

# UNITED STATES DEPARTMENT OF AGRICULTURE

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THE UNITED STATES DEPARTMENT OF AGRICULTURE

Resource Allocations            )  
Sub-Committee                    )

Pages:       1 through 49  
Place:       Arlington, Virginia  
Date:        May 5, 1999

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**HERITAGE REPORTING CORPORATION**  
*Official Reporters*  
1220 L Street, N.W., Suite 600  
Washington, D.C. 20005-4018  
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Resource Allocations            )  
Sub-Committee                    )

Lincoln Room  
Quality Hotel  
1200 N. Courthouse Road  
Arlington, VA 22201

Wednesday,  
May 5, 1999

The meeting in the above-entitled matter was  
convened, pursuant to notice, at 7:00 p.m.

## APPEARANCES:

Carol Tucker Foreman  
Safe Food  
Washington, DC

Dr. Lee Jan  
Texas Dept. of Health

1 DR. JAN: My concerns about the exemptions that I  
2 think we need to focus on is I think there's some that maybe  
3 we could recommend some changes through regulatory changes  
4 and there's some that need to be legislative.

5 But I think we should identify them all and  
6 separate those or include them all and then let the staff  
7 separate maybe which should be regulatory and which should  
8 be -- need -- require law change.

9 But my -- my feeling on exemptions, I think we  
10 should look at exemptions as rather than the way they were  
11 for the last hundred years, or whenever they started the  
12 exemptions, go back and say well, well we're dealing with  
13 meat or poultry from the point where -- anywhere from live  
14 animal converted to a ready to eat product under the Meat  
15 and Poultry Inspection Act legislation and the rules that  
16 apply to that.

17 And it doesn't -- and it shouldn't consider how  
18 the product is distributed or who the customer as long as  
19 it's a human customer and that's what we're talking about is  
20 a human consumer.

21 So if -- if the -- if the jurisdiction or the --  
22 the meat poultry -- meat inspection act and the Poultry and  
23 Products Inspection Act would apply to all raw products  
24 regardless of who processes it, and then at the point that  
25 it's converted -- because I think the -- the risks -- the

1 risks that we have are different for raw products than they  
2 are for cooked products.

3           So if we would look at it from that perspective  
4 and say let's look at risk. The risk is -- the greatest  
5 risk is conversion from the animal to the -- to the raw meat  
6 and then a continuation of that risk not quite as great, but  
7 still we've got a lot of room for cross-contamination and we  
8 have a product that under at least today's technology is not  
9 sterile or that's not a product without organisms and some  
10 of which lead to pathogens and that needs to be continued  
11 under this close observation of FSIS or that type of system.

12           Once that product has reached a cooked stage, then  
13 if it's further processed after that and -- and like we do  
14 right now pizza, pizza toppings, or somebody makes pizza and  
15 it happens to have meat, somebody takes a cooked, ready to  
16 eat sausage and -- and further processes that into another  
17 pig in a blanket or bagel dog or those kinds of things, that  
18 product -- the process of that is no riskier for a meat than  
19 it would be making the cheese.

20           Say cheese pizza versus a pizza with pepperoni  
21 topping because the risk there would be the same. So I  
22 would think that that's where we're going to evolve, not  
23 have exemptions if it's handling a raw meat.

24           Of course, you can't use today's intense  
25 inspection method because there's, you know, the resources

1 aren't there. They're not there and they don't need to be  
2 there. But with Hassap, I think we can -- as we move to  
3 Hassap look to moving into that -- that portion.

4 Then having Hassap system at least require  
5 everyone who handles this raw product to have a Hassap  
6 system and operate under a Hassap plan, and then have that  
7 records monitored and instead of looking at them once every  
8 X number of years, you could -- you may not be able to get  
9 into some of these retail places much more frequently than  
10 we are now, but you'll have records that you can look at for  
11 a number -- a -- a longer period and look at a greater  
12 thing.

13 And also, if we could get out of daily presence in  
14 -- in the meat plants by the inspectors, one that Hassap is  
15 taking care of it, then we should be able to move those  
16 inspectors out.

17 Now, that's maybe beyond the exemption issue, but  
18 I think it ties into the issue. Basically what I'm saying  
19 every -- anything that's raw meat there is no exemption and  
20 I think that's what we should move towards.

21 For the short term, I guess, we probably want to  
22 look at for the short term. For the short term, I think --  
23 I think there's a real concern about what was talked about  
24 this afternoon, the -- the retail operations that have the  
25 HRI exemption.

1           They can -- they can produce that product and then  
2 they can sell up to \$40,000 if they are a big producer or  
3 twenty-five percent of their retail business. They are  
4 required to keep records, but they're not necessarily  
5 required that I know of and -- and I don't know how you  
6 could require them to keep a record of who they sell to.

7           So to find a violator, you have to go to the  
8 restaurants and the HRI institutions and find invoices and  
9 all these that add up to greater than that.

10           Now, with Sam's Clubs, we're able to do a little  
11 bit differently in that they do have a computerized system  
12 and they have two categories. They have a retail and they  
13 have a wholesale customer. And they -- you can ask for  
14 computer records and break it out like that.

15           Now some of their wholesale customers may not be  
16 reselling the product as food. They may buy it because they  
17 may have a lumber company or something and they get it  
18 wholesale -- their -- their wholesale business when they get  
19 a business card and they -- they might not have to pay the  
20 tax or whatever the difference is in the prices, they still  
21 show up.

22           But at least you do -- you can go in and say --  
23 look at all their wholesale and the majority of them you can  
24 assume is -- their in the -- in the food service business.  
25 So you can tell. But not some of these other big companies,

1 Safeway, you know, we have HEB in Texas and -- and Winn  
2 Dixie and others, all these other big supermarkets.

3 Their sales are across the counter through a --  
4 through a machine and it doesn't have a code number, it  
5 doesn't have a client number, anybody can go in there and  
6 buy, so that's very difficult to -- to find a violator  
7 being, you know, if you do, you can, you know, maybe do  
8 something, put them under inspection.

9 So I think that eliminating that HRI exemption  
10 would be very helpful.

11 MS. FORMAN: Let me -- I think -- think we're  
12 pretty close to on the same path here. It -- it occurs to  
13 me that part of -- part of the reason that -- that we never  
14 get over this hook is that we don't really have any sort of  
15 risk assessment on how much of a public health problem these  
16 exemptions create.

17 One of the reasons I ask about the 1991 study was  
18 to find out if we really know how many pounds of -- of meat  
19 and poultry we're talking about that go through these exempt  
20 operations.

21 I was going to suggest that we urge -- I -- I was  
22 going to suggest, Lee, that we give up on the short term in  
23 order to try to get something done in the little bit longer  
24 term, get them to do -- get the agency to undertake a risk  
25 assessment, which would involve, in part, finding out how

1 much raw meat we're talking about here and how much, you  
2 know, just what kind of public health problem we are likely  
3 to have.

