UNITED STATES DEPARTMENT OF AGRICULTURE

IN RE:

NATIONAL ADVISORY COMMITTEE ON MEAT & POULTRY INSPECTION

Hearing held on the 5th day of November 2003

at 6:00 p.m.

Washington Plaza Hotel

10 Thomas Circle

State Suite

Washington, D.C.

TRANSCRIPT OF PROCEEDINGS

BEFORE: CHAIRMAN DR. DAVID CARPENTER

MEMBERS OF THE BOARD:

MS. SANDRA ESKIN
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P R O C E E D I N G S

November 5, 2003

CHAIRMAN: Direct us to tab 3 in our book and that will tell us that we're going to be dealing with what is the best use of date to support risk based inspection. It indicates four members. I'm David Carpenter. Dr. Joe Harris is also here and we're not sure about Deanna Baldwin and Sandra Eskin. I'd like you to look at tab 14 where operating procedures are outlined. And I'd just like to bring out the key phrases, the sub-committee chairman responsibilities. At the end of our activities will be a conclusion with a report, which will be generated within the time it's allocated. We'll use USDA experts. And I believe that will be Phil Derfler. Okay. It's open to the public. Could I have your name, sir?

DR. WENTHER: Jay Wenther.

CHAIRMAN: Jay Wenther?

DR. WENTHER: Yeah. Wenther.

CHAIRMAN: Okay. Thank you. It's my option to develop an action plan if that's appropriate. And there are resources here to support and to facilitate the subcommittee's meeting in the report. And that's

Pamela Washington's responsibility. Correct? Thank you, Pamela. All right. Let me direct ourselves to tab 9 where we are dealing with the background information. I'm sorry. You're the facilitator.

MS. RUSSELL: Right. Linda Russell.

CHAIRMAN: Linda Russell. And so you must be the recorder or -- okay. Thank you. In tab 9, we got basic information from Phil Derfler today, which has to do with the best use of data to support risk base inspection. And if we have any questions to ask for the clarification of Phil, he's certainly here to do that. But I think that we have to focus on achieving answers to the three questions that are at the end of the narrative section. And that's slightly different from what Phil communicated to us today. So the first question deals with what reliable sources of data should the agency ensure that it is utilizing to help achieve Dr. Murano's vision. And I think that was translated to say, what reliable sources of data should FSIS be tapping into to help develop better tools for anticipating problems. The second question is is there data that the agency is collecting or that it could be collecting of which FSIS is not taking full advantage.

And I think that question is presented just by Phil follow through. And the third one, are there methods of analysis that the agency may not be using but that it should be using to enhance its ability to anticipate hazards. I have a question on clarification. Were you talking, Phil, about are there methods of data analysis or methods of analysis including analytical methodologies that would be used on foods?

MR. DERFLER: On the foods? I think I was talking about methods of data analysis.

CHAIRMAN: Methods of data analysis.

MR. DERFLER: But I mean, we think -- I mean I you can help us figure out how we can develop tools that would help us anticipate problems. I mean that's really what we want. And this just seemed like a grand opportunity for us to get that kind of input.

CHAIRMAN: Okay. Are there questions, Joe, that you have, a clarification of each of those or things that came to mind?

MR. HARRIS: Well, in looking in at, I'm glad that Phil is here because there may be some questions that I have as we begin to go through this discussion, for example, on data that the agency perhaps is already

collecting but not taking full advantage. We may be able to use some guidance there on, you know -- we may not be completely up to speed on what all the agency is taking.

MR. DERFLER: Right.

MR. HARRIS: They just may be taking more advantage of certain data than we're aware of or that we realize. And so I don't think I have a specific question in that regard right now, but I sure might as we go through the discussion.

MR. DERFLER: I tried to talk a little bit about the data that we were collecting.

MR. HARRIS: Right.

MR. DERFLER: I guess the thought is, I mean, and given your familiarity of what we're doing, is there something that you think we're probably collecting that you just don't hear about or something like that?

CHAIRMAN: Well, one point that came to mind, and I think it directed it to Dr. McCaskey, was the fact that laboratory data, which I consider -- I don't consider that data -- just primary data points -- are accepted, I think was the term, from their own laboratories in their surveillance activity and much of

it in support of recall. When and if laboratories do comply with the 17025, the ISO standards, that would be an additional source of information I think.

MS. RUSSELL: Do you want me to start taking some notes or do you want to wait until your kind of ready to build the report?

MS. ESKIN: I'm really sorry. It was really, really raining.

CHAIRMAN: We were afraid you might not make it.

MS. ESKIN: No. I had to just wait until it died down. I'm sorry. Continue.

MS. RUSSELL: If you would identify yourself for the reporter.

MS. ESKIN: Sure. Sandra Eskin.

CHAIRMAN: I'm really glad you're here, Sandra, because we're dealing with data so if there's anything that would violate HIPA you would be able to keep us straight as an attorney.

MS. ESKIN: I won't profess to be an expert in HIPA, but continue.

CHAIRMAN: Well, we're just looking at the three questions in tab 9 after we reviewed the

expectations on this committee. And Phil is here to elaborate on what he did talk about. And I think before we started we were talking your making a point about association data I think.

MS. ESKIN: Well, more I wanted to be able to expand a little bit about -- made a comment about trying -- ways to encourage the association to provide data. And number one, Alice Johnson of the Turkey Federation commented, and we had a little conversation afterwards that they're frustrated because they provide data and then the agency doesn't use it. Well, I'm not sure what that means. Does that mean they don't -- their policy doesn't result in the way they want it to? That’s one issue, I guess. What are the channels through which the associations are currently providing data if at all? Then the other question went to these incentives. What are some things you have in mind? And what came to mind to me was obviously there would be a desire on the part of the associations to not have specific companies and establishments identified. I understand that. There's an ultimate concern about liability. So is that what you're think about? Ways to encourage -- that would be one way to encourage them?

MR. DERFLER: Well, if that would be important. I mean we certainly -- I mean if encouraging the plants to aggregate -- I mean encouraging trade associations to aggregate data that they submit to us, fine. I mean maybe the thing that we should do is have a sort of set guidance if you could help us. But one of the things that was particularly motivating the question is we got -- a trade association came forward with an offer to do a study of the injected products versus just tenderized products.

MS. ESKIN: Okay.

MR. DERFLER: And the question was if they found *E. coli* O157:H7 positives they wanted assurance from the agency that, you know, we were not interested...

MS. ESKIN: In going after...

MR. DERFLER: Yeah.

MS. ESKIN: ...those particular...

MR. DERFLER: Yeah. And we had a debate within house about the difference between an association going ahead and doing the study and then the submitting the data versus getting an affirmative agreement on the part of the agency that it wasn't necessary to do

anything if you got a positive. And some of us weren't comfortable with the latter position.

MS. ESKIN: Meaning not...

MR. DERFLER: Yeah.

MS. ESKIN: ...basically agreeing not to do anything.

MR. DERFLER: Right. But this is an issue. I mean it was robustly debated and ultimately we did not give -- we did not say that we wouldn't do anything.

MS. ESKIN: Right.

MR. DERFLER: So as a result of that the study wasn't done. Well, the question we sort of like go in and think about is I mean was the trade off worth it? Suppose it's really important data. Are there circumstances in which -- I mean do you think there should be sort of sliding scale that the agency use? I mean is there some point that the agency shouldn't be willing to turn its back in order to provide incentive for data to be developed? I mean those are the kind of issues that we'd be interested in your opinion.

MS. ESKIN: Just to refresh what we talked about earlier today just in terms of, again, question one, I mean there are obviously -- I guess obvious

sources of data that you outlined.

MR. DERFLER: Yeah.

MS. ESKIN: I mean one is obviously agency-generated data.

MR. DERFLER: Yes.

MS. ESKIN: There was FSIS.

MR. DERFLER: Yes.

MS. ESKIN: So that's obviously one thing.

CHAIRMAN: Wait a minute, Sandra. If we capture reliable data for predicting problems? If Sandra can...

MS. ESKIN: Yeah. But I just want to take a list and if we take them...

MR. DERFLER: Yeah.

MS. ESKIN: ...because that will help me answer your question.

MR. DERFLER: Okay.

MS. ESKIN: If in fact there's information that the associations, that the companies can provide is something that cannot be provided anywhere else, then that would make the importance that much greater. I mean if some of the information is redundant or it could be captured other ways -- I mean my initial reaction is

the more data the better and it will, you know, come in from all different sources. But I agree with you. I'm not real comfortable basically tying your hands. You have an obligation as a regulatory agency...

CHAIRMAN: For anticipating problems.

MS. ESKIN: ...to take action. Okay.

MR. DERFLER: That's the question.

MS. ESKIN: Right. I know.

MR. DERFLER: I guess the other -- I mean the other question you asked me...

MS. ESKIN: About the states?

MR. DERFLER: No. You asked me about the trade -- Alice's question...

MS. ESKIN: Oh, right. Right.

MR. DERFLER: ...about whether the trade associations are submitting data and we're not paying attention to it. I honestly don't -- I didn't know then and I don't know now what she was referring to. I mean I'm sure she has something in mind.

MS. ESKIN: Right. So I think the thing is I'll tell her tomorrow to go talk to you because it's obviously important.

MR. DERFLER: Well, I mean but in some ways

doesn't that go to exactly what you said before? I mean how do we assure the reliability of the data? I mean, for example, FDA risk assessment that they just did in listeria relies in significant measure on NFPA data.

MS. ESKIN: Right.

MR. DERFLER: They went out and they did a study.

MS. ESKIN: Right.

MR. DERFLER: And so -- I mean there is precedent by regulatory agency to rely on it. I guess the question that -- maybe your question is what are the -- how can the trade association insure the reliability and sort of the objectiveness of the data, which would then recommend that -- I mean but that's your...

MS. ESKIN: Yeah.

MS. RUSSELL: Can we just list on there so we make sure we sort of go through all the possible -- under question one, what are the possible sources that are currently used?

MS. ESKIN: Okay.

MS. RUSSELL: So one is obviously the agency itself. Both -- I guess that would include not only the actual data it obtained through its verification

procedure as well as any research that it may sponsor.

CHAIRMAN: That may apply to basic research expenses.

MS. ESKIN: Exactly. Right. So we get verification and research, whatever funded. Right. You obviously have -- I'm going to go back and look at your little chart. Industry data. And again, that includes both what they obtained as they operate their establishments, their testing data, as well as research that they support. And I'm sure a lot of research that's out there, whether it's done by universities or whatever, is industry supported, which is the way it works. And I understand that. Information that comes from -- it says here customers. I'm not sure meaning like...

MR. DERFLER: Testing -- information testing they do for their customers.

MS. ESKIN: I got it. Got it.

MS. RUSSELL: That associations do for customers?

MR. DERFLER: No. That industry. The plants...

MS. RUSSELL: Oh, okay.

MS. ESKIN: But that's still the same -- right -- the same source.

MR. DERFLER: Yeah.

MS. ESKIN: Academic. Here it says journals and I guess that could be -- that's what's printed in review journals.

MR. DERFLER: Yeah. Right.

MS. ESKIN: It could come from academic institutions or I guess it could come from us or...

CHAIRMAN: Mostly academia?

MS. ESKIN: Yeah. Let's say academia. That works.

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[Off the record.]

[On the record.]

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MS. ESKIN: Consumer groups. We could say consumer and public health groups. So other associations.

MS. RUSSELL: Okay. Consumer...

MS. ESKIN: Consumer and you can say slash public health because I don't want to be too limiting.

MS. RUSSELL: Okay.

MS. ESKIN: And then groups. And then I guess one more category -- and if we can think of any others -- would be state data. And again, just like with the federal and even with the association it's data that they themselves collect...

MS. RUSSELL: Okay.

MS. ESKIN: ...or data that's generated through research that they sponsor.

