

UNITED STATES DEPARTMENT OF AGRICULTURE  
NATIONAL ADVISORY COMMITTEE  
ON MEAT AND POULTRY INSPECTION

STANDING SUB-COMMITTEE NO. 2

Tuesday, November 16, 2004

The Subcommittee met in the Washington Room of the Hilton Old Town, 1767 King Street, Alexandria, Virginia, at 2:45, Dr. Joseph Harris, presiding.

DR. JOSEPH HARRIS  
Southwest Meat Association, Texas                      Chairman

MS. SANDRA ESKIN  
American Association of Retired  
Persons, MD

DR. LEE C. JAN  
Texas Department of Health

DR. DAVID CARPENTER  
Southern Illinois University

MS. DEANNA BALDWIN  
Maryland Department of Agriculture

DR. ISABEL ARRINGTON                                      Advisor

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

P R O C E E D I N G S

(3:00 p.m.)

1  
2  
3 DR. HARRIS: I guess we better get started,  
4 so I will call it to order and ask if there are any  
5 questions.

6 MS. ESKIN: I had asked the question about  
7 customer satisfaction, any sort of feedback that you  
8 do on any sort of system on an anecdotal basis, and  
9 then Dr. Masters followed up and said -- and I guess  
10 my understanding of her response later was we can do  
11 that kind of thing inhouse. There is another office -  
12 - is that correct? So, I certainly want to talk about  
13 that. It's all these questions, well, we can  
14 certainly give our perspective, perhaps even more  
15 useful is for you all -- or someone else at FSIS -- to  
16 undertake a more representative sample of the trade  
17 associations, inspectors, etc. Do you all have any  
18 ideas, or when you first were established, or as you  
19 evolved, what your own expectations are of what the  
20 Center is supposed to do, you'd like it to do?

21 DR. ARRINGTON: Yes, we do.

22 MS. ESKIN: Because that is certainly  
23 someplace to start. Your thought, again, is to sort

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 of measure that against what --

2 DR. WENTHER: I have a pamphlet here that  
3 you can have, that we hand out from the Center.

4 MS. ESKIN: Cool.

5 DR. ARRINGTON: I'd be happy to read it.

6 DR. HARRIS: Boy, it's got the functions,  
7 missions and everything.

8 MS. ESKIN: I'm happy to read it. Is this  
9 old, or is that your concern?

10 DR. ARRINGTON: Well, I just want to see,  
11 since we reorganized.

12 MS. ESKIN: Does it matter?

13 DR. ARRINGTON: No, it doesn't matter that  
14 much because most of the other stuff is -- but, for  
15 example, we don't do import anymore.

16 DR. HARRIS: This probably isn't directly  
17 related, but who does import now, because I get those  
18 questions a lot, too?

19 DR. ARRINGTON: OIA. Our structure is not  
20 like this.

21 MS. ESKIN: I'm happy to just read this,  
22 just so we all can share it.

23 "The TSC serves as the Agency's center for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 technical assistance, advice, and guidance regarding  
2 the implementation of national policies, programs,  
3 systems, and procedures including implementation of  
4 ... HACCP.... The TSC also assists in the  
5 implementation of this strategy and serves as the  
6 feedback mechanism relating to changes and refinements  
7 in existing systems and procedures.

8 "The TSC serves as a liaison and acts as a  
9 conduit to exchange information and provide guidance  
10 to a variety of groups, including FSIS inspection  
11 personnel and their supervisors, District Managers,  
12 other groups within the Agency", etc.

13 Okay, here is the mission statement. There  
14 are five points here. "The mission of the TSC is to  
15 provide prompt and consistent service to our customers  
16 by: Providing technical advice and guidance."

17 That would be a specific question --  
18 technical advice can be rather specific or rather  
19 general. Is there an example that you can give us  
20 that sort of characterizes that?

21 DR. ARRINGTON: On what technical advice is?

22 MS. ESKIN: Yes.

23 DR. ARRINGTON: Technical advice can range

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from is there a regulation that specifies the line  
2 speed for sent in.

3 MS. ESKIN: And you can say, "Yes, it is,  
4 it's regulation" --

5 DR. ARRINGTON: No, there isn't. All we  
6 have is guidance on that.

7 MS. ESKIN: And you can find that guidance  
8 at --

9 DR. ARRINGTON: We are trying to validate  
10 this intervention that we want to use in our plants,  
11 and we were going to take this many micro samples, so  
12 we were going to do this for 30 days, and do you have  
13 any information on that, or I've already done all  
14 that, I want to send it to you and get your comments.

15 MS. ESKIN: And you say?

16 DR. ARRINGTON: We say, "Send it".

17 MS. ESKIN: They send it to you, right?

18 DR. ARRINGTON: Yes.

19 MS. ESKIN: "Correlating the execution of  
20 inspection procedures and requirements." That sounds  
21 like that's more directed to the inspectors who call.

22 DR. ARRINGTON: Yes.

23 MS. ESKIN: "Leading the implementation of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 new and modified inspection programs and procedures."

2 Again, if there's a revised directive or --

3 DR. ARRINGTON: Yes, and really the  
4 implementation part is an OFO function. When we were  
5 in OFO -- well, when we implemented HACCP, when this  
6 Agency implemented HACCP, they said there's only going  
7 to be written policy that comes from Policy Office.  
8 There is not going to be written policy from every  
9 field office that's out there, which is what we did  
10 with the regions. The regions would send out regional  
11 notices.

12 When we reorganized for HACCP  
13 implementation, they said there is one office that  
14 does written policy and speaks for the policy for the  
15 Agency, and that is OPPEP.

16 So, when we were under field operations, we  
17 could never write anything because it wasn't a notice  
18 or a directive. So, most of our guidance was oral, or  
19 if somebody sent me an e-mail, I would write back and  
20 say, "Generally speaking, here is what it is", or  
21 "Yes, we specifically have a reg on that, the  
22 interpretation on that reg is you don't do this under  
23 any circumstances, or "it's okay to do this", or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 "you've got an idea that might work, but I need to get  
2 more guidance on it, so let's send it up to Policy",  
3 or something like that.

4 So, now with us being under Policy, we can  
5 come closer to do the writing now. Now, the official  
6 clearances still, of course, are all through  
7 Headquarters, but we've already written one or two  
8 notices, the Tech Center wrote them. Now, it doesn't  
9 say the Tech Center wrote, but we actually --

10 MS. ESKIN: No, but the information --

11 DR. ARRINGTON: Yes.

12 MS. BALDWIN: With the phone calls -- it was  
13 mentioned a lot of your calls is because the inspector  
14 of a plant may be disagreeing on the interpretation  
15 and getting clarification. So, if an establishment  
16 calls you and asks a question and you just respond  
17 over the phone, then they go back to the inspector --  
18 I mean, is there any way that you notify that District  
19 Office that that question has been asked, or -- you  
20 know, if they are not together on the --

21 DR. ARRINGTON: In the beginning of HACCP  
22 implementation, we did notify Districts of calls that  
23 we got. That gets to be a lot. It also gets to be the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 District Manager -- so what, we got all these calls.  
2 What they really want to know is the significant ones.

3 I mean, the run-of-the-mill thing -- you know, so  
4 what, somebody didn't know the line speed. Well,  
5 they're going to know it now, but so what, if somebody  
6 is doing some intervention that really is against the  
7 tolerance policy and could really make a precedent so  
8 that we have to eat, so to speak, because our  
9 tolerance policy -- or something just very significant  
10 -- well, everybody wants to know about that.

11 But what we do routinely is, particularly if  
12 we detect that either the plant or the inspector are  
13 in a position where there is a lot of disagreement.  
14 We actually say "we would like you to call us back  
15 together because the best situation would be if you  
16 will get the inspector in charge and call us back", or  
17 sometimes with the inspector in charge we'll say "have  
18 the plant" -- because often the inspector in charge  
19 will call and say "we're calling, we know the plant is  
20 going to call you next, we wanted to let you know" --  
21 or I'll get it from the industry, well, "the IIC said  
22 they just called you guys and said the Tech Center  
23 said", and I don't think there's a real hard and fast

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433



1 --

2 MS. ESKIN: I'm not sure, this may be out of  
3 date a bit because this specifically says "The TSC  
4 does not provide a forum for resolving disputes  
5 between inspection personnel and plant management".

6 DR. ARRINGTON: Well, what it means is we  
7 don't make the supervisory decision.

8 MS. ESKIN: Who would do that?

9 DR. ARRINGTON: In other words, you're  
10 hearing some technical information -- you're sitting  
11 there hearing the technical information on which way  
12 should I go. Your supervisor is going to say "go that  
13 way". The Tech Center --

14 MS. ESKIN: How should that be resolved?

15 DR. ARRINGTON: Ultimately, the District  
16 Office.

17 DR. HARRIS: Through the Field Operations  
18 chain of command.

19 DR. ARRINGTON: Now, what we will do is, if  
20 we're hearing one side that really sounds wrong,  
21 incorrect, we actually will say, "Well, national  
22 policy is" -- you see, it's one of those that we can  
23 say that way, and we have told industry people before,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 "yes, you're right to appeal". Then they'll say,  
2 "Well, they're just not going with that. You're  
3 telling me this is the right way, and they're not  
4 going with that". And we would actually say, "You do  
5 have the right to appeal".

6 So, we handle them in various ways, but we  
7 don't -- it's getting into the supervision and the  
8 actual instruction. We do not instruct anyone in the  
9 field.

10 MS. ESKIN: Do you do any sort of Q&A, or  
11 does some sort of Q&A document or documents come out  
12 of all of these many, many questions you get?

13 DR. ARRINGTON: Well, for BSE we did collect  
14 Q&As, and they did become a notice -- of Q&As for BSE.  
15 I forget which notice number it is, but it came out,  
16 and those were ones that we collected at the Tech  
17 Center. We wrote the proposed answer to them. We  
18 sent it to Headquarters. They said, "Hmm, not quite  
19 that way; hmm, right on the money", and then finally  
20 was cleared and got in a notice.

21 DR. HARRIS: Early on in HACCP  
22 implementation, there were several sets of Q&As that  
23 came out as well. They were taking in the calls that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 were coming in, kind of grouping them together and  
2 saying "here are some of the big questions that have  
3 come in, and here's what the answers to those are".

4 DR. ARRINGTON: Yes. Now, what happened  
5 with that was this incredible clearance procedure for  
6 those --

7 DR. HARRIS: Much more --

8 DR. ARRINGTON: Oh, much more. And at that  
9 point, it was almost like we were just not going to do  
10 anymore. It was ridiculous. I would say that has  
11 changed.

12 MS. ESKIN: My next question is, do you all  
13 feel that it's a useful access because that's one  
14 thing we could suggest.

15 DR. ARRINGTON: Yes, I think it is. I think  
16 it is. I think we should do it more because it makes  
17 us stay on -- what do you call it -- the top of our  
18 game. You know, when you're doing something that's  
19 going somewhere, you look at it differently than "oh,  
20 well" --

21 DR. HARRIS: And it certainly ensures a  
22 greater uniformity, where appropriate, and answers to  
23 questions.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. JAN: What we find a lot of time is a  
2 plant will ask a question, and the answer may be A, B,  
3 C, and they just -- the plant just hears B, and they  
4 say "the Tech Center said B, but B is not complete".  
5 And then the inspector may ask the same question, may  
6 say it a little bit differently and the answer is A,  
7 B, C. The inspector may not hear B or may not like B,  
8 and he says, "Well, the Tech Center told me C", and so  
9 you get the same answer. So, if you had it in  
10 writing, or there's some way that you could assure  
11 that. And even if you have them together on the phone  
12 -- once it's -- if it's not written down, people don't  
13 remember, or they choose not to remember, and it makes  
14 it difficult, and you're getting the same question  
15 again and this "Ask Karen" type thing. If you develop  
16 a bank that you could have, "Ask Isabel" or something.

17 DR. ARRINGTON: Or just "Ask the Tech  
18 Center". You're just saying have a mechanism. Our  
19 Tech Center account is like that. If you send in a  
20 message to the Tech Center, you're going to get  
21 something back. Now, if you sent in this really long,  
22 drawn out one, then we might handle that differently  
23 than our usual one which -- some are pretty

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 complicated, but they are usually -- you know, you  
2 think of an e-mail being fairly short, and you can --

3 MS. ESKIN: Pretty straightforward answer.

4 DR. ARRINGTON: -- because we try within 24  
5 hours to have it back out again.

6 DR. JAN: If you could do it like a Google  
7 type thing where you say -- if you have a database,  
8 you can go to the database and you say something about  
9 -- maybe it's sausage, and you can get a thousand hits  
10 on that, but then you say "what do I want to know  
11 about sausage", and you can narrow it down, and then  
12 you can get a written answer consistently every time.