4 How much of this is the bagel dog that -- coming  
5 out of the -- that's -- that's the other -- that's the other  
6 subject though that --

7 DR. JAN: No, well, that's an exemption also.

8 MS. FORMAN: Yeah.

9 DR. JAN: That's -- that's a --

10 MS. FORMAN: Okay.

11 DR. JAN: A bagel dog is exempt from inspection.

12 MS. FORMAN: That's right.

13 DR. JAN: Just because somebody decided -- my  
14 understanding is that at the time, FSIS didn't have anybody  
15 to provide inspection and the company had enough clout --

16 MS. FORMAN: Yeah.

17 DR. JAN: -- and they said, well, you -- you  
18 don't need inspection. But then when the pigs in a blanket  
19 wanted the same thing, well, we happened to have inspectors,  
20 so you needed -- you needed inspections because it's meat.

21 So --

22 MS. FORMAN: Yeah.

23 DR. JAN: -- no real sound science there.

24 MS. FORMAN: Well, they're -- but they're in --  
25 anywhere across the board on this it was a political



1 compromise to get legislation through the Congress in part.

2           So if we could say that the department should come  
3 back and give us a time table for doing a risk assessment on  
4 what are the public -- what -- what are the areas where  
5 there is a public health concern, which means I think you'd  
6 have to quantify to a certain extent how much raw meat we're  
7 talking about out there.

8           And then say we're going to do whatever is  
9 necessary, either through regulation or legislation to  
10 require those companies to have a Hassap system that is  
11 comparable to the Hassap programs that we have -- equivalent  
12 to -- let me sign that out -- to the ones that we have in  
13 meat and poultry right now.

14           That we approach a solution to the problem, but we  
15 do it in the context of where the program is going instead  
16 of where it's been and we don't have to worry about coming  
17 up with enough inspectors to cover a bunch of plants that  
18 we're never going to cover.

19           MR. DERFIER:    If I could --

20           MS. FORMAN:    Go ahead.

21           MR. DERFIER:    One question that I would have from  
22 the agency standpoint that if you look at sort of the  
23 history of -- of the HRI and the retail exemption, you know,  
24 I mean, when the statute passed it said this sort of  
25 activity is traditionally conducted at retail, which I guess

1 if you look in the corner of the butcher store, there were  
2 some grinders.

3 And the agency tried to find a way to capture  
4 that. And then they put in kind of an elevator clause to  
5 reflect -- reflect inflation and we wind up where we are  
6 now. So, I mean, if the agency were to try and step back  
7 from that, I mean, we'd ever have to have some sort of  
8 statutory change or to change the regulation we need some  
9 sort of -- some sort of factual basis, you know, we -- and -  
10 - and I think it too easily comes to look at least to some  
11 people like an economic issue.

12 But -- but didn't Dr. LaFontaine today in --

13 MS. FORMAN: Um hmm.

14 MR. DERFIER: -- during his -- talked about the  
15 fact that there was a food safety issue here. I think it  
16 would be, I mean, for the agency to do a risk assessment and  
17 stuff like that, I mean, part of our point was that we're  
18 just strapped all over the place and -- and as we see it  
19 now, as we prioritize this, given the fact that one of the  
20 things that we want to do is say do a performance standard  
21 that hopefully would cover all waitery retail and then try  
22 and control the -- the safety concerns through  
23 adulteration -- through the adulteration provision of the  
24 act.

25 And we would sort of question the need for

1 inspection if you -- if you take it in that context, at  
2 least in the context that this might be an economic -- may  
3 devolve into an economic concern if they're -- you're not  
4 going to get down to zero for HRI, but -- or for grinding,  
5 but some -- some midpoint.

6 So I guess some insights into the kind of food  
7 safety concerns that -- that are really caused here would --  
8 would be useful in helping the agency to channel it's  
9 resources and figure out how it's going to do it.

10 I don't know if all that made sense, but that's --

11 MS. FORMAN: Well, I'm assuming that if you're --  
12 where you're dealing with raw product by what Lee's argument  
13 is, where you're dealing with raw product, you clearly have  
14 some concern in these exemptions.

15 And can you have a plan that says over the next X  
16 number of months or years we'll do a risk assessment that  
17 starts with those things that all the rest of our  
18 information would indicate to us that had the greatest  
19 health risk.

20 MR. DERFIER: Um hmm.

21 MS. FORMAN: And -- and work down from that and  
22 try to move as a priority to have some sort of requirement  
23 for a Hassap system and with performance standards in those  
24 places where there is most likely to have a human health  
25 problem. Does that make sense to you?

1 DR. JAN: Yes. Yes, I -- I -- that's what I  
2 think we need to look and I know it's not an overnight  
3 solution. It's a, you know, study it, figure it out and see  
4 where the risks are.

5 MS. FORMAN: And -- and if you are able to set  
6 some times on this so that we could say that two years from  
7 now we'd have a notion of -- of -- that you might be ready  
8 to have a regulation or a legislative change, if that's  
9 necessary, to address this, at least you'd be able to say to  
10 people there is a time at which we will deal with this. We  
11 have to have some data first.

12 DR. JAN: Yeah.

13 MS. FORMAN: Next January, you've got the  
14 smallest plants coming in. If you can use this period to  
15 begin getting the information you need, then by the time we  
16 have Hassap implemented in the smallest plants, we might be  
17 ready to take the next steps of doing the Hassap in the --  
18 where it's necessary in the exempt operations.

19 MR. SHIRE: Which exempt operations? Ernie Shire  
20 from AMP. Which exempt operations would you be talking  
21 about?

22 MS. FORMAN: That ones where there's a reason to  
23 believe there's a health problem, specifically those that  
24 are dealing with raw product.

25 MR. SHIRE: Okay, like in retail pretty much?

1 DR. JAN: My opinion would be retail stores would  
2 probably be the first step. The retail re-sellers because -  
3 -

4 MS. FORMAN: Retail re-sellers that's a -- that's  
5 a --

6 DR. JAN: Yeah.

7 MS. FORMAN: -- that's a good term.

8 DR. JAN: Well, they -- they -- customers may be  
9 household -- traditionally would be household consumers, but  
10 a lot of them may be the -- the -- particularly in the small  
11 little towns the -- the Dairy Queen or little -- little --  
12 somebody that needs hamburgers over the weekend or whatever.

13 And if the -- if the -- if the product is -- if  
14 those producers are the same requirements as the inspected  
15 and -- and I would say, you know, under Hassap when we go to  
16 that point all the way to labeling because I think the  
17 consumer is required, I mean, is entitled to know what's in  
18 there.

19 I think the exemptions when they were put in by  
20 the legislature years ago, it was for the -- for the small  
21 local, I mean, local community, just serves that local  
22 community and everybody knows the butcher and they could  
23 say, I want, you know, I want ground beef or is there any  
24 pork in here or anything?

25 But now, there is no communication with the --

1 mostly for the customer and the butcher.

