care of these problems.

DR. JAN: (Inaudible) education or communication, which could be another thing.

DR. JOHNSON: And the Agency could even publish some guidance for the small guys, that said, "Here are some ways in which you can achieve the goal of holding product once tested," you know, "talk to alternative suppliers so you can pick up the phone and go, 'Can you get me some more trim here, I just got'" -- you know. That's good.

MR. DETWILER: Well, the idea of the town meeting, couldn't there be almost like a town meeting in which those ideas come out, and instead of it being, "Here's ideas from the USDA": "Here's ideas from regional" or, you know, other

groups that have looked at this already" and "put this into your plan of attack," to have in advance, to deal with this problem.

DR. JOHNSON: That's a good point. When they did the listeria workshops, and I'm assuming it's with the O157 --

MR. GIOGLIO: Uh-huh.

DR. JOHNSON: -- all the questions that were asked at those workshops got posted, and the answers.

MR. GIOGLIO: Yeah, exactly.

DR. JOHNSON: I mean, that would be a good way --

MR. GIOGLIO: And the same thing is happening today with the -- you know, these workshops we're having on the O157:H7 --

UNIDENTIFIED FEMALE: Yeah.

MR. GIOGLIO: -- and that, you know, zero tolerance and all of that. They're all being collected and -- you know. The last workshop I guess is in August, and then, you know, in September I expect we're going to, you know, compile all those questions --

DR. JOHNSON: That would be --

MR. GIOGLIO: -- and publish a Q and A (inaudible) --

DR. JOHNSON: That would be good for the guys to see, because they could see what -- you know, the questions and how some of the answers are given.

MR. DETWILER: Yeah. Because each of these -- other than --

DR. LOGUE: (Inaudible) to understand what the process means, including the testing.

DR. JOHNSON: Yeah.

MR. DETWILER: Right. But all these small and very small plants, other than, obviously, their connection with the USDA, they must -- usually -- they must have some -- you know, like --

DR. JOHNSON: Extension folks, university folks --

MR. DETWILER: Yeah, extension, but also more like -- more like commerce connections or --

DR. JOHNSON: Other business connection.

MR. DETWILER: Right. There must be some type of --

UNIDENTIFIED MALE: Associations.

MR. DETWILER: -- associations, that, again (inaudible) --

UNIDENTIFIED MALE: (Inaudible.) Also, in addition (inaudible), there's a large number of state meat processing associations --

UNIDENTIFIED MALE: Right.

UNIDENTIFIED MALE: -- that do the same thing on a state level, and they (inaudible) --

DR. JOHNSON: But there are some folks that -- and this is where we always run into it, that -- because I think

the trade associations do a good job of getting out information, but the problem is, what about the guys that aren't associated with anybody and don't have that network, like you were saying --

UNIDENTIFIED MALE: Right (inaudible).

DR. JOHNSON: -- don't have that network, but there are some of them that just don't, and that's -- that's where it's hard to get information -- we ran into that with HACCP (inaudible), Charlie -- did I see Mary in here a minute ago?

Okay, do we want to take like five minutes and then come back and --

UNIDENTIFIED MALE: -- wrap it up?

DR. JOHNSON: Well, I don't know if we're ready to wrap up, but do we -- five minutes.

(Off the record at 4:08 p.m. and reconvened at 4:25 p.m.)

DR. JOHNSON: All right, folks.

UNIDENTIFIED MALE: Because you've got to think about how you're going to present this tomorrow to your colleagues.

DR. JOHNSON: I'm going to say (inaudible) --

DR. LOGUE: We'll sit together in a corner (inaudible) behind you tomorrow.

DR. JOHNSON: Would you do that?

(Laughter.)

UNIDENTIFIED MALE: You don't have me to kick around tomorrow [phonetic].

UNIDENTIFIED MALE: (Inaudible), Alice.

DR. JOHNSON: All right, for Question Number 2, what we have, "How would such a policy impact industry, particularly small and very small plants?": "Some companies may not be able to meet their consumers' expectations if the establishments must hold product. Small and very small establishments may seek a retail exemption status on a permanent basis in order to avoid testing and hold. Agency should encourage these establishments to operate under inspection." That's very good.

DR. LOGUE: That should be "customer," shouldn't it?

DR. JOHNSON: "Some companies may not be able to meet their customers' expectations."

DR. LOGUE: Did you get that?

DR. JOHNSON: Yeah. No, she's got it right over there.

MS. WELL: This is a draft.

DR. JOHNSON: Is there any other comments that we need on this one, for Number 2?

(No response.)

DR. JOHNSON: So we're saying it may have a major impact on very small --

DR. LOGUE: Significant.

DR. JAN: Something about --

DR. JOHNSON: "Significant impact."

DR. JAN: If we say something maybe there about impairing -- or cash-flow problems, or causing cash-flow problems.

DR. LOGUE: "Affecting cash flow."

UNIDENTIFIED MALE: (Inaudible.)

DR. JAN: (Inaudible) cash flow (inaudible), big companies like turkey companies and stuff (inaudible).

DR. JOHNSON: Yeah, really, the way the turkey industry's been the last (inaudible).

MR. DETWILER: Particularly for the very small plants, this might have an impact on the livelihood of employees, more so than on large plants, as well.

DR. LOGUE: Well, that's almost like you're (inaudible), top-down effect.

DR. JOHNSON: The livelihood of employees. Would there be any -- as far as an impact from a public health standpoint, there may be some impact with test-and-hold but you may lose that through retail exemption status, or do we want to make that --

DR. JAN: Are we talking about -- from a public health standpoint, I think you might lose some level of safety by pushing these people to -- out of [phonetic] inspection.

DR. JOHNSON: Public impact negated?

DR. LOGUE: Yeah, because of the fact that they'll divert things into other avenues of commerce, would that be a

way to say it?

DR. JOHNSON: Is it "diverted to other means of commerce," or what's the right way to put that? That might be all right.

UNIDENTIFIED MALE: They would sell their product -- or they would --

UNIDENTIFIED MALE: (Inaudible) unregulated (inaudible) commerce --

DR. JOHNSON: "May divert to unregulated product distribution"?

DR. JAN: Well, that would imply they would go illegal (inaudible) --

UNIDENTIFIED MALE: (Inaudible) --

DR. JAN: -- (inaudible) illegal (inaudible) to a lower level of inspection, which --

UNIDENTIFIED MALE: (Inaudible.)

DR. JAN: -- they wouldn't have to meet those rigorous requirements but they could still sell their product -- they could go retail and sell it to retail customers and then they could sell up to 25 percent of their product, up to 50,000, to other wholesale -- or to other -- as wholesale, I guess, or to other (inaudible).

DR. JOHNSON: "Public impact" -- "Public health impact could be negated as company may defer it to a different level of inspection through seeking a retail exemption" --

DR. JAN: I wouldn't say negated, though, because the public health (inaudible), I would think "impacted."

DR. JOHNSON: Okay. All right. Okay. "Impact on a policy as we have with the mitigation strategy outlined would serve to" -- that would have an impact on small and very small business and educating them on their process and -- because the strategies that we have outlined, a lot of it's education, so that may impact the very small and the small (inaudible) --

MR. GIOGLIO: (Inaudible) would impact in a positive way, correct?

DR. JOHNSON: Yeah.

DR. LOGUE: By allowing them to enhance their --

DR. JOHNSON: -- understanding. I mean, do we want to put that, or -- you realize we're on the negative side of this. Should we put "With this strategy as outlined, it would impact the small business in better awareness, better" --

MR. GIOGLIO: Which should have also, then, you know, a concurrent impact on, you know, benefiting the public health, the more -- the better educated the producers are --

DR. JAN: What are you on, 2?

DR. JOHNSON: Yeah.

MR. GIOGLIO: You're still on 2 or 3?

DR. JOHNSON: I'm on 2.

DR. JAN: Trying to link 2 to 3?

DR. JOHNSON: Well, I'm trying to -- okay. The question is: "How would such a policy impact industry, particularly small and very small?", and we're talking about it with respect to: if there is the -- you have to hold product. If the policy is such that we use these mitigation steps as outlined, then we may actually improve understanding of pathogen prevention, do we even want to go there, or just say (inaudible)?

DR. LOGUE: Well, that kind of ties the next (inaudible) --

DR. JOHNSON: Yeah, okay. All right. Question 3: "Are there ways that FSIS could mitigate these problems?" "Be proactive." I like that, enough said.

(Laughter.)

DR. JOHNSON: "Education of small producers, encourage information meetings, Saturday seminars, education on sanitation and intervention/process control, encourage or develop a plan of action to deal with difficulties that test-and-hold present ahead of time, network in order to fulfill customers' orders, keep a backup supply to produce new batch, et cetera, education of FSIS on responsibility to" --

DR. LOGUE: (Inaudible.)

DR. JOHNSON: Yeah, I think that was "to notify," right, "to notify of testing"?