MR. DERFLER: Okay. And the only other distinct -- the only other type that I mentioned is research done by other USDA agencies that we don't sponsor. I mean...

MS. ESKIN: Could that broadly fall under #1, only that you don't have the same...

MR. DERFLER: It's up to you.

MS. ESKIN: ...because you don't have the same issues, concerns about...

CHAIRMAN: Okay. We can say agency and USDA?

MS. ESKIN: Yeah. It's from the government. For that matter, it could FDA stuff that's relevant.

CHAIRMAN: Okay.

MS. ESKIN: Right. I mean...

MR. DERFLER: It's just that there are parts of the department whose job it is to do research.

MS. ESKIN: Right. The RS and...

MR. DERFLER: And that was -- yeah.

MS. ESKIN: Right.

MR. DERFLER: That was my point.

CHAIRMAN: I understand.

MS. ESKIN: Now, Phil, do you have any idea right now of all the data -- I'm sure I'll pause for the answer -- that FSIS looks at roughly breaking down most of it comes from the agency, some of it, it's a third this, it's a quarter that? I mean you...

MR. DERFLER: Well...

MS. ESKIN: ...acknowledged that very little if any comes from the states.

MR. DERFLER: I mean given the volume of data that we generate I would say that the majority comes from steps that we do, but that's just -- I mean...

MS. ESKIN: Right.

MR. DERFLER: ...we've got people doing tests and...

MS. ESKIN: Constantly.

MR. DERFLER: Yeah. Yeah. I mean there's -- and so a lot of what we do is generated in house, but the other major source I would say is industry. Despite -- no.

MS. ESKIN: Despite Alice's -- oh, she didn't say they didn't submit so you didn't use it.

MR. HARRIS: And really, this sort of, in a way, links questions 1 and 3 because I do think that there are opportunities to tap into industry data a whole lot more than is being done. And the largest reason for that again is apprehension on the industry's part that whatever they provide is like loaning the agency the rope to hang you with. I mean it's -- that's sort of the mentality.

MS. ESKIN: That's an appropriate metaphor.

MR. HARRIS: I mean, you know, we're hear to help you and by the way could we borrow that rope over there? Well, let's share the rope. So there is that and it's real. I mean we can come to all the agreements we want to, but when I get on the phone with member companies and say, hey, can you share this data, they really get apprehensive, and understandably so. I think there have been -- I guess I can't cite specific

examples very well from my own experience, but I hear horror stories of going way back to the original baseline studies that went into some of the -- that were used for some of the pathogen reduction rule. And again, that was before my time even in this association so I can't speak directly to that. But you know, I hear stories that, you know, industry cooperated and sort of, you know, sold themselves down the river on a couple of issues. And I don’t know, unfortunately, the specifics behind that.

MS. ESKIN: Is it the same situation with the states? The reason why I ask that is today Kevin Elfering from Minnesota, we had a little chat, and he said, you know, it's really interesting because as state authorities we get calls from plants and they say, we have a bunch of positives; let's, you know -- here's some data here; helps us with it. He said it isn't -- he didn't use the work adversarial, but you know, pick a word. It was a much more cooperative relationship. Is there a reason for that meaning -- I know it's going to vary from state to state. Is it...

MR. HARRIS: I don’t know that I know what the reason for that is as much as there's definitely that

feeling out there and that perception among industry especially the smaller companies that tend to deal more with the state agencies...

MS. ESKIN: Agencies.

MR. HARRIS: ...they're more comfortable with that and just have probably a longer history of more a cooperative type effort even going -- I mean an example of that being, and without even trying to be critical, back under when we implemented HACCP a few years ago, one of the things our industry argued for and for many reasons the agency was not able to work with us on, we wanted inspectors and industry people to be trained together. And if you'll remember those arguments, I mean we -- you had very legitimate reasons for not. I don't want to...

MS. ESKIN: Yeah.

MR. HARRIS: ...but at the state levels, they were very amenable to that and most states did. They put their inspectors right in the same classrooms with industry people. And so there's just -- that's sort of just almost a historical...

MS. ESKIN: A culture.

MR. HARRIS: ...culture things and I don't

know that I can tell you the specific reason other than that's just where we are.

MS. ESKIN: When you talk about aggregating the data, which then -- just simply speaking for someone who's not a statistician, not identifying individual companies. Is that enough from the industry's point of view to protect them from being concerned that the agency is going to go after them. And I guess the other answer is the agency does have some data -- perhaps it's not as thorough as what industry generates that would allow them separately -- if you argue the data and there's 10 companies involved and FSIS, through it's own data, determines that one of those we're having problems with, I mean...

MR. DERFLER: Well, it would be very difficult. I mean the question is could we disaggregate the data. Probably the answer is no.

MS. ESKIN: So is that the same thing as agreeing not to take action? I mean it's not. Is it? I mean you're not...

MR. DERFLER: Well, no. I don’t think it is agreeing not to take action. I mean there's a -- I don't want to talk about me.

MS. ESKIN: No. I know. I'm trying to understand...

CHAIRMAN: No. I think there's a real opportunity there for industry groups to either as an association or most likely as a group of associations to get together and work with their members to generate a set of data on whatever the topic. And I think then if that data were provided to the agency, already anonymized -- that's probably not even a word -- but...

MR. DERFLER: It is now.

MS. ESKIN: It sounds good.

CHAIRMAN: ...obviously the Agency has no way to take action. The Agency doesn't even know which companies the data came from.

MS. ESKIN: And again, the goal of this data is to identify trends or circumstances at which you're having problems. I don't want to bootstrap or restrict...

CHAIRMAN: I mean...

MS. ESKIN: ...your ability to take action, but that's a whole other issue. I mean I've argued you should do more testing yourself. That would get us there. And you can go ahead and aggregate your data.

MR. DERFLER: But let me -- I mean hopefully we're using data -- maybe I didn't do a good enough job at defining this -- in the broadest sense, in the sense that the conditions that are -- I mean the conditions that are going on in a plant let's say that preceded salmonella failure, let's say, where you took a group of plants that are not identified and you put them all together and then reported that and the blink to something is that they all failed. Well, what was going on in those plants? I mean if the industry was able to put all that together and submit it to us, I assure you we're going to pay attention to it.

MS. ESKIN: Well, yeah.

MR. DERFLER: And those are the kind of ideas that I think we are really interested in.

MS. ESKIN: You used that example, did you not, or someone else did about listeria and certain ways that ready to eat plants were...

MR. DERFLER: Right. Yeah.

MS. ESKIN: ...and they made and based on all this, ah-ha, here's a problem; okay everybody, here's what you should do. And...

MR. DERFLER: And that’s largely a study done

by Dave Bernard and other people in the industry.

MS. ESKIN: And you didn't have specific information about...

MR. DERFLER: They all did that. The industry is valid in that.

MR. HARRIS: Yeah. I don't even remember the data that well.

MS. ESKIN: But did you have access to the data?

MR. DERFLER: No.

MS. ESKIN: Not at all?

MR. DERFLER: We just saw the article.

MS. ESKIN: Oh, okay.

MR. HARRIS: But maybe even more -- and something you just said triggered a thought here, when you say data. And I guess when you say data we're all sitting here thinking about quantitative...

MR. DERFLER: Correct.

MR. HARRIS: ...measurement things.

MS. ESKIN: Right.

MR. HARRIS: And there may be more to it than that. For example, some of the correlation studies that the Agency has done in the last two years from district

to district, looking at sort of the range of practices within industry, obviously that's important data and the agency I think used that data quite extensively to tweak how it was conducting inspections for him. That's how it was going about its mission. And so I think we need to be sure and keep our minds broad enough on that that...

MS. ESKIN: It's data as far as...

MR. HARRIS: ...the data may be more -- may be qualitative...

MS. ESKIN: ...information.

MR. HARRIS: ...as well.

MS. ESKIN: And information. Right. Now, let's just talk about again if we have this data and you see the data but it's not identified. It's just aggregate. Would that -- this a lawyer talking to lawyers here. But would that allow the Agency, the people who would do these studies to say yes, this study -- this whatever -- this is correct. In other words, you want to make sure that there's some way to validate...

MR. DERFLER: Yeah. But we need to find a -- it would be good if there were a way to be sure...

MS. ESKIN: And I'm not sure -- what do you call them -- plants A, B, C and D or whatever, that's...

MR. DERFLER: We've got problems with OMB now with data quality concerns and various things like that. I mean I think -- I mean some of this stuff I think we'd be open to whatever we could get and then maybe we'd try and validate that to experience.

MS. ESKIN: And if you took a look at it and said, look, we have some concerns with it and went back to the industry, then hopefully they can...

MR. DERFLER: Yeah.

MS. ESKIN: ...whatever...

MR. DERFLER: Either that...

CHAIRMAN: Well, Phil, you talked about incentives. Would you be in a position, the Agency, to outline what might be a reasonable incentive to go to Joe's group and say, aggregate data, you know, we've probably got data from 100 plants, but at any one time we're only going to send you data from 70 so that keeps it mixed? That's just an idea that I had but...

MS. ESKIN: Yeah. I mean I'm comfortable doing at least generally speaking aggregation. Again, back to your initial point about being asked whether or

not you promise not to take action.

CHAIRMAN: With or without incentives?

MS. ESKIN: Well, that would be -- the question is is that an acceptable incentive that the Agency would agree not to. I have a problem with that just from a policy point of view and a legal view. But again, practically speaking, if the data is not identifiable, you can't even -- you can't use it. Yeah. What it does is it may say to you, ah-ha, this is some piece of the process we need to look at. So in a way, you're using it but you're not using it to individually prosecute. You're using it to address policies. So again, I would have problems with any agreement by the agency, but I don't have a problem with presenting the data in a way that makes it -- I don't know if the word comfortable or whatever -- a way of not identifying individual companies. That's not what you're looking -- that's not the goal of this data.

MR. HARRIS: And part of the concern -- and I'll share with you -- part of the concern that I would hear on something like that as far as when we try to, you know, go across our industry and gather data to present to the Agency, it's not necessarily enforcement

actions on a particular plant, because obviously, if we don't identify the plants, that's not even -- that's not a possibility. But always the fear that in its interpretation of that data, the Agency would say, ah-ha, here's a new regulation we need. And the industry feels over regulated already and I think there's that concern here.

MS. ESKIN: But look at the situation with listeria. What resulted in looking at some data was ah-ha, we've identified some process or some piece of the process. But isn't that regulation? I mean, whether it's done as a directive or whatever you want to call it, didn't the agency say we don't think you should do this?

MR. HARRIS: That particular study actually had -- the one you're -- that example, no, the Agency really didn't use that data to generate new regulation. We have a brand new listeria regulation, and I really don't think that particular data played a role in it's development.

MR. DERFLER: No.

MR. HARRIS: You could answer that better than I could, but -- and I, you know -- I think that

basically the impetus behind the most recent new regulation were some of the data already being collected by the agency through it's own testing and through outbreak data and realizing -- well -- and as a result of the FDA risk assessment or the joint...

MR. DERFLER: Yeah.

MR. HARRIS: ...risk assessment as well, identifying basically hot dogs and deli meats as being sort of the prime targets...

MS. ESKIN: Right.

MR. HARRIS: ...toward regulatory activity.

MS. ESKIN: I can understand the industry's concern and a company's view that they're over regulated. On the other hand, the whole goal of this data is to identify problems. And that's part one. And I think there hopefully wouldn't be a disagreement that we should try to get data that's accurate that tells us what the scope is. Part two I the problem for them. Right? It's how do you address it? Do you have guidance? Do you have this or do you have a regulation? And I hope the two could be distinguished and separated, because I think if you focus on the first part, there's no way that an agency that should be

required, again, promise they won't do whatever it is...

MR. HARRIS: No.