2 MR. SHIRE: Yeah. That's right.

3 MS. FORMAN: Um hmm.

4 DR. JAN: And if you communicate with anybody,  
5 it's probably a high school stock boy that just took it off  
6 from the back and the butcher is back there and maybe by the  
7 time you're actually buying it, he's done gone home for the  
8 day and they've got -- so there's no, you know, you can't  
9 talk to the butcher.

10 So I think labeling ought to be included. I mean,  
11 the whole nine yards that's -- that's required for an  
12 inspected facility. But other people that have raw meat are  
13 the restaurants and that ought to be maybe looked at the  
14 next phase.

15 I mean, they're not selling anything but a cooked  
16 product, but there is a real risk there, because if they're  
17 not, I mean, they could be cross-contaminating that cooked  
18 ready to eat -- it should go back on a plate, but how do we  
19 know that that plate wasn't the one that had that last  
20 hamburger patty on, was wiped off, and now you put that --  
21 that, you know, so -- so a Hassap plan there too, but I  
22 don't think you can get there all at one time.

23 MS. FORMAN: Yeah, and I -- as much as I would  
24 love to get the restaurants over under the food safety and  
25 inspection service, I think those are probably outside our -

1 - outside what the public thinks is FSIS's responsibility --

2 DR. JAN: Well, but that -- that's where I'm  
3 willing to trade off the cooked product, give that to FDA,  
4 and say, okay, this is cooked meat. You can regulate that.

5 You can have the bagel dogs, and you can have the sausage  
6 colachis, and the -- and -- and pizzas and all this stuff,  
7 as long as it's made with ready to eat products.

8 You know, that'll be -- and then your jurisdiction  
9 is if it's raw product, it's FSIS and all the things that  
10 FSIS requires. Once it's a cooked product, it's -- whether  
11 it's cheese, bread, or cooked ready to eat meat, that can be  
12 FDA because that doesn't need, I mean, it needs regulation,  
13 it needs controls, and they should probably go to Hassap,  
14 but I think they eventually will too.

15 But, you know, I think a different system, a  
16 different way to get there --

17 MR. DERFIER: Although we would certainly like to  
18 see a role for the states in the --

19 DR. JAN: Well, what I'm talking about, FSIS and  
20 FDA -- I -- I --

21 (Simultaneous discussion.)

22 DR. JAN: -- setting the standard and guidelines  
23 and applying those rules.

24 MR. DERFIER: Yeah, but that's real important to  
25 us, but --

1 (Simultaneous discussion.)

2 MR. DERFIER: I know. I know. And we're very  
3 aware of it right now.

4 DR. JAN: But that's where -- that's where I  
5 would say I wouldn't want each state to have a separate law,  
6 you know, I like the seamless inspection with the same law  
7 and all that.

8 MR. DERFIER: Yeah.

9 DR. JAN: But yeah, if it's applied equally  
10 either by state or federal. The jurisdiction then could be,  
11 you know, for state and federal could be large and small  
12 rather than interstate or --

13 MS. FORMAN: I'm assuming that a risk assessment  
14 would include looking at how much product we're talking  
15 about here and that part of the way you determine where you  
16 needed to act first is where are we talking about the  
17 largest amounts of a product that is -- that is raw and  
18 therefore we think it first of those places like Sam's Club  
19 where there's evidence they produce substantial amount of  
20 product going through there and that with even within the  
21 realm -- and this goes far beyond what I think I'm prepared  
22 to have the subcommittee say.

23 I'm really asking the question. I assume the risk  
24 assessment would go at those larger volume places or have a  
25 raw product, larger declining to smaller, so that your



1 custom exempt places would end up pretty far down there in  
2 terms of risk just because there ain't enough of it out  
3 there.

4 And then you get into your cooked product larger  
5 to smaller --

6 MR. SHIRE: Well, the custom exempt places are  
7 basically still for the most part selling to, you know, to  
8 farm or handling product, I guess you would say, from farm  
9 families and people who know how to handle meat and -- and -  
10 -

11 MS. FORMAN: I -- I --

12 MR. SHIRE: -- and there just isn't that risk and  
13 there and --

14 DR. JAN: Well, they're also regulated. There's,  
15 I mean, they -- they have been regulated under FSIS and  
16 there are standards they have to meet and -- and --

17 MR. SHIRE: Right.

18 DR. JAN: -- in Texas, at least -- and I don't  
19 know of any other state follows that lead, but they're  
20 required to have SSOP's. So they're --

21 MR. SHIRE: Yeah.

22 DR. JAN: -- they are required to meet the  
23 standards already and if we could even get that much into  
24 retail stores, that would be a help, but we --

25 MR. SHIRE: Yeah, I -- I think the retail stores

1 and actually there's some -- there's some custom plants I  
2 know of, custom exempt plants, who actually are Hassap  
3 plants.

4 DR. JAN: Really?

5 MR. SHIRE: Yeah, I mean voluntarily they did  
6 this on their own, you know, and it works fine, you know,  
7 the other thing I guess is -- is that it's an economic issue  
8 in a sense I think because you have -- you have situations  
9 where you have retail stores who are basically doing the  
10 same thing as inspected establishments.

11 And, you know, the competition there is not very,  
12 you know, fair and do -- these people are under inspection,  
13 they have to do everything, the SSOP's and all that, and  
14 then you have the -- the retail people that aren't doing  
15 anything, you know, they can call it an inspection if they  
16 want, but of course it's not.

17 It's -- they're basically, you know, someone comes  
18 around once a year or something and looks at them. So there  
19 is an -- I think there's an economic issue to that. But I  
20 agree with what Carol said that it's really that the -- the  
21 risk assessment, I think that's really what needs to be  
22 looked at.

23 We have a lot of -- for example, we have a lot of  
24 caterers. Catering is becoming very, very big and with  
25 smaller plants getting into this and you were talking about

1 labeling. Do they -- when the -- when the caterer gets --  
2 gets a product that's been inspected and does some more  
3 processing to it, does it have to be inspected again?

4 Now, I've got a call right now from somebody who  
5 is doing this and they contacted -- they contacted the  
6 district office, they contacted the tech center, they  
7 contacted the -- somebody in Washington and they got three  
8 different answers about that.

9 And when you talk about catering and lunch  
10 counters and all the things that people are getting into,  
11 that's a whole world that's really being opened up.

12 And if there's a danger, you know, if there's a  
13 problem with for example ground beef at retail, then maybe  
14 retail does need to -- to -- to have stronger inspection in  
15 some way.

16 MR. DERFIER: And I think all I'm trying to say  
17 is given the demands on our resources right now, the more  
18 that we can identify a safety problem that needs to be  
19 addressed, the better -- the more likely it is that we're  
20 going to be our resources on that as opposed to all the  
21 other things.

22 I mean, like for example, the bagel dog thing.  
23 One of the things that we were thinking about -- we're  
24 obviously looking at our labeling system and -- and pre-  
25 market label approval and -- and we're looking at our food

1 standards, whether they really need to be reinvented and --  
2 and redone.