13 DR. ARRINGTON: We have an ISIS search  
14 capability --

15 DR. JAN: That just goes to the regulation  
16 and --

17 DR. ARRINGTON: Well, no, that's --

18 MS. ESKIN: Like a Help Desk. You go to any  
19 Web site, like for a program, you're doing something  
20 online and you want to --

21 DR. ARRINGTON: If we put it in the right  
22 database, it's -- what is the most difficult thing to  
23 do it -- I mean, you try this yourself if you answer

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 many phone calls. Somebody calls you and at some  
2 point you either have to write it down -- and if you  
3 write it down, then you've got to go put it in the  
4 computer. Or, you're sitting at the computer and you  
5 can't type fast enough. We get calls -- well, it's  
6 not like you get five a day, it varies, and you don't  
7 know which day is going to be a heavy day or a light  
8 day.

9           The other thing, we have an overhead  
10 announcement system. I mean, the other thing that we  
11 committed to doing was that you get a live person. You  
12 get very little voice mail, very little. So, when you  
13 call, you'll get on the overhead, and they'll say  
14 "There's a call about slaughter", it's about  
15 validation, it's about processing, it's about what is  
16 the reimbursement rate for overtime for FSIS? I mean,  
17 they range from a call on HACCP, well, what's a call  
18 on HACCP mean?

19           MS. ESKIN: What temperature do I have to  
20 cook my turkey at in order for it to be done.

21           DR. ARRINGTON: Right, it could be anything.  
22 You hear that overhead, and the next thin you hear is  
23 a second backup, somebody picked it up. And then you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 may get third or fourth. So, we've told our staff  
2 when it gets to be third or fourth, they're supposed  
3 to pick up. If somebody hasn't picked up by now, stop  
4 what you're doing and pick up. And when you pick up,  
5 again, you don't know if it's about somebody that's  
6 got 100,000 pounds that's being retained, or -- you  
7 know, I was just wondering, I've been wondering for a  
8 long time, whatever happened on the esoteric policy on  
9 the esoteric thing -- which is a question to be asked,  
10 but -- you know, which one is weighing heavily. So,  
11 from our side, that's our challenge, but we do -- for  
12 example, we did collect questions on the RTE survey  
13 that went out, and we started collecting them as soon  
14 as it got put out there. And we had three people  
15 getting calls from the RTE survey -- sent them to Tim,  
16 Andy, and somebody else -- so they would take this  
17 call, and they would -- they did write them down.  
18 Each week they would put them together, we sent them  
19 to Headquarters, and they went on the Web at  
20 Headquarters. So, I'm thinking something like that on  
21 initiatives are not -- we can do that, but I'm  
22 thinking if we save every question we get,  
23 particularly the ones that are repeated --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 MS. ESKIN: Now, when you did the Q&A for  
2 BSE, you said it went out in a notice. So, for  
3 example, if somebody called you -- called into the  
4 Tech Center with a question that's answered on that  
5 notice, do you refer them to the notice? Do you  
6 substantively answer that question by referring them  
7 to the notice, and then telling them they can see the  
8 notice -- the notice is available, I assume, on the  
9 Web?

10 DR. ARRINGTON: We do all those things.

11 MS. ESKIN: Okay. So, it's definitely for  
12 you all to use as well as --

13 DR. ARRINGTON: The ones that I personally  
14 answer on BSE, I also said, "Well, the answer to that  
15 is", blah-blah, and I'd say, "I believe it's in the  
16 notice". In fact, I think it's in the so-and-so  
17 notice. Now, I've noticed my staff officers  
18 immediately say, "Oh, that's covered in Notice so-and-  
19 so", and they've already clicked or brought down or  
20 they've already opened their notebook and said,  
21 "What's your question", and then they say, "Yeah,  
22 okay, that's" -- yes, we use it and we refer -- and we  
23 have a lot of our staff officers that do like to help

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433



1 someone and say "get on the Web where I am at on the  
2 Web, and let me show you or tell you where you can go  
3 to get that".

4 DR. HARRIS: We're accomplishing one of the  
5 things that I wanted to accomplish, and that is for  
6 those of you that do not use the Tech Service Center  
7 on a regular basis like some of the rest of us do, do  
8 you have questions about how it operates currently?

9 DR. WENTHER: To answer the initial question,  
10 to get anything past anybody, you need it in writing.

11 And so at the Tech Center, I've had experience,  
12 someone will call up for a question, and I say "I need  
13 this in writing", so you're not in competition with  
14 the inspector, you e-mail it back in to that direct  
15 person, and he e-mails you back. But then you have  
16 the question and the written response, so there is no  
17 question about A, B or C, it's all right there.

18 DR. ARRINGTON: Yes, people do that.

19 DR. WENTHER: It's very helpful.

20 DR. HARRIS: E-mail communication is, by  
21 far, in my opinion, the most effective means because  
22 then, like I say, it's not arbitrary as to what the  
23 question that was asked was. The person can see

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 exactly the way he phrased the question and how the  
2 response was exactly phrased.

3 DR. ARRINGTON: Right, but then we, being in  
4 the Tech Center, can look at those e-mails and go back  
5 to our staff officers and say, "You know, when you  
6 write an answer like that, it can be taken three  
7 different ways", or "you're too specific" --

8 MS. ESKIN: Or "is this what I think you  
9 mean because you say it this way, but I think what  
10 you're asking me is this".

11 DR. ARRINGTON: Yes. But we're still going  
12 to have mistakes. I mean, it's not -- but to have it  
13 written is the way -- then everybody can see --

14 DR. LOBETEIN: Just another comment to echo  
15 Jay's comments, having been out in a third position,  
16 as a former IIC, as an industry veterinarian, and now  
17 as a technical person with an allied industry  
18 organization, putting it in writing and copying  
19 everybody concerned, be it the District Manager, a  
20 supervisor, IIC, there is no problem then in getting a  
21 response, favorable or unfavorable, you have it  
22 clarified, and generally it's been a technical  
23 interpretation, it's not a resolution of a dispute,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 it's very helpful, and it has evolved considerably  
2 since it's inception. As far as I'm concerned, I love  
3 what it's evolved to. There are more field  
4 experienced personnel than were there previously, so  
5 they know what happens in any beef plant, or poultry  
6 plant -- my experience -- and I think they are well  
7 versed and they are more than happy to provide old MPI  
8 bulletins that may still be in existence that people  
9 have lost somewhere along the line, and I've found the  
10 staff to be very, very helpful.

11 DR. ARRINGTON: Yes. And I think every fall  
12 when we do have some staff members, they are not as  
13 helpful, but, really, the majority are. The majority  
14 are wanting to give as much as they can give.

15 DR. LOBETEIN: And they will retract --  
16 after receiving some information and you may have  
17 either gone unapplauded, there may be another follow-  
18 up that says so-and-so wishes to clarify --

19 (Simultaneous discussion.)

20 DR. LOBETEIN: -- we want to take that one  
21 back, we take that one back, and we want to send you  
22 another, this is in clarification. And I, for one,  
23 applaud TSC for their development, and I hope that we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 continue to develop more scenarios.

2 DR. HARRIS: I was going to ask you, TSC  
3 does the IKE scenarios, or those come out of a  
4 different --

5 DR. ARRINGTON: We do the IKE scenarios.

6 DR. HARRIS: I'll let Dr. Arrington tell you  
7 -- Interactive Knowledge Exchange -- but she can tell  
8 you more about what exactly that is. Can you explain  
9 what an IKE scenario is?

10 (Simultaneous discussion.)

11 DR. ARRINGTON: IKEs are to further explain  
12 or illustrate in a plant setting -- it's a scenario.  
13 So, typically, it's in some plant scenario. It will  
14 say something like "You're an IIC in a beef slaughter  
15 plant that slaughters 2,000 a day" and does this and  
16 does that, and they've got this many CPTs, and they've  
17 got that and they've got this. One day you walk in --

18 DR. LOBETEIN: Being a critical thinker --

19 (Laughter and simultaneous discussion.)

20 DR. ARRINGTON: -- and it says this and this  
21 has happened, or you will observe that, that and that.  
22 And then it says, as a critical thinker, what do you  
23 do next, what do you think about, and that it's safe

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 and sound, and then it goes, "Well, as a critical  
2 thinker, you ought to think about this and you ought  
3 to think about that, and you ought to do this". And  
4 usually it will say "in this case, this is what  
5 happens", and the reasons the person made this  
6 decision was because of this, this, and this. And  
7 sometimes we'll have a series, we'll have two or three  
8 -- like, I think when the 0157H7, the assessment, came  
9 out, we had two or three IKE scenarios, and it was to  
10 explain different parts of that directive. But  
11 sometimes -- I mean, to be truthful, sometimes they do  
12 it to clarify policy. We'll find out that something  
13 is not clear from what's written, and rather than  
14 going back and saying "we've got to rewrite the notice  
15 and send it out again", we'll do an IKE scenario that  
16 says, "Look, this is the finer point of this".

17 DR. HARRIS: When I asked my question  
18 earlier today, I was thinking about the tonsil notice  
19 from a few weeks ago, where they put out the  
20 clarification on all the five types of tonsils, and  
21 that was one that seemed like maybe the Policy Office  
22 didn't give the Tech Center enough heads-up because  
23 for a few days there it was like "We'll have to get

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 back to you on that one".

2 DR. ARRINGTON: Well, we were trying to  
3 decide internally what we meant when we said  
4 "tonsils".

5 DR. HARRIS: Exactly.

6 DR. ARRINGTON: It's one of those things  
7 where, "Okay, we've got that covered. Next" -- I'm  
8 talking about when the interim rule is written. It's  
9 like, tonsils, okay, we took care of that, specified  
10 risk material, move on. And then for some reason, the  
11 shoe came off about "what do you mean by tonsil",  
12 "what does tonsil mean". And it was, I think, a  
13 situation where Ken Peterson -- he had a problem.  
14 There was a situation and he had to respond, and he  
15 said, "This is my first cut at it, this is how we're  
16 responding now, to be followed by a notice". And then  
17 when we've talked about it more, the notice -- I mean,  
18 there's tubal ones that are in certain anatomy books.  
19 So, we went back as an Agency, not so much a Tech  
20 Center, and looked at what literature is out there to  
21 support about the tonsils and so forth, and then we  
22 came up with a notice. And then we clarified that in  
23 an IKE even farther.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. HARRIS: I didn't mean to divert us off  
2 down that road.

3 MS. ESKIN: The first question, again,  
4 should the Tech Center continue to provide technical  
5 assistance to establishments? Again, that's not  
6 questioning whether the Tech Center should actually  
7 still continue, it's just of the things that the Tech  
8 Center does, is this something -- this particular task  
9 something they should continue doing?

10 DR. ARRINGTON: Yes, that's what I think.  
11 First of all, let's just make sure we're all on the  
12 same page. And when they say "establishment", they  
13 mean "industry". We don't mean FSIS inspectors.

14 MS. ESKIN: Well, I guess the first question  
15 is, of course -- "industry" sounds like it's very  
16 supportive, they found it very useful, that's  
17 obviously one group.

18 DR. ARRINGTON: Yes, they find it very  
19 useful.

20 DR. HARRIS: Quite frankly, it's the only  
21 place that -- it's the only convenient place you can  
22 call to get those answers. Some of us know  
23 individuals throughout the Agency, and if the Tech

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 Center wasn't there, we'd know who to call and get an  
2 answer.

3 MS. ESKIN: And you could call your trade  
4 association, but they're not going to give you as  
5 authoritative -- knowing the limitations because you  
6 don't have a decisionmaker.

7 DR. ARRINGTON: Yes. The trade associations  
8 call us, and usually they'll say, "We've got a plant,  
9 or a plant, or a group of plants, we understand this  
10 is what's happening in those plants. We'd like to  
11 know from you" --

12 DR. WENTHER: There's too much out there.

13 MS. ESKIN: Right. You need one place to  
14 go.

15 DR. ARRINGTON: And we really --  
16 particularly, I think, the trade associations get more  
17 involved when "we've got a plant in this district,  
18 we've got a plant in that district, and there seems to  
19 be some differences. Can you tell us national  
20 policy".

21 MS. ESKIN: Can you give us an idea what  
22 percentage of calls you get are from establishments as  
23 opposed to your inspectors as opposed to other groups?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701



1 I mean, is it overwhelming plurality or majority?

2 DR. ARRINGTON: It's mostly plant  
3 inspectors. But I'm not even sure -- I don't know if  
4 we can determine that or not. I think we're just  
5 counting calls. I mean, we could do -- actually, we  
6 have some old materials. For about a two or three  
7 month period, we had every staff officer write down  
8 what subject matter they were getting calls on, and we  
9 could go back and access that, but I'm not sure we  
10 ever said was it industry or -- I would say they are  
11 pretty equal.