MS. ESKIN: ...with the regulation. I understand the point of view. But if we can somehow do a good job and you all deal with your members, you know, to say, look, we're trying to get the best information out there; no one wants to sell unsafe products; no one wants people to get sick; this is the only way we can really generate the information we need.

MR. HARRIS: I think -- quite honestly, I think there's tremendous opportunity there to get industry generated data a lot more frequently than it's accomplished today. And again, I only speak directly for one small industry association; not all of them by any stretch. But I personally think there's a lot of opportunity there if there would -- if we could somehow or another capitalize on and foster more of a cooperative, let's work together to address a particular topic. I think there's a lot more willingness there. An example of where I think industry felt that they didn't do the right thing in generating some data once -- and again, it really goes back to the whole question of needle tenderized or injected steak products. And an

industry group -- mine was not involved in any way, shape or form, but an industry group conducted a study in a university that showed that the conditions were very high levels of 0157 on the surface, they did, in fact, through the needle tenderization process, transfer a little of that into the similar product. And the authors of the study kind of came out with the conclusion that, you know, this only happened under when we had a very high contamination level on the outside and even minimal cooking was able to take care of the level of contamination we had. And it was almost the opposite reaction from the Agency in certain scenarios where they said, well, this just proves what we suspected all along; of course you transfer it to the center and obviously now we need to be worrying about those products. And that's an over simplification of what happened, but I think that was another example of the industry thought, wow, why did we do this?

MS. ESKIN: So if we all agree, at least tentatively, that we think there needs to be more industry data -- industry-generated data information, quantitative and qualitative, can you think of a process or a way -- I mean should there be some sort of a formal

arrangement where four times a year there's some sort of a meeting where all the results of the research are presented or...

CHAIRMAN: Remember what Robert said. The criteria to pursue to get the questions, not necessarily the answers...

MS. ESKIN: Right.

CHAIRMAN: ...to these questions. So those are suggestions that they would -- that the Agency would flush out in terms of -- I mean is that a criterion, one that you're listing?

MS. ESKIN: Not necessarily.

CHAIRMAN: Okay.

MS. ESKIN: Let's see. All right. I just thought it was an important part of it, but...

CHAIRMAN: Well...

MS. ESKIN: ...I was thinking of process, in other words, how best to get -- the issue is how do you encourage the industry to share data with the Agency? Are there ways, processes or structures, they're going to call them, in which it would be a really good way to do it. And what I'm suggesting that one way to do it, let's say, is that four times a year

or twice a year the Agency says we're having a public meeting and you can even break it down into certain aspects of the food safety issue. I'll give you an analogy for purposes right now. FDA put out a notice, totally unrelated, dealing with research out there on if patients use written information about their drugs. Okay. They put out a notice and they solicited research stuff that had been published or not published and they had a one-day meeting in which people signed up and they presented their information. That's I'm sure done in many other contexts. Would that be maybe one form that would be one way that the Agency would be -- industry would be encouraged or would find maybe a good way to share the information? There is no formal way right now. Right? I mean you just sort of -- you ask for it?

MR. HARRIS: It kind of happens.

MR. DERFLER: Yeah. I mean if problems come up we have a public meeting and people get an opportunity to present...

MR. HARRIS: Maybe a suggestion is when the Agency is in the process of taking a look at a specific topic, saying, no, we're going to be either...

MS. ESKIN: Right.

MR. HARRIS: ...A, revising a directive or B, considering rule making...

MS. ESKIN: Here's the issue.

MR. HARRIS: ...they have done that in the past -- not very frequently -- but in the past there have been instances where the Agency said, we would sure be interested and here's some questions we would really like to have some public input on as well as data submissions on some of these topics. And I think maybe if we could do more of that it would be helpful. It's happened in the past. I know we've talked about that much.

MS. ESKIN: But more in the context of a rule making. My concern is there would be a little bit of reticence if it was couched as we're thinking about doing a rule. Could it be more -- making it a little more open ended than just saying here's the issue; we want to look at this part of a process.

MR. HARRIS: Well, they actually...

MS. ESKIN: Let's have a public meeting...

MR. HARRIS: ...have a formalized process, the advance notice of public rule making.

MS. ESKIN: Yeah. That's perhaps a little

less...

MR. HARRIS: And that many times becomes a we're soliciting input...

MS. ESKIN: Right.

MR. HARRIS: ...on A, whether or not we ought to do a rule, and B, you know, here are some of the issues that's driving our thinking and get feedback that way. That has been done in the past. I quite honestly don't know what kind of response the Agency gets to those activities when you...

MR. DERFLER: It varies.

MR. HARRIS: It varies.

MS. ESKIN: Well, especially...

MR. DERFLER: But you guys can come up with recommendations though.

MS. ESKIN: But I mean...

MR. HARRIS: I understand.

MS. ESKIN: ...if this was not in the scope, I think it would be useful.

MR. DERFLER: No. It is.

MS. ESKIN: They can do what they want.

MR. DERFLER: I don't want to tell you not to do it.

MS. ESKIN: No. No. But the idea is a more formalized process I think is what we're saying.

MR. DERFLER: Right.

MS. ESKIN: In other words, not whenever we feel like it or whenever an issue comes up, whether there's some sort of a plan consistent with whatever to look at certain issues. And we're having a meeting and at this meeting we want to discuss research data on this particular -- what's out there; what's being done; what it showing us; how can we use it. And if it's done formally...

MR. HARRIS: Did that not happen pretty well with -- I guess it really was back when they presented the first draft of the LA risk assessment. There were several industry groups as well as consumer groups that...

MS. ESKIN: That came...

MR. HARRIS: ...presented information and data from recently completed activities. And I think that when the agency asks for information on a specific topic, most of the industry will respond and try to provide information and or data on that topic because they, you know, sort of -- as industry associations, we

feel like we don't get that many opportunities to be heard. And when the Agency specifically asks for things from us, we're going to jump through a lot of hoops to try to provide. So I think that one recommendation that I definitely have and would like for the subcommittee to consider is that the agency do, just as you're talking, a more formal request for we'd like to see some information on the following.

MS. ESKIN: Well, and regularize. Here's our plan for the next three years or two years or whatever, yeah, and we're going to do it in this way so people expect it and they can maybe even make research plans.

MR. HARRIS: And make sure the data are more useable by the agency if they know more exactly what the agency is needing information on.

CHAIRMAN: So do we concur then that that kind of activity would give us reliable data for anticipating problems?

MS. ESKIN: That's the third question?

CHAIRMAN: No. That's the first. That's the first we're talking about.

MS. ESKIN: Oh, I'm sorry.

CHAIRMAN: I'm looking at, you know, Phil, stuff that was in...

MS. ESKIN: Yeah. I'm looking at -- that's #3 according to this list. I'm...

MR. HARRIS: Well, I would just say we're almost...

MS. ESKIN: They're all...

MR. HARRIS: One and three are very close.

MS. ESKIN: They do. Whatever -- the point is they need data whether they use it to correct problems that have happened or anticipate problems. Maybe it makes sense, yeah, again to -- maybe all these issues will follow through with the various sources. I mean we're focusing on industry because our sense is there's data out there...

MR. HARRIS: We can access...

MS. ESKIN: ...that are logical and what you're saying, I think, is that maybe the agency isn't asking enough, often enough for information.

MR. HARRIS: Just sitting back and waiting for the industry to come to the agency and say, hey, we got some cool data, that happens a little, not very much. I think with specific request from the agency,

great effort would be expended on the part of our industry to try to provide some data.

MS. ESKIN: Doesn't it make sense, too, in determining what research -- trying to prioritize what research is -- interested parties to sit down and say, okay, here's what we think is the most important information. And again, there's a sense that everyone has some input or those who are interested have some input on exactly what they think would be most usefully. I don't know.

CHAIRMAN: So all the points that we've got here on the flipcharts are addressing all these questions or basically that first one?

MS. ESKIN: The second one is -- I think it addresses one and three, because that second one is a little harder for us...

MR. HARRIS: Well, I think in general when we look at what are they not taking full advantage or that it could be collecting, I think...

MS. ESKIN: Right.

MR. HARRIS: ...you know -- I think the obvious gap there is they probably aren't getting as much industry data as they'd like to get. So I mean all

of these really sort of relate.

MS. ESKIN: But doesn't that second one infer that it's actual agency -- that it's own data. Is that your understanding, Phil, in number two?

MR. DERFLER: Two is basically, yeah, the agency's own data.

MS. ESKIN: So it's that number one, what are they getting?

MR. DERFLER: Or I mean is there like -- would it be a better idea if we tested for a different microorganism rather than salmonella or...

MS. ESKIN: Like campylobacter or whatever.

MR. HARRIS: That sounds like a question for the micro-advisory committee...

MR. DERFLER: I mean -- well, but I mean...

MR. HARRIS: ...more so than...

MR. DERFLER: Okay. That's fair.

MS. RUSSELL: Would you like me to put this addressing question one and three or...

CHAIRMAN: Well, just to clarify, I mean the text that we're looking at here says, reliable data to ensure it is utilizing to help Dr. Murano's vision. And the question you asked today that you threw up on the

Power Point was reliable sources of data tapping into to help anticipate problems...

MR. DERFLER: Yeah.

CHAIRMAN: ...which is not what she said originally.

MR. DERFLER: Well, I guess what I was trying to get at in, I mean -- we're looking for tools that we can use to predict problems and plans.

CHAIRMAN: Okay.

MR. DERFLER: I mean so that we can, you know, take either -- bring the problem to the plant's attention so that it's going to address it under -- it has a plan or that we would do something. So I guess the question is are there things that we, you know -- I mean I'm really -- data seemed, particularly in Dr. Murano's paper, I mean she emphasized data a whole lot. So the question really more than the specific questions is are there ways that we can learn things that would help us develop better tools. And data seemed to be -- and so...

MS. ESKIN: And I keep circling back to this one that the agency might could do more of and that is based on its data, the agency, I suspect, already

knows to some degree or another through the -- I won't use the right acronym -- but through the Learn system or through one of the computerized record keeping it does all of its testing and that type of information, probably knows where there's some good plants and knows where there are some bad plants. And maybe almost a more qualitative look by the agency on what are some keep components of good plants as far as actual practices versus what we see in some that aren't so good, because in going around the country I can tell you that -- and I'll be a little bias because so many of my members are small, but I don't see it being a big versus small kind of a deal. I see some small places that are really operated well and vice versa. I mean so that may be an opportunity for the agency to kind of get more of these correlation type activities where what do the good plants as opposed to what the plants we continue to have some problems with, what are some commonalities we see there.

MS. ESKIN: I mean it's a really basic point here, whether it's question one or three, whatever -- I mean you said, Phil, the agency does get a lot of data, but it clearly could use more data.

MR. DERFLER: More of the right kind of data.

MS. ESKIN: More of the right kind of data. Are you asking what that right kind of data is or at least number one says...

MR. DERFLER: Given the problem that we have...

MS. ESKIN: ...sources...

MR. DERFLER: Well, sources, I mean I was trying to figure out how I can -- the questions are sort of my effort. Kind of pours out the basic point...

MS. ESKIN: All right.

MR. DERFLER: ...of Dr. Murano's papers, how do we get better tools.

MS. ESKIN: All right.

MR. DERFLER: And so obviously, there is some -- there's a thought that the more data that we get the more likely we're going to get useful data that we can convert.

MS. ESKIN: That’s a reasonable theory.

MR. DERFLER: But it could be different kinds of data or quality of data, you know, or information about an approach that would give us a better handle.

MS. ESKIN: I mean can we agree to

emphasize needs more data -- more data and among the ways to get better data is to work more collaboratively with the various sources of data, in particular we've been talking about industry data, and that's a big part of it. I'm not sure what would be considered the next best source, best in terms of quality or quantity of data that would be useful to the agency.