3 And all those are fairly resource intensive  
4 activities. And they're all clamoring for the eight reg  
5 writers that we've got, you know --

6 MR. SHIRE: The other thing that I was going to  
7 say is I think you ought to go out in a fairly open and --  
8 what's the word I'm thinking? -- open ended process rather  
9 than starting with an assumption maybe that we need to do  
10 this. You know?

11 Do you know what I mean? In terms of the -- if  
12 you're, you know, I know Rosemary was talking about rule  
13 making this morning, you know, and going through the rule  
14 making process, but I think you ought to start out if it's  
15 going to be done in a way where we try to get as much  
16 information as possible.

17 First of all, there's so many different kinds of -  
18 - of exemptions and is -- this is, I guess as Mike pointed  
19 out, he kind of outlined a lot of those things. There's was  
20 a lot of -- there was a lot of misunderstanding about the  
21 exemptions as it is.

22 But I think it should be done in an open process  
23 and not start out from a -- from, well, this is what we're  
24 going to do and now we'll try to amass enough evidence along  
25 the way to do it.

1 MR. DERFIER: You never start out like that.

2 MR. SHIRE: Well, I know. I know you know.

3 MS. FORMAN: I am trying to draft -- give you  
4 some, if you can read my handwriting here, and then --

5 (Pause.)

6 MS. FORMAN: I think this is just a starter here.

7 Have you got something written down, Judy?

8 MS. RIGGINS: No, I was -- I only wrote down what  
9 I heard, but it -- but if this is the summary statement that  
10 you -- that you would want submitted, Mike is actually  
11 sitting back there. I was going to type it on the machine,  
12 but --

13 MS. FORMAN: Okay.

14 MR. SHIRE: I'm going to ask Carol a question.  
15 I'm going to wait until she --

16 MS. FORMAN: I think it's -- I think it's -- I  
17 think this is probably poorly stated, but I wanted to get  
18 started with something.

19 (Pause.)

20 MS. FORMAN: I don't know what we -- it might be  
21 easier to see if you want to read that or if you want Judy  
22 to run it up on the computer first. It's assuming you can  
23 read my handwriting, which is --

24 (Simultaneous discussion.)

25 MS. FORMAN: See if that looks like -- okay. Did

1 you want to ask --

2 MR. SHIRE: Yeah, I was going to ask you a  
3 question. You mentioned before about, you know, about  
4 restaurants that they may not be a good place to do -- did  
5 you say Hassap or --

6 MS. FORMAN: No, I just said that they're outside  
7 of --

8 MR. SHIRE: Kind of outside the USDA. So --

9 MS. FORMAN: So --

10 MR. SHIRE: I mean, it's --

11 MS. FORMAN: I would -- I would work on a risk  
12 assessment basis and then I would probably -- and it's not  
13 in the statement I made -- work on a political reality basis  
14 --

15 MR. SHIRE: Yeah.

16 MS. FORMAN: -- after that. I'd go first to  
17 those things that are high risk and within your USDA's  
18 general jurisdiction and then move to those things that are  
19 high risk and clearly not viewed as being within USDA's  
20 jurisdiction even if they should be.

21 DR. JAN: But even if we don't do that, there's  
22 really no reason that -- that in a MOU or something couldn't  
23 be drawn up between FDA and FSIS where FDA applies or --

24 MS. FORMAN: That's a good thought, but --

25 DR. JAN: -- the meat and poultry inspection act,

1 against the raw meat part in an FDA type establishment, in a  
2 restaurant.

3 MR. DERFIER: Because they've got a lot of other  
4 things happening. You --

5 MS. FORMAN: Or the states administered --

6 MR. SHIRE: ... program, because they're --  
7 because that -- I mean, it seems like there's someone else  
8 who could do it. I mean, if it's a risk assess -- if it's a  
9 risk here, it's going to be a risk there too and whether,  
10 you know, I mean, basically it's history that USDA does what  
11 it does, right?

12 So -- so that if --

13 MS. FORMAN: Yeah, it's a good point. I'm trying  
14 to -- we're trying to get it away from looking at it through  
15 the old lens and look at it through the new one.

16 MR. SHIRE: I mean --

17 MR. DERFIER: The only thing I'd point is that  
18 restaurants are in the same exemption provision as retail  
19 stores.

20 MS. FORMAN: Oh, okay.

21 DR. JAN: Yeah, they are. They are.

22 MS. FORMAN: Okay.

23 MR. SHIRE: Whatever.

24 MS. FORMAN: Well, I think if we go risk  
25 assessment and performance standard where it's justified in

1 the Hassap plan and then I'm not sure that we have to go a  
2 lot further than that in our recommendation right now. We  
3 might need some preliminary saying that our long range goal  
4 is to get all these foods under some equivalent level of  
5 inspection.

6 Oh, I didn't have that. Did you --

7 MS. RIGGINS: I wrote that in my notes.

8 MS. FORMAN: Okay.

9 MS. RIGGINS: Yeah.

10 MS. FORMAN: That might be the introductory  
11 phrase to that, that our long range goal is to get all these  
12 products under --

13 (Pause.)

14 MS. FORMAN: I don't know, Phil. If you're going  
15 to come in here and --

16 MS. FORMAN: You're really going to put a cramp  
17 in their style.

18 MR. DERFIER: Well, it's something I never do  
19 anymore, except here's a chance, you know, because I don't  
20 know what else I'm talking to.

21 DR. JAN: A nice little condensed version of the  
22 law.

23 MR. DERFIER: I always thought that it was  
24 interesting that FDA was acting --

25 MS. FORMAN: That is a handy volume.



1 MR. DERFIER: If you're interested in food.

2 MS. FORMAN: Yeah. Bedtime reading. Look, I --  
3 I think what we're talking about here is -- does not address  
4 Rosemary's concerns and they don't address other concerns  
5 around the table, but I -- I -- my view is that we go at  
6 health related risk first and then we come back around and  
7 deal with the other anomalies in the law, those economic  
8 points, after -- after we've taken care of the first  
9 concerns.

10 DR. JAN: What were -- were Rosemary's primary  
11 concerns?

12 MS. FORMAN: Oh, it is an economic aspect.  
13 You've got --

14 DR. JAN: But you've got different, I mean,  
15 you've got people who are doing the same thing --

16 MR. DERFIER: Right.

17 DR. JAN: -- who are operating under different  
18 regulations, you know, and that's --

19 MR. DERFIER: We could lift that or make changes  
20 where the retail operators are operating under the same law,  
21 then that burden is gone, right? I mean, that -- that  
22 unfair economic disadvantage or --

23 MS. FORMAN: Well no, because it really -- yeah.  
24 To the extent we're dealing with products that are a high  
25 risk but, you know, if you go back to the old Don Houston,

1 there's not much difference between a cheese pizza and  
2 slicing pepperoni to put on a cheese pizza, but one is under  
3 USDA inspection and one is under FDA inspection, it's really  
4 a -- it's an economic thing more than anything else.

5 MR. DERFIER: It is.

6 MS. FORMAN: And I -- I don't -- what -- what  
7 we're talking about doesn't really address that, but I think  
8 that probably is best addressed by moving the whole process  
9 towards some more rational underpinnings and -- and we'll  
10 get there.