12 MS. ESKIN: I only ask that because you  
13 specifically asked the question. Obviously, you  
14 should see there are no other groups than for your  
15 inspectors. I mean, you're the Tech Center. Again,  
16 there's some sense here that --

17 DR. ARRINGTON: We're clearly in the middle,  
18 or at least that's really the way I see it. I mean,  
19 we really want to talk about national policy. We  
20 really -- we try to call them as we see them. We  
21 think a plant -- which is trying to get over on us  
22 because they don't want to comply with something, or  
23 whatever reason they don't want to, then we'll try to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 push hard on the side of the inspector. On the other  
2 hand, if it sounds like the inspector is being over-  
3 regulatory, we'll push the other way.

4 Do you have any sense -- any of you all who use it --  
5 do you have any sense if there are groups out there  
6 inside the Agency, outside the Agency, that don't want  
7 the Tech Center to continue giving this advice to the  
8 establishment? I'm just trying to figure out where  
9 the question is coming from, if it's just a question  
10 to ask at a point when you're evaluating --

11 DR. CARPENTER: My first question is if you  
12 don't, who will?

13 DR. JAN: I think that the only thing that  
14 anybody even questions is is this contributing to a --  
15 supporting the establishment is giving ammunition to  
16 have some -- be able to argue with the inspector, but  
17 as long as the information is consistent, I think the  
18 establishment is the place to go to get the answers.  
19 I mean, they can't always get it from the inspectors,  
20 they don't know the answers. There are a lot of things  
21 that are just -- I mean, every day there is a new day  
22 and there's something new, a new perspective, or a new  
23 way to look at something because it didn't happen

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 before, so it's good to have a source.

2 But to go to the next part of that question  
3 -- and I don't know if the Technical Service Center  
4 can do this -- but I think what would help both the  
5 establishments as well as I would think FSIS but  
6 certainly the state programs would be the Tech Center  
7 to be a source for data and source of information that  
8 can be used to support a HACCP plant, or to support a  
9 decision made in a HACCP plant. I mean, there's only  
10 so many HACCP plants and they are all very similar --  
11 they are not all the same, but they are very similar -  
12 -

13 MS. ESKIN: Could you give an example?

14 DR. JAN: Yes. Let's say an establishment  
15 looks at dried beef -- make it dried beef -- and they  
16 want to take and say "One of the guidelines says that  
17 water activity may be" -- if you take that statement  
18 alone -- oh, here, it says right here that it may  
19 have, so this is my justification -- it's not  
20 justification, but the Tech Center could gather data  
21 from others that have done the work -- for example,  
22 they've taken dried beef, sent it to a lab, had it  
23 inoculated and found out that at this water activity,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 it is lethal and it this or above this one it is not -  
2 - if they had that data rather than every plant doing  
3 their own, they could go to the Tech Center as a  
4 repository and say "Do you have any information that  
5 could help me support that my dried beef water  
6 activity is low enough" --

7 MS. ESKIN: Do you get questions like that  
8 now?

9 DR. ARRINGTON: We get questions on "Do you  
10 have any data or do you know where we can get any  
11 data".

12 MS. ESKIN: And the answer --

13 DR. ARRINGTON: Sometimes the world, kind of  
14 like the small plant, we may get it from the Outreach  
15 staff, or we may say, "Yes, we're aware that Bruce  
16 Tompkins has a study with the temperature thing, and,  
17 yeah, we know where it is, we can give it to you, we  
18 can give you a copy of it, or try your trade  
19 association and they'll fax you a copy".

20 (Simultaneous discussion.)

21 DR. HARRIS: Most of us have it within  
22 finger reach.

23 DR. JAN: That's coming from where we've had

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 plants -- and we've had plants, most small plants do  
2 it, and they say -- they show it to us, and then they  
3 say "That's my information, I don't want to share it  
4 with anybody else". And I don't know if they have  
5 that right to say that or not --

6 MS. ESKIN: Proprietary.

7 DR. JAN: I mean, it's not in our hands, we  
8 don't have the right to give it to them. If they  
9 could get it into your hands -- I don't know if  
10 there's a way to do that, but I would think that  
11 that's the --

12 DR. ARRINGTON: When we're talking about  
13 scientific studies, and they're always published,  
14 anybody can have this. When we're talking about  
15 actually in-plant, what data you have in your plant,  
16 I'm not sure that you can necessarily have it in  
17 another plant anyway.

18 I mean, the idea this is the kind of data  
19 you would need, we would say, "Yes, looks like to me  
20 that shows you're validated" --

21 DR. JAN: Well, what I'm getting at is,  
22 dried beef is dried beef, so if there's dried beef and  
23 it's got water activity of 0.7, and there are studies

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that have been done in a lab by inoculating this dried  
2 beef that's 0.7 with x-amount of LM, for example, and  
3 then a week, or two, or three weeks later down the  
4 road, take a sample of that product again and find  
5 that there's a 1-log or 2-log reduction, then dried  
6 beef at .7 is dried beef at .7 water activity, doesn't  
7 matter --

8 DR. ARRINGTON: Well, they're still going to  
9 have to carry out that they made the measurement --

10 DR. JAN: Right, they measured that they --  
11 what I'm trying to say is that the plant would measure  
12 the water activity, but they wouldn't have to do the  
13 inoculation studies if they could get hold of those  
14 inoculation studies.

15 DR. ARRINGTON: What I think I'm hearing  
16 from Headquarters is we are going to push in-plant  
17 validation. Now, that's just sort of something I  
18 think I'm hearing. You have to have the scientific  
19 study that somebody did the principal work, but you  
20 may have to have something in your plant that actually  
21 says under your exact conditions, when you do this and  
22 this and this and this, yes, you show that. So, we  
23 may need to clarify that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 MS. ESKIN: You're also saying that the  
2 study that you're referring to, again, is not  
3 necessarily from another plant as much as it would be  
4 available through a scientific journal or something  
5 like that. If it's plant data or if it's something  
6 that's proprietary and they give it to the Government,  
7 the Government cannot -- they can withhold it.

8 DR. JAN: Well, if the Government can say  
9 that's proprietary if it's not -- it's just saying  
10 dried beef. It's not saying how they made the dried  
11 beef, it's the end result if the water activity is .7  
12 -- if the water activity is .7, or .69, or .72, or  
13 whatever that cutoff is -- if there's data out there -  
14 - I mean, we've had small plants that are making it  
15 day-by-day, and then you say, "Okay, you can say .7,  
16 but you're going to have to go" -- so they have to  
17 take their product, send it to a lab, pay the lab -- I  
18 mean, it's a tough business. And if that information  
19 is out there, then why does every plant have to do  
20 their own, if there can be a repository -- and I think  
21 the Tech Center would be that repository. Or another  
22 thing would be -- exactly what we're talking about --  
23 if there is a study done by a university on that,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 rather than the plant trying to figure out -- go  
2 through the operation and spend nights in the library  
3 looking for it, couldn't they go to the Tech Center  
4 and say "Can you tell me where I can find this  
5 information?"

6 DR. ARRINGTON: Where do you draw the line  
7 that I do a literature search for you.

8 DR. JAN: No, I'm not saying you do a  
9 literature search, I'm saying if you gather that over  
10 time, you're going to have those questions repeatedly  
11 rather than once, and once you've had that, you can  
12 have a source you can go to and say "Here's where it  
13 is".

14 MS. ESKIN: They do it at least to some  
15 degree now, meaning referring to relevant things that  
16 you know what the issue is --

17 DR. ARRINGTON: Yes, we do do it --

18 DR. WENTHER: This is about three issues  
19 here. First thing, let me just clarify, FSIS you  
20 think is now going to encourage plants to bring in  
21 live pathogens in their plants to make sure --

22 DR. ARRINGTON: Well, not live pathogens --  
23 no, that part won't change, but the whole thing about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701



1 you've got to know that it works in your plant.

2 DR. WENTHER: But I can't validate just it  
3 kills listeria, if I don't bring listeria in my plant  
4 to kill it.

5 DR. ARRINGTON: Well, plus, the E.coli ISRI  
6 assessment, we didn't say put in a 1-5-7, when we know  
7 that there's not anything that directly correlates  
8 with it that you can say, "Yes, that's absolutely an  
9 indicator organism", but yet people did do things  
10 about their interventions to say, "Yes, these are  
11 likely to kill a 1-5-7 or at least reduce it". I  
12 don't think it's really different, it's just I don't  
13 think we're backing off of that.

14 (Simultaneous discussion.)

15 DR. WENTHER: -- name of Mary Cutshall last  
16 year sometime where we stated that these journal  
17 articles that are out there that are publications that  
18 are free knowledge, that is true. People can copy it  
19 themselves. FSIS cannot send that journal article out  
20 there for free because it's --

21 DR. ARRINGTON: Actually, we can.

22 (Simultaneous discussion.)

23 DR. ARRINGTON: We can give the citation.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. WENTHER: You can give the citation, but  
2 they still have to go to the university and get their  
3 own copy. And it's really confusing and it gets  
4 really bad because we've got EIAO out there helping  
5 people, but it's illegal what they're doing, just  
6 copying articles --

7 (Simultaneous discussion.)

8 DR. HARRIS: That gets to be a whole  
9 complicated thing because if you refer -- you know, if  
10 one of the plants like you're talking about calls the  
11 Tech Center and you tell them, "Okay, here's the  
12 citation", you may as well tell them that a New  
13 Zealand sheepherder in the mountains has the only  
14 living copy of that because them getting that journal  
15 article is not necessarily a menial task, it's  
16 something that can be a tall order for some farms that  
17 wouldn't have any idea of where to go to find the  
18 Journal of Food Protection. But I better get us back  
19 focused where we're headed here.

20 A couple of things I would like to do. As  
21 we go through with this, I think I'm hearing around  
22 the room, the first question, in and of itself, I  
23 think is very basic. And what I think has worked in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 the past in some of our subcommittees is to assign  
2 different members of the group little sections of this  
3 to draft the language on. And I would volunteer to  
4 draft an opening statement basically describing our  
5 support in that "yes" for the first question. And  
6 I'll work on that and share with you. And then as we  
7 go through, we can talk about -- okay. Assuming  
8 that's a "yes" then, we need to make a list of and  
9 describe what are the changes and how they provide  
10 this assistance that can make it more effective. And  
11 before we start talking about what changes need to be  
12 made, do I have a volunteer that would draft our  
13 response to that one? We have one. Deanna is going  
14 to do that.

15 As long as we're making assignments there --  
16 and we'll be talking about each of these questions as  
17 we go through, but just so we'll know -- who will  
18 volunteer to take on the assisting the Agency's "Other  
19 constituent group" question? Okay. Sandra is going  
20 to do that one.

21 And then, finally, in what new or enhanced  
22 ways can FSIS use the TSC to ensure that the Agency  
23 realizes the full benefits offered? David will work

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 on that one.

2 Okay. So we have some assignments. Now we  
3 can start talking about the content. And, basically,  
4 I'll take it on the first part -- in a little while  
5 we'll take a little break and just start drafting this  
6 stuff, but I will basically draft a short paragraph  
7 that says, you know, the committee was in consensus  
8 that obviously the Tech Center should continue to  
9 provide -- you know -- and then we're going to give  
10 suggestions on how they can do it better.

11 So, what are some changes then, let's focus  
12 on that one. Are changes needed, and what changes  
13 need to be made?

14 MS. ESKIN: I think developing more Q&A, you  
15 could put that suggestion in that answer. Again, it  
16 may not be appropriate, but Isabel mentioned every  
17 time there's a new initiative, it seems like that is  
18 an appropriate time to work towards that, that that  
19 would make the process better.

20 DR. ARRINGTON: And you mean to publish, not  
21 just develop --

22 (Simultaneous discussion and laughter.)

23 DR. HARRIS: Make them available.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. ESKIN: Publish for you all to use and  
2 for consumers or constituents to refer to.

3 DR. HARRIS: To touch on something that I  
4 think where Lee was headed with some of that a while  
5 ago, in my opinion, something that would be very  
6 useful, and the Technical Center seems to be the  
7 logical place at least to have the information,  
8 whether or not the Technical Center develops it, maybe  
9 that could be farmed out -- I don't want to say  
10 contracted because that starts implying too much --  
11 but farmed out to other entities. For example -- and  
12 Lee's is one example, I want to use a different one  
13 because it's one that I think is fairly frequently  
14 discussed -- the use of lactic acid rinse on carcasses  
15 as a pathogen intervention.

16 We know that there are certain parameters  
17 that need to be followed for that to be effective. I  
18 don't know what all of them are, but there's  
19 concentration and there's temperature primarily are  
20 the two key components of that. If you get the  
21 scientific literature, scientific literature being  
22 scientific literature, they basically -- if it's  
23 measurable, they measured it and they put it in their

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 article. The question frequently comes up, "Well, you  
2 haven't validated that you're achieving the same  
3 pressure in applying this that they used in the  
4 scientific article".