DR. JOHNSON: Uh-huh.

MR. GIOGLIO: Uh-huh.

DR. JAN: Well, actually, I don't know -- (inaudible) ready to do that, that's part of the directive, or --

MR. GIOGLIO: Yeah, that's the instruction today.

DR. JAN: It's already there, but I think maybe what we should say is we're going to get the inspector involved, is that the inspector explain just a little bit more why it would be to their benefit, not just say, "We're going to test today, I'm going to take a sample today," (inaudible), encourage them or train inspectors to say, you know, "I'm scheduling to take a sample today, and for these reasons, you may want to consider holding that product."

MR. VERSTEYLEN: You're thinking of the inspector as a trainer, as a mentor?

DR. JAN: The inspector at the plant --

DR. LOGUE: That's a good way to say it, like a mentor.

MR. VERSTEYLEN: Yes, as a trainer, a mentor?

DR. JAN: Well, he would be -- I guess so, he would be -- he wouldn't be there necessarily to train, but he would be part of an ongoing education process for this plant manager, operator, and the inspector -- the person that's running that sample (inaudible) today (inaudible) sample may be different than the guy they're going to do -- the next (inaudible) come up because of the turnover or promotions and -- you know. So each time it would be good to remind them of

the benefits to them to hold the product.

DR. JOHNSON: Okay. If we start with the first of this, "Education of FSIS and responsibility to notify plant of testing and to emphasize the importance of holding product."

DR. JAN: Right.

DR. JOHNSON: Is that okay? Okay, "FSIS to adopt and deploy new methods of testing that reduces the holding time, such as rapid testing, real-time, molecular assays, et cetera." All right, do we want to say FSIS -- okay, we talk about -- do we want to say "FSIS to encourage research on or development of," do we want to add that as a component as well?

DR. LOGUE: They shouldn't have to encourage, they should become involved with or -- see, if they became involved with or part of the pilot testing of some of this, so that somebody like me, who (inaudible), would have an avenue, that would maybe be of benefit to them. Maybe something like "cooperation or association with industry" -- "with" --

DR. JOHNSON: "Cooperation with researchers"?

DR. LOGUE: -- "with researchers and companies that are into these rapid methods," something like that.

DR. JOHNSON: "Companies in the development and pilot testing"?

DR. LOGUE: That would even do it, yeah.

UNIDENTIFIED MALE: Evaluation.

DR. JOHNSON: Okay, wait a minute, "in development and" --

DR. CARPENTER: I thought he said we -- Charles said you couldn't develop FSIS (inaudible) --

DR. LOGUE: No, they could partner with somebody who's developing it, this would be an avenue for them to test it.

DR. JAN: Okay.

DR. LOGUE: They could be the real-time -- the real encouraging rather than (inaudible) --

UNIDENTIFIED MALE: (Inaudible) have research services.

DR. JOHNSON: Yeah, "Cooperation with researchers and companies involved in the development and evaluation of rapid testing" --

DR. LOGUE: Technologies --

UNIDENTIFIED MALE: Isn't there a new technologies office within FSIS?

MR. GIOGLIO: Yes.

DR. JOHNSON: You know, that -- and there should -- yeah, and there should be some way for this information to be provided to the public. "New" -- okay, that's good.

MR. GIOGLIO: To the public or to the industry?

DR. JOHNSON: Well, to the industry, some way --

DR. LOGUE: Yeah, you really don't want to provide

that to the public (inaudible).

(Laughter.)

DR. LOGUE: Well --

(Laughter.)

DR. LOGUE: (Inaudible.)

(Laughter.)

MR. GIOGLIO: (Inaudible) from one of the labs at ARS that's doing the rapid testing and it's quite a project that they're working on, so --

DR. JOHNSON: Okay, so if we say "Cooperation with researchers and companies in development and evaluation of rapid testing, new technology division to" -- now, what's that, because (inaudible) --

UNIDENTIFIED MALE: Yeah, I don't think you need to worry about --

DR. LOGUE: "Such as new technology division."

UNIDENTIFIED MALE: Assigning it within FSIS, that's just --

DR. JOHNSON: Okay. All right. All right. Condensed version of (inaudible), Lacks staff to read large documents, okay, so we're talking about education of -- this was your idea, "education of" --

DR. JAN: You talking about the directives?

DR. JOHNSON: Yeah.

DR. JAN: Yeah, I would say --

DR. JOHNSON: Summary and --

DR. JAN: Summary or a one-pager highlighting --

DR. LOGUE: (Inaudible.)

DR. JAN: -- highlighting the plant's responsibility related to a new directive, or directives (inaudible), something like that. Yeah, they have a constituent update now, but if they would make a -- like a producer update or thing, you know --

UNIDENTIFIED MALE: Yeah.

DR. JAN: -- so that would be focused on (inaudible) producer.

DR. JOHNSON: Okay, "Summary for plant on directives and plant responsibilities under those directives"?

DR. JAN: Yeah, but --

DR. JOHNSON: I like (inaudible) --

DR. JAN: -- a lot of these people aren't going to be able to read something very long, because -- for a number of reasons, maybe they can't read fast or they don't have time --

DR. LOGUE: They want the points, just the points.

DR. JAN: They want, yeah, just -- you know, just "what do I" -- boom, boom, boom --

DR. JOHNSON: Okay, so --

DR. JAN: -- and (inaudible) somewhere else (inaudible) more detail.

DR. JOHNSON: I like the idea of a constituent

update --

UNIDENTIFIED MALE: (Inaudible.)

DR. JOHNSON: "Constituent Update for Dummies." (Laughter.)

UNIDENTIFIED MALE: Short Attention-Span Theater. (Laughter.)

DR. JOHNSON: Producer update, simple bullet points.

DR. JAN: They want to know -- some of those small guys, "Just tell me what to do," and this -- you know, they can say (inaudible) tell them to do, but at least they don't have to be trying to figure it out, there's so many of them that --

DR. JOHNSON: In various languages.

DR. JAN: Yeah, that'd be especially good, that's a good point.

DR. JOHNSON: Okay. Issue, "Holding product" -- there's an issue -- good, there's an issue, "Holding product in poultry establishments for residue samples. We're going to put "meat and poultry establishments for surveillance," and it would be surveillance, monitoring of residues.

DR. LOGUE: One thing that came up on the break was we were talking about: should we separate out the issue of the residues versus the microbiology, because the residues is a much bigger thing.

DR. JOHNSON: I think we -- you know, we about have

to, because the Agency handles it differently, and I know (inaudible) --

DR. LOGUE: It's a whole -- so should we make (inaudible) ideas for that.

DR. JOHNSON: Yeah.

UNIDENTIFIED MALE: If you're going to do that, should you also say (inaudible)?

DR. LOGUE: Probably not (inaudible), but the residues is just such a big area.

DR. JOHNSON: Should we recommend they take residues out of this type of program at this point because they don't really handle them the same way they do --

DR. LOGUE: And it should be dealt with as a separate issue?

DR. JOHNSON: Because right now you don't handle the verification testing, if it's a (inaudible) testing, then you should -- the carcasses will be held, like if there's lesions or -- right? But if it's just your basic --

UNIDENTIFIED MALE: That's true.

DR. JOHNSON: -- "Let's go in and do a residue for verification," you don't necessarily come back and recall.

MR. LOBSTEIN: (Inaudible) for salmonella in raw product.

DR. JAN: It's not an adulterant (inaudible) --

DR. LOGUE: It's not an adulterant.

MR. GIOGLIO: Salmonella is not -- it's a measure

of process control, not, you know, whether or not the product is adulterated.

MR. LOBSTEIN: And that's why I asked earlier about (inaudible) --

MR. GIOGLIO: This really is talking about -- yeah, right -- when we're testing for and the result would come back, you know, and the product would be considered adulterated.

MR. LOBSTEIN: Right. That's what I wanted the definition of it (inaudible) mentioned salmonella in the general meeting, certainly we don't want that on raw product --

MR. GIOGLIO: No, no, no, it's not like the routine testing that we would do on raw chickens or cattle or something like that, this is not intended --

DR. JAN: (Inaudible.)

MR. GIOGLIO: -- this would be salmonella in a ready-to-eat product, or O157:H7 in raw ground beef.

UNIDENTIFIED MALE: But that's (inaudible) as an adulterant.

MR. GIOGLIO: Correct.

DR. JOHNSON: And (inaudible) residue samples are considered an adulterant too, if you violate the residue (inaudible).

UNIDENTIFIED MALE: Uh-huh.

MR. LOBSTEIN: Don't you have to apply that

wording, then, to (inaudible) for ready-to-eat, because (inaudible) toxin is really a residue, it's not a bug. I mean, it could be there after you heated it --

DR. JOHNSON: (Inaudible.)

MR. GIOGLIO: Yeah, like a staph enterotoxin.