11 MR. DERFIER: I think that makes a whole lot of  
12 sense to us.

13 MR. SHIRE: A honey baked ham is a good can. I  
14 know you guys are involved in that in a litigious way. Is  
15 that the right way to say it? But anyway, you know, that, I  
16 mean, there it was basically a court that decided that and -  
17 - and somebody told me after they read that decision that  
18 when you read their decision, you could make a very good  
19 argument for removing inspection from everything --  
20 everything except slaughter and canning.

21 DR. JAN: I would -- I would move it -- I would  
22 remove it from everything once it's cooked --

23 MS. FORMAN: Yeah.

24 DR. JAN: -- because I think there's a -- there's  
25 a unique -- a unique risk to raw product.

1 MR. DERFIER: Right.

2 DR. JAN: -- however, you handle it, there's a  
3 risk. I mean, and it shouldn't be as much of a risk there  
4 as it is in the ready to eat product or the already cooked  
5 product, but you -- we have to make it as safe as we can for  
6 the next level, the next step, which is the -- whoever, the  
7 household going to prepare it, whoever it is.

8 So if -- if you want to keep that -- first -- your  
9 most -- your greatest risk is going to be in the slaughter  
10 pipe. Remove the diseased livestock or the diseased  
11 animals, those that have a disease or a diseased process  
12 that you may not be able to cook out. So separate those.  
13 You only let the good ones come in.

14 So now you've got a meat product from healthy  
15 animals but those healthy animals may have been carrying  
16 pathogens and that's where, you know, we've still got this  
17 product that's very likely contaminated with pathogens.

18 Once we go from that raw stage to the process and  
19 now it's a cooked product and packaged, at that point, once  
20 it's there, if it's all done right, then that product should  
21 be safe to eat or safe -- as safe as cheese or -- or milk or  
22 any other ready to eat product.

23 And so then I would say now that doesn't need to  
24 be inspected even if it is a meat. It doesn't have to be  
25 under meat and poultry inspection. Now, if you want to take

1 this and -- and crumble -- put crumbles on top of pizza or  
2 slice it, or take a fully cooked ham, luncheon meat, and  
3 slice it and package it, that doesn't -- shouldn't have to  
4 be done under FSIS type inspection.

5 That could be done under FDA, just like we're  
6 slicing tomatoes or anything else.

7 MS. FORMAN: Yeah, if your inspection intensity  
8 is veered to the risk in the product, it might still be  
9 under USDA's law, but it wouldn't be absorbing much in the  
10 way of USDA resources. There you might ultimately -- I  
11 would suggest that there you would get to something that is  
12 a records check and then a vicious harsh penalty for  
13 somebody who cheats.

14 DR. JAN: But isn't that the issue with honey  
15 baked ham? There were -- there's already fully cooked hams  
16 and they were slicing them or -- or doing the small slicing  
17 and taking them to a kiosk where they had -- they weren't  
18 doing the spiral slicing at the kiosk, I don't think, were  
19 they?

20 MR. DERFIER: No, they were --

21 MR. SHIRE: And they were taking them to -- to  
22 various kiosks --

23 DR. JAN: Yeah.

24 MR. SHIRE: -- I guess around the holidays and --  
25 and, you know, USDA had this two store policy, I guess,

1 saying that beyond two stores, it was a problem. And, you  
2 know, if you read the decision there, one of the things in  
3 there, one of the arguments that the agency raised was  
4 concern about transportation, you know, to these kiosks.

5 But I guess the judge that wrote the ruling asked  
6 the question well, how is inspecting it at the original  
7 place going to make a difference so far as in terms of  
8 safety when you're transporting it to -- to --

9 MS. FORMAN: That's a swamp that I don't want to  
10 get into.

11 MR. SHIRE: I know.

12 MS. FORMAN: And I think that we've found a way  
13 to address the issues that there are some equity issues  
14 here, but the health issues -- if we address the health  
15 related issues, I think the equity issues will be  
16 diminished.

17 They won't be wiped out, but they'll be diminished  
18 and -- but I'm just -- if we had -- I just hate having to go  
19 back and -- and be caught in the same box that we've been  
20 caught in for a hundred years and risk assessment will  
21 Hassap it's way I think we'll --

22 Since there are only two of us here, and we agree  
23 --

24 (Laughter.)

25 MR. SHIRE: No, you may be right. I mean, I -- I

1 can understand what you're saying. I mean, it's -- it's --

2 MS. FORMAN: You know, I -- that's --

3 MR. SHIRE: -- maybe those other things will be  
4 taken care of, I mean, it's -- when you're fixing a problem,  
5 you know, it's like if you have the chance to fix it, you  
6 want to fix it much -- as much of it as you can.

7 And -- and maybe those will be taken care of in  
8 the terms of -- obviously the way it is now people feel a  
9 need to do something about it.

10 MS. RIGGINS: I tried to capture the general  
11 terms in the first sentence the idea of equivalent  
12 requirements and science based formal standards.

13 (Pause.)

14 MS. FORMAN: Okay. I think we could smooth --  
15 smooth that out some, but if it covers the points, then we  
16 could work on smoothing it out.

17 DR. JAN: Yeah, right.

18 MS. FORMAN: These problems been around for a  
19 long time and I don't see much sense that Congress is  
20 prepared to change this law based on anything other than an  
21 indication that there's a public health concern involved.

22 (Pause.)

23 MS. FORMAN: I'm always able to relate things  
24 better at 7:00 when I --

25 MR. DERFIER: Yeah.

1 MS. RIGGINS: Yeah, I do.

2 DR. JAN: Yeah, I think -- I just added just in  
3 order to have -- to begin this process, we recommend FSIS  
4 undertake a risk assessment to determine the best use of  
5 inspector resources and I just extended that to where the  
6 risk is the highest.

7 MS. FORMAN: Sure.

8 MS. RIGGINS: Okay.

9 DR. JAN: And we assume this would result in an  
10 indication that raw products would require tending first.

11 MS. FORMAN: yeah. Why don't you -- I think this  
12 segment could probably use some smoothing now and let's --  
13 let's deal with the other issue first and then come back and  
14 see about smoothing out.

15 DR. JAN: And one other thing I might also add  
16 that last sentence about raw products, regardless of where  
17 produced.

18 MS. FORMAN: Fine, yes.

19 DR. JAN: Is that -- so that would make it clear  
20 that we don't want to --

21 (Pause.)

22 MR. SHIRE: There is a sentence in this  
23 background paper today that said FSIS recognizes that the  
24 current inspection system does permit the agency to allocate  
25 it's resources according to public health risk.

1 MS. FORMAN: Um hmm.

2 MR. SHIRE: And to me, that's a really strong, I  
3 mean, that's kind of the sticking point.

4 MS. FORMAN: Um hmm.

5 MR. DERFIER: Well, and I guess the question is  
6 are exemptions going to help us -- help us make -- make a  
7 better allocation of our resources or -- or hinder us from  
8 making a better allocation of resources?