5 So then the question comes up, "Well, that  
6 wasn't an important parameter". Well, who knows it  
7 wasn't an important parameter? But, to me, it would  
8 be useful for certain common situations to have  
9 basically -- like we have with Appendix A and B -- if  
10 you follow these parameters, we consider that to be a  
11 validated process.

12 DR. ARRINGTON: Condition of use.

13 DR. HARRIS: Yes. But I mean, if you apply  
14 lactic acid under these three conditions, or whatever  
15 conditions the scientific community agrees are most  
16 important, you don't need to have a stack of  
17 scientific articles to support that, that the Agency  
18 is okay with that. To me, that would be enormously  
19 beneficial to industry, particularly smaller plants  
20 that could have some issues like that -- again, just  
21 like they use Appendix A and B -- we don't want to get  
22 into how well these have been -- A, sometimes -- but  
23 those were published by the Agency to say "if you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 follow these times, temperatures, and other  
2 conditions, that's validated, you don't need any  
3 additional supporting data". And I think that more  
4 examples of that would be useful. I don't know how the  
5 committee feels about it. And I think that's kind of  
6 where you were headed with your discussion a while  
7 ago.

8 DR. ARRINGTON: You're saying not for us to  
9 develop them, but have them available to send out.

10 DR. HARRIS: Develop them if that's  
11 appropriate, or oversee their development may be a  
12 better term.

13 DR. JAN: You wouldn't actually have to do  
14 the study or the science, but if you have that  
15 knowledge --

16 DR. ARRINGTON: Collate it.

17 DR. JAN: -- yeah, bring it together and  
18 say, "Okay, this is the information", like he's  
19 saying.

20 DR. HARRIS: For example -- back on the  
21 lactic acid example that I was using, I don't know who  
22 the guru on lactic acid is, but let's just say that  
23 Gary Acuff at A&M has done a lot of work in that area,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 and maybe you could get a guy like Gary Acuff and say,  
2 "Okay, Gary, list the key parameters that a plant  
3 should be using to make sure this is effective", and  
4 he might give you a range of concentrations, a range  
5 of temperature or application, or any other parameters  
6 appropriate, and develop that into a short document  
7 that a plant then, if they wanted to use lactic acid,  
8 could follow.

9 DR. ARRINGTON: We've got a new technology  
10 letter that explains the use of lactic acid --

11 DR. HARRIS: Okay. I wasn't aware of it,  
12 and I stay in pretty good contact.

13 DR. ARRINGTON: Well, maybe it is that we're  
14 not tapping into that, the availability of it, but --

15 MS. ESKIN: Have you all called and asked  
16 and been told -- or is that just an example?

17 DR. HARRIS: That was just an example. I  
18 haven't.

19 DR. ARRINGTON: It's a letter that's gone to  
20 a plant that says your study -- if it came in for a  
21 new technology application, they got an answer. It  
22 was either, no, you can't do it anymore, or, yes, your  
23 study shows for that purpose.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701



1 DR. JAN: But it's just for that plant,  
2 right?

3 DR. ARRINGTON: But it's not just for that  
4 plant.

5 DR. JAN: So you're saying that that's  
6 available to everybody.

7 DR. ARRINGTON: Right, it's for that plant,  
8 but if you take it and follow it, why are we going to  
9 say that's brand new? We went through that whole  
10 lactic acid -- what was it, 5 percent -- before this,  
11 we had guidance that said like 2 1/2 percent -- IBT  
12 did a whole big study that said, "Yes, 5 percent is  
13 still not residual. No, you don't have to put it on  
14 the label".

15 DR. HARRIS: And, again, that particular  
16 example --

17 DR. ARRINGTON: But it's us not giving that  
18 information to you because that's a letter that  
19 anybody can access.

20 MS. ESKIN: Well, that's the question --

21 DR. ARRINGTON: That's what you're saying,  
22 isn't it, because I'll tell you where I was coming  
23 from. I was wondering if you were saying come up and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 put all the information together because --

2 MS. ESKIN: That's done already.

3 DR. ARRINGTON: Yeah, versus whatever is  
4 done already, can you get a better compilation of it  
5 so that when somebody asks, we have that and we can --

6 DR. HARRIS: Those kinds of things I think  
7 would be enormously useful.

8 DR. ARRINGTON: But you're not really saying  
9 develop --

10 DR. HARRIS: No, no, no, that's not what I'm  
11 saying.

12 DR. ARRINGTON: It isn't so much think about  
13 how you would say "Those plants will want to know  
14 about versus" -- I can see this coming across our desk  
15 -- we need to get this into our resources so that if  
16 we're asked about it, we can pass that on.

17 DR. HARRIS: I guess my perception would be,  
18 if I were to call the Tech Service Center tomorrow and  
19 say, gosh, I'm a small guy and I'm trying to use  
20 lactic acid as a pathogen intervention, would the Tech  
21 Center refer me to that letter, or would they say,  
22 "Well, you need to develop your own validation for  
23 using that"?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. ARRINGTON: I actually think we'd say we  
2 have some guidelines on that, we have some old  
3 guidance on that. We probably would say, you know --  
4 and Mary Cutshall I think has something on it -- but  
5 now that you've said it, I'm not sure we are using all  
6 those new technology letters, and you can't -- it is  
7 for that plant, but if you wanted to use that and you  
8 knew what was in the letter, then I don't think the  
9 letter says share.

10 DR. WENTHER: Well, why wait until somebody  
11 asks.

12 DR. ARRINGTON: I'm going to check into that  
13 somehow because I know if I were to get the same  
14 request after having a letter that said, yes, somebody  
15 went through a trial, the Headquarters agreed that  
16 this trial is okay --

17 MS. ESKIN: Why couldn't they just replicate  
18 it?

19 DR. ARRINGTON: -- why couldn't they just  
20 replicate it, and it would be a quicker turnaround and  
21 the whole thing.

22 DR. WENTHER: Going back to when the generic  
23 HACCP plans were invented, if you went and looked at

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 what CCP was identified for each HACCP plan in each  
2 position whereas your scientific documentation for  
3 choosing 41 degrees, and you guys had that  
4 electronically in a library, without having somebody  
5 to ask, and just had it all listed, that would be so  
6 useful to the small plants, it is unbelievable.  
7 That's all we do, it seems like, anymore.

8 DR. ARRINGTON: I'm hearing compilation of  
9 helpful resources.

10 DR. HARRIS: And, again, this is so useful.

11 More and more and more, it's amazing we've gone this  
12 far, and there are still companies that have not had  
13 to really supply their validation. And the more EIAOs  
14 we get out there, the more and more companies are  
15 being asked for this information, and the more those  
16 kind of calls we're getting, they're like, gosh, I'm  
17 using -- I don't want to keep using lactic acid for an  
18 example -- but I'm using such-and-such and such-and-  
19 such, and I think it works, but I need the validation.

20 And it may so happen that they are absolutely  
21 following all the parameters that they need to be  
22 following, they just don't have a copy of the  
23 document.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. ARRINGTON: Especially when they don't  
2 have a copy of the document, but also I guess we don't  
3 want it to become like "here's your sheet of paper,  
4 you're fine".

5 MS. ESKIN: That's not your determination,  
6 that's --

7 (Simultaneous discussion.)

8 DR. ARRINGTON: -- as long as we gave them  
9 some paper, you're taken care of, and then they find  
10 out, oh, by the way, you have --

11 DR. HARRIS: But the Agency has done that in  
12 some other areas, they just pick and choose which  
13 areas they decide that that's the way to go. Again,  
14 harking back to Appendix B on stabilization. If I'm  
15 following Appendix B, that's bulletproof -- no  
16 inspector anywhere can question that.

17 DR. ARRINGTON: All you have to do is say  
18 you're following it.

19 DR. HARRIS: It's sort of an inconsistency  
20 on the Agency's part, not on the Tech Service Center's  
21 part.

22 DR. CARPENTER: I've got an issue -- I can't  
23 address a whole bunch of acronyms, but looking at all

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 the stuff we read over before we got here, if you look  
2 at the Committee on Microbiological Criteria for Foods  
3 and talking about redefining pasteurization and coming  
4 up with hot rinse and irradiation and UV. As the data  
5 are accumulated on the effects of this, whatever those  
6 are, shouldn't that be over here? And I'm not sure  
7 answering question No. 2 and question No. 4, 2 is for  
8 establishments, 4 is for the Agency? I mean, it goes  
9 both ways, won't it? Dr. Arrington? As those data  
10 are accumulated, shouldn't it be incumbent upon you to  
11 accrue those data in a consistent manner for the  
12 establishment, and then to use it for the benefit of  
13 the Agency?

14 DR. ARRINGTON: Well, we don't approve  
15 anything.

16 DR. CARPENTER: Approve?

17 (Simultaneous discussion.)

18 DR. CARPENTER: I'm not talking about  
19 approving, I said "accrue".

20 DR. ARRINGTON: Oh, accrue, I thought you  
21 said "approve".

22 DR. CARPENTER: No, accrue. I mean, where  
23 else would you do it?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. HARRIS: The Agency only disapproves,  
2 they don't approve.

3 (Laughter.)

4 DR. ARRINGTON: Okay. I'm not sure what  
5 you're saying. You're saying we should approve --

6 DR. CARPENTER: The Committee on  
7 Microbiological Criteria for Food is in here, it's  
8 talking about the definition of pasteurization and  
9 what are the methodologies that might satisfy that,  
10 and there's a half a dozen -- irradiation, UV, high  
11 pressure -- but as the data are accrued for the  
12 effectiveness of each of those, shouldn't you be the  
13 data repository for the benefit of Question 2,  
14 establishment, and for the benefit of 4, the Agency.  
15 If not you, who? I mean, Micro gets all these data,  
16 what do they do with those data?

17 DR. ARRINGTON: Well, we're aware of studies  
18 and information in general at the Tech Center of  
19 things that happen, of keeping up. But we have -- if  
20 there's been something new, if somebody calls us --

21 DR. HARRIS: What if one of Joe's members  
22 calls and says, "To enhance food safety, I think if I  
23 implemented one of these new technologies that the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 Committee on Microbiological Criteria for Food is  
2 working on, in order to enhance it, I think I want to  
3 implement it. Can you give me advice on what the data  
4 that have been accumulated say or don't say, or is it  
5 in fact feasible?" I mean, not having your  
6 information, would you say go to the library, copy a  
7 bunch of articles?

8 DR. ARRINGTON: Well, when you have  
9 something that people are wondering whether it's a new  
10 technology or not, we've got that directive, I think  
11 it is, that we go by about whether it's sanitary  
12 condition, whether it's heat inspection, and there's  
13 two other categories --

14 MS. ESKIN: Doesn't it need to be approved,  
15 though, before it's allowed to be used?

16 DR. ARRINGTON: It depends on what it is.

17 MS. ESKIN: I mean, if it's like irradiation  
18 which is considered a food additive.

19 DR. ARRINGTON: Yes, if it's a food  
20 additive, then it's got to be approved by FDA. So  
21 that is an approval process. I'm just saying when a  
22 new technology exists -- especially criteria of  
23 whether it's a new technology -- and when somebody

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433



1 calls us, either the inspector or the industry, says,  
2 "I want to try this new equipment. I want to try this  
3 new process". We'll say, "Have you -- does it do the  
4 four things or not?" If it does the four things, one  
5 of the four things, then it has to go as new  
6 technology, it has to be submitted to the new  
7 technology staff.

8 I'll give an example of processing of  
9 poultry. Those are considered new technology. They  
10 go up to the staff in Washington. They often sent  
11 them to us and said "give us your comments on this  
12 proposal", we will give comments and send it back up  
13 to them and then they'll look at it, too, and then all  
14 together they'll send a letter to that company and  
15 say, "Yeah, go ahead and try your trial as long as" --  
16 or "go ahead" -- or "don't think this will fly", or  
17 usually they say collect your data and we'll look at  
18 it, and then they'll say this doesn't fly, or it does.

19 I mean, I think they probably have more approvals  
20 than they do disapprovals. But we're involved in  
21 that, but we're involved in that through that staff.  
22 So, if later somebody calls in and says they want to  
23 use a certain kind of intervention for an on-line

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 reprocessing, we usually know that and we'll say,  
2 yeah, that's been tried.

3 I think on those -- I'm not sure if we're  
4 sending out the letters or we're saying talk to New  
5 Technology staff and they'll tell you. But where is  
6 the line between our responsibility to have up-to-date  
7 information and your responsibility as an industry to  
8 do the validation of -- and I'm talking about not the  
9 very small plant and maybe not the small, but  
10 definitely the large plants -- your responsibility to  
11 know enough about your process to be able to come up  
12 with a validation study.

13 (Simultaneous discussion.)