CHAIRMAN: Well, hasn't Joe suggested you know what the good plants are and you know what the not so good plants are?

MS. ESKIN: That would be...

MR. HARRIS: That's industry.

MS. ESKIN: That data would come from industry.

MR. HARRIS: That's kind of industry -- industry...

MS. ESKIN: I'm still getting sources here as the, you know...

MR. HARRIS: I guess my point there was those kinds of data don't really require industry's cooperation.

MS. ESKIN: Anybody could do it?

MR. HARRIS: You know they have inspectors

on these plants every day and we're moving more and more to where they're having better trained inspectors and/or teams, you know. You know obviously there's -- it takes a while, but...

MR. DERFLER: Yeah.

MR. HARRIS: ...especially now we're going to have teams that have varying expertise. You're getting a very large -- the agency term this cadre of consumer safety officers and now the new EIAO's. And they're going to be out there and those might be some very good conduits to gather some of this type of information.

MS. ESKIN: But that again would be agency. I'm just trying to organize it by source.

MR. HARRIS: Well, yes, it's generated by the agency. Yeah.

MS. ESKIN: That's how my mind is working...

MR. HARRIS: I understand.

MS. ESKIN: ...as I'm looking at this. I would actually want to know just going from agency to industry down to state. I mean there are state inspectors in plants. Isn't that -- and you identified

it as an area you're not getting data. To me that would be really important data because they serve -- the states regulators serve the same function as the federal regulators and the people that are in the plant.

MR. DERFLER: Yeah. Some do and...

MS. ESKIN: No. No. I shouldn't just generalize. Some do. But since that's one, at least theoretically, reliable source that you don't have information -- you don't get information from them right now. So that would be important.

CHAIRMAN: You're talking about the nine states that have the TA agreements?

MR. DERFLER: No. There's 27.

CHAIRMAN: 27 states?

MR. HARRIS: There are 27 or 28 actual state inspection programs.

MR. DERFLER: That are equal to...

MR. HARRIS: Only nine have the TA agreement.

CHAIRMAN: Oh, I see.

MR. DERFLER: And then all the states have public health inspectors...

MS. ESKIN: Right. There's...

MR. DERFLER: ...that are AFTO and that we're trying to improve our relationship.

MS. ESKIN: So to me that seems to be another really important source that you don't even tap into right now.

MR. DERFLER: Not very well.

CHAIRMAN: Tomorrow morning, when we're talking about answering number one, where are we getting? We're at the interaction with associations?

MR. HARRIS: I think number one we can almost make a list a little like we've done, present...

MS. ESKIN: That's what I'm thinking. And you can prioritize them and say, you know, right now the agency relies on its own and other USDA agency generated information, both quantitative data and other information. Industry is the other source. And we believe that there could be much more useful data generated by industry and shared with the agency. And they have to work together collaboratively, whatever that, you know -- however that works out. Let them figure that out. Some sort of formal exchange of information that's not done. A again, states is one area where, you know, the agency says they really don't

have any formal...

CHAIRMAN: Okay. So formal exchange of information with the industries -- industry.

MS. ESKIN: Industry.

CHAIRMAN: And now we go to states.

MS. ESKIN: And now we go to state.

CHAIRMAN: State. Okay.

MS. ESKIN: There's currently some exchange of information with the industry, but apparently it's not regular and it's not as good as it could be. Another source -- reliable source of data would be the state agencies, be it the Department of Agriculture or Health or whatever and FSIS should work with them to figure out a way, again, to share information.

MR. HARRIS: One more minor comment relative to industry data that is provided to the agency by industry, one perception out there and I guess it really goes back to Alice's comment to you today...

MS. ESKIN: Right.

MR. HARRIS: ...is the industry definitely has a perception that any data it generates and presents the agency is viewed through the prism of, well, it's probably tainted. That may be a little over statement

there, but that it gets looked at kind of through that lens of, well, you know, realizing they wouldn't have presented it to us unless it was in their favor kind of a deal.

MS. ESKIN: Right.

MR. HARRIS: And so there is definitely -- that is a barrier or a hurdle and that's why...

MS. ESKIN: Right.

MR. HARRIS: ...I think more formalized asking by the agency would help.

MS. ESKIN: Right. Would it also help that in some formalized way if industry presented data to the agency, the agency should reply or should comment in some way? Okay. Here's the data. You have concerns with it -- if agency consider that here are our concerns. In other words that it just not be submitted and you never hear again.

MR. HARRIS: Okay. That would definitely probably be helpful as well.

MS. RUSSELL: How would you state that?

MS. ESKIN: Maybe industry would want -- this is just -- an agency -- I don't want to say response because it sounds like it's comment -- but

agency, FSIS, to...

CHAIRMAN: Feedback.

MS. ESKIN: Yes. Thank you. That's exactly what I'm thinking of.

MR. DERFLER: All right. Let me ask a question here because I think it's really important. I mean on one hand Joe said we look at the data that we get from industry as sort of saying, well...

MS. ESKIN: It's industry data.

MR. DERFLER: ...it's industry data and data that we have to look at with a grain of salt. Okay. Now, if we didn't do that, some people would say we're industry -- we're so for industry and we're not playing a fair public health protection role. So the question, I guess, from the agency is -- and that we'd really like to have help on -- I mean how on the one hand can we encourage industry to -- what would it take for the agency -- you know, so that the agency on the one hand would be encouraging the submission of data and yet at the same time...

MS. ESKIN: Consumers are going to be going to be jumping all over you...

MR. DERFLER: Yeah.

MS. ESKIN: ...because, you know, you're basing it...

MR. DERFLER: Yes.

MS. ESKIN: I mean my...

MR. HARRIS: It's a tough...

MS. ESKIN: ...my reaction is I don't want to make it so formalized. I think a notice and comment, very simplistic analysis, if in comments you get ten comments and parties raise a number of points, the Law requires the agency to respond to it. I'm talking as very general. It's an obligation. We're going to go with this proposal and here's why we're doing it and you know these groups supported it and these groups didn't and here's our response to the arguments raised. If they don't address it, then they can bring in action of the agency. I don't want to get that formal, but again, if in some process or procedure industry submits data and asks the agency to take a look at it, then some feedback -- it can be formal -- open to, you know, we can see the data, any groups can see the data -- then at least you're being upfront about what your reaction is to it or not.

MR. DERFLER: Are the indices of reliability

that you would...

MS. ESKIN: I'm no statistician. I mean I'm not researcher, but I'm sure there are. I mean I'm sure in the same way that you look at, you know, drug studies and there's certain types of -- you're doing research and there's certain types of trials you do and certain factors, double-blind this and whatever, I'm assuming there's -- those people who do these studies would agree to generally accepted standards. Right? I mean I think that's...

MR. DERFLER: Okay. I'm asking. Does...

MR. HARRIS: I don't know any sort of a uniform say index of reliability. I don't know how you'd do that. I think almost -- like you say, you'd almost have to take each instance in and of itself and say, okay, where did the data come from, how many plants did it come from...

MS. ESKIN: Exactly. And...

MR. HARRIS: ...what kind of distribution was it, and sort of make some comments that, well, this is interesting data, but we're concerned that...

MS. ESKIN: Concerned that it's too small a sample size...

MR. HARRIS: ...that you know...

MS. ESKIN: ...or it wasn't controlled.

MR. HARRIS: ...you didn't include the small plants, didn't include large plants...

MS. ESKIN: Yeah.

MR. HARRIS: ...didn't include the geographic or seasonal...

MS. ESKIN: It's a limited use.

MR. HARRIS: ...depending on what...

MS. ESKIN: I think it's...

MR. HARRIS: ...types and you'd have to have some seasonal.

MS. ESKIN: I think it's safe for us to assume at this point -- let's assume -- that there are some standards that may depend on the type of study for said study that people who conduct this type or research would agree need to be met. So whatever would be assessing the usefulness of this data or this study would be able to say, yes -- exactly what you said -- we think this data is useful and here's what we think it says; we agree but we need more. Maybe it will say, yeah, this is good but we'd like to see more research expanded on this area. So I think it's reasonable to

assume.

MR. HARRIS: If you're talking industry-funded research, that's usually done by academia.

MS. ESKIN: Academia. Right.

MR. HARRIS: So you're going to have all the stuff in place there. To me, though, the useful data that we don't probably do, you know -- the agency could be very useful and then the industry doesn't do a good job of providing is, okay, you know, share some data from some of your in-house programs; some of the things that you do in your facility day in and day out. You look at a lot of things. And some people have some very sophisticated method of looking at things. And some of those data, you know, similar to what was done recently, I mean the one study -- the LN industry survey type data -- and again, there's not probably a lot of scientific method, but it sure was a good overview of some things that are going on. I assume that was shared with the agency. I don't know. It's been 18 months ago maybe now, but...

MR. DERFLER: The study.

MR. HARRIS: ...I think an FPA.

MR. DERFLER: Yeah. Well, they certainly

gave their data.

MR. HARRIS: Organized.

MR. DERFLER: Yeah.

MR. HARRIS: Yeah.

MR. DERFLER: Yeah.

MR. HARRIS: But that's one that, again, it's almost not researched as much as it's just gathering of information from out there across the country.

MS. ESKIN: Again, that's data generally defined.

CHAIRMAN: The comment that you made about feedback, with the industry...

MS. ESKIN: Yeah.

CHAIRMAN: ...I mean would that apply also to the state in the state public health or the agriculture?

MS. ESKIN: Maybe. But I don't think there's as much -- sure, but I don’t think there's as much a concern, we don't know that, as there are industry that -- because right now we have industry saying -- some industry members saying we submit data and nothing's ever done that reflects the data that we're giving them and that is understandable perhaps for

other reasons. We don't know. Again, you're not necessarily in the same type of relationship. I'm not sure if there would be a reason why the states would be uncomfortable sharing data with the federal agency. My sense is it's completely -- seems to be an industry...

CHAIRMAN: Probably to be consistent though just to make that recommendation.

MS. ESKIN: Yeah.

CHAIRMAN: Now, it's 7:00. We've got the other two questions. I mean we felt that we've beat the first one with a touching on the third one. The second one talks about data that you collect that you don't thoroughly use or data that...

MS. ESKIN: You haven't collected.

CHAIRMAN: ...you haven't collected that you ought to be.

MS. ESKIN: I can give you a whole laundry list of what you should be testing for. I can end it.

MR. HARRIS: I mean to me -- I mean if you have -- if you know you have data and you're not "using it" I mean why not? Maybe I'm...

MS. ESKIN: Well, I might even ask a more fundamental question. Can you give me a list of all the

data that you're collecting right now and that might...

MR. DERFLER: The answer is somebody can.

MR. HARRIS: Somebody can.

MS. ESKIN: I mean that's the only way I think we can...

MR. DERFLER: Yeah.

MS. ESKIN: ...reasonably respond. I mean I don't think any of us have any institutional knowledge. Obviously there's data collected. Are you going to go find the data collector?

MR. DERFLER: Let me see if they can -- no. They were supposed to be here, but they're not so I guess...

MS. ESKIN: They must have gotten washed away in the thunderstorm.

CHAIRMAN: I mean part of the question about could be collecting kind of goes back to what we were discussing until the last hour.

MS. ESKIN: Well, it's both sources. But again, I'm reading this maybe too narrowly that we're in #1, which question #2 goes to point #1. All we're talking about is that data that the agency itself and possibly other parts of USDA currently collects as

opposed to data it receives from industry, from academia, from consumer groups.

MR. HARRIS: Well, at least maybe a question at least, we heard today that Dr. Goldman talked about incidents of several different pathogens has declined over the last couple of years. What does that agency do with that kind of information other than issue press releases? And I'm not trying to pick, but I mean I think it's something we all should be proud of them. I'm glad you do issue the press releases. I'm glad to see they're declining. They're not zero yet. That's...

MS. ESKIN: Not yet.