MR. LOBSTEIN: But it could be there after you heated it and killed all the bugs, I mean (inaudible) toxins --

UNIDENTIFIED FEMALE: That's right.

MR. GIOGLIO: That's correct, but, you know, we test products for staph enterotoxin --

MR. LOBSTEIN: That's what you said, ready-to-eat (inaudible) --

MR. GIOGLIO: -- (inaudible). Right, ready-to-eat stuff.

MR. LOBSTEIN: (Inaudible.)

MR. GIOGLIO: We never considered that -- I guess when we're talking about --

DR. JOHNSON: (Inaudible) toxins --

MR. GIOGLIO: -- residues, typically we're talking about chemical drug residues --

DR. JOHNSON: (Inaudible.)

MR. GIOGLIO: -- animal drug residues.

DR. JOHNSON: But a better definition.

MR. LOBSTEIN: Uh-huh.

DR. JOHNSON: So for what we have defined up to

this point, we're talking about microbiological --

DR. LOGUE: Adulterants (inaudible) --

DR. JOHNSON: -- microbiological adulterants, to include pathogens and toxins, does that --

UNIDENTIFIED MALE: Pathogens in your products?

MR. GIOGLIO: Pathogens and toxins.

DR. LOGUE: Right.

DR. JOHNSON: Pathogens and toxins in product. Okay. All right, so our statement on residue testing should be considered separately as current policy on surveillance -- on surveillance monitoring?

MR. GIOGLIO: I mean, there is an effort going on within the Agency on the overall residue-testing program under -- you know, under HACCP, it has been going on for some time, so it's possible that the Agency could consider that separately than -- you know, than the more routine microbiological testing that we do for red meat products and ground beef.

DR. JOHNSON: Well, I could see on -- similar to lesions, you know, suspect, where we're holding, but that's different than just the general surveillance testing.

UNIDENTIFIED MALE: Uh-huh.

UNIDENTIFIED MALE: Right.

DR. JOHNSON: So I think most everybody's holding suspect carcasses, anyway, aren't they?

UNIDENTIFIED MALE: They should be.

UNIDENTIFIED MALE: As far as I know, they should be.

DR. JOHNSON: Because USDA --

UNIDENTIFIED MALE: (Inaudible) tagged a carcass and put it in a hold [phonetic], you lock it down and (inaudible) --

DR. JOHNSON: Okay, so what if we just say, with regards to residue testing, you know, surveillance monitoring does not apply under this -- because it's not "surveillance," it's the "suspect."

DR. LOGUE: Yeah.

DR. JOHNSON: Okay. We'll make a statement that says: residue testing -- or surveillance monitoring -- is everybody comfortable with "Surveillance monitoring for residues should not be considered a part of this initiative"?

DR. JAN: Yeah, I think you're going to have to. I mean, if you want surveillance, you need to -- if you want information about production practices and such, you need to be doing surveillance, and I don't think you can really hold up these livestock (inaudible) testing.

DR. JOHNSON: Okay, can we say "Current suspect residue testing is currently held by USDA"?

UNIDENTIFIED MALE: Say what?

DR. JAN: We want to keep residue like it is, whether -- if it's a suspect, it's going to be retained, if -- well, like you mentioned (inaudible) --

DR. JOHNSON: Okay. So we should say --

DR. JAN: It will be retained and not allow the mark of inspection until --

MR. GIOGLIO: Until the result comes back.

DR. JAN: -- the result comes back (inaudible).

MR. GIOGLIO: Right.

DR. JAN: Surveillance of production -- of the livestock company, and the national residue-monitoring program would continue to operate as is.

DR. JOHNSON: Okay. All right, let's just say "Current policy on both surveillance and suspect should remain as is." Okay. All right.

DR. LOGUE: (Inaudible.)

DR. JOHNSON: Okay, what else?

DR. LOGUE: (Inaudible.)

DR. JOHNSON: Should we say "See Questions 2 and 3"?

(Laughter.)

DR. JAN: Can we just put (inaudible)?

MR. GIOGLIO: I said honestly -- earlier this afternoon -- this morning --

DR. JOHNSON: (Inaudible) made up these questions.

MR. GIOGLIO: I said honestly in my paper and earlier that when we presented this issue for the first time at the recall meeting in '02, December '02, there were varying opinions --

DR. LOGUE: Well, we still have 'em.

MR. GIOGLIO: Yeah, we still have 'em, and I'm not surprised.

DR. JOHNSON: Okay. So should we say, "Opinions vary" --

DR. JAN: "View is not clear."

DR. JOHNSON: -- "as to need to mandate"?

DR. LOGUE: Yeah.

DR. JOHNSON: "However," comma, "mitigation strategies" -- let's tie into the fact, okay, maybe we need to work through the mitigation strategies and address -- to see if that works.

DR. JAN: Mitigation strategies that are outlined (inaudible) --

DR. JOHNSON: To try to encourage voluntary --

DR. JAN: Right.

(Pause.)

MR. LOBSTEIN: Is there a reason that the questions have to be submitted back to the full committee in that order? Can you number 1, 2, and 3 differently (inaudible) --

DR. JOHNSON: We reword the questions sometimes.

MR. LOBSTEIN: Well, just -- well, just renumber the question and make this Question Number 3 as a conclusion based on the other two, instead of (inaudible) this as Number 1.

DR. JOHNSON: It's up to the committee. If we say,

"Opinions vary" -- yeah, this could be our summary, "Opinions vary as to need to mandate. However, considerations on impact of industry" --

DR. LOGUE: "Impact to industry"?

DR. JOHNSON: "Impact to small and" -- or "very small and small plants." "And possible mitigation strategies may serve to encourage and promote voluntary acceptance"? Is that okay?

DR. JAN: Voluntary acceptance or voluntary --

DR. JOHNSON: Acceptance of holding.

DR. JAN: Voluntary holding of product.

DR. LOGUE: Or voluntary participation in --

DR. JOHNSON: Voluntary participation.

UNIDENTIFIED MALE: Right.

DR. JOHNSON: Okay, wait a minute. Voluntary participation, voluntary --

UNIDENTIFIED MALE: (Inaudible) voluntary compliance.

DR. JOHNSON: Voluntary --

UNIDENTIFIED MALE: -- compliance.

DR. JOHNSON: Holding a product. Okay, and do we want to move that one to the end, make it our summary?

DR. JAN: Yeah, I think so. We can just say (inaudible) 2 and 3 (inaudible).

UNIDENTIFIED MALE: The modified 2 --

MR. GIOGLIO: I mean, it's your report, so it's --

you know, you're not locked into my order of questions.

DR. JAN: So modify the question too to say, "How would such a test-and-hold policy impact" da da da da da da.

DR. JOHNSON: Yeah.

DR. JAN: (Inaudible.)

DR. JOHNSON: Yeah, that's good.

MR. DETWILER: Would it be a logical assertion, though, to say that -- with the focus on small and very small plants, if we made it mandatory but not mandatory for small and very small plants, that that would create a situation where you have got a bunch of companies that now "Oh, we're going to make sure we're 499 or below," or wherever the cut-off is, that "We're now going to be defined as" -- "We were close before, but now we're going to be defined as" --

DR. JOHNSON: You're outta here, 500, you're outta here.

(Laughter.)

MR. DETWILER: "Yeah, as soon as this policy comes into effect, we're downsizing, to make sure that we fit the category" --

DR. LOGUE: I think that (inaudible) --

MR. DETWILER: -- "of small and very small plants, so we do not have to comply with the" (inaudible)--

UNIDENTIFIED MALE: (Inaudible.)

MR. SHIRE: I don't think that small people would ever want to do anything -- they don't want to do that kind

of stuff --

DR. LOGUE: No.

MR. SHIRE: -- and I don't think the --

DR. LOGUE: I don't think the Agency could --

MR. SHIRE: -- public would stand for it anyway.

UNIDENTIFIED MALE: Right.

DR. JOHNSON: So we'll just --

UNIDENTIFIED MALE: Two reasons [phonetic] --

DR. JOHNSON: We'll make a statement that we assume that we're discussing this as an overall policy and we're focusing on what the overall policy impact would have on small, but it -- whatever policy is developed would apply for everybody.

DR. JAN: Right. You have to.

DR. JOHNSON: Okay, so what we have for Number 3 now is: "On the Sub-Committee's views, opinions vary as to the need to mandate. However, very" -- "However, consideration given to impact on small and very small and the possible mitigation strategies outlined may serve to encourage and promote voluntary holding of product by companies."

DR. JAN: Or I would say maybe an increase in -- I mean, there's -- we already know that a significant number voluntarily hold, are voluntarily holding product, by more of the very small plants --

DR. JOHNSON: "May serve to encourage and

promote" --

UNIDENTIFIED MALE: -- "an increase" --

DR. JAN: More plants --

DR. JOHNSON: -- "an increase" --

DR. JAN: -- (inaudible).

DR. LOGUE: Increased number on (inaudible) --

DR. JOHNSON: "An increased number."