14 DR. HARRIS: I was going to say, I don't  
15 like really -- and I'm probably guilty of doing it --  
16 talking too much about small plants, but we all need  
17 to be living by the same rules, regardless of size.

18 DR. JAN: I agree. And I think -- I mean,  
19 regardless of size, they all have their  
20 responsibility, but I think what you're saying is the  
21 large plant, like IBP and the Armours or whoever out  
22 there, they've got the staff and the resources to do  
23 that research, but if that research has already been

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 done, and mom and pop, who are spending 12-hour days  
2 trying to get the product out and then at the end of  
3 that day they need to go and try to find the data,  
4 couldn't they call you and say, "This is what I'm  
5 trying to do, do you have any information or could you  
6 tell me where I could get it", rather than having them  
7 do all the research and all that kind of stuff.  
8 That's kind of where I'm going to, rather than --

9 DR. ARRINGTON: Yes, just describe the  
10 difference between that and we actually get all the  
11 data ready for you -- here's your package --

12 DR. JAN: No, not that, but just the first  
13 place they could go at least to get pointed in the  
14 right direction on "where can I go" -- you're right,  
15 you don't have to worry about the big guys because  
16 they have their own Q/A and all their staff there that  
17 can -- that's their job.

18 DR. ARRINGTON: I was talking to IBP the  
19 other day, and actually they had gone to -- and this  
20 is the headquarters one -- they called out to the  
21 University of Nebraska and got them to work something  
22 for them.

23 DR. WENTHER: They can afford it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 (Simultaneous discussion.)

2 DR. ARRINGTON: It was something they needed  
3 right away, and they got it.

4 DR. JAN: Some of the people that worked on  
5 -- not all of them, but they are a particular company  
6 -- and I don't even know if they are in business  
7 anymore -- but they took -- it was an older couple,  
8 and they took their retirement or Social Security  
9 checks to pay the salaries of the people that they  
10 hired to run their plant. I mean, that's the only way  
11 they could pay them. They weren't making enough  
12 money, and they were still wanting to do that. And so  
13 now you take them, and now they've got to take some  
14 money -- and I don't think that retirement check is  
15 going to be enough for the University of Nebraska or  
16 the University of Kansas or anybody else to do any  
17 kind of study for them. So they could call --

18 DR. ARRINGTON: Well, actually, this was  
19 just some technical information. They got some  
20 pictures of tonsils, which surprised me they didn't do  
21 it themselves, but they didn't. But, anyway --

22 DR. JAN: Anyway, that's where I was going  
23 with the problem.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. WENTHER: Part of the point of going to  
2 the University of Nebraska or a university is to get  
3 it outside the company, so they've got an accredited  
4 university doing it, so that may stand for a lot.  
5 That's where we get nervous, too, as to who approved  
6 these validated studies. I think one of the questions  
7 was, "Will you approve it" -- because one IIC comes in  
8 on Monday and the next new one comes in on Friday, is  
9 he going to approve it the same way, or think that the  
10 data is good enough, is it going to be acceptable?

11 DR. ARRINGTON: Yes, especially anything  
12 that's close, go one way or the other. It must be  
13 very frustrating.

14 DR. HARRIS: What other ways in terms of  
15 improving effectiveness? I personally like the idea  
16 of somehow or other trying to capture some customer  
17 feedback, if you will -- maybe "customer" isn't the  
18 right term -- but most tech support that I deal with -  
19 - which I deal with frequently enough on computer  
20 issues -- most tech support has some means of getting  
21 that feedback, even if it's something as simple as at  
22 the end of the call them saying, "So, do you feel like  
23 we were able to help you with whatever you called

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 about today", or what are the thoughts on that?

2 (Simultaneous discussion.)

3 DR. ARRINGTON: I think that we've got new  
4 performance elements that are now tied to our mission  
5 statement of the Agency, and one of them that we have  
6 for the Tech Center Staff Officer on my staff is  
7 Customer Service. And what they were told is, this is  
8 about your e-mails and your phone calls and how you  
9 package what you say, that you're relative to all that  
10 you are talking to. It's different when you are  
11 talking to a trade association versus a GS-7 that's on  
12 a break and is upset about something, or a District  
13 Manager. It's when somebody calls in that's really  
14 upset, that you don't get upset, too; that when  
15 somebody just can't seem to understand something, that  
16 you're patient with them, that you get them off the  
17 phone when you've talked to them enough, and that's --  
18 part of that is did they get an answer or what they  
19 need. So that was -- I mean, I like --

20 DR. HARRIS: How specific does that  
21 recommendation from us need to be? Do we just need to  
22 recommend that the Agency explore mechanisms for doing  
23 that, or -- Dr. Masters indicated she wanted us to be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 pretty specific on that, I'm just not sure that I know  
2 enough about the Agency's internal mechanisms for that  
3 to be that specific.

4 DR. JAN: Well, one thing -- I don't know  
5 about the mechanisms needed, but one of the things  
6 that would be good to ask is did we give you the  
7 answer to the question you asked, because many times  
8 we'll send -- I'll send a question, and I get an  
9 answer, but it's not to the question that I asked. It  
10 may be around it, but it's not to the question I  
11 asked. And maybe it's Texas beef versus Oklahoma beef  
12 or something, but --

13 DR. ARRINGTON: It really is also how --  
14 when we say how great it is to put something in  
15 writing, at the same time, if you don't write  
16 something properly, it can be interpreted in a way it  
17 wasn't meant to be said. And the other thing we know  
18 is, if I write you an e-mail, it could be all over the  
19 U.S. in a couple of days, or at least all over the  
20 region you live in, and it could be taken out of  
21 context. And I'm not saying we shouldn't -- all I'm  
22 saying is it takes longer to write a better e-mail  
23 about that, but that might be some way -- you're

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 saying, well, you didn't really answer my question.  
2 Sometimes I actually write stuff where it's like "read  
3 my lips", that's why I'm saying to you -- and I try to  
4 make it clear, if I can't actually say it, because  
5 some of these things are about practicalities. And I  
6 think that's one of the things that when people call  
7 the Tech Centers, we tend to give a more practical  
8 answer than if they call Headquarters. Headquarters  
9 has nothing. They cannot do anything but say the  
10 policy. We can say, okay, being practical, what does  
11 this mean? So when we put that in writing, though,  
12 we've got to be careful about how we do that. I mean,  
13 back to this thing about, hey, are we nitpicking here?

14 I had somebody call me about chlorine use,  
15 and it's 5ppm is what's allowed in water. Well,  
16 somebody had 5.2 parts, and they were asking this  
17 plant to come up with a study that showed that that  
18 chicken wasn't adulterated with chlorine. You would  
19 not believe it. I could not believe -- I said, "5.2?"

20 They said, "Yeah, they were over, 5.2" -- you know,  
21 technically, they're over.

22 So, that's when I work with them to say --  
23 because technically that's over 5, is that practical?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433



1 And in my mind, for myself, I was thinking, I'd like  
2 to be in front of a judge saying "it was 5.2, that's  
3 why we took their inspection away". So, you know, I  
4 talked about it, and what I put to them in writing was  
5 to kind of say "I can't tell you that you're wrong,  
6 but think about some things here". And so we get into  
7 some of those. And I know --

8 (Simultaneous discussion.)

9 DR. JAN: That's a real problem, too, what  
10 you're saying.

11 DR. ARRINGTON: I mean, if you push me to  
12 the wall, I'm going to tell you, yeah, 5.2 is wrong,  
13 because I can't say it's right. On the other hand, if  
14 I was the supervisor of that person in the plant, I'd  
15 say, "Well, 5.2, that's not wrong" -- I mean, it's  
16 just 2 parts -- because the real data that talked  
17 about the safety of 5 really isn't 5, there isn't  
18 really strong studies that say it is. We just say,  
19 yeah, we think it's 5 because we never did anything  
20 about that. We don't really know. But I still think  
21 we should strive to do what you said, that you get  
22 material that say you answered my question. I think  
23 it should strive to do that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. HARRIS: And I think that kind of  
2 response is appreciated from industry to kind of  
3 temper, for lack of a better term, that sometimes that  
4 is most helpful to get that kind of response back from  
5 the Tech Service Center.

6 DR. ARRINGTON: Right, because we are not in  
7 the heat of it. We don't have to walk in the next day  
8 and work with you, and the same way for the inspectors  
9 -- you know what I'm saying.

10 Have you all thought anything about  
11 correlation -- for us doing correlation, because I  
12 hear that from industry, that we do more correlation.

13 DR. HARRIS: Oh, absolutely, and I'm  
14 surprised it hasn't come up yet. I think, in general,  
15 that you guys do a very good job of giving good sound  
16 answers based on regulatory requirements. There is  
17 still that perception out there -- still the reality,  
18 to some extent or another, that you don't always --  
19 you can call and get different answers. Is that the  
20 type of correlation you're talking about?

21 DR. ARRINGTON: No, it wasn't, but that call  
22 and get different answers, I think that's --

23 DR. HARRIS: That's an ongoing --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. ARRINGTON: But I think that's where  
2 you're talking about on the customer feedback and how  
3 do we know we've giving the right answer, even adding  
4 on to every call, we'd say at the end of a call, "Did  
5 you get what you want", whereas at the end of every e-  
6 mail we say "If this doesn't answer your complete  
7 question, please let us know". That gets at also the  
8 consistency.

9 DR. HARRIS: And that's a challenge faced by  
10 any entity that's got a team of people answering  
11 questions, that's not unique to the Government or any  
12 particular branch of government --

13 MS. ESKIN: Customer service --

14 DR. HARRIS: -- and consistency from one  
15 representative to the next is a challenge.

16 DR. ARRINGTON: I guess that's what I'm  
17 hearing you say then is --

18 MS. BALDWIN: That's hard to put on a survey  
19 and ask people, though, because it could be that  
20 person spoke differently so they used different words  
21 and it sounded like a different answer. It could  
22 truly be two entirely different answers, but it could  
23 be just the way it was stated that the person

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 listening understood it as a different answer.

2 DR. HARRIS: And maybe some of these things  
3 that we're talking about will indirectly address that,  
4 things like making more Q&As available. That would  
5 contribute to enhancing the consistency.

6 DR. ARRINGTON: Right. But the correlation  
7 I was talking about is actually going out to some kind  
8 of group or team, whether it's an inspector group, an  
9 industry group, or a combination group, and will  
10 actually do things like "Today we're going to talk to  
11 you about" -- and we go through the topic. We've had  
12 lots of experience in doing pathology correlation, but  
13 you can do that with anything. And we go to District  
14 offices and give talks. We'll say "We're going to  
15 give a talk on condensation", and we'll run through  
16 things about condensation, and then we'll open it up  
17 to questions and answers. So, we could do those on any  
18 topic.

19 I've just heard a lot of the industry groups  
20 say "we want correlation", and usually in pathology we  
21 do include plant management.

22 DR. LOBSTEIN: I think it helped two years  
23 ago when specifically correlation was done nationwide

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 for HIMP plants and poultry. Even though we didn't  
2 address specific pathology issues, which I thought  
3 coming to the meeting up here was what was going to be  
4 addressed and it's not what exactly happened in the  
5 field.

6 DR. ARRINGTON: Oh, it didn't?

7 DR. LOBSTEIN: Not specific pathology, it  
8 was generalizations. John Lendle (phonetic), Gary  
9 Parker -- I can't think of the third person --

10 DR. ARRINGTON: Tom?

11 DR. LOBSTEIN: No, it was actually somebody  
12 from A&M -- maybe it was Ralph Hinckleman (phonetic) -  
13 - the three of them went around the United States to  
14 the 20 HIMP plants. And while it was beneficial to  
15 resolve some of those other issues, it didn't  
16 specifically address pathology, the No. 1 category,  
17 which I think industry-wide -- I think I probably  
18 speak industry-wide that needs to be done still. And  
19 to get one or two people to go from District to  
20 District and draw those in with industry members would  
21 be very beneficial still today.

22 DR. ARRINGTON: Well, we're supposed to have  
23 a place that if an industry asked the District Manager

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 to have correlation, then the District Manager can ask  
2 them to come out and do a correlation for us, and we  
3 have done that for turkey.

4 DR. HARRIS: Just to clarify -- there's  
5 nothing worse than sitting in a meeting with people  
6 talking in acronyms that you don't know. Do you guys  
7 know what a HIMP plant is -- HACCP Based Inspection  
8 Models Program -- not hemp as in hemp.

9 (Laughter and simultaneous discussion.)

10 DR. CARPENTER: Well, the other look is the  
11 correlation, and it sounds like conference calls.

12 DR. ARRINGTON: It's not. It's a term of  
13 art that means just what Mark says. He went out -- he  
14 just read the reg -- it says something about -- I  
15 don't know what it says -- physiological change --

16 DR. LOBSTEIN: Generalized systemic  
17 conditions.

18 DR. ARRINGTON: Yeah, that's what it says.  
19 So, in his mind, he knows what that means.

20 (Simultaneous discussion.)