MR. HARRIS: ...obviously the goal. But what does the agency do with that type of information? How is that utilized?

MR. DERFLER: I mean I think you should be asking the question...

MS. ESKIN: Right.

MR. DERFLER: ...and we ought to be thinking about it.

MS. ESKIN: Well, again...

MR. DERFLER: Yeah.

MS. ESKIN: ...I have a question. What

agency -- what information -- I might know some of the information the agency collects in it's verification and monitoring procedures.

MR. DERFLER: Let me just sort of -- yeah. I mean can -- what -- I think implicit in your question is we should be correlating that to something. What do you think we should be correlating it to for example? I mean that sort of goes to -- that's the kind of question I think...

MR. HARRIS: Ideally you should be correlating it with something that's very difficult to do, as was pointed out today, and that is public health guidelines. I mean that's obviously the goal, having fewer people getting sick.

MS. ESKIN: Right.

MR. HARRIS: That's kind of the big overarching umbrella and goal that they were shooting for or we should be shooting for with every policy.

MS. ESKIN: Right.

MR. HARRIS: And so that -- and maybe that's a recommendation for #2, how, you know -- do a better job of correlating agency data with public health outcomes.

MS. ESKIN: So you collect what you collect, but then also take it a step further. Well, I'd certainly love the agency -- another mention was made today about getting information on farm, about animals. And that's obviously a question of does the agency even have the authority -- does any agency at FSIS -- at USDA have the authority to get that information like to correlate that to what's happening in the plants. I mean what's going on? What are the animals -- what is happening to the animal population before it walks through the door at the slaughterhouse. That's looking at the whole continuum. And we don't have any of that. No one's collecting that data now in any systematic way.

MR. HARRIS: There is an agency within the USDA that does the -- NAMHMS is the National Animal Health Monitoring System maybe or something that does -- and I'm thinking specifically of 0157.

MR. DERFLER: ARS.

MR. HARRIS: I'm not sure what agency does that.

MR. DERFLER: ARS.

MR. HARRIS: It's ARS. And they do some at

least feed lot level surveys periodically on frequency and levels and all that stuff. So there is at least some of that going on within...

MS. ESKIN: Right.

MR. HARRIS: ...the Department of Agriculture.

MS. ESKIN: You've got the data that FSIS does with the back up -- the food chain. Again, you got the animals. And what you're suggesting, Joe, again is correlating what's here at the other end and the people getting sick.

CHAIRMAN: I think to probably elaborate on what Joe said what you do with the data, I mean you would probably do something in terms of assessing and delineation of what the best practices are that resulted in that outcome, something like that. I mean is that possible? I mean that's...

MR. DERFLER: How would you think we could -- do you think there's a way to go about it?

CHAIRMAN: Assess and, you know, indicate or delineate what the best practice -- I mean that would be no what the best clients are. I mean what caused the reduction in listeria and the 0157? Is it, you know,

HACCP procedures that have been more closely adhered to or...

MS. ESKIN: Yeah.

MR. DERFLER: That's exactly the answer.

MS. ESKIN: That's what the agency does.

MR. DERFLER: These are the kind of questions you should put to...

MS. ESKIN: And I can tell you what some critics say. Critics say you're testing different things; you're not testing the same things. I'm not saying like scratch that. I've just heard that and therefore it looks better than it did before.

MR. HARRIS: Who is -- the agency's testing different things?

MS. ESKIN: The data that's collected is -- let me rephrase that -- the data they're looking at is different than what they used to look at prior. And that is...

CHAIRMAN: Generating a more favorable outcome?

MS. ESKIN: Yeah. I didn’t say I subscribe to that. I'm saying that's the criticism that's out there so...

MR. HARRIS: No need to try to make that argument. I'm just saying...

MS. ESKIN: No. No. No. No.

MR. HARRIS: ...what they're looking at differently, I mean I'm not aware of...

MS. ESKIN: I don't know either.

MR. HARRIS: ...what they're looking at differently than what he had -- but any way.

MR. DERFLER: That methodology is more sensitive. That's all.

MS. ESKIN: Oh, okay.

CHAIRMAN: Is that still the methodology?

MR. DERFLER: What?

CHAIRMAN: You said methods.

MS. ESKIN: He said methods.

MR. DERFLER: Methods.

MS. ESKIN: He said that's a more...

MR. DERFLER: 0157 I'm sure is a little bit more sensitive.

MS. ESKIN: Sensitive now.

MR. HARRIS: Yeah. I don't know. I don't feel comfortable making recommendations on methodologies.

MS. ESKIN: No. I don’t either.

MR. HARRIS: That's...

MS. RUSSELL: Is there anything in the recent conversation or discussion that you would like me to put up that I have not captured there or have captured incorrectly assuming you can read my scribble?

MS. ESKIN: Again, I think 2 is really hard for us to answer without knowing the answer to the first part of the question, you know, in the sense of meaning what data.

MR. HARRIS: Other than I would, I guess, like to see on #2 say that we would like to see more correlation between, you know...

MS. ESKIN: Other data on either end on the...

MR. HARRIS: ...data and or activities throughout the food chain...

MS. ESKIN: Yes. Starting on the farm.

MR. HARRIS: ...and how it impacts public health.

MS. ESKIN: Exactly. Starting on the farm through the processing and slaughter through...

MR. HARRIS: I don't know that I have any

recommendations of how you make that happen, but I do think that a recommendation would be that an effort be made to do that.

MS. ESKIN: To tie it together. And again, I guess some of that data, to a limited degree, is generated by other agencies in USDA and some of that data, like the human health data, is generated through other...

MR. HARRIS: CDC.

MS. ESKIN: ...CDC and food -- all the -- it's not only data that the agency collects. It's taking that data. Well, I guess that's the other question here. The agency collects this amount of -- these types of data. Now, is there other data that it could be collecting within it's authority that it should be collecting?

MR. HARRIS: And one of the things I guess we heard today there's obviously some effort ongoing in the agency to do that. Just based on what we heard today that Dr. Goldman pointed out that certain strands of salmonella that they typically find in meat products then are not the ones that are identified in outbreaks in...

MS. ESKIN: Like poor Kentucky.

MR. HARRIS: Yeah. In Kentucky, I guess that's a strain of salmonella.

MS. ESKIN: Yeah.

MR. HARRIS: But then there was another --- the lady who stood up in the back as part of Dr. Goldman's group and she added some details later, she almost said the opposite I thought. She almost said, you know, the same salmonella that we're finding in humans are the same ones that we find in plants. And so I was -- I don't know -- it was almost conflicting. But at least, I guess my point is there is obviously some activity within the agency moving in that direction on trying to tie some of that together. So maybe there's more of that going on than we're aware of.

MS. ESKIN: Right. And there are always other pathogens besides different types of the pathogen -- strains of the same pathogen -- other pathogen, like campylobacter, for example, that is currently part of testing.

MR. DERFLER: Second time she mentioned it.

MS. ESKIN: You know why? I had chicken for dinner. No. No. No. I can use that one because

that one kind of comes up often. There could be others. All I'm saying is there are species of current -- strains of things that are currently tested and things that aren't currently tested. I'm sorry, Phil.

MS. RUSSELL: So you're basically recommending testing or gathering data for additional pathogens?

MS. ESKIN: Possibly, if that's what they're...

MS. RUSSELL: Okay.

MS. ESKIN: ...that’s what they're asking on the paper. I'm sorry, Phil. You were saying something.

MR. DERFLER: I wanted to go back to something that Joe said before, because -- not to reveal any prejudices, but you -- when we were doing the correlation meeting, when the tech center was doing them, you think we used that data -- I'm curious as to you thought we used that data well and if so, why? I mean what -- I mean because...

MR. HARRIS: Actually, in that particular case I do think it was used pretty well.

MR. DERFLER: And what happened so that -- and that may be helpful.

MR. HARRIS: Specifically, what the agency did they sent correlation teams out throughout and to the best of my knowledge they eventually got to all the districts. And I know they were working toward that. I don't know if they ever actually got them all done. And what they did was they would go into plants with a small group from the tech service center and sort of look at the range of practices relative to HACCP implementation. And they actually provided some feedback to the plants. And it was such a pleasant ordeal, I don't think that...

MS. ESKIN: That's an oxymoron.

MR. HARRIS: I mean, no, to the best of my knowledge not a single -- well, there probably were some -- if they found really horrendous conditions or whatever they would have taken some sort of action or initiated the agency taking...

MS. ESKIN: Further action.

MR. HARRIS: But in general, they left the plant with good feedback and they sent back. And then they said, okay, in the Dallas district, which is the State of Texas, if you don't know how the districts are aligned -- that's the State of Texas and we visited X

number of plants and sort of here's the things we found and here's some of the most comment deficiencies we found. And they actually had public meetings that were open to industry as well as I think they -- there were usually some circuit supervisors in the meetings and I think FSIS, if I recall correctly, had their own meetings with circuit supervisors to go into much more detail on the range of practices within a district. But in doing, it was an effort to try to get some consistency across the country from district to district and within a district over, all right, look, you know we found everything from, you know, this to this and here was the target. And so I think that was an example of the agency doing a good job of collecting and utilizing that data.

MR. DERFLER: Okay. But let me sort of take that another step further. Was there an opportunity lost there because the agency never -- what's the -- my English sometimes is not terrific -- but sort of abstracted from the results of all the correlations that we did some sort of tool -- was there a possibility of a tool in there that we could have used to predict problems? That's sort of what...

MR. HARRIS: That's a good -- I don't know that I know the answer to that. I do think that a little bit of an opportunity was missed and that the agency, aside from hosting some meetings, didn't really publicize what their findings were. You know to me I could have envisioned something going to in the form of a notice even or some sort of communication to all inspecting establishments that kind of said here are some common deficiencies we identified and you ought to take a look at your program and make sure that you're not one of these that's got this deficiency. And to me, that was an opportunity lost in that whole thing.

MR. DERFLER: They correlated that to some sort of public health outcome?

MR. HARRIS: Now we're getting into some difficult correlations.

MR. DERFLER: No. But I mean I'm asking. You're the experts that we're coming to.

MR. HARRIS: Well, somehow I'm not feeling like an expert.

MS. ESKIN: Experts for what? Experts on what? I mean...

CHAIRMAN: Well, Joe, will Linda capture that,

I mean, that unique meeting. I'm sorry. You said it was held in all the circuits or districts in the country. I mean it was not a formalized thing and it was ad hoc?

MR. HARRIS: No. It was pretty formalized.

CHAIRMAN: But it was ad hoc. It's not something that's done regularly.

MR. DERFLER: Well, the idea originally was to do it regularly. I think the agency's view or their value shifted.

MR. HARRIS: Yeah. I'd say prioritized shift before you getting around to doing it. And that would to me, okay, that may be something I'd like to throw out as something it could have taken better advantage of by doing it more than once.

CHAIRMAN: So it would address this #2, data collecting and then could be collected.

MR. HARRIS: You know because we'd be seeing over time how -- did things get better after they visited once and sort of communicated their findings? Did people kind of get with the program?

MS. ESKIN: Over a period of time...

MR. HARRIS: Yeah. And just start doing

better as well as I think it's obviously -- there was a big component of that that was correlating not necessarily always industry practices but also inspection personnel practices. And I, for one, you know, you got, certainly, criticism for umpteen years over inconsistencies across the country. And that was, to me, a great opportunity to address it and was done. Now, the question is did you get any long-term effect out of that. That's a good question. And that may be data that we're not fully utilized because in response to question #2 there. Again, that's expensive data to collect.

DR. WENTHER: Aren't they doing that on an individual with CS overviews, though, when they go back and see how they incorporated that?

MR. HARRIS: Well, CS overviews, they are specifically reviewing plant food safety programs. I think in the previous correlations they were specifically looking at how were agency personnel implementing their regulatory duties overseeing HACCP. Did I phrase that sort of correctly?