9 MS. FORMAN: Well, I was -- I was very impressed  
10 by that paragraph, which is why I came in wanting to talk  
11 this way. Let's -- let's start with determining where the  
12 health problem is and then even if those things are now  
13 exempt, if there is a high risk, you try to extend the  
14 inspections in those places.

15 And we assume that that would be large production,  
16 raw products first. But let me just expand that a little  
17 bit and I think that I can probably make that read a little  
18 better, but I thought we might deal with the other issue  
19 first and --

20 MS. RIGGINS: I'll just add this in.

21 MS. FORMAN: -- and come back to it.

22 MR. DERFIER: I already sat through yours.

23 MS. FORMAN: If we're going to get this produced  
24 --

25 MS. RIGGINS: What I'm doing is I'm saving it on



1 this disk. Mike's already got it set up. So if there are  
2 changes that you make towards the end of the session, Mike  
3 will come back. If you just make them on this sheet --

4 MS. FORMAN: Okay.

5 MS. RIGGINS: -- and he will add them in.

6 MS. FORMAN: Okay.

7 MS. RIGGINS: I'm just going to get it to where  
8 we have it now.

9 MS. FORMAN: All right.

10 MS. RIGGINS: And then --

11 MS. FORMAN: And if we wanted to rewrite it first  
12 thing tomorrow morning?

13 MS. RIGGINS: Well, yeah. We can do that. And  
14 Mike can get it typed up and distributed.

15 MS. FORMAN: All right. I think we ought to have  
16 two person subcommittees all the time.

17 DR. JAN: Rosemary and Cheryl --

18 MS. FORMAN: Cheryl --

19 DR. JAN: Cheryl Hall?

20 MS. FORMAN: Yeah.

21 DR. JAN: I guess you weren't here at all.

22 MS. FORMAN: No, I think this meeting was -- no,  
23 because it didn't get locked in until fairly late. A lot of  
24 people lost it. I'm sorry. It's very late and I'm fuzzy.  
25 Tell me your name again.

1 MR. DANNER: Charlie Danner.

2 MS. FORMAN: I'm sorry, Charlie. I just suddenly  
3 couldn't come up with it. What would you like from us?

4 MR. DANNER: Well, I think probably you could  
5 either handle the subcommittee or whole committee with some  
6 general feeling about whether the agency is moving in that  
7 direction I'll tell you why. I think there's a little bit  
8 of sensitivity right now about FSIS being a little too bold  
9 in its...

10 MS. FORMAN: Thank you. I think that -- that you  
11 -- you certainly got my view when you started out this  
12 morning.

13 MR. DANNER: Yeah, I appreciate that. That was  
14 good.

15 MS. FORMAN: But I -- I find it very exciting  
16 that an agency would say our goal is -- our purpose in life  
17 is to protect public health by making food risk free and to  
18 set out a plan to say what you would do to accomplish that,  
19 knowing that we will never have perfection, but if you don't  
20 start by saying what would the best of all possible worlds  
21 represent, I don't know -- bye Birdie -- I don't -- I don't  
22 see how you can ever think outside the box.

23 It seems to me the best way in the world -- now, I  
24 think that the risk that you have here is -- as a matter of  
25 fact, I was so excited by what you were doing that I started

1 writing a letter that I was going to attach to these papers  
2 and send to a bunch of people.

3 And as I started writing it, I thought, gee,  
4 they're going to say, Carol, that's the fairest thing that I  
5 ever heard. Everybody understands that they don't have the  
6 money and they don't have the law and so on and so forth and  
7 it's perfectly all right with me if you don't.

8 It's how else would you know what you're -- you  
9 got -- you've got to have a map of where you'd like to go.  
10 There may be things that intervene that keep you from  
11 getting there, but you ought to have a map of where you want  
12 to go.

13 I think the big risk is that -- that many people  
14 will say as the guy did in the e-mail to the agency why are  
15 you talking about this? It's not possible.

16 And the distinction between drawing a goal and  
17 saying we're going to have everything that we do be in  
18 furtherance of that goal even if we can't ultimately reach  
19 it because of -- because we don't have the technology  
20 sometimes, because we don't have the money sometimes,  
21 because we don't have the legislative authority, at least we  
22 know what our goal is.

23 And all -- it seems to me that's the best way to  
24 think about the problem and given a program that's a --  
25 going to be a hundred years old, it's the best way to think

1 outside the box that we ever locked into.

2 It gives us the broadest possible leeway for  
3 thinking about doing things differently because it's okay to  
4 do it differently if you have some data that indicate that  
5 there's a very great probability that that will get you  
6 closer to your goal and virtually no risk that some  
7 unintended negative consequence will cause a public health  
8 problem.

9 So I -- I'm very excited about it. Lee?

10 DR. JAN: Well, I -- I think that it's a -- I  
11 have to agree that, you know, if you -- if you say no,  
12 you're not going to get there or, you know, you say it can't  
13 be done and I think it's a -- it's what everybody wants.

14 It's what the consumer wants is risk free food.

15 MS. FORMAN: Good point.

16 MR. DANNER: A lot of people use to think we had  
17 it.

18 DR. JAN: Yeah, well --

19 MR. DANNER: When I was growing up I thought if  
20 it was risk free, it was produced in the United States  
21 because I lived overseas a lot and I had a, you know, a lot  
22 of bad experiences with food overseas. And I came home and  
23 you could eat it practically raw.

24 DR. JAN: And I -- you said a lot of -- that's  
25 what people used to think.

1 MR. DANNER: Yeah.

2 DR. JAN: I think there's -- the people that  
3 aren't in this business still think that.

4 MR. DANNER: Yeah.

5 DR. JAN: I think the average wife and mother or  
6 father, whoever picks, you know, purchases the food, whether  
7 you get it at a restaurant, whether you get it at the  
8 grocery store, and prepare it at home, you expect that what  
9 you get is safe and okay to eat and -- and it's not going to  
10 hurt you.

11 So that's what they expect. I think that's where  
12 you should set your goal. And you're doing that, I think,  
13 here. To give you some -- to give -- to give you some  
14 input, you know, I -- I looked through this earlier and, you  
15 know, in here and I really don't know at this stage what I  
16 can say to help you except maybe try answering some of these  
17 questions and --

18 MR. DANNER: Well, see, I don't think you all can  
19 really do that much with those questions. I think it's hard  
20 for Carol when I really ask the question what do you need  
21 from us, I -- it's hard for me to answer that because I  
22 don't know exactly what -- how you all view yourselves and  
23 what you think your role is.

24 But if -- if your role truly is advisory and you  
25 see yourself as sort of like a steering committee, then the

1 best thing you can do is ratify this because there isn't  
2 much you can say about this. An awful lot of effort went  
3 into it, more than I think you all can expend right now and  
4 senior management really was looking at this as a all foods  
5 kind of proposition.