21 DR. ARRINGTON: Yes, but in his mind, he  
22 knows why it doesn't. And if you ask him enough, he'd  
23 probably be able to say "the reason is" blah, blah,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1     blah. Okay. You go out to, and you've read the same  
2     Reg, and in your mind it's this. Okay. It turns out  
3     that you're both right, but you're here and he's  
4     there. You're not agreeing. Okay. I come out as the  
5     National Correlator, and because we've decided in  
6     policy what we're going to call -- you guys are like  
7     this, I get you to move to here. I say, "No, what  
8     you're calling in this case I would not call", that  
9     doesn't quite fall in that category. Or I say to him,  
10    "Boy, that is really", and by us going through it and  
11    looking at it -- we usually look at real live --  
12    they're not live samples -- real samples -- we will  
13    actually come up with afterwards that you two are  
14    closer together and you're calling it closer,  
15    therefore, you're not disagreeing. So, he's the  
16    inspector and he's the plant, and you're no longer  
17    upset because the inspectors are throwing them away.  
18    I don't mean upset, it's not a matter of being upset.  
19    It's where you're on the same playing field as all  
20    the other plants out there. So, correlation is about  
21    getting people on the same page.

22             DR. LOBSTEIN: You've just touched on it,  
23    the subjectivity over time in that interpretation

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 broadens that spectrum and --

2 DR. ARRINGTON: It's a normal human tendency  
3 to just drift. And if you don't come back and give  
4 people feedback -- and the reason we can give the  
5 feedback is we are the technical experts and that's  
6 what we do, is think about this kind of stuff. And  
7 I've done a lot of pathology correlation because that  
8 used to be my job in Washington. Usually what I found  
9 happened is it gets to the point where you couldn't  
10 communicate anymore. Often it was a communication  
11 problem, but it would also sometimes be a lack of  
12 technical knowledge that they either had forgotten  
13 what they knew, or they just never did know it. And  
14 once you would say that, they'd go, "Oh, okay, now I  
15 see", now they're communicating again and now they're  
16 back on the page. But it's just the normal drifting -  
17 - that the only way you bring it back is by having  
18 this third party -- because I don't really care if you  
19 win or you win. I really am trying to get at what's  
20 the national policy. I've heard that feedback a lot  
21 from industry, that we could have it define pathology  
22 on topics, and the plant management usually is  
23 involved if we go onsite.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433



1 DR. HARRIS: I think expanding the efforts  
2 on correlation activities will be excellent, and maybe  
3 making District -- Districts probably are very aware  
4 of that tool. I don't know how aware industry is that  
5 they might could gather together a group within a  
6 District or whatever, and request the correlation. I  
7 would love to see it on -- I mean, it's been done a  
8 lot on zero tolerance in pathology.

9 DR. ARRINGTON: Yes, we do a lot on zero  
10 tolerance. We did it in a lamb plant last year.

11 DR. HARRIS: There might be some  
12 opportunities in processing inspection, I'm not aware  
13 of any correlations going on in processing inspection.  
14 There may be, I'm not aware of it.

15 DR. ARRINGTON: No, they are more about LM  
16 sampling or things like that.

17 DR. HARRIS: So I'd like to see personally  
18 more correlation activities whenever the opportunities  
19 arise.

20 DR. ARRINGTON: Yes, but the thing I'm  
21 always hearing is -- I mean, I'm putting words in your  
22 mouth, I know -- but are you differentiating between  
23 industry initiated versus inspection initiated?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. HARRIS: I'm not really differentiating.  
2 I guess what I'm saying is that both entities need to  
3 be involved and be present whenever possible, I don't  
4 care who initiates it.

5 MS. BALDWIN: What would be wrong with  
6 having it be routine to do those?

7 DR. ARRINGTON: We're not doing them  
8 routinely. You're saying formalized.

9 MS. BALDWIN: Yes. I mean, instead of  
10 waiting until there's a problem and somebody  
11 requesting it.

12 DR. LOBSTEIN: You've read Draft 7 of HIMP,  
13 apparently.

14 DR. WENTHER: A lot of these correlations is  
15 there is sometimes documentation that is created so  
16 that when you leave, it doesn't --

17 DR. ARRINGTON: Usually what we do is we'll  
18 have some kind of correlation notes when we come, and  
19 we'll usually run through a PowerPoint or some kind of  
20 a handout, and we'll have stuff like -- we'll have  
21 something written down. And then as I'm talking about  
22 it some more, if you're a good note taker, you'll say,  
23 "Yes, she said this and she said that", and then

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 that's just your notes. And then it's reinforced with  
2 doing the actual wet lab, but usually you have some  
3 correlation notes.

4 DR. WENTHER: I look at the small meat  
5 lockers with roaming inspectors, if they get there for  
6 an inspection and then -- pictures speak louder than  
7 anything. I think of the grading cards. You stick  
8 the prime up there next to the beef card and say,  
9 "Okay, it's prime, there's your grading card", you  
10 need some kind of correlation --

11 (Simultaneous discussion.)

12 DR. HARRIS: Moving ahead, we're going to  
13 quickly run out of time here, and I just don't want us  
14 to neglect the rest of the questions here. I want to  
15 be sure we get some things on paper and we can add to  
16 them once we get them on paper.

17 Other constituent groups, we haven't talked  
18 about them at all. What are the subcommittee's  
19 thoughts on other constituent groups -- specifically  
20 States, consumers, and academia?

21 MS. ESKIN: I just had a couple I actually  
22 drafted --

23 DR. HARRIS: Good, that's what I wanted.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. ESKIN: Before I read it, I'm happy to  
2 share. States are probably very much in the same  
3 situation as the Federal -- the inspectors. You've  
4 got the regulators and the regulated, and they  
5 obviously have the closest interest in technical  
6 information that you provide. But, again, you want to  
7 make it available to any interested party -- consumer  
8 group, academia, whatever.

9 I mean, here's what I wrote initially: In  
10 order to more effectively assist these other  
11 constituent groups in their use of the Technical  
12 Service Center, the Agency should first assess whether  
13 these groups are aware of the existence of the Tech  
14 Center and, in turn, whether these other groups even  
15 know that the Technical Center is available to them  
16 and, if they do use it, who uses it -- do some sort of  
17 initial assessment for these other groups. I got the  
18 sense from our discussion earlier that industry  
19 clearly knows it's out there, obviously the inspectors  
20 do, but I wonder if other groups do.

21 And then I say, then based on that  
22 assessment, the Agency should survey these groups to  
23 determine the type of questions they would ask the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 center as well as their views on how to best publicize  
2 the availability.

3 DR. HARRIS: Let me ask you a question,  
4 though, because this is a question in my mind. I'm  
5 not sure that it is necessarily a given that the  
6 Technical Service Center should be in the business of  
7 communicating with consumers directly.

8 MS. ESKIN: Well, that's the central  
9 question.

10 DR. HARRIS: There may be a different  
11 component of the Agency that is better suited to doing  
12 that, that is more in turn with communicating with  
13 consumers.

14 DR. ARRINGTON: There's a poultry hotline.

15 MS. ESKIN: There's a consumer who wants to  
16 know what temperature to cook their turkey at, and  
17 then there's a consumer like myself who is a consumer  
18 safety advocate, and I'm filing comments or I want to  
19 respond to a directive and I do have a specific  
20 question. Again, the question is how all the  
21 establishments find out about the Tech Center? They  
22 do because it's publicized in appropriate channels.  
23 And I'm wondering if other groups that would want to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 ask technical questions know that it exists. Can they  
2 go to the Web site and see that, yes, here is a little  
3 link that says if you have a technical question,  
4 here's where you go, and that it's out there. And,  
5 again, are there ways to make it -- assuming, yes,  
6 that there are other groups besides the States, the  
7 Federal regulators and inspectors, and the companies -  
8 -

9 DR. ARRINGTON: I'm trying to think if you  
10 went to the FSIS Web site and had never been there  
11 before, you would go to that Search button, most  
12 likely, if you knew nothing about it. And if you went  
13 to that Search button, what would you ask?

14 MS. ESKIN: Again, it depends. I'm looking  
15 for the most recent version of the recall directive --

16 DR. ARRINGTON: Recall directive.

17 MS. ESKIN: And I might get to the Web page  
18 that has all the directives --

19 DR. ARRINGTON: -- a bunch of directives,  
20 but one of them would be --

21 MS. ESKIN: But I may have a specific  
22 question, and, yes, but if it's a rule, you can go  
23 back to the Federal Register Notice because there's a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 contact person or, chances are, somebody at the Agency  
2 has a fact sheet -- I mean, if you've done this at  
3 all, there are ways to figure this out.

4 DR. ARRINGTON: I think there are ways and  
5 then you'd know about the Tech Center.

6 MS. ESKIN: Would I? I can't remember the  
7 times that I've searched the Web site and remember  
8 having on the bottom "If you have a technical  
9 question, please contact -- go to this link".

10 DR. ARRINGTON: Because it's in almost every  
11 directive.

12 DR. HARRIS: To me, that might be more of --  
13 (Simultaneous discussion.)

14 DR. WENTHER: Most Web sites have like a  
15 template where they put the material in the middle. I  
16 don't know why you couldn't have a box in the section  
17 on the right or left-hand column of those Web sites  
18 that are already there at an unspecified territory for  
19 their own Web site, and always have --

20 DR. ARRINGTON: Yes, a little box. For  
21 someone that doesn't know anything about it, I'm not  
22 sure you could just --

23 DR. HARRIS: I will say this about the Web

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 site. One of the things in the new design -- and,  
2 believe me, I've been a critic -- but one thing that I  
3 do like is the little section on the side that says  
4 "I'm looking for information for constituents, for  
5 consumers, or for" -- I don't remember what the other  
6 one is.

7 MS. ESKIN: But you know what, that's one  
8 way to do it, but sometimes you have to figure out  
9 that, in fact, the question I may have may not be a  
10 consumer question because I don't want to know how  
11 many hours I have to keep something in the  
12 refrigerator.

13 DR. ARRINGTON: The Meat and Poultry Hotline  
14 does refer questions, and they'll actually answer it.

15 DR. HARRIS: And do you send people the  
16 other way?

17 DR. ARRINGTON: Yes.

18 DR. HARRIS: I mean, if you got a call from  
19 somebody that said "How long do I need to bake the  
20 turkey?"

21 DR. ARRINGTON: We'll send them to the Meat  
22 and Poultry Hotline.

23 MS. ESKIN: Again, the basic thrust in this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701



1 answer is you really can't -- the best way to  
2 determine ways to help other groups use the Center is  
3 to determine do they even know it exists, and for  
4 those that do, how do they use it, what kind of  
5 questions, and try to improve it, like we just  
6 suggested here, survey to some degree what are some of  
7 the ways you could better publicize it.

8 DR. ARRINGTON: And at the same time, is --  
9 just for example, the Meat and Poultry Hotline, though  
10 -- is that the appropriate group to talk to if you're  
11 a consumer?

12 MS. ESKIN: Depends on your question.

13 DR. ARRINGTON: Depends on your question.  
14 That's why you have to come back and say for these  
15 kinds of questions consumers need to know about  
16 because they may have a question and they are not  
17 going to really get their answers through the Meat and  
18 Poultry Hotline.

19 MS. ESKIN: You're distinguishing between an  
20 individual consumer who wants advice on their actual  
21 food handling/preparation practices as opposed to  
22 someone from a consumer group who is doing research on  
23 this policy, or academia, or something, they would

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 want to go to a more technical --

2 DR. HARRIS: They want to know what the  
3 regulations require regarding X.

4 MS. ESKIN: Especially because maybe this --  
5 it's supposed to be one of your functions as a  
6 clearinghouse to direct people, what happens is you  
7 want to avoid, as you said, making five phone calls  
8 and maybe get to the right person. If they are  
9 directed to you all immediately, it's just two phone  
10 calls, not five or six, to get to the right person.

11 DR. ARRINGTON: And anything that's  
12 technically related, it's no different for us to  
13 answer that -- I mean, that's not additional work for  
14 us to do. But if we were going to just, for example,  
15 start handling all the calls on how to cook turkey,  
16 we're going to have to do work to even have that  
17 information --

18 DR. HARRIS: I've got a quick question about  
19 how this question is phrased just in general. It says  
20 "other constituent groups including". I've always  
21 sort of been of the impression that the Agency  
22 considered constituent groups really to be primarily  
23 the regulators and the regulated. If you received a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 constituent update, that's who the target audience  
2 would appear to be, are those two groups.