MR. DERFLER: Correct.

MR. HARRIS: What the objective of that was?

MR. DERFLER: Oversee is probably not the right word any more thanks to the FGE case, but yeah, verifying.

MR. HARRIS: Okay.

MR. DERFLER: Yeah.

CHAIRMAN: Pardon me. What were those called? Public meetings, range of criteria meetings?

MS. ESKIN: Correlations. Correlation meetings.

CHAIRMAN: They were called what?

MR. DERFLER: Correlation.

MS. ESKIN: Correlation meetings.

CHAIRMAN: Correlation meetings?

MR. DERFLER: Correlation is a word that the agency has it's own unique definition on.

CHAIRMAN: And how long ago did they first -- were they held or stopped or...

MR. HARRIS: Well, they started. I mean it was a lengthy process, because they could only get to like four districts a year or something like that. It took them two or three years. And so I know they did Texas roughly two years ago, maybe three. I don't remember. Time gets by you. But while I think it's

most desirable, I don't know how practical that is as a recommendation, because that's an undertaking.

MS. ESKIN: Resource intense.

MR. HARRIS: Sending people around the country visiting a minimum of 40 plants per district that got these teams to go and visit them. And that's...

MS. ESKIN: A lot.

MS. RUSSELL: What I perceived as recommendations I've marked sort with an asterisk. Do you want this one marked with an asterisk?

MR. HARRIS: I don't know that...

MS. ESKIN: It's going to...

CHAIRMAN: Let's throw it up there and let the agency...

MR. HARRIS: A recommendation that the agency consider doing more of those kinds of activities.

MR. DERFLER: If it's resources...

MS. ESKIN: On a regular basis.

CHAIRMAN: Exactly.

MS. ESKIN: And that there'd be follow-up. Do we need to start drafting language?

CHAIRMAN: Yes, Linda.

MS. ESKIN: Do we need to start drafting language?

CHAIRMAN: Yeah.

MS. ESKIN: Okay.

MR. DERFLER: Could you talk about #3 first and then...

MS. ESKIN: What do you mean by methods of analysis?

MR. DERFLER: Well, one of the things that we've become aware of is there's a fast food chain that will go unnamed that sort of has a way of following data that's coming out that's being produced. They get all sorts of measures because obviously they have contract or a relationship with the plant. And they follow those measures over time. And if they see any sort of variations or if they've kind of established their own performance level or they have established performance leave, and if they vary significantly off of that, then they go in and investigate. And they find that to be an effective way of finding and predicting problems in the plant. One of the things, I guess, we'd be really interested in is your way or any other kind of things that...

MS. ESKIN: Does that method have a name?

MR. DERFLER: I think if I'd name it I'd give away...

MS. ESKIN: Oh, sorry.

MR. DERFLER: ...company information.

CHAIRMAN: Okay. You're right.

MR. DERFLER: So...

MR. HARRIS: Well, they have...

MS. ESKIN: Do you know if it's out there that they don't want to...

MR. HARRIS: Well, I'm trying to think here and I suspect that I know the specific -- I don't know enough of the specifics about their program. I think I know who he's talking about. But it's almost looking at data -- I almost want to call it statistical process control, but that carries a specific definition with it that this probably isn't. But maybe there are some opportunities for the agency to look at some of the data it collects in that way as far as trend analysis and when there is a spike, trying to get a feel for why is there a spike. Are there regional and/or -- I don't want to say regional -- geographic differences and...

MS. ESKIN: The point is that whatever this

method of analysis is it might -- doesn't this also go to the issue again if there are methods out there, we may not know about it, but would it be useful to recommend some sort of process by which -- I mean they came to you, the agency, and shared with you. Shouldn't they share it with everybody out there who operates plants and restaurants and whatever else? I'm saying it seems something they'd want to share more broadly maybe...

MR. DERFLER: I guess -- well, maybe them. But I guess what we'd be interested in is there a way if there are other things out there like that is there a way that we could induce other people to come in and share their methodology with them.

MS. ESKIN: Yeah. You can ask. Say please. I mean it...

MR. DERFLER: No. I know. But I mean I'm looking for ways that we can more effective to always...

MS. ESKIN: Sure.

MR. DERFLER: ...anticipate problems.

MS. ESKIN: Right. But you're saying are there other -- how did you find out about this particular method? They came to you? You heard about

it and ask them to come in and present it? How did it...

MR. DERFLER: It came up in a conversation.

MS. ESKIN: So maybe there should be some more formal process.

MR. DERFLER: I mean is there ways though -- I mean obviously there's a number of other people out there who aren't coming in and how can we go about encouraging them to come in if they -- you know, people are in -- I mean I'm going to assume that people who are buying product want to make sure that they're getting safe product. And some of that -- some of the methodologies that they're using, my assumption, would be things -- would be ways that we could approach the data. And that's what I'm sort of -- even if we don't, you know, know ways of doing -- are there ways that we could encourage people or ways that we could approach people so that we get a better handle on stuff so that we could kind of think about the tools that industry's actually using in this kind of context because they have some carryover into how we approach? That's sort of the thought behind question 3.

MR. HARRIS: The last two words of that just

sort of got me...

MS. RUSSELL: I'll just now...

MS. ESKIN: #3 is really just analysis.

MR. HARRIS: How you convert this into something where you -- to help you to better anticipate hazards. Boy, that's a...

MS. ESKIN: I don't know if I'd read it quite that limiting, because the only way you can anticipate hazards -- one way to do hazards is to figure out what's happened in the past and therefore based on past data use it to...

MR. DERFLER: Yeah. How do we do that?

CHAIRMAN: Yeah. I used to work for the pharmaceutical industry and all the raw materials get tested to high heaven. And you've just got certain standards if they exceed, then that goes back. You just don't accept it. I got to believe it's the same in the food industry.

MS. ESKIN: Again, this is methods to analyze the data.

CHAIRMAN: Oh, okay.

MS. ESKIN: Is that right? Is that what you're asking?

MR. DERFLER: In part. Are there ways to...

CHAIRMAN: So you're saying an industry has got a big pile of data and how do they analyze it in order to anticipate their hazards or to avoid...

MR. DERFLER: We're an agency with a big pile of data. Is there a methodology that we could use to approach that data?

MS. ESKIN: And what he's saying is, right, is funding -- fast food chains that begin with a J -- I'm sorry -- have developed a method and your question is -- I mean ask them nicely and if they don't do it, then require them. That's what parents do when they want their kids to respond. I'm joking.

MR. DERFLER: Require. That's an interesting approach.

MS. ESKIN: Well, obviously -- yeah. It could take a -- get an amendment to the log. I don't know what else except...

MR. DERFLER: Okay. Well, that's sort of what we're -- are there ways -- I mean this is about developing tools, so are there ways that we could approach data that would help us sift through or regularly approach data that would help us uncover

problems or if not necessary uncover problems, but at least raise flags that we would then spend our resources investigating? And that's a question.

CHAIRMAN: What comes to mind is great big, highly-integrated software programs that crunch data.

MS. ESKIN: Again, if it's developed outside of the agency how does the agency find out.

CHAIRMAN: Right.

MS. ESKIN: I think there's no other way simply to develop relationships or you know have forums in which this information could be shared. Short of requiring it, I know that's not going to happen and that's inappropriate here. I don't know how else to do it accept cultivate relationships. You know have a symposium on data analysis and everybody shares their methodology. I don't know how else you could do it otherwise.

MR. HARRIS: Undersecretary Murano had series of or has had a couple of scientific meetings...

MS. ESKIN: Right.

MR. HARRIS: ...technical sessions. Were those -- I went to one of them I think. I think there were two. I think I was able to make it to one. Were

they fairly well received? Is that a...

MS. ESKIN: A forum that works.

MR. HARRIS: ...forum that works? Will people come to it? Will they participate and is that an effective...

MS. RUSSELL: We had a total of six this year that we were labeling as that.

MR. HARRIS: More than I realized then. I didn't even probably recognize some of them as being that probably.

MS. ESKIN: But they didn't address this second issue, for example, here in what they dealt with.

MR. HARRIS: Well, the first one was on listeria.

MS. ESKIN: Right. My point is I thought they were -- some of them were pathogens.

MS. RUSSELL: The tools or epidemiological...

MR. DERFLER: Yeah. Recalls.

MS. ESKIN: That's considered the same...

MR. DERFLER: Yeah.

MS. ESKIN: ...program so we could have one that talks about some sort of gathering that address this, everybody share their information. Just a

thought.

MR. HARRIS: 3's sort of got me bamboozled here.

MR. DERFLER: Well, we're hoping...

MS. ESKIN: I like that word.

MR. HARRIS: I don't -- I can't get my arms around 3...

MS. ESKIN: Yeah.

MR. HARRIS: ...very well for some reason.

MS. ESKIN: Again, to me I like the answer as process wise.

CHAIRMAN: Because it's really asking is data analysis.

MS. ESKIN: Analysis. Yeah.

CHAIRMAN: Methods of data analysis to be linked.

MS. ESKIN: Method.

MR. DERFLER: I don't know if we just -- we don't know what we don't know. There's no harm in asking.

MS. RUSSELL: But you have given a recommendation as to how we could get the answer to that question.

MS. ESKIN: Which is to have some sort of a gathering. Right. How should we go about trying to actually answer these questions? Do each of us take a crack at one of them? At least a first draft? That's...

MR. DERFLER: Because of drafting sort of -- okay. Is that right?

CHAIRMAN: Did we do #3? I mean we don’t know.

MS. ESKIN: Yes. I said don't know.

MS. RUSSELL: They may have a question if we all say drafting though.

MR. HARRIS: Seriously, I will be happy to take a stab at drafting some language to try to explain what we're doing on #3.

MS. ESKIN: Okay.

MR. DERFLER: Okay.

MS. ESKIN: I mean I'm happy to do #1. I'm not sure what to answer on #2.

THE WITNESS: Other than the things that we talked about, farm to table data.

MS. ESKIN: Oh, okay. I'm happy to take a stab at 1, which leaves...

THE WITNESS: Oh, leave me the 2.

MS. ESKIN: Okay. 10 minutes. Is that enough time?

THE WITNESS: It's going to have to be. What do we do? Just outline something that we give to Pamela then. And she'll...

MR. HARRIS: Do we only have 10 minutes?

MS. ESKIN: No. I'm joking. I was just saying so just that we can each sort of spend a few minutes, I guess. Yeah. And then print it out and play with the language.

MR. HARRIS: We only got one guest. Would it be inappropriate if we just ask if he's got any...

THE WITNESS: No. Not at all.

MR. HARRIS: With one person it can't take that long. Right? Do you got any...

MS. ESKIN: I'm sorry. I wasn't here when...

MR. HARRIS: Do you have anything to add?

MS. ESKIN: Can I just ask who you are and who you're with?

DR. WENTHER: My name's Dr. Jay Wenther with American Association of Meat Processors.

MS. ESKIN: Got it.

DR. WENTHER: I'm director of their science technology. I think it was a good discussion. A few concerns I have is at first you started to lead the discussion about trade associations getting out data so there would be anonymity and then kind of led off to the fact that now it's going to be sent to the agency for them to decipher and use, which if I was a member of my association that would never fly and considering...

MS. ESKIN: No. We said -- I didn't think that was what we said.

DR. WENTHER: So you're going to send this to the trade organizations and they're going to get the data and then send it to the agency? How is the data going to go from the industry to the agency?

MR. HARRIS: I think -- if we do it like what we had done some activities in the past, usually one association or another sort of take the lead on it and collects and compiles and anonymizes all the data and then submits it to the agency, look, here's a big pile of data that we've collected as an industry on this topic that you asked for data on. And so the agency doesn't even have access to the information...

MS. ESKIN: No.