DR. JAN: Because, you know (inaudible) 70 percent are holding already (inaudible).

DR. JOHNSON: "An increased number of companies choosing to" --

DR. LOGUE: -- "choosing to participate" (inaudible) --

DR. JAN: And that's (inaudible), make sense, that based on 2003 data (inaudible) come to figure out somebody (inaudible) 70 percent of companies tested already are holding product, and maybe the voluntary system is the way to continue, and not be -- need to mandate it through --

DR. JOHNSON: All right. So should we make a statement that, okay, "2003 data would indicate" -- and that was just for listeria that we figured out -- "approximately 70 percent of the companies were already holding, and it appears to be economic-driven for the small companies," and then list our -- some of the impacts that they -- it would have, should we say that?

UNIDENTIFIED MALE: (Inaudible.)

DR. JOHNSON: Burdensome --

DR. JAN: That would be for -- you know, and any numbers for E. coli O157:H7, kind of point to the freshness of ground product, how long it takes to get the test results back, and more people decide, "I've got to move this product, can't hold it that long," so that's where getting you to make a faster test, for FSIS to say, "Yeah, that's good," then you can get those guys to come onboard too, but -- and a lot of those are holding, but not -- you know, some of them ship it and hope they get the test results before they get there and they can turn it around. If hamburger's not fresh (inaudible) freeze it, and then it's not fresh (inaudible).

MR. DETWILER: Of course, we could always wait to grind the product until later, but --

DR. JAN: (Inaudible) your chance of -- I mean you're still (inaudible) --

MR. DETWILER: (Inaudible.)

DR. JAN: I mean (inaudible) testing now, but they are now testing components, but (inaudible).

DR. JOHNSON: If we say, "2003 data, 70 percent of the companies are already holding product, it would appear those that aren't" -- "that it's burdensome on small and very small companies due to cash flow and customer orders" --

DR. JAN: (Inaudible.)

DR. JOHNSON: -- "that dictate company decisions"?

DR. JAN: Something like that.

DR. JOHNSON: Dr. Carpenter, do you think -- you're looking at (inaudible) --

DR. CARPENTER: I'm just trying to -- I mean you talked about burden on the company, I'm trying to turn it around so it's positive, like "based on 70 percent, greater assurances in confidence in production should be shared by FSIS" -- you know what I'm saying? "Burden" sounds negative, we need a positive, like "Given the companies' greater" -- I mean doing something proactively, to give them greater -- to give the ones who are not -- in that 30 percent, the confidence and the reassurance that they can do it (inaudible).

DR. JOHNSON: Yeah, I like that, that they need to understand that it's easier --

DR. CARPENTER: Right.

DR. JOHNSON: All right. It would appear current understanding of company holding -- of company -- current understanding --

DR. CARPENTER: Company-tested hold policy.

DR. JOHNSON: Of ability of companies to test and hold, of companies to hold, they're not testing, companies to hold. Because I think it's true it's a perception, "I can't because I've got to get this stuff out the door because I haven't really understood I have alternatives."

DR. JAN: Right.

DR. JOHNSON: Bernie, would you agree with that?

MR. SHIRE: Yes.

DR. CARPENTER: It's the expectation of FSIS to get them to be confident about the overall procedures.

DR. JOHNSON: 70 percent of companies already holding, it would appear that current understanding by small and very small companies' ability to hold product -- I go back to "burdensome due to cash flow and customer order restrictions." We need to change that word, "burdensome," I've still got that in there. Are you coming up with some wording?

DR. JAN: No. I think -- I see your 70 percent is correct.

UNIDENTIFIED FEMALE: Did you really, you didn't need a calculator or anything?

UNIDENTIFIED MALE: I don't know how close I am (inaudible).

DR. JOHNSON: Well, it came out to like 33 point something or --

UNIDENTIFIED MALE: (Inaudible.)

DR. JOHNSON: (Inaudible) mental math, it's 69 point something.

DR. JAN: Okay, so 70's pretty close, then.

DR. JOHNSON: Well, we probably ought to make sure we're right before we say anything to the guys, but it's close.

DR. CARPENTER: Make it more nebulous by calling it

approximately two-thirds.

DR. JOHNSON: Ooh, good.

DR. CARPENTER: "Don't tie me down, don't confuse me with numbers."

DR. JOHNSON: Yeah, "Don't confuse me with numbers."

DR. LOGUE: (Inaudible.)

DR. JAN: Two-thirds, it's going to be around 66, 65 --

UNIDENTIFIED MALE: (Inaudible.)

DR. JOHNSON: He doesn't need it, though, he can just do it in his head (inaudible) as a baby (laughs).

DR. JAN: 65 percent.

DR. JOHNSON: Which one are you doing, how come I was that much off? Are you doing recall (inaudible) or the listeria one?

DR. JAN: The listeria one. 65 percent of the companies -- you had 15 -- she said 43 positive, you had 15 --

DR. LOGUE: recall.

DR. JAN: -- recall. I don't even know -- yeah, 15 recalls, yeah, that'd be 28.

DR. LOGUE: Yeah, I just said (inaudible).

UNIDENTIFIED MALE: 28 (inaudible).

UNIDENTIFIED MALE: (Inaudible) I mean you're going to have to hedge that a little bit because, you know --

UNIDENTIFIED MALE: You can say 70 percent, that's close enough.

DR. JOHNSON: We'll say two-thirds.

UNIDENTIFIED MALE: Two-thirds is even closer.

UNIDENTIFIED MALE: It's somewhere between --

UNIDENTIFIED MALE: (Inaudible.)

UNIDENTIFIED MALE: (Inaudible) approximately two-thirds.

DR. JOHNSON: What scares me is I actually used a calculator. Okay, have we got it?

DR. JAN: Yeah, we might -- I think these numbers on E. coli are not nearly that close.

DR. JOHNSON: I think that's --

DR. JAN: But I think if -- you know, I think what would bring those closer, or closer (inaudible) voluntary hold that product is a more rapid test, and it is now more rapid, I think, than it was in 2003. I mean, it's -- 24 hours, they can have a negative, I think.

UNIDENTIFIED MALE: Yeah (inaudible) --

DR. JAN: -- before (inaudible).

DR. LOGUE: (Inaudible.)

DR. JAN: Huh?

DR. LOGUE: On lateral flow [phonetic], yeah.

DR. JAN: Yeah. Whatever that is. But --

DR. LOGUE: (Inaudible.)

DR. JAN: But in 2003 I think the test was three

days that they hold it, so they had (inaudible) --

DR. LOGUE: Before they get it out --

DR. JAN: -- before they could even ship it, if they wanted to hold it, but now they can produce it today and ship it tomorrow and that's not that big of -- I think you'll see more voluntary compliance with that.

DR. JOHNSON: If they understand that that's the methodology used, and that would shorten the cash-flow issue some --

DR. JAN: Yeah, right.

DR. JOHNSON: -- so they're not expending three days' work, they're just expending 24 hours.

DR. JAN: So I think that (inaudible) key, if you can get that Number 3 (inaudible), mitigate some of those things that -- particularly that lab turnaround time.

DR. JOHNSON: Okay. We will --

DR. JAN: Are we done?

DR. JOHNSON: We're done. Well, no, we've got -- see, she's typing up some things, and then we'll go over them a couple more times, I'm sure. And Dr. Carpenter maybe has some better wording for you on that, on our last one, too. He's working on it.

DR. CARPENTER: How about something like "Approximately two-thirds" -- "Two-thirds of the companies are currently holding," or "are already holding," "FSIS should be proactively involved in enhancing current

understanding of ability of companies to test and hold. This will serve to mitigate burdens on small and very small companies through cash-flow and customer order retention," or something like that.

DR. JOHNSON: That sounds good. Does everyone agree with that?

MR. DETWILER: (Inaudible) burden (inaudible).

DR. CARPENTER: We've still got burden, but it's a matter of --

MR. DETWILER: Yeah.

DR. JOHNSON: (Inaudible) change the way it's a burden.

DR. CARPENTER: I mean, can we say "FSIS should be proactively involved in enhancing current understanding of companies' ability to test and hold. This will serve to mitigate the burden on small and very small companies due to cash flow and" --

MR. DETWILER: It'll help the ease with which small or very small companies can handle those needs.

DR. JOHNSON: That's good.

DR. CARPENTER: Say it again, Darin.

MR. DETWILER: The mitigation items for Number 3 --

DR. CARPENTER: Yeah.

MR. DETWILER: -- (inaudible) will help the ease with which small and very small plants --

DR. CARPENTER: Do we want to say "serve to

mitigate the burdens of small companies"?

MR. DETWILER: Instead of "mitigate the problems of small companies": "to help the ease with which the small or very small companies" --

DR. CARPENTER: "Serve to help ease" --

MR. DETWILER: "Help the ease" --

DR. JOHNSON: "Help to ease the" --

MR. DETWILER: Yeah, "help the ease with which the" --

DR. CARPENTER: "Serve to help to ease" --

MR. DETWILER: "The ease, to help the ease with which small and very small companies."