3 DR. ARRINGTON: The regulated and the  
4 regulators.

5 MS. ESKIN: More broadly, stakeholders.

6 DR. HARRIS: I mean, I'm just thinking the  
7 Agency has a publication called Constituent Alert.

8 DR. ARRINGTON: If the question was just  
9 sort of thrown out and we say "other" just in case  
10 there is some kind of other, or whether it was more  
11 specifically tell us what the other is, I don't really  
12 know.

13 (Simultaneous discussion.)

14 DR. WENTHER: I don't know if the Technical  
15 Center is prepared for this because if you put that  
16 stuff out available for the general public to call up,  
17 the influx of calls is going to go up there and you're  
18 going to lose the people that actually need to know,  
19 the regulated or the regulators.

20 DR. ARRINGTON: Yes. That's why I say you  
21 want the Meat and Poultry Hotline, we don't want to  
22 answer how to do preparation --

23 DR. HARRIS: How do we differentiate, that's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 my question.

2 MS. ESKIN: If you go to the Web site now --  
3 again, it depends on which thing you choose to click  
4 on. If you ever ask for just general information, my  
5 recollection is it always sends you to the Meat and  
6 Poultry Hotline, and that's not a policy related  
7 issue. I mean, for someone like myself, either -- I  
8 happen to have a key contact list so I sort of figured  
9 out perhaps subject matter, or I start at the  
10 Administrator's office and I work down.

11 DR. HARRIS: Do it under organizational --

12 DR. ARRINGTON: That's more a technical  
13 policy --

14 MS. ESKIN: A distinction needs to be  
15 clearly made between questions related to food  
16 handling and preparation, and questions related to  
17 Agency policy, and other technical information.

18 DR. ARRINGTON: And then put that on the Web  
19 site so it comes up and everybody can see it, so then  
20 you would leave it to the person to say "is this a  
21 policy question or" --

22 MS. ESKIN: So the key would be to work with  
23 the Web site -- I mean, there are consumer materials,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 consumer education materials that are put out, and I  
2 think all of them that go to food handling and  
3 preparation -- so you wouldn't necessarily want to  
4 refer people to the Technical Center under that  
5 scenario.

6 DR. ARRINGTON: No, that would be additional  
7 work that would take away from --

8 MS. ESKIN: And you don't want to do that.

9 DR. HARRIS: And somehow you've got to  
10 differentiate what that person is after, are they  
11 really after a policy question or are they after the  
12 basic food handling question.

13 DR. ARRINGTON: Right, either they have to  
14 do it -- it's best if they do it and do it accurately.

15 So, if you word it, that would help them.

16 MS. BALDWIN: We need to clarify that on the  
17 Web site because any dissatisfaction I've heard about  
18 the Tech Center, it has been from someone who thought  
19 that they were going to resolve the dispute with an  
20 inspector, so maybe that appeals policy you were  
21 referring to, maybe if you have that on there, if  
22 that's what you're calling about or contacting about,  
23 that you should do this.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. ARRINGTON: You need to talk to your  
2 District --

3 MS. ESKIN: Some sort of boilerplate, we're  
4 there to provide you assistance. If you have a  
5 specific dispute, that is handled by --

6 DR. ARRINGTON: Yes, because when I think  
7 all of us that have been there -- I think everybody  
8 knows this -- but word it forever --

9 MS. ESKIN: But this is the first time this  
10 person calls it, they have no clue --

11 DR. ARRINGTON: I know, it's just our own --  
12 we're too much into it.

13 MS. BALDWIN: We get calls -- because I'm at  
14 the Maryland Department of Agriculture, and sometimes  
15 we'll get people within our State calling us, "Can you  
16 help me with this, I don't know what to do, I'm so  
17 uptight about this, I think they're wrong" --

18 DR. ARRINGTON: Oh, you mean about the  
19 Federal inspection.

20 MS. BALDWIN: Yes, and I wasn't aware of  
21 that appeal process.

22 DR. ARRINGTON: It's in the regs, you have  
23 the right to appeal if you're a federally inspected

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 establishment.

2 DR. HARRIS: You don't have to remind them  
3 of that, they know.

4 DR. ARRINGTON: They do. They're just  
5 trying to --

6 (Simultaneous discussion.)

7 DR. ARRINGTON: It's all in how you appeal.

8 DR. HARRIS: They learn. They learn what to  
9 appeal and what not to appeal.

10 DR. ARRINGTON: We do have a policy now at  
11 the Tech Center that if we think something is offbase  
12 by an inspector, particularly if they say to us, "I'm  
13 going to do this anyway", or "my supervisor said I've  
14 got to do it this way and you're telling me it's  
15 another way", then we do go to the District and say,  
16 "For your information, this is what we heard on the  
17 call and just want to let you know" --

18 DR. HARRIS: That's interesting. I suspect  
19 that comes up regularly, if not frequently.

20 DR. ARRINGTON: Yes. And I think it used to  
21 come up even more about "Well, my District says to do  
22 this".

23 DR. LOBSTEIN: Any one District in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 particular?

2 (Laughter.)

3 DR. ARRINGTON: No.

4 DR. HARRIS: Let's don't go there.

5 DR. ARRINGTON: It depends on the topic.  
6 It's poultry, it's --

7 DR. WENTHER: This may be monotonous, but  
8 we've talked about data all day today, and instead of  
9 coming back in four years after this Administration,  
10 should the data be started to be collected on who uses  
11 the Tech Center, just basics -- we have plants, we  
12 have inspectors, we have consumers -- I mean, just  
13 simple notes so that these people answering the phone  
14 calls can say "I got this many phone calls today and  
15 out of these 20, here's how it broke down", so we have  
16 that gauge to come back in four years and say this is  
17 why the Tech Center is important, so we don't have to  
18 revisit this issue.

19 DR. ARRINGTON: Right.

20 DR. HARRIS: Maybe that is, again, one of  
21 the recommendations under how do we make it better, is  
22 to begin to develop some sort of a picture of who are  
23 the callers.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433



1 MS. ESKIN: It's both who and what they're  
2 asking.

3 DR. HARRIS: Exactly.

4 MS. ESKIN: Maybe a technical question, a  
5 policy question.

6 DR. ARRINGTON: Okay, so otherwise it would  
7 be interpreted how many calls on zero tolerance do we  
8 have --

9 (Simultaneous discussion.)

10 DR. HARRIS: I don't think you'd want to  
11 keep that level of detail, I certainly wouldn't think,  
12 but it might be useful to think how many questions are  
13 about HACCP, how many are about SSOPs, how many are  
14 about humane handling -- or maybe that's too specific  
15 even.

16 DR. ARRINGTON: I think that's too specific.  
17 I think that that needs to be done on some interval,  
18 those specifics. I think it particularly needs to be  
19 done on new initiatives so that you can see how the  
20 volume of calls increases with the new initiative.

21 DR. HARRIS: The last question down there --  
22 we never really talked much about it, but in my mind  
23 it's real similar to the second part of the first

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 question -- in what new or enhanced ways can FSIS use  
2 the Technical Service Center? I guess that's almost  
3 more asking what could the Tech Center be doing now  
4 that it's not currently doing whereas I guess the  
5 first one was more how could they do what they're  
6 doing better. Any input on that?

7 DR. CARPENTER: What are the resources that  
8 are unique to the Tech Center that do not exist  
9 anyplace else in FSIS?

10 DR. ARRINGTON: Well, in my opinion, what is  
11 unique about the Tech Center from the rest of the  
12 Agency is that we have a critical mass of staff  
13 officers -- and I mean we have a large enough number  
14 that we can do many different things at once. Any  
15 given week, I've got somebody out doing -- and I have  
16 several people out on the road, either for their own  
17 training or speaking at a District office, or going to  
18 a seminar type meeting or an interagency meeting, then  
19 inhouse I will have people working on the Tech Center  
20 account, answering telephone calls, developing  
21 directives and notice meaning that they are giving  
22 comment, or looking up information for the background  
23 for a paper -- for example, Headquarters was writing a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 paper to replace -- the public health paper on animal  
2 disease that was written this last year, several  
3 people on my staff worked parts of that paper, and  
4 that meant they were getting journal articles and  
5 books and they were taking information from that and  
6 writing it up, to going out taking pictures to be used  
7 for -- like, we went out and took pictures of the  
8 teeth so we could put them up on the Web site, went  
9 out and took some more tonsil pictures recently. We  
10 went out and collected heads to practice taking -- we  
11 have Residue Standing Committee for the residue --  
12 that's something no one said -- we run the whole  
13 residue program for the United States, as far as the  
14 operation site, so that includes keeping a database of  
15 all the residue violators and working up a case for  
16 each one of those, and writing letters of violation to  
17 violators, and then sharing that with FDA, and then  
18 FDA comes back to us to add to our case -- it's the  
19 whole residue program is run out of the Tech Center.

20 DR. CARPENTER: By residue, you mean like  
21 antibiotics?

22 DR. ARRINGTON: Yes, antibiotics mostly, and  
23 any other drugs or pesticides -- I mean, it's a huge

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 deal. Every day we take the samples that go into the  
2 labs, and they run what the residue lab does, and it's  
3 fax'd to us and we make disposition of this market  
4 that's based on what the residue level is, and then we  
5 talk to the IIC, and they decide what to do with them.

6 But every day we have to have one or two staff  
7 officers that does residue. We have one that will do  
8 exports, because we do export specifically. Anyway,  
9 to come back to it, I think it's a critical mass of  
10 people that know the field as well as knowing the  
11 regulations and the policies very well. And they are  
12 a combination of being scientific and practical, and  
13 there's a critical mass. There's a large enough  
14 number -- we have two or three people that have spent  
15 each about 20 weeks this past year out on the road  
16 teaching FRSE, which is the training program for the  
17 food inspectors that we said we'd have every food  
18 inspector trained. You've heard that in some meeting  
19 somewhere. That typically is a three-week course.  
20 We've had three people that they've each spent between  
21 20 and 26 weeks out on the road. They are not working  
22 at my place, but we have enough people that we can  
23 shift the work around. It's not unusual to start a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 project with one person, they've got to go do  
2 something else, we take them off that, we put somebody  
3 else in their place. It's hopping. Plus if somebody  
4 sends in something, we want to know if it's validation  
5 looks good, or we've got a contamination incident,  
6 we've got lubricant oil that's spilled into a chiller,  
7 or we've got rinse water that's dripped into the  
8 chiller, or we're in Texas and it rained a lot and now  
9 we have roof water dripping on beef carcasses. Well,  
10 nobody had ever seen that one before. And those kinds  
11 are like ASAP address this, it's not like, okay, put  
12 it in the file and next week we'll get to it.

13 DR. LOBSTEIN: Those are still technical  
14 resources that deal with the most ambiguous queries  
15 that we see?

16 DR. ARRINGTON: Right, they need to go to  
17 somebody above the level of the plant and the District  
18 office. It would be us or it would be somebody in  
19 Headquarters. And we often will consult with  
20 Headquarters, or liaison with -- if we really think  
21 this is a big micro and we need a microbiologist  
22 opinion, then we'll contact to locate a microbiologist  
23 that then will -- we never really meet together, we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 meet by phone all the time, but we'll have some calls  
2 and we'll say, "What do you think about this", and  
3 discuss it, and then we might go back to the District,  
4 and the science side will say the science of this, and  
5 we'll say, "yeah, and from a regulatory perspective it  
6 would support if we did this regulatory action", and  
7 then finally the District Manager will say, "Okay, I  
8 agree, I'm going to take this regulatory action". And  
9 that's when we're all working together as a group.

10 So we have people that have Ph.D.s, not very  
11 many of those, but we have a lot of food technologists  
12 and we have a lot of DCMs. And most of the people  
13 that come to the Tech Center are the people that are  
14 pretty talented, people who pretty much want to move  
15 ahead, and they like to be an expert, and that's part  
16 of the reason they come there because they become an  
17 expert, and we really see a difference -- we'll have  
18 somebody come from a District, and at first they are  
19 still doing what the District said, and will over  
20 time, over about three months time -- we actually have  
21 a learning curve here, and they'll answer e-notes,  
22 we'll say, no, don't answer them that way, that's what  
23 you do in the District. You are now national, you've

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 got to look at this from a national perspective.  
2 We've got four or five now that are just exceptional,  
3 fast, smart, can write, handle themselves.

4 DR. WENTHER: You call them experts, and  
5 oftentimes they send them to my office because they  
6 need a process of authority to look at all their data.

7 Now, when you qualify them as experts, shouldn't  
8 their opinion override most -- I mean --

9 DR. ARRINGTON: Not the process authorities,  
10 process authorities are real authorities.

11 DR. WENTHER: What's the definition of a  
12 process authority that would really truly define --  
13 anybody that's got a Ph.D., they're a process  
14 authority even though they've never been in a plant is  
15 a debatable issue. But if you call them an expert, I  
16 would say they are an expert on the issues of BSE, so  
17 if they said this is the way it is and they printed  
18 out an e-mail, shouldn't that be gospel as this is  
19 what the Tech Center says, so he's an expert? No.  
20 Here it is. Issue closed. But it never seems to be  
21 because that's where I ask the question who has  
22 authority, who is right, who is --

23 DR. ARRINGTON: Yes, we understand. It

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 comes back to the part about we can't instruct them.  
2 All we can say is, as the national policy  
3 disseminators, here is the national policy.