MR. HARRIS: ...where it came from.

MS. ESKIN: Because that's the point.

DR. WENTHER: Yeah. All right.

MR. HARRIS: Yeah. Because, you know, you're right, it would never fly if a member thought that his data were going straight to the agency. I mean that just...

DR. WENTHER: And then I think it was a good idea to get a lot of data that's out there. And some of the concerns were some people are collecting a lot of data and they go to the state agencies that are out there and say, well, we got all this data and they don't want to take a look at it or something.

MS. ESKIN: They state agencies don't?

DR. WENTHER: I've heard it by a couple members of ours being the fact that it backs all -- everything that they're doing as justification. When you say reliable data, I think if the trade association that is getting us data, if they get it in complete form as a record coming from Silicor or something this is your result of *E.coli* test and they record it on a spreadsheet, what not, they use that data to back up

everything they're doing in their plant. So that considers to me to be reliable data no matter what. Everything else -- some of the questions I'm just as stumped as everybody else as to exactly how the agency -- but I think it's a good idea and I think our association would be very helpful and would want to help out.

CHAIRMAN: Just sort of make that a blanket statement about the cooperation of the associations. Maybe there to enhance those data.

MR. HARRIS: I'm sorry. I didn't mean to throw us off track. But look, we did have a visitor and I wanted to make sure...

MR. DERFLER: Any other comments, Jay? I'm going to go because I don't think you need me anymore.

MS. ESKIN: No. You can't go. That's fine. Thanks.

MR. DERFLER: Goodnight. Thank you. I'll see you tomorrow morning.

CHAIRMAN: There's always tomorrow.

MR. DERFLER: Yeah.

MR. HARRIS: Thank you very much, Phil.

MS. RUSSELL: Now, could I ask you how you

would like to proceed? Would you like to just sort of feed it to Pamela or would one of you want to use that laptop to put your stuff in and then edit it in the next step or whatever? Or I don't know if you would volunteer. We have extra disks if you would -- could do it on your laptop and we could sort of then combine things or how would you folks like to proceed?

MR. HARRIS: We can do it however you want. I don't even have a floppy.

MS. RUSSELL: Okay. Okay.

MS. ESKIN: I mean we can either type it in or -- yeah. That's fine. Pamela doesn't care.

MR. HARRIS: Although, I can save it to CD. It looks like you have floppies so...

CHAIRMAN: Well, as I recall last year what we did is -- I think we were all in Mike's group last year...

MS. ESKIN: Probably.

CHAIRMAN: ...or in June. You know we came up with a short answer.

MS. ESKIN: And then we...

CHAIRMAN: And then it was up to Mike to work with...

MS. ESKIN: Oh, really?

CHAIRMAN: ...to get...

MR. HARRIS: Well, we just hammer the answer out.

CHAIRMAN: Yeah.

MR. HARRIS: Long answer sort of...

MS. ESKIN: I mean I think it would be useful if we get one chance to really look at each others. And that's no offense to you as Chairman. I just think it would be nice if we just all had one pass to look at it. If there's other wordsmithing that needs to be done that you think would make it better, that's fine.

CHAIRMAN: Didn't we do that before we actually had it typed and I know we agreed...

MS. ESKIN: We just read it out loud to everybody.

CHAIRMAN: ...right -- what the wordsmithing was.

MS. ESKIN: Okay.

MR. HARRIS: I think we did. We just got it written out and then read it out loud.

MS. ESKIN: Okay. That's fine.

CHAIRMAN: And then it was Mike's response...

MS. ESKIN: That's fine.

CHAIRMAN: Then Mike sat and got it all...

MR. HARRIS: So are you volunteering to sit and get it all done?

MS. ESKIN: You're the chair.

CHAIRMAN: It's one of the benefits of...

MS. RUSSELL: But the rewards are certainly worth it I hope.

CHAIRMAN: Sure. And they will be forthcoming. So are we just going to write off the question...

MS. ESKIN: Answer.

CHAIRMAN: ...as we -- well, we can do that later...

MS. ESKIN: Yeah.

CHAIRMAN: ...as part of what Pamela's going to do.

MS. RUSSELL: Would it help if Pamela goes ahead and writes out these questions or do you, in effect, want to edit these questions as Phil had done?

MS. ESKIN: I think we should just use the questions that are -- we'll just use these.

CHAIRMAN: Use the questions in the text.

MS. ESKIN: Yeah. Don't use Phil's. Use the ones that were in their two-page memo.

MR. HARRIS: I'm not even -- I didn't even write the question out. I just figured that was already done...

MS. ESKIN: Me too.

MR. HARRIS: ...somewhere.

CHAIRMAN: Somebody get those three. Right. So those three get put in, Linda, that will be up to start.

MS. ESKIN: Hey. They're done. That's not fair.

MS. RUSSELL: Would you like all four members mentioned even though one is not here tonight or a notation that she was not here for the evening session? How would you like to do that since obviously she will be contributing something tomorrow morning?

MS. ESKIN: But they didn't -- in these new rules, they were quite clear about if you don't attend...

MS. RUSSELL: Okay.

MS. ESKIN: ...which I find kind of

interesting because anybody can comment on it. I don't know. I just want to...

MR. HARRIS: Well, and it was interesting you bring that up. It was interesting -- I went back and read that because I thought the same thing. And it specifically said a person assigned to that sub-committee...

MS. ESKIN: Yeah.

MR. HARRIS: ...is the only one that's prohibited from commenting...

MS. ESKIN: Here it is.

MR. HARRIS: ...on the subcommittee's reports...

MS. ESKIN: "Subcommittee members are expected to attend the plannery sessions. Subcommittee members who do not attend the presentation of the issue or participate in the subcommittee for their assigned issue are to be restricted in participating in the final plannery session consideration of that issue."

CHAIRMAN: I didn't do my homework.

MS. ESKIN: That seems very unfair to me if anybody who wasn't in the meeting. It's one thing for her to comment on what happened in the subcommittee.

She can't because she wasn't here. She wasn't there. But that seems rather draconian and I'm not sure what the basis...

CHAIRMAN: I thought it was a little...

MS. ESKIN: And these are rules that he -- I mean these rules haven't been adopted. Have they?

CHAIRMAN: No. These are just -- I mean Robert said...

MR. HARRIS: He sort of tempered and told us we can give them back to him later.

MS. ESKIN: Well...

MR. HARRIS: I guess tomorrow is...

MS. ESKIN: I don't see any reason why she should be prohibited from commenting if she has something to contribute.

MS. RUSSELL: Okay. Do you want her to be put on the list of members here?

CHAIRMAN: I think we should put down as absent.

MS. RUSSELL: Okay.

MS. ESKIN: Yes. I think that's...

CHAIRMAN: Okay.

MS. ESKIN: I agree.

CHAIRMAN: Just list the members. Yes, please. And just list them present with our three names, absent with Deanna's name.

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[Off the record.]

[On the record.]

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MR. HARRIS: That took me longer than I thought. I wrote it. I said, "While the subcommittee is not aware of specific analysis methodology the agency should be using to enhance its ability to anticipate hazards, the subcommittee supports the concept of FSIS hosting a technical conference related to this subject. Such a conference would create an open forum for interested parties to more fully explore this issue. It is expected that there likely are such methodologies currently in use by private and public entities."

MS. ESKIN: Sounds good to me. Yeah.

MR. HARRIS: Because I figure there may be some other entities within the FDA or CDC that already are using...

MS. ESKIN: Right.

MR. HARRIS: ...some...

MS. ESKIN: And read it one more time because only I wanted to make sure -- it's a minor point. He was saying that other entities could use and FSIS could use. But go ahead. Read it again. Okay?

MR. HARRIS: Okay. "While the subcommittee is unaware of specific analysis methodology the agency should be using to enhance its ability to anticipate hazards, the subcommittee supports the concept of FSIS hosting a technical conference related to this subject. Such a conference would create an open forum for interested parties to more fully explore this issue. It is expected that there" -- I'm kind of being redundant here -- "it is expected that there likely are such methodologies currently in use by private and/or public entities."

MS. ESKIN: Should we move that last sentence up?

MR. HARRIS: Yeah. Because I kind of thought of it at the end.

MS. ESKIN: Yeah.

MR. HARRIS: Okay. Probably...

MS. ESKIN: Move it up because...

MR. HARRIS: Should I write...

MS. ESKIN: ...then the specific recommendation is they should hold a technical conference.

MR. HARRIS: Yes. You know I think I agree with you. I like that idea. I will move it up to right after where we say we don't know of anything specifically but there probably are some.

MS. ESKIN: Yeah. We think they're out there.

CHAIRMAN: Okay. Joe, now, read that first statement as you had originally -- just those first eight or 10 words.

MR. HARRIS: As I had it originally?

CHAIRMAN: Yeah. Yeah. Put that up front, but I just wanted you to read that...

MR. HARRIS: Okay.

CHAIRMAN: The subcommittee....

MR. HARRIS: "The subcommittee is unaware of specific analysis methodology the agency should..."

CHAIRMAN: Okay.

MR. HARRIS: I'm basically -- I'm rephrasing this question.

CHAIRMAN: Okay. Do you think we should put

in specific data analysis methodologies, because that was a nebulous point?

MS. ESKIN: Yeah. How did you describe them? Did you just say date methodologies?

MR. HARRIS: I just said analysis methodology. I just don't...

MS. ESKIN: Why don't we say methods of analysis? We could use method data analysis.

CHAIRMAN: Yes.

MS. ESKINS: And it makes us...

MR. HARRIS: Okay. Let me tweak on this a little bit.

MS. ESKINS: Yeah. That's all you'd need to...

CHAIRMAN: Okay.

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[Off the record.]

[On the record.]

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MS. ESKIN: This is longer. I'll try to do -- okay. This is, again, #1, "What reliable sources of data should the agency ensure that is utilizing to help

achieve Dr. Murano's vision?" Okay. The subcommittee identified a range of sources of data, both quantitative and qualitative, that the agency utilizes or could utilize in its work. Currently, the agency relies primarily on USDA collected data and sponsored research by agencies such as FSIS as well as some industry data. The subcommittee believes that industry has the potential to provide an even greater amount of useful data than it currently does, but that this potential is not being realized. Therefore, we recommend that the agency work with the industry associations to encourage increased data sharing. This data sharing should occur on a regular basis, perhaps at periodic public meetings or other" -- it's really supposed to be forums, but that always sounds wrong -- "forums. On possible source of data that is currently not being utilized by FSIS is data collected by state agencies as well as through state sponsored research. The subcommittee recommends that FSIS develop a process for data sharing with state agencies."

MR. HARRIS: Okay.

MS. ESKIN: Read that again?

MR. HARRIS: No. No. I'm still digesting,

but I mean nothing jumped out at me as going...

MS. ESKIN: Here's what I didn't include because I didn't know how to phrase it. I didn't -- because I think every time I did it I walked into a lull a little bit. The point at which I make a statement about the subcommittee believes that the industry to provide a greater amount of useful data, but that potential is not being realized. I don't expressly mention the concern about -- I don't know how you can characterize it -- but the identification of individual firms. And I also don't even address the point that Phil made, incentives to encourage. I think it gets a little too dicey by trying to be that specific. If we just recommend that they work with industry associations to encourage increased data sharing. That's the ultimate recommendation. All those issues are going arise in that context. I didn't use the anonymized or aggregated. That was something I thought about and I just didn’t...

MR. HARRIS: Like you said, all of those would be -- they'll all come up.

MS. ESKIN: I also thought it was important. I didn't mean to make this wordy just to

make it wordy but I thought it was important that people understand what we sort of identified and what we talked about to understand sort of where we wound up. And we only focused on really two sources of data, industry, which they currently have, but we really could get a lot more, and state sponsored. I guess academic falls within some of those areas because academia gets its funding from research and various sources, from the government, from whatever. Consumer and public health groups are more than happy to share their research with agencies. So I think if anybody had a question...