6 He was looking at mobilizing all the resources in  
7 the country to -- toward achieving a risk free end and  
8 hoping to get as high on the scale as we could. I think if  
9 you all just simply say that we -- we support the approach  
10 and we encourage the agency to pursue this, you're going to  
11 have some parallel activity here going on with the council.

12 MS. FORMAN: Um hmm.

13 MR. DANNER: So you might want to keep an eye on  
14 that and see how we fit into it. But I think if you do  
15 nothing more than you've already done, stated for the record  
16 that you support this, that's -- and if you do see anything,  
17 I mean, if you can see anything in asking those questions --

18 DR. JAN: Well, that's --

19 MR. DANNER: -- it's helpful to us, but I  
20 wouldn't really anguish too much over it.

21 DR. JAN: Well, that's good, because that's --  
22 when I looked at this, I -- it looked like there was a lot  
23 of work already done and I --

24 MR. DANNER: Well, we're going to continue the  
25 staff folks right here and -- and folks on my staff, and the

1 agency as well, will continue to try to think through these  
2 things and get more specific and come up with actual tasks,  
3 you know, that people understand.

4 Right now, this stuff is so -- almost theoretical,  
5 it's really hard to get your mind around.

6 DR. JAN: Right, it's --

7 MR. DANNER: It was amazing how difficult it was  
8 to write those outcome statements, those few words you see  
9 there, because we don't really know what those goals will  
10 produce, but, you know, if you -- I said this morning too,  
11 this afternoon, if you saw objectives that are missing from  
12 there, like say we didn't have that joint research and  
13 technology committee that Tom talked about, then I would  
14 hope that you would add that. Things like that.

15 DR. JAN: Right, right.

16 MR. DANNER: Especially you all that have a lot  
17 of experience in the business. And that's all you can do  
18 for us, those two things, is ratify it, as you have already  
19 done, and add any missing things if you can think of  
20 anything, and that's about all you can do for us.

21 DR. JAN: Well, that's -- that's, you know --

22 MR. DANNER: And Carol, you know there's going to  
23 be some -- remember I said this morning the -- something  
24 about -- or sorry, this afternoon. Thought it was earlier  
25 this morning.

1           You can't have a lot of politics and meet this  
2 vision. And there's still going to be politics involved  
3 here and FSIS is -- is sort of getting ahead of the pack, if  
4 you will. I'll just leave it at that.

5           MS. FORMAN: Yeah, no. It is. And it's -- it's  
6 -- it's very threatening.

7           MR. DANNER: Um hmm. You know who brought this  
8 up to various -- I'm sorry. This morning. I think Caroline  
9 mentioned something --

10          MS. FORMAN: Yeah.

11          MR. DANNER: I think you were there when she --

12          MS. FORMAN: When -- it's really too bad we  
13 didn't have this before lunch because at lunch we had a  
14 meeting with Janice Oliver and the issue that we have with  
15 FDA about their seamless food safety system that has no  
16 provision in it for national standards.

17                   And so we were a little crotchety about that. And  
18 to walk back in -- and I hadn't looked at this at all -- we  
19 walked back in and sat down and looked at something that --  
20 where you clearly set down -- and actually, during lunch  
21 with Janice, we discovered that this had kind of grown  
22 backwards from a very limited thing that she was doing to  
23 try to improve surveillance and outbreak control and because  
24 of budget demands and the need to come up with something  
25 that they could take to the White House to persuade them



1 they needed a little more money for inspection had walked  
2 backward into a big initiative that was not well thought  
3 out.

4 And Caroline and I were laughing because then we  
5 walked in and we had used the example with her of FSIS's  
6 approach to developing a system to allow state inspected  
7 meat to be moved into interstate commerce.

8 The concept papers, the -- the looking at it in  
9 the context of the Hassap system that gave you the  
10 opportunity to say sure you could move state inspected meat  
11 to interstate commerce because there's going to be a  
12 standard that no matter who is looking at it, it ought to be  
13 the same thing.

14 And you've gone at this in the same organized  
15 rational fashion of deciding where you'd like to go and  
16 beginning to look at the steps that would be necessary to  
17 get there.

18 I think that it will be hard for FDA. One of the  
19 things I've noticed in the paper is that if it makes any  
20 reference to any existing law, I don't see it because you've  
21 started out saying you want to see more systems, so there's  
22 no reason to talk about what's there under the current legal  
23 authorities.

24 The presumption is that if those need to be  
25 changed, that will be one of the -- the objectives that will

1 come along the way and -- and FDA will see that as some  
2 threat.

3 That's probably all you'll have to deal with,  
4 because I -- I suspect that you're going to find that we  
5 will walk around all over town with this saying this is how  
6 you ought to think about making a system that works instead  
7 of thinking about this box and that box and this legal  
8 authority that's a hundred years old versus that legal  
9 authority that's a hundred years old.

10 MR. DANNER: Which may happen under the council's  
11 activities too.

12 MS. FORMAN: Oh, of course it will.

13 MR. DANNER: It could be -- it could be --

14 MS. FORMAN: You're going to get into -- you're  
15 going to get into all the -- but I do think it's exactly  
16 what you said it is, a conceptual framework for realizing a  
17 vision. Lee, if it's okay with you, can I go home and draft  
18 something  
19 that's --

20 DR. JAN: Sure.

21 MS. FORMAN: -- a couple of lines that we can  
22 just use tomorrow to say we think the agency is -- is on  
23 it's way and we'll be looking forward to two things at the  
24 next meeting. Some notion of more specific time frames and  
25 a -- and further detail and progress reports. Would you go

1 at this like beginning to develop concept papers on goal  
2 one, goal two, goal three? Or will you look at it more  
3 holistically?

4 MR. DANNER: No, I was frankly going to start  
5 scaling it down as I think I said this afternoon to be more  
6 specific to meat and poultry. Remember, if you take out the  
7 meat and poultry and egg products on that and substitute  
8 food, this was all built for that engine.

9 MS. FORMAN: Yeah.

10 MR. DANNER: It's now being scaled down and  
11 that's what we will do. We will attempt to make it more  
12 specific to -- what I will attempt to do is -- we're already  
13 meeting in my staff to try to tease out the things that we  
14 have specific jurisdiction over.

15 Tom didn't approach it that way initially, but  
16 that's sort of where we are right now, is that you still do  
17 have other jurisdictions here and so we're going to attempt  
18 to take the part that we have control over out of this and  
19 make our strategic plan out of it. That's where we will go  
20 with it.

21 And for instance, if you -- that thing as he calls  
22 there in that goal number one, that -- that committee Jeff  
23 Star, whatever it is, if we had a lead agency, if we saw  
24 ourselves as a lead and expect to see that in our strategic  
25 plan as a -- a task under the objective, there it is, Siff

1 Star.

2 MS. FORMAN: Yeah.

3 MR. DANNER: And I don't know frankly whether a  
4 lead agency or not --

5 MS. FORMAN: I can't -- I can't --

6 MR. DANNER: And that was the way I was going to  
7 approach it. I said this morning and I'll reiterate it here  
8 was Tom looked at it and you all know Tom. He looked at it  
9 as this is what the whole country needs. This is what the  
10 world needs. It's the way he approached it. And that's the  
11 way he sort of led this process.