DR. CARPENTER: " -- the ease with which" --

MR. DETWILER: "Small and very small companies."

DR. CARPENTER: Okay.

MR. DETWILER: What did you say originally after "burden"?

DR. CARPENTER: "Due to cash flow and customer orders restrictions."

MR. DETWILER: "The ease with which small and very small plants can deal with the issues of cash flow and turnaround, customer orders."

DR. CARPENTER: "Deal with" --

MR. DETWILER: -- "the issues" -- "Deal with the issues of" --

DR. CARPENTER: -- "with the issues of cash flow

and customer orders restrictions." Okay.

DR. JOHNSON: Can you give that to Jennifer and let's -- can you crank out two or three copies for us?

MS. WELL: (Inaudible.)

DR. JOHNSON: Does everybody want five and we'll come back and go over this thing one more time?

DR. LOGUE: (Inaudible.)

(Off the record at 5:06 p.m. and reconvened at 5:22 p.m.)

DR. LOGUE: We'll start with the first issue (inaudible).

UNIDENTIFIED MALE: (Inaudible.)

DR. LOGUE: Okay, the issue, "Should FSIS delay decision on granting the mark of inspection to product that has been tested for presence for presence of an adulterant until it has received the results of the testing," we've moved the questions around, so Question 1 now is: "How should such a policy impact industry, particularly small and very small plants?" "Mandating the policy would significantly impact small and very small plants by effecting" (inaudible) "cash flow and livelihood" (inaudible) --

DR. JAN: The way I would --

UNIDENTIFIED MALE: (Inaudible.)

DR. LOGUE: Now, do we want to like move these down, do we want to make these like more of a list or leave it as it is as part of (inaudible)?

DR. JAN: I would say critical cash flow of establishment and livelihood of employees.

DR. LOGUE: Critical cash flow of establishment and livelihood of employees.

MR. DETWILER: I would say change "will" to "may." "Will" sounds --

DR. LOGUE: Are you getting this down? That's right, yeah, it may --

DR. JAN: And --

DR. LOGUE: And then you must say -- it would have to say "may impact public health."

UNIDENTIFIED MALE: "May impact public health"?

UNIDENTIFIED FEMALE: Yeah.

UNIDENTIFIED MALE: Yeah.

MR. DETWILER: Yeah, change all the "will's to (inaudible) --

UNIDENTIFIED MALE: We should say (inaudible).

DR. LOGUE: Yeah, I was just going to say, it's hanging right now.

DR. JAN: It may impact public health when establishments -- or if establishments divert to different methods --

DR. LOGUE: Yeah, instead of saying -- that should join up with (inaudible).

DR. JAN: Right.

DR. LOGUE: Do we want to make these more of a

list, break it down --

DR. CARPENTER: Maybe by bullets.

MR. DETWILER: A bulleted list.

DR. LOGUE: Bulleted list.

DR. CARPENTER: Okay.

DR. LOGUE: Yeah, because it's --

MS. WALL: (Inaudible)?

DR. LOGUE: The first one goes as far as "employees."

MS. WALL: Okay.

DR. LOGUE: The second one will go: "It may impact public health," and then we're joining that up with the second part of the sentence.

DR. JAN: By saying "if establishments divert to a level" --

DR. LOGUE: -- of different inspection, or a different level of inspection.

MS. WALL: Okay.

DR. JAN: And then the next one would be (inaudible) --

DR. LOGUE: "So companies may not be able to meet their customers' expectation."

DR. JAN: And then "small and very small plants may seek a retail exemption," I would move that to follow the public health thing.

DR. LOGUE: Yeah, move that one --

DR. JAN: The last two, yeah, that's what I would do.

MR. DETWILER: It may be picky, but it should be the apostrophe after the S for "customers'."

UNIDENTIFIED MALE: That's correct.

DR. LOGUE: That's (inaudible) teacher (inaudible).

MR. DETWILER: Yeah. I read. I read, I write.

DR. LOGUE: The Agency should encourage the establishments to operate under inspection -- I think that should be (inaudible) Agency.

MS. WALL: All right, does that read okay, then?

DR. CARPENTER: We're just doing the fourth bullet point up to third --

DR. LOGUE: Yeah.

DR. CARPENTER: Okay.

(Pause.)

DR. JAN: Are you (inaudible)?

DR. LOGUE: Say again.

DR. JAN: Are you on Number 2 or what, or are we still on Number 1?

DR. LOGUE: I think he's (inaudible).

DR. JAN: Okay.

DR. LOGUE: I think we need to change the first line.

DR. JAN: The very first line?

DR. LOGUE: Uh-huh.

DR. JAN: (Inaudible)?

DR. LOGUE: (Laughs.)

DR. JAN: Yeah, I don't think that says anything.

UNIDENTIFIED FEMALE: Exactly. It's just going to (inaudible) -- it's almost like an Easter egg.

DR. JAN: Are we going to 2?

DR. LOGUE: Okay, we're about to start on it now.

DR. JAN: Okay.

DR. LOGUE: And Question 2 is: "Are the ways" -- "Are there ways that FSIS could mitigate these problems?" -- "those problems?" The first point that's down here is "be proactive." We need to probably expound on that a little bit.

DR. JAN: I just think we don't need that, I think --

MR. DETWILER: Yeah, I think that was a comment--

DR. LOGUE: "The Committee encourages the Agency to be more proactive" --

MR. DETWILER: I think that was a comment and then it was kind of fleshed out a little bit there.

DR. LOGUE: Okay, we can take it out. Do we want to make the first one, then, "The Committee encourages the Agency to be more proactive in its education of small producers"?

UNIDENTIFIED MALE: You could say that.

DR. LOGUE: Did you get that? "And encourage

information meetings" --

DR. JAN: I would put "such as" --

DR. LOGUE: -- "such as Saturday seminars." "Education on sanitation and intervention/process control."

DR. JAN: That has nothing to do with test-and-hold. That's the process itself.

DR. LOGUE: Yeah, but (inaudible) trying to get across that they would get the -- understand the influence of other factors (inaudible)?

UNIDENTIFIED MALE: Say what?

DR. LOGUE: We're trying to get them to understand the influence of other factors that would play into (inaudible) and have that make life easy or make life better. I don't know.

DR. JAN: I mean, that's (inaudible) point, but I mean -- I don't know that it relates to this question, because it -- you know, it's something they have to do anyway, but I -- you know, I'm okay with it. I mean, they already know -- they already (inaudible) have to do that with the listeria monocytogenes rule that's already there and --

UNIDENTIFIED FEMALE: Yeah.

DR. JAN: So I think that's something that it's already done (inaudible) another recommendation from this committee? That's my opinion.

DR. LOGUE: (Inaudible.)

DR. JAN: (Inaudible.)

DR. LOGUE: Okay, take out the second line, education --

DR. JAN: Well, I'm not the (inaudible) --

DR. LOGUE: Well, I'm not either.

DR. JAN: But I mean that's --

DR. CARPENTER: I thought we wanted to talk about the small, very small producer as being educated in every aspect of their process, so that they would have an appreciation for what hold-and-test meant.

DR. JAN: But they -- well, what I was saying is, education and sanitation and intervention/process control, they -- if they're a small processor not, they already have to do that, they already know that, they're already getting that. The listeria monocytogenes rule itself, the guidance policy and the directive, all that talks about that.

But I -- that's the reason I think it's -- you know, advice to FSIS to do that, they're already doing that, I'm thinking.

DR. CARPENTER: Okay.

MR. DETWILER: Can I point out that within half this page we've said small plants, small companies, small producers, small --

(Pause.)

MR. GIOGLIO: -- establishments.

MR. DETWILER: -- small establishments, we keep changing the words --

DR. JAN: You can point that out [phonetic] (inaudible).

MR. DETWILER: Okay. I would like to at this point --

DR. CARPENTER: Change it to small and very small plants, period?

MR. DETWILER: And stick with it, whatever one we stick with, stick with it, because we've changed the --

UNIDENTIFIED FEMALE: (Inaudible.)

MR. DETWILER: We've changed the term every bullet, every paragraph.

DR. JAN: But I don't care about -- if you all need that second one in, that's fine, it's just that I think that FSIS already knows that and -- but that's okay, we can say that. The third bullet, I would say "encourage establishments" -- or "very small plants" or whatever -- "encourage establishments to develop a plan of action to deal with difficulties that test-and-hold procedures present ahead of time."

(Pause.)

UNIDENTIFIED MALE: (Inaudible.)

UNIDENTIFIED FEMALE: (Inaudible.)

DR. JAN: "Encourage establishments to develop a plan of action to deal with difficulties that a test-and-hold procedure would present ahead of time."