MR. HARRIS: Well, I don't know. Did you allude in there that there were a lot of sources and those were kind of the two we focused on?

MS. ESKIN: Let me say that's in as expressly. We focused on two.

MR. HARRIS: Okay. Focused on two.

MS. ESKIN: Okay. That's clear. That’s a little more clearer. All right. Okay. Your turn.

DR. WENTHER: Will guidance be given to the plants to submit this data as far as specifying time of year, how small and where they fit in the whole HACCP system? Are they small, big?

MS. ESKIN: I think that's going to have to be worked out in the details. If we say, look, sit down with industry associations, figure out some systematic way to share data, everything you're mentioning you have to, in an appropriate context, be addressed. You know this is what we need to see. Okay. Well, we can provide you this. Okay. Well, how can we do this I think?

DR. WENTHER: So like if you're going to gather data, little things like that might be helpful when you're looking at the overall picture of it.

MS. ESKIN: Oh, no doubt.

MR. HARRIS: The only other...

DR. WENTHER: That would be useful.

MR. HARRIS: The only other thing that I think of in terms of our response should almost be some sort of an acknowledgement, you know, by the subcommittee that, you know, we're aware there have been issues; we would encourage you to work out those issues, you know, without being specific on what any of them were.

MS. ESKIN: Good point.

MR. HARRIS: Just the fact that we think a

renewed effort needs to be made...

MS. ESKIN: Okay.

MR. HARRIS: ...for a collaborative...

MS. ESKIN: I'm going to -- while you're talking, I'm going to write this over. And that's probably a clause to put in that and I'll reread that sentence to make sure that that's at least -- yeah -- it's an acknowledgement that we know that there are barriers.

MR. HARRIS: And we don't...

MS. ESKIN: Maybe that. There are barriers and obstacles.

MR. HARRIS: Or hurdles.

MS. ESKIN: Obstacles. Does obstacles sound better than barriers? Barriers sound more permanent.

MR. HARRIS: Yeah. It would be something to indicate we...

MS. ESKIN: Obstacles.

MR. HARRIS: ...we know it's not necessarily an easy task.

MS. ESKIN: Right. Okay.

MR. HARRIS: It's not just a matter of

picking up the phone and saying, hey, send some data.

MS. ESKIN: Okay.

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[Off the record.]

[On the record.]

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DR. WENTHER: You collected that data and you had all the plants that have given a specific number, you kept that to yourself as an association and sent the data out. And FSIS has come back and said, well, we got plant #30 showing signs of having something going wrong in the spring and then you contact that plant.

MS. ESKIN: It's mere coincidence.

MR. HARRIS: The one that I've got some direct experience with doing that, we actually collected all the data and sent it to a law firm who aggregated the data and shredded all the original surveys. I mean we went to those lengths to reassure companies that, you know, they weren't going to read about themselves, you know, in the paper because if I had a company I would be awfully nervous about sending out private information, even to my absolutely trustworthy trade association, you

know.

DR. WENTHER: I'd be worried as a trade association for liability purposes too.

MR. HARRIS: Yes.

DR. WENTHER: All of the sudden they think they see increased testing for some reason.

MR. HARRIS: Capturing all this in the transcript file.

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[Off the record.]

[On the record.]

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CHAIRMAN: All right. Well, looking at #2...

MS. ESKIN: Right.

CHAIRMAN: ...is there data the agency is collecting or that it could be collecting of which FSIS is not taking full advantage. "The subcommittee recommends that the data actually collected by the agency or that ought to be collected by the agency to give greater advantage and usefulness to its database analysis should include a more detailed correlation of farm to table data, which will augment food safety

policies and directives, and be tied to public health outcomes. The data should be accrued from the databases of USDA agencies or departments and other non-USDA agencies, such as FDA, CDC and others. The agency should also..."

MS. ESKIN: And states.

CHAIRMAN: And of states. Okay. Good. "The agency should also reinitiate previously conducted correlation meetings" -- that's what Joe said they were -- "sponsored and carried out by the agency because they resulted in the effective use of data from each of the districts. Although these events may be determined to be resource intensive, such public meetings will connect a range of best practices where the findings are publicized are beneficial and need to be conducted on a more frequent and regular basis."

MS. ESKIN: Read that last part again. Again, that...

MR. HARRIS: Where you used the word publicized, we better b e careful that we're not implying that okay, we're going to go and, you know, make public a bunch of information.

MS. ESKIN: And again those particular

gatherings. Again, that was correlation that related to data collection and correlation. Is that clear there?

CHAIRMAN: What again?

MS. ESKIN: That one part again, that last part about the meetings.

CHAIRMAN: Okay. "The correlation meetings sponsored and conducted by the agency resulted in the effective use of data from each of the districts."

MS. ESKIN: And again, what did that data deal with? I wondering if we should be more specific so people know what we're talking about.

CHAIRMAN: Well, you have to fill it in for me, Joe.

MR. HARRIS: Well, I'll use their terminology.

MS. ESKIN: Yeah.

MR. HARRIS: Range of practices.

CHAIRMAN: Range of practices. Effective use...

MR. HARRIS: And they were really looking -- in those particular meetings, they were focused on range of practices of inspectors in enforcing or what -- we talked about this -- you know, verifying the regulatory

requirements. However, in doing so, it inevitably identified here are some practices that were being identified by in-plant inspectors versus some that were not. So...

CHAIRMAN: So let me read that again...

MR. HARRIS: ...correlation or even similar type. I mean it doesn't have to be called correlation meetings, but...

MS. RUSSELL: But that will trigger a bell with the agency as to what you're referring to.

MR. HARRIS: Yes.

CHAIRMAN: So I modified this thing. So it says previously conducted correlation meetings sponsored by the agency resulted in the effective use of data from a range of inspector practices in each of the districts.

MR. HARRIS: Does that sound right?

CHAIRMAN: Effective -- because you did say it was effective.

MR. HARRIS: I thought it was.

CHAIRMAN: Data used well.

MR. HARRIS: It was my opinion that was...

CHAIRMAN: So effective use of data from the range of practices that...

MS. RUSSELL: Data on the range of the practices would it be?

CHAIRMAN: Say that again, Linda.

MS. RUSSELL: Data on the range of practices.

CHAIRMAN: Data on. Not data from. You said data on the range of practices -- inspector practices. Is that who it was?

MR. HARRIS: Yes.

CHAIRMAN: In each of the districts. Is that what were, districts, or were they called circuits?

MR. HARRIS: Districts.

CHAIRMAN: Districts. Okay.

MR. HARRIS: There were circuits within the district, but they went to all circuits...

CHAIRMAN: Okay.

MR. HARRIS: ...within a district and they had district-wide meetings.

CHAIRMAN: And so then if we say although these events may be determined to be resource intensive, such public meetings looking at the range of best of practice -- that's a redundancy -- correct?

MS. RUSSELL: Were the correlation meetings actually public meetings? Okay.

MR. HARRIS: I suppose anyone can attend. They specifically invited the industry. What they did is they had I think about two days worth with IIC's and circuit supervisors and then on the last evening they invited industry to come for about two hours.

MS. RUSSELL: Be careful not to indicate that then perhaps that the whole meeting was a public meeting...

MS. ESKIN: Maybe just say meetings. Maybe just call them correlation meetings. Are you just concerned that public meeting may be confusing?

MS. RUSSELL: It may be confusing. And I don’t believe the correlation meetings were actually -- at least the whole meeting was not open to the public. When they brought in industry...

MR. HARRIS: I know that's correct. Yeah.

MS. RUSSELL: Did consumer groups and so on too on that last evening?

MR. HARRIS: Yeah.

MS. RUSSELL: I'm just concerned...

MR. HARRIS: These were held out in the country and you know -- no -- the answer is no, they didn't come, but I mean, you know...

MS. RUSSELL: Because I don't know if it was a meeting open up, because sometimes we will have meetings that are open to specific groups when the data or a topic deals with that group alone.

MR. HARRIS: I was going to say the quasi public part of it where they invited the industry was more of an overview type...

MS. RUSSELL: Okay.

MR. HARRIS: ...scenario. So I...

CHAIRMAN: Okay. Try this wordsmith. Previously -- on that point, "Previously conducted correlation meetings sponsored by the agency resulted in the effective use of data on the range of inspector practices in each of the districts. Although these events may be determined to be resource intensive, such meetings, where findings can be discussed, are beneficial and need to be conducted on a more frequent and regular basis."

MR. HARRIS: I can buy that.

MS. RUSSELL: It certainly doesn't -- and I shouldn't interfere in your thing, but the public meetings sort of...

MR. HARRIS: The term public meeting...

MS. RUSSELL: ...jumped out at me.

MR. HARRIS: ...has baggage with it. I mean not baggage. It implies a specific...

MS. RUSSELL: Right. A specific thing that we may not be able to offer.

CHAIRMAN: So I'm taking the word public out. I'm just saying such meetings where findings can be discussed, not publicized, are beneficial and need to be conducted on a more frequent and regular basis. Jay, are you okay with that.

DR. WENTHER: I add feedback. You can pretty much state that...

CHAIRMAN: Feedback?

DR. WENTHER: ...when you say findings.

CHAIRMAN: Findings. Feedback? That’s a better word. I like that better.

MS. ESKIN: We like feedback. That's been the word of the day. Right?

CHAIRMAN: So findings is out. I'll call it feedback. Okay. This is really a mess. Did Pam get yours in?

MR. HARRIS: I think she's probably done with mine.

MS. ESKIN: Yeah. Here's -- I'm just finishing the last part. Here's the tweaking pertaining to obstacles. What I said was, "Regarding industry data, the subcommittee believes that industry has the potential to provide a greater amount of useful data, but that the potential is not being fully realized. The subcommittee acknowledges that obstacles to greater data sharing do exist and recommends that the agency work with industry associations to address these obstacles and facilitate increased data sharing."

MR. HARRIS: I like that.

MS. ESKIN: Does that work?

MR. HARRIS: I think that at least captures the way I feel about it.

MS. ESKIN: And it's not -- you're not saying anything except -- not that I'm -- I don't -- I don’t think I'm missing anything.

MS. RUSSELL: Now, which one is in better shape for Pamela to start on next?

MS. ESKIN: I'm almost done with mine.

CHAIRMAN: Okay. I think that...

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[Off the record.]

[On the record.]

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MS. RUSSELL: Would you go over that for us one more time to make sure everything you put down was captured?

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[Off the record.]

[On the record.]

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CHAIRMAN: More detailed correlation of farm to table data, which augments food safety policies or directives.

MS. ESKIN: You can just say policies.

MR. HARRIS: I'd just say policies.

MS. ESKIN: It's generic.

MR. HARRIS: I'd just leave it...

MS. ESKIN: We don't have to get technical.

MR. HARRIS: I was going to say I would encourage you to delete the word directives because that's another one that has specific connotations.

MS. ESKIN: Let me just read over it. Then I'll show you. There's only one little...

MR. HARRIS: In FSIS parlance, directive is specifically instructions to their field personnel. They tell you that no regulatory requirements are contained in directives. I disagree.

CHAIRMAN: Appreciate your input. After lively discussion once again, Phil will like our clarifications.

MR. HARRIS: We'll disavow all knowledge tomorrow morning.

CHAIRMAN: Thank you for facilitating, Linda.

MS. RUSSELL: Thank you.

CHAIRMAN: Jay, your inputs were appreciated. And I'll -- you're in the record. You're part of this, Joe.

CERTIFICATE OF REPORTER, TRANSCRIBER AND PROOFREADER

IN RE: NATIONAL ADVISORY COMMITTEE ON MEAT & POULTRY INSPECTION

HELD AT: WASHINGTON, D.C.

DATE: NOVEMBER 5, 2003

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