4 DR. WENTHER: That there is no policy.

5 DR. ARRINGTON: If there is no policy, we  
6 either should go get policy or we should say this is  
7 what we know about the policy.

8 (Simultaneous discussion.)

9 DR. CARPENTER: So you're in a situation --  
10 to answer this question 4, about all the individuals  
11 within the Agency to deal with, that there are ways  
12 that you can help them further that are not being  
13 tapped into now -- the question says new enhanced ways  
14 to exercise -- I mean, you talked about technical  
15 consultations and -- what all --

16 DR. ARRINGTON: I think correlation is  
17 enhancing the Q&A thing you were talking about, saying  
18 go ahead and get more of those, collect more Q&As and  
19 get them published. Maybe on every new initiative  
20 there should come some Q&As out of it, and some  
21 initiatives going to be this long, some initiatives  
22 are going to be this long.

23 DR. CARPENTER: Is there something the TSC

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701



1 can do that it is not doing now.

2 DR. ARRINGTON: Is there something?

3 DR. CARPENTER: Is there something that you  
4 would recommend that could be done that is not being  
5 done right now for Q&A formally?

6 (Simultaneous discussion.)

7 DR. HARRIS: The Chair will exercise its  
8 duty. Those of you who are composing answers,  
9 obviously Sandra is typing her answer in, so she's  
10 pretty good to go. How about the others, have you got  
11 yours ready to go, David?

12 DR. CARPENTER: Well, I was just getting  
13 input --

14 DR. ARRINGTON: He asked about what is new.  
15 There also is out at the Technical Service Center,  
16 the whole staff, the review staff, the appeal staff is  
17 there. There are also four OPH -- they are  
18 epidemiologists --

19 (Simultaneous discussion.)

20 DR. ARRINGTON: They are epidemiologists  
21 that investigate food-borne outbreaks for FSIS. They  
22 were recently centralized to -- those people are  
23 there. WE are on the same floor and the floor below

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 us. That would be something that would be enhanced or  
2 new, if there's any way that we can cooperate or share  
3 or anything like that. He's asking whether I knew of  
4 anything --

5 DR. CARPENTER: The question is what  
6 enhancements can FSIS use --

7 DR. ARRINGTON: I didn't know if he knew  
8 those people were out there. We used to have FSIS  
9 meetings, technical meetings on different topics, and  
10 a lot of times we would do that with industry, and  
11 sometimes it would just be our meeting.

12 DR. HARRIS: Hosting technical conferences,  
13 I absolutely think that's appropriate. Let's don't  
14 concern ourselves too much, we can throw out any sort  
15 of possibility if we think it's a legitimate thing.  
16 We can always ask them to become a dispute resolution  
17 center.

18 DR. ARRINGTON: You can ask.

19 (Laughter and simultaneous discussion.)

20 DR. ARRINGTON: I also have wondered with  
21 being in policy, whether we are more able to say what  
22 policy is. I think you were touching on that before  
23 about the authority thing, and that would be more of a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 re-education. Yes, the District Managers do make  
2 regulatory decisions, they ultimately are responsible.

3 At the same time, when we were Field Operations, we  
4 really were separate from that chain of command. As  
5 policy, though, it should be articulated -- maybe  
6 that's it -- it should be articulated more strongly  
7 that now being part policy, we know the policy, and  
8 not so much that we instruct them, but, yes, they know  
9 the policy, and therefore -- that's on us to be  
10 accurate.

11 DR. HARRIS: I tried to touch on that a  
12 little bit during my questions earlier in the general  
13 session. Since you are now a component of policy,  
14 obviously no directive, no notice, nothing comes out  
15 of the Agency that's policy that doesn't come out of  
16 Policy Office.

17 DR. ARRINGTON: Right.

18 DR. HARRIS: I think it's inexcusable that  
19 you guys should ever be surprised when a notice comes  
20 out and people start calling you. If you're part of  
21 the Office of Policy, you should know before it hits  
22 the street -- and I think in most cases, you do.

23 DR. ARRINGTON: We do in most cases, but

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 there are times --

2 DR. HARRIS: There are times, and to me,  
3 that should never happen. You should never be  
4 subjected to getting phone calls and questions about  
5 policy that you haven't already been made pretty darn  
6 aware of what the Agency's position is, and maybe  
7 that's an area -- I don't know if we address that in  
8 new ways or in how to improve, but I just think that's  
9 terrible that you guys would have to get a call from  
10 somebody like me that says, okay, what's going on, I  
11 just got a copy of this notice over the Internet, and  
12 you go, well, we don't really know yet, we'll have to  
13 get back to you. The Agency should have it's act  
14 together before it issues policy.

15 DR. ARRINGTON: Yes, we should.

16 (Simultaneous discussion.)

17 DR. ARRINGTON: I can tell you entirely at  
18 the Tech Center we have it all come to one person, and  
19 that needs to be changed because really what we should  
20 do is -- when it's published, it should go to every  
21 Tech Center employee because there are some number of  
22 them that are there at 6:00 a.m., and the ones that  
23 are there at 6:00 a.m. are always checking their e-

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 mail first thing, and that could be fixed --

2 DR. HARRIS: It should go to every Tech  
3 Center employee the day before it gets published, or  
4 something, so that the Tech Center should have access  
5 to a policy before the rest of us.

6 DR. ARRINGTON: It should at least go out  
7 the same time as that e-mail, and the way we're doing  
8 it right now, we're having it come to one person who  
9 then distributes it.

10 DR. HARRIS: Well, we need to address that  
11 as a recommendation as well because --

12 DR. ARRINGTON: Well, it's not only if  
13 they're off that day, it's what time they get in, and  
14 it's just the whole deal.

15 DR. JAN: They need to know ahead because  
16 there may be questions somebody has to make a decision  
17 on.

18 DR. HARRIS: I think you should most of the  
19 time have the opportunity for input.

20 DR. ARRINGTON: We do. A lot of times, we  
21 don't always know what's going to publish. I know on  
22 the tonsil notice because we were putting on our Web  
23 site the pictures of the tongues and the tonsils, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 I was involved in that notice myself because it was a  
2 high priority thing, and we actually had e-mail  
3 correspondence, and I actually got a call that said we  
4 can post it tonight or tomorrow morning. I said just  
5 to be safe, post it tomorrow morning. We'll post our  
6 pictures this afternoon, and then that way as soon as  
7 somebody gets it in the morning and they go to our Web  
8 site, the pictures will be there because I knew there  
9 would be glitches about getting those pictures -- but  
10 we can do that.

11 DR. HARRIS: Well, what killed us on that  
12 one was the memo went out before the notice did, and  
13 we all got the memo, as did the inspectors, and so  
14 plants started getting asked about that by their  
15 inspector, then they called me and said what's the  
16 deal on these tonsils. I called you guys and you're  
17 like, there's supposed to be a notice coming out,  
18 we'll have to get back to you when the notice comes  
19 out.

20 DR. ARRINGTON: That's what we were told.  
21 And there was a notice, and it was pretty quick.  
22 Well, from the time we actually wrote it, it was 24  
23 hours, but I think the thought process was three or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 four days before that.

2 DR. WENTHER: Remember when it hit the Tech  
3 Center, the wheels kind of fell off the wagon right  
4 then, but then you guys recuperated and -- it seemed  
5 like you separated out who was going to get the phone  
6 calls, so it was limited as far as different answers  
7 or consistency. That doesn't happen on a regular  
8 basis.

9 DR. ARRINGTON: We try to -- on anything  
10 that we think there's going to be a lot of question,  
11 particularly if we think the policy is going to  
12 evolve. We knew with BSE it was going to evolve, we  
13 knew it was day-by-day. We'll say these many people  
14 answer the questions until we can correlate with  
15 everybody. Perhaps it's something we should do more  
16 regularly on more issues.

17 DR. HARRIS: Where we're headed is we're  
18 trying to get the draft answers all typed in, and then  
19 what I want to do is read them one at a time for  
20 everybody, and then we'll talk about tweaking. So  
21 that's what we're about right now. We're scheduled to  
22 be done at 5:30, and I hate meetings that run late, so  
23 we're going to try to get done by 5:30.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 DR. LOBSTEIN: For Dr. Carpenter, he's got  
2 new and enhanced opportunities, just a point you might  
3 want to put in, or at least from the industry  
4 standpoint, an enhanced method, if the Tech Center has  
5 scheduled correlations -- I don't care, red meat,  
6 poultry -- regionalized them and did it on a regular  
7 basis to allow not every PHV -- not every public  
8 health veterinarian is going to have the opportunity  
9 to go to each one -- obviously, they can't all go at  
10 once -- but I think if it's scheduled, at least  
11 speaking from one industry side, if it's scheduled, I  
12 can assure you there will be representatives from  
13 industry there, and I would think and hope that the  
14 Agency got as many public health veterinarians as  
15 could warrant during the time frame to attend each one  
16 as well. So, if both are done on a regular basis, red  
17 meat and poultry, I think that would be a great  
18 opportunity. Of course, it involves travel for your  
19 folks.

20 DR. ARRINGTON: What do you want to do it,  
21 about on a quarterly interval, have one per quarter?

22 DR. LOBSTEIN: Whatever would fit in your  
23 schedule. Again, I think if you held them, I think

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433



1 you would get participation, as was evidenced in the  
2 FSRE training put on a couple weeks ago, not very much  
3 publicity, and 125 people came, and if they had gotten  
4 a little more publicity, I think they would have been  
5 overwhelmed.

6 (Simultaneous discussion.)

7 DR. HARRIS: Innovative ways for conducting  
8 correlation may be very valuable.

9 DR. ARRINGTON: Maybe that's what we need do  
10 because --

11 MS. ESKIN: That's a good idea.

12 DR. WENTHER: Right now they're going  
13 through a learning process through the Webcast, and  
14 make sure you guys don't set it off on the basement  
15 floor --

16 (Simultaneous discussion.)

17 DR. ARRINGTON: Yes, something like that.  
18 The problem with conference calls -- it just helps if  
19 you can see it -- if you can be interactive, that's  
20 really -- when you go to a correlation, that's what  
21 you get out of it, it's that interaction.

22 MS. ESKIN: Going out to smaller areas,  
23 small plants, whatever, are you going to have a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 facility close enough by they could conveniently --

2 DR. WENTHER: You could do this at a Tech  
3 Center.

4 MS. ESKIN: If it's close enough.

5 DR. ARRINGTON: Some we could.

6 DR. WENTHER: Go to a university lab and  
7 really do it there.

8 DR. ARRINGTON: I think Lincoln is the  
9 closest we could go to.

10 DR. HARRIS: The technology to conduct  
11 Webcasts is really advancing quickly, and it's not  
12 nearly as complicated as it used to be, and doesn't  
13 require nearly the resources that it used to.

14 DR. ARRINGTON: The Agency reorganized all  
15 the IT under one -- they're all together, they're not  
16 by program areas, and so we have four people at the  
17 Tech Center that are IT people, and Cliff is their  
18 boss. I was usually asked today how things were  
19 going, and those people are doing great. And they're  
20 very innovative, two of them are really sharp.

21 DR. WENTHER: I don't want to take away from  
22 their jobs, but right now they're outside contracting  
23 to a company that sets it all up, and they're very

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 helpful.

2 DR. ARRINGTON: Well, maybe out there they  
3 could do it because they're not as busy as the ones in  
4 here -- not to say they're not working out there, they  
5 are, but it's just different being in Omaha versus  
6 D.C.

7 (Simultaneous discussion.)

8 DR. HARRIS: Some things it's going to work  
9 better for than others, and pathology I wouldn't think  
10 would work real well because you need to almost be  
11 able to see and feel, almost literally touch.

12 DR. ARRINGTON: I'm glad you guys are  
13 typing.

14 MS. BALDWIN: I can't read my handwriting  
15 anymore.

16 DR. HARRIS: That's why I passed around the  
17 computer.

18 (Simultaneous discussion.)

19 DR. HARRIS: Isabel, I know that we have a  
20 lot of constructive criticism and everything, but  
21 while we're talking here, I will say that I think most  
22 people I talk to think the Tech Center is one of the  
23 best things the Agency has ever done. Everything has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 its flaws, but overall it has been a very valuable  
2 tool, I believe, and most of the people I talk to tell  
3 me that.

4 (Simultaneous discussion.)

5 DR. HARRIS: Okay, we stand adjourned.

6 (Whereupon, at 6:02 p.m., the meeting was  
7 adjourned