DR. CARPENTER: So "Encourage" --

DR. JAN: So the plants know they have a plan of action.

DR. CARPENTER: So, being consistent, we're going to say "plants" --

DR. JAN: Well, "plants," "establishment," whatever they use, yeah.

DR. CARPENTER: "Encourage plants to develop a plan of action."

DR. LOGUE: (Inaudible.) Okay.

DR. JAN: Do what, the next one?

DR. LOGUE: Next part, "network" (inaudible) "customer" --

DR. JAN: Oh, yeah. Yeah, that's --

MR. DETWILER: Again we can say "such as."

DR. JAN: Yeah.

DR. CARPENTER: "Such as networking in order to fill" --?

MR. DETWILER: Yeah.

DR. LOGUE: Yeah.

DR. CARPENTER: "Such as," okay.

MR. DETWILER: "Such as" (inaudible).

DR. CARPENTER: (Inaudible) second part (inaudible), "such as" would work fine.

DR. LOGUE: Uh-huh.

DR. CARPENTER: Okay.

DR. LOGUE: Instead of saying "keep a" (inaudible),

maybe "alternate supplier"?

DR. JAN: Yeah, "alternate supplier" might be better.

DR. CARPENTER: "Partnering with alternate supplier"?

DR. LOGUE: Yeah, okay, partner.

(Pause.)

DR. LOGUE: "Alternate suppliers," then.

UNIDENTIFIED FEMALE: Okay, "FSIS should play a role in education" (inaudible) --

DR. JAN: I would change that (inaudible).

UNIDENTIFIED FEMALE: -- (inaudible) importance of (inaudible) holding product, we've kind of covered a bit of both now.

DR. JAN: Well, here's what I would say about that one, I'd say "FSIS' inspectors should be trained and expected to express the importance" -- or "relay the importance" -- "of holding product when notifying plant management of testing."

DR. LOGUE: Say that again.

DR. JAN: I can't.

(Laughter.)

DR. JAN: "FSIS' inspectors should be trained and expected to express the importance of holding product when notifying plant management of testing" (inaudible).

DR. CARPENTER: "Expected to play a role in

education"?

DR. LOGUE: "Expected to express the importance" --

DR. CARPENTER: "Expected to express," okay.

DR. JAN: Let's see what you've got. "FSIS' inspectors should be trained and expected to express the importance of holding product" -- something about -- okay, let me go back -- "holding product when notifying plant management of testing," or maybe (inaudible) plant (inaudible).

DR. LOGUE: Okay, "FSIS should adopt and deploy new methods, when possible, of testing that reduces the holding time, such as rapid testing, real-time, molecular assays, et cetera. FSIS should work in cooperation with researchers and companies in the development and evaluation of rapid technologies."

MR. DETWILER: I would take the "when possible" and put that first, and then a comma.

DR. LOGUE: Okay. "When possible, FSIS should adopt and deploy" -- I think "deploy" is the wrong word.

UNIDENTIFIED FEMALE: "Employ"?

DR. JAN: "Adopt and encourage" (inaudible) encouragement (inaudible).

DR. LOGUE: "Adopt and implement."

MR. GIOGLIO: "Implement," yeah. Or "employ" also.

DR. LOGUE: Or "employ," yeah.

MR. GIOGLIO: Right.

DR. LOGUE: "Deploy" is the wrong word.

UNIDENTIFIED MALE: "Employ" sounds more --

UNIDENTIFIED MALE: "Deploy," you think of moving people from one place to another.

DR. LOGUE: Well, I was actually thinking related to (inaudible).

UNIDENTIFIED FEMALE: (Inaudible.)

DR. LOGUE: "Should adopt and employ new methods."

DR. CARPENTER: Did you put "when possible" first?

DR. LOGUE: "When possible." "New methods of testing that reduce" --

MR. DETWILER: Yeah, get rid of the "s" on "reduces."

DR. LOGUE: Yeah. "That reduce the holding time, such as rapid testing, real-time, molecular assays, et cetera."

UNIDENTIFIED MALE: Parentheses around "such as," "et cetera."

DR. CARPENTER: What did you say to delete (inaudible) holding time?

MR. DETWILER: No, the "s" of "reduces."

DR. CARPENTER: Oh, okay, yeah.

MR. DETWILER: (Inaudible) verb tense.

DR. LOGUE: "FSIS should work in cooperation with researchers and companies in the development" (inaudible) --

UNIDENTIFIED MALE: (Inaudible.)

UNIDENTIFIED FEMALE: (Inaudible) just cut it off there.

MR. DETWILER: For the next paragraph, I'd get rid of the first sentence, we don't want to insult anyone.

UNIDENTIFIED MALE: I would (inaudible).

DR. LOGUE: I agree.

UNIDENTIFIED MALE: (Inaudible) say "FSIS should provide a concise summary."

MR. DETWILER: We don't need to say (inaudible) there --

DR. JAN: Yeah.

MR. DETWILER: -- you know, they might not be able to read --

DR. JAN: Yeah, that's right.

DR. JOHNSON: We're almost done.

UNIDENTIFIED FEMALE: Good. I know, I'm sorry, it's your statements.

UNIDENTIFIED MALE: It's what, my statements?

UNIDENTIFIED FEMALE: We've got some (inaudible) and I can't isolate (inaudible) on it so we can't say (inaudible).

DR. CARPENTER: (Inaudible) small and very small plants?

DR. LOGUE: Okay, take out the first line, "FSIS should provide a concise summary for plants on directives and responsibilities, create a producer update similar to the

similar constituents update issued by the Agency. The update" (inaudible) "should include simple bullet points and be issued in various languages."

DR. JAN: Maybe "be available in" --

DR. LOGUE: "Be available," yeah.

UNIDENTIFIED MALE: "Be made available."

DR. CARPENTER: (Inaudible) "should be made available"?

DR. JOHNSON: I left them for five minutes and now we're back on Question (inaudible).

(Laughter.)

DR. JOHNSON: They're starting over [phonetic] (inaudible) --

DR. CARPENTER: And what (inaudible) "made available" --

DR. LOGUE: "Be made available in various languages."

DR. LOGUE: We're almost done (inaudible), we're just (inaudible) --

UNIDENTIFIED MALE: (Inaudible).

DR. LOGUE: Okay, we're almost -- okay, residue testing, we've put in that piece that you have at the bottom of that --

DR. JOHNSON: Okay, so surveillance --

DR. LOGUE: "Surveillance monitoring for residue should not part of" (inaudible), is that what you were trying

to say --

UNIDENTIFIED FEMALE: (Inaudible.)

DR. LOGUE: Yeah, and basically residue testing should --

UNIDENTIFIED MALE: Remain as is.

DR. LOGUE: Yeah, should -- because (inaudible) -- residue testing should be maintained as current policy, because surveillance they treat one way and suspect they treat the other, so --

MS. WALL: All right, so how do you want to rewrite it?

DR. LOGUE: Just say "Current residue policy is appropriate."

DR. CARPENTER: Yeah. "Should not be changed."

DR. JAN: (Inaudible) "should not be changed."

(Off the record and reconvened.)

MR. DETWILER: To encourage, the small plants encourage?

UNIDENTIFIED FEMALE: (Inaudible) voluntary only?

UNIDENTIFIED FEMALE: Yeah, you're right.

MR. DETWILER: See, the "encourage and promote" goes back to the FSIS and not referring to the small plants. So "to consider" (inaudible) --

UNIDENTIFIED MALE: (Inaudible) --

MR. DETWILER: "To facilitate" --

DR. JAN: Sure, facilitate voluntary holding of

product.

MR. DETWILER: Yeah.

DR. CARPENTER: Okay, you're saying cut the sentence where?

DR. JAN: Take "encourage and promote" out --

MR. DETWILER: Yeah, because "encourage and promote" is the FSIS, not (inaudible) --

DR. JAN: (Inaudible) small plants to facilitate.

DR. CARPENTER: "To facilitate"?

DR. JAN: Yeah. "However, very small and small plants" -- I would say, instead of "need," I'd say "should consider the impact and the possible mitigation strategies to facilitate voluntary holding of product."

UNIDENTIFIED FEMALE: Okay.

UNIDENTIFIED FEMALE: Okay.

DR. CARPENTER: Okay.

DR. JAN: And then the next one, approximately two-thirds of the companies are already holding -- I would say, holding product that has been tested (inaudible).

DR. JOHNSON: Should we change the order of the sentences a little bit and put "Opinion vary as to need to mandate" and then put "approximately two-thirds of the companies are already holding" and then make our statements about --

DR. CARPENTER: Yeah, that'd be good.

MR. DETWILER: Yeah, that does sound good.

DR. JAN: That'd be good.

DR. JOHNSON: Make (inaudible).

MR. DETWILER: So take sentences 2 and 3 and swap their order.

DR. CARPENTER: For 3, then 2?

MR. DETWILER: Yeah.

DR. LOGUE: Yeah.