12 I -- I frankly think that eventually they'll wind  
13 up with something like this at the council level and ours  
14 would simply be a piece of it. And I -- it's identifying  
15 that piece of it that is my next step.

16 MS. FORMAN: Okay.

17 MR. DANNER: Now, if you all disagree with that,  
18 of course, I don't, you know, the council's just ginning up  
19 really right now. The next year really is when they'll be  
20 doing this, so I would expect you'll see by this time next  
21 year something like this and perhaps more comprehensive  
22 coming from them.

23 DR. JAN: Are you talking about the President's  
24 food safety --

25 MR. DANNER: Yes. Uh huh. We're just ahead of

1 them.

2 DR. JAN: Yeah.

3 MR. DANNER: But -- but Tom wanted to -- he  
4 didn't want to sit around and wait another year. He wanted  
5 to make some assumptions how he thought things were going.  
6 And --

7 MS. FORMAN: But you'll take this to the -- or  
8 has it already gone to the --

9 MR. DANNER: Well, Cathy, you know, is head of  
10 the -- for them, so she's well aware of it.

11 MR. DERFIER: Do they need to see that?

12 MS. FORMAN: Yeah, because, you know, the first  
13 person who gets it down on paper --

14 MR. DERFIER: Yeah.

15 MR. DANNER: Well, she -- we -- we talked about  
16 this a couple of weeks ago and I said why don't you just  
17 take what we've got here and use it for you own -- maybe --  
18 this is, you know, we have some really rather mundane  
19 requirements associated with the GPR, the government  
20 performance and results. This is not real good for us in  
21 satisfying. I want to be in the department and all that  
22 kind of stuff. They want more specific material.

23 They want to know that we're going to reduce  
24 pathogens by some level or better yet, food borne illness by  
25 twenty-five percent by the year 2000. They love that.

1 MS. FORMAN: Well, that goes into your -- the  
2 strategic plan. When is the new strategic plan --

3 MR. DERFIER: When do they want a new one?

4 MS. FORMAN: Yeah.

5 MR. DANNER: Well, you know, I -- we actually  
6 could have -- if we'd gotten far enough along in this, we  
7 could have used it this year. It's going to have to wait  
8 until next year because it has to go through a lot of  
9 clearances and we're right now in the process of formulating  
10 2001 budget and annual performance planner.

11 We can't back this thing out in front of it, so  
12 this will have to be for next year. The new strategic plan  
13 will have to wait until next year and the only one will  
14 still be the operable one this year.

15 MS. FORMAN: Um hmm.

16 MR. DERFIER: And it goes to 2002 anyway, doesn't  
17 it? Yeah.

18 MR. DANNER: Yeah, well, we put that on there  
19 because the department said that's what you had to put on  
20 there. It's really just about if you believe, like I do,  
21 that the rules more or less were -- were mopping up the  
22 rule, if you will, and this thing is just not done, you  
23 know, we've restructured. We've implemented Hassap, we've  
24 put testing in place.

25 I mean, now it's just tweaking and improving

1 and --

2 MS. FORMAN: The only place I disagree with you  
3 on that is that I think you've gone almost as far as you can  
4 go in re-conceptualizing within the confines of the old law  
5 in that, you know, sooner or later, and probably sooner,  
6 Heartland's going to have to deal with some basic changes in  
7 it's charter.

8 MR. DANNER: You know, I wish Phil hadn't left,  
9 because he wrote the section on responses on that and I  
10 think he argued that we didn't need to change the law, but I  
11 couldn't tell you.

12 MS. FORMAN: Yeah, but that's -- that's the --  
13 that's the FDA approach. Nobody wants to change the law  
14 because if you let the Congress change the law, they'll  
15 govern, you know, they'll do five or six wrong things for  
16 every one right thing they do.

17 But I'm troubled by the -- I -- I feel pretty  
18 strongly that we ought to be thinking about what a unified  
19 food safety law would look like and -- and NIS certainly  
20 thought that we needed probably more than we needed one  
21 agency, we need one authority that --

22 MR. DANNER: Yeah, I think --

23 MS. FORMAN: -- has some -- or -- or at least  
24 reduce the disparities among the existing authorities.  
25 That's always -- that's always a crap shoot. But I actually

1 can't remember what Phil's argument was about not changing  
2 the law and I ought to go home and get that.

3 This was your response to the NAS.

4 MR. DANNER: USDA response.

5 MS. FORMAN: USDA response. I -- I need to look  
6 at that again because --

7 MR. DANNER: I've got it. Do you have it at  
8 home? Because I've got it. I could email it to you. I've  
9 got it on my computer.

10 MS. FORMAN: Yeah, email it to me, because --

11 MR. DANNER: What's your email address?

12 MS. FORMAN: Tuckfore@aol.com. Because --

13 MR. DANNER: No dot in between tuck fore?

14 MS. FORMAN: No.

15 MR. DANNER: Okay.

16 MS. FORMAN: I think that he must have made a  
17 good argument about why most of what the department is  
18 thinking about now doesn't offend the requirement for  
19 continuous inspection and I think that we're growing close  
20 to the edge or that -- or within a couple of years, we will  
21 have grown close to the edge of that.

22 There's some people, like the joint council, that  
23 thinks you've already stepped over it and --

24 MR. DANNER: Um hmm.

25 MS. FORMAN: -- and I always admire Phil's



1 arguments, so I'd like to read it. I need some good  
2 arguments on the side of the department.

3 Lee, do you have anything else that --

4 DR. JAN: No.

5 MS. FORMAN: Can I go home and try to sleep and  
6 try to make this readable, more like English, and then give  
7 it to you first thing tomorrow morning? Are you staying  
8 here?

9 MR. DANNER: Yes.

10 MS. FORMAN: Okay. I'll try to get over here  
11 early so that I can give it to you.

12 MS. FORMAN: Oh, isn't that nice? Are we in the  
13 afternoon?

14 MR. DANNER: I think you're 1:00 or --

15 MS. FORMAN: Oh, thank you for telling me that.

16 DR. JAN: I'm sorry. What was that?

17 MR. DANNER: I think their committee is 1:00  
18 presentation so --

19 (Wherefore the conference was concluded at 8:00  
20 p.m.)

21 //

22 //

23 //

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Resource Allocations Sub-Committee  
Name of Hearing or Event

N/A  
Docket No.

Arlington, VA  
Place of Hearing

May 5, 1999  
Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 48, inclusive, constitute the true, accurate and complete transcript prepared from the tapes and notes prepared and reported by E'Lise Schofield, who was in attendance at the above identified hearing, in accordance with the applicable provisions of the current USDA contract, and have verified the accuracy of the transcript (1) by preparing the typewritten transcript from the reporting or recording accomplished at the hearing and (2) by comparing the final proofed typewritten transcript against the recording tapes and/or notes accomplished at the hearing.

5-11-99  
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