DR. CARPENTER: "Approximately two-thirds" goes ahead of it, okay.

UNIDENTIFIED FEMALE: "Already holding product" -- "holding" (inaudible).

DR. LOGUE: "Already holding product for testing" --

MR. DETWILER: (Inaudible) approximately two-thirds, but saying something to the effect of like "2003 data indicates" --

DR. JOHNSON: Yeah (inaudible).

MR. DETWILER: Something. I mean, maybe not the full (inaudible) but --

DR. JOHNSON: Yeah, but just so (inaudible) --

MR. DETWILER: To strengthen it.

DR. JOHNSON: Yeah.

MR. DETWILER: "We didn't just pull this number out of a hat."

DR. LOGUE: "2003 data indicates that approximately two-thirds" --

DR. JOHNSON: "Estimate from 2003 data," since we're not like doing a scientific analysis (inaudible).

DR. JAN: I'm not sure (inaudible) --

DR. CARPENTER: What about the fourth and fifth second?

DR. LOGUE: Okay, hold on a second.

DR. JAN: (Inaudible.)

DR. LOGUE: After the -- before the "approximately two-thirds" we want to put "Estimates from 2003 data show that approximately two-thirds of companies --."

UNIDENTIFIED FEMALE: What (inaudible) do we need?

DR. CARPENTER: "Estimates from 2003" (inaudible)? I'm not sure what that fourth sentence --

(Pause.)

DR. LOGUE: "FSIS should be proactively involved in" (inaudible) "the ability of companies to hold. This action will serve to help the ease with which small and very small companies can deal with the issues of cash flow and customer demand."

DR. JAN: I don't see how those things are related and I don't know what they're saying [phonetic].

DR. JOHNSON: Well, we may have already said that with some of the rewording we've done up top.

DR. JAN: Yeah.

DR. LOGUE: Yeah.

DR. JOHNSON: So we might be able to just to --

DR. LOGUE: -- scratch it.

DR. JOHNSON: Yeah.

DR. CARPENTER: Scratch them.

UNIDENTIFIED MALE: Scratching what?

DR. CARPENTER: The last two sentences.

DR. LOGUE: (Inaudible) "from FSIS" --

DR. JOHNSON: Wait a minute, are we doing that?

UNIDENTIFIED MALE: I am.

UNIDENTIFIED MALE: (Inaudible) the last two sentences?

DR. JOHNSON: I thought we were just working out the last one. Have we already said "FSIS should be proactively involved in enhancing current understanding" --

DR. LOGUE: (Inaudible.)

DR. JOHNSON: -- have we said that in 2 somewhere?

MR. DETWILER: Well, you know what, if we took the very last sentence and put it -- put it with the bullet under the education of small plants, the last bullet, "encourage plants to develop a plan of action to deal with difficulties," because that's what that refers to --

DR. JAN: Yeah, that (inaudible) --

MR. DETWILER: That's what that very last sentence refers to, is something way back in the middle of the first page, so why don't we go ahead and take that last sentence and put it with that bullet.

UNIDENTIFIED FEMALE: (Inaudible.)

UNIDENTIFIED MALE: That sort of fleshes that out.

UNIDENTIFIED FEMALE: Did you see that (inaudible)?

DR. CARPENTER: No. Say it again.

UNIDENTIFIED FEMALE: (Inaudible) that last sentence, "this action."

UNIDENTIFIED FEMALE: (Inaudible)?

MR. DETWILER: The last bullet under "education of small plants," where it says, "encourage plants to develop a plan of action."

UNIDENTIFIED MALE: (Inaudible.)

UNIDENTIFIED FEMALE: It fits perfectly.

UNIDENTIFIED MALE: (Inaudible.)

(Pause.)

MR. DETWILER: Don't we end up getting a copy of this, so if we find something that was on record here (inaudible) --

UNIDENTIFIED FEMALE: (Inaudible) "FSIS proactive" (inaudible).

DR. JOHNSON: I think the "FSIS proactive" statement should stay in, but what does everybody else think?

DR. LOGUE: Stay where it is.

DR. JOHNSON: Yeah.

DR. CARPENTER: (Inaudible) the very last statement (inaudible).

MR. DETWILER: It sounds positive and neutral at the same time.

DR. JOHNSON: Yeah. (Inaudible.)

DR. JAN: It's a positive statement that says nothing, is that what you're saying?

UNIDENTIFIED MALE: (Inaudible.)

(Laughter.)

DR. JOHNSON: Is that it?

DR. JAN: That's it for me.

UNIDENTIFIED FEMALE: She's got another version (inaudible) --

DR. JOHNSON: She's got (inaudible) version.

UNIDENTIFIED FEMALE: Well, no, do we edit tonight and then (audible) final tomorrow?

UNIDENTIFIED FEMALE: Yeah.

UNIDENTIFIED MALE: (Inaudible.)

MR. DETWILER: Do we want to read it out loud (inaudible) for the record --

DR. JOHNSON: Why don't you read it out loud.

MR. DETWILER: Okay, I'm going to read our final draft here, for the record.

For the issue: "Should FSIS delay a decision on granting the mark of inspection to product that has been tested for the presence of an adulterant until it has received the results of the testing?":

Question 1: "How should such a policy impact industry, particularly small and very small plants?"

Bullet 1: "Mandating the policy may significantly

impact small and very small plants by affecting the critical cash flow of the establishment and the livelihood of employees."

Bullet 2: "It may impact public health if establishments divert to different level of inspection."

Third bullet: "Small and very small establishments may seek a retail exemption status on a permanent basis in order to avoid test-and-hold."

Fourth bullet: "Some companies may not be able to meet their customers' expectation."

And the fifth, and last, bullet: "The Agency should encourage these plants to operate under inspection."

Question 2: "Are there ways that FSIS could mitigate those problems?" "The Agency encourages the education of small and very small plants."

Bullet 1: "Encourage information meetings, such as Saturday seminars."

Second bullet: "Encourage plants to develop a plan of action to deal with difficulties that test-and-hold present ahead of" --

UNIDENTIFIED MALE: Presents. Shouldn't that be "presents"?

DR. JOHNSON: "Test-and-hold presents ahead of time."

MR. DETWILER: Yes, that should be "presents." I'll read it with the modification.

"Encourage plants to develop a plan of action to deal with difficulties that test-and-hold presents ahead of time, such as networking in order to fill customer orders, partner with an alternate supplier to produce a new batch, et cetera.

"This action will serve to help the ease with which small and very small companies can deal with the issue of cash flow and customer demand. FSIS inspectors should be trained and expected to express the importance of holding product when notifying plant management of planned testing.

"When possible, FSIS should adopt and employ new methods of testing that reduce the holding time, such as rapid testing, real-time, molecular assays, et cetera. FSIS should work in cooperation with researchers and companies in the development and evaluation of rapid testing technologies.

"FSIS should provide a summary for plants on directives and responsibilities and create a," quote unquote, "'producer update' similar to the current," quote unquote, "'constituents update' issued by the Agency. The update to producers should include simple bullet points and be made available in various languages. Current policy on suspect residue should not be changed."

Question 3: "What is the Sub-Committee's view on this issue?" "Opinions vary as to the need to mandate. Estimates from the 2003 data show that approximately two-

thirds of companies are already holding product that had been tested. However, very small and small plants should consider the impact and the possible mitigation strategies to facilitate voluntary holding of product. FSIS should be proactively involved in enhancing current understanding of the ability of companies to hold."

DR. JOHNSON: Okay, Question Number 1, any changes?

DR. CARPENTER: "Be consistent" (inaudible) plants.

DR. JOHNSON: All right, on Bullet 1?

DR. CARPENTER: It's already there. Bullet 2.

DR. JOHNSON: Wait a minute, under Question 1, "mandating" -- I'm not --

DR. CARPENTER: Small plants there, okay, all right --

MR. DETWILER: "Establishment" should be "plant."

DR. LOGUE: Divert to a different level of inspection (inaudible) --

DR. CARPENTER: Did you say divert product with (inaudible) --

DR. JAN: No.

DR. CARPENTER: No?

DR. JAN: It would be the plant itself, so it wouldn't (inaudible) may not be (inaudible) --

UNIDENTIFIED MALE: They're actually changing --

DR. JAN: Changing, yeah (inaudible) --

UNIDENTIFIED MALE: I think the suggestion was that

they were dropping "federal inspection" and going "non-inspected."

UNIDENTIFIED MALE: Right. But we're not making them illegal so we're saying a different level of inspection (inaudible) retail inspection.

DR. JAN: (Inaudible) divert, it should be changed.

DR. LOGUE: Changed to "a different level."

DR. JOHNSON: Should we put "i.e., retail exemption," or we already --

UNIDENTIFIED FEMALE: (Inaudible.)

MR. GIOGLIO: It looks like the next bullet is really a follow-on --

DR. JAN: It's a follow-on, right, yeah.

MR. DETWILER: Or we could combine the second and --

DR. JOHNSON: Yeah.

MR. DETWILER: -- third bullets, just to make more sense.

DR. JOHNSON: Could change to "different levels of inspection, may seek" --

UNIDENTIFIED MALE: "I.e." --

DR. JOHNSON: Yeah. -- "may seek to" -- "may seek a retail exemption status on a permanent basis," how's that, just put them together.

UNIDENTIFIED MALE: I.e.?

DR. CARPENTER: (Inaudible) "plants change to a

different level of inspection, i.e., retail exemption status on a permanent basis," is that what you're talking about, just scratch out --

DR. LOGUE: Yeah, or just -- yeah, that or put another sentence.

MR. GIOGLIO: I.e. or e.g., whatever you want --

DR. LOGUE: Yeah.

UNIDENTIFIED MALE: Which is it?

UNIDENTIFIED MALE: Well, e.g. is "for example," i.e. is "that is."

UNIDENTIFIED MALE: So e.g. -- or i.g. --

MR. DETWILER: Don't say (inaudible) government (inaudible).

UNIDENTIFIED MALE: I think "for example, a retail exemption" --

UNIDENTIFIED MALE: For example, e.g.

UNIDENTIFIED MALE: -- "status on a permanent basis in order to avoid test-and-hold."

DR. JOHNSON: Okay.

UNIDENTIFIED MALE: I would say "plants change to different level of inspection, e.g., a retail exemption status."

DR. JOHNSON: All right, anything else in the bullets under Question 1?

MR. DETWILER: Let's make sure all the words (inaudible) --

UNIDENTIFIED MALE: (Inaudible) to these plants, the Agency should encourage these plants to operate under inspection.

DR. JOHNSON: Okay, so we're moving -- we're moving that one where the "small and very small may seek retail exemption" bullet is right now.

UNIDENTIFIED MALE: Right. "Should encourage these plants to continue to operate" (inaudible).

DR. JOHNSON: And we're saying "some plants may not be able to meet," we're changing "company" to "plant" to be consistent?

DR. LOGUE: Yeah.

UNIDENTIFIED MALE: Yeah.

DR. JOHNSON: Okay. And in the first bullet we need to say "critical cash flow of the plant and the livelihood of the employee."

UNIDENTIFIED MALE: Oh, yeah (inaudible).

DR. JOHNSON: All right. Question Number 2, then we said "test-and-hold presents ahead of time," right?

DR. LOGUE: Uh-huh.

MR. GIOGLIO: "Presents ahead of time, such as networking to fill customer orders, partnering with an alternate supplier to produce a new batch," et cetera. I'm not telling you to do this, I'm just asking the question: what about things that they do have available to them now, in other words stop and clean up, make smaller batches, and so

forth?

DR. JOHNSON: Okay, so maybe we --

DR. JAN: We can put it all in there, or the "et cetera" takes care of it, but --

MR. GIOGLIO: Okay. That's --

DR. JAN: I mean -- but, yeah (inaudible) that's something (inaudible) have additional --

DR. LOGUE: She'll say that tomorrow.

DR. JOHNSON: Yeah, we'll say that tomorrow.

MR. GIOGLIO: That's fine. I'm just suggesting, I'm not (inaudible).

DR. JAN: Right. Another thing (inaudible) enough for one batch, they could hold, you know, additional raw material for a second batch or something.

MR. VERSTEYLEN: (Inaudible) holding time, such as rapid testing, real-time (inaudible) --

DR. LOGUE: (Inaudible) just real-time technologies, essentially what --

DR. JOHNSON: Okay, let's put "technologies there."

MR. VERSTEYLEN: (Inaudible) "technologies."

UNIDENTIFIED MALE: You guys are making changes but (inaudible) --

DR. JOHNSON: He's just doing 1.

UNIDENTIFIED MALE: (Inaudible)?

DR. JOHNSON: You're just doing the changes on 1.

UNIDENTIFIED MALE: We're on question 1?

DR. JOHNSON: Yeah.

UNIDENTIFIED MALE: I thought we were on 2.

DR. JOHNSON: Are you working with the changes on Question 2?

UNIDENTIFIED MALE: The ones I have (inaudible) so far awe have.

DR. JOHNSON: Okay. And you got the "real-time technologies, molecular assays," et cetera?

UNIDENTIFIED MALE: (Inaudible.)

UNIDENTIFIED MALE: Real-time technology, molecular assays (inaudible) "technology"?

DR. LOGUE: Molecular assays, et cetera.

UNIDENTIFIED MALE: (Inaudible) put the word "technology" after "time."

DR. JOHNSON: Okay, top of the next page, I think we need to just take out "on suspect" and just put "Current policy on residue testing should not be changed."

DR. JAN: Yeah, right, "suspect" shouldn't be in there.

DR. JOHNSON: Yeah, "suspect" shouldn't be in there, because that would include "surveillance" and "suspect."

MR. DETWILER: Should "producer update" be "plant update"?

(Pause.)

MR. DETWILER: Dr. Jan?

DR. JOHNSON: Probably.

DR. JAN: Say what?

MR. DETWILER: The "producer update," should that be "plant update"?

DR. JAN: Yeah, I guess it could be.

DR. LOGUE: That keeps it consistent.

DR. JAN: Yeah. A "producer" might refer to livestock or birds, flocks.

MR. DETWILER: Or the Off-Broadway smash hit (chuckles).

DR. JAN: Or that too (chuckles).

DR. JOHNSON: Anything on Question 3?

DR. JAN: So then the "update to producers" should be "update to" --

DR. JOHNSON: "Create a plant update" --

DR. JAN: Similar to the current constituent update, then the update to plants should include (inaudible).

MR. DETWILER: Yeah. "Producers" on the middle two lines there should be "plants."

DR. JOHNSON: Okay.

MR. DETWILER: Plant update.

MR. VERSTEYLEN: I think we -- however (inaudible) the impact of (inaudible) --

DR. JAN: (Inaudible) Number 3.

MR. VERSTEYLEN: (Inaudible.)

MR. DETWILER: Yeah, "the impact of and the

possible" --

DR. JOHNSON: "The impact of and the possible mitigation strategy"?

DR. LOGUE: Does that make sense?

MR. DETWILER: Well --

DR. JAN: They should just consider the possible mitigation strategies.

DR. JOHNSON: Well, we're trying to say "consider the impact of the testing" -- "of test-and-hold and the possible mitigation strategy" --

DR. JAN: Okay.

DR. CARPENTER: Put that in there (inaudible) "test-and-hold," (inaudible) test-and-holds?

DR. JOHNSON: Yeah.

DR. JAN: "Consider the impact of" (inaudible) --

UNIDENTIFIED MALE: (Inaudible.)

DR. JAN: -- "test-and-hold and the possible strategies" --

UNIDENTIFIED FEMALE: (Inaudible.)

DR. JAN: "Consider the impact of not" --

UNIDENTIFIED FEMALE: "Of not testing and holding" --

DR. JAN: -- "not holding tested product."

DR. JOHNSON: I like that, "of not holding tested product."

DR. JAN: Right.

MR. DETWILER: I.e. --

UNIDENTIFIED MALE: (Inaudible.) "The impact" --

DR. JOHNSON: Here, I've got it. "All plants should consider the impact of not holding test product as a possible mitigation strategy."

DR. JAN: Right.

UNIDENTIFIED MALE: (Inaudible) look at it fresh in the morning, too --

UNIDENTIFIED MALE: That's right.

UNIDENTIFIED FEMALE: "And the possible mitigation strategy" --

UNIDENTIFIED FEMALE: Okay, "two-thirds" (inaudible) that has been tested?

DR. JOHNSON: Okay, why don't we -- everybody can take this one, and tomorrow morning you can (inaudible), I'll be -- I should be here by 8 o'clock. Is that early enough? 8 o'clock early enough?

DR. LOGUE: Yes.

DR. JOHNSON: And if you see anything else, we'll make changes, and of course the group is going to just chime in on all points, right?

UNIDENTIFIED FEMALE: (Inaudible.)

DR. JOHNSON: Thank you, guys.

(Whereupon, at 5:20 p.m., the sub-committee meeting was adjourned.)

* * * * *

CERTIFICATE

In Re: NATIONAL ADVISORY COMMITTEE
ON MEAT AND POULTRY INSPECTION MEETING
STANDING SUB-COMMITTEE NUMBER 2
Place: ALEXANDRIA, VIRGINIA
Date Held: JUNE 2, 2004
Time Held: 2:45 P.M.

We, the undersigneds, do hereby certify that the foregoing pages, number 256 through 407, inclusive, is the true, accurate and complete transcript prepared from the reporting by _JOHN DEL PINO__ in attendance at the above-identified hearings, in accordance with applicable provisions of the current USDA contract, and the below-signed persons have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final

proofed typewritten transcript against the reporting or recording accomplished at the hearing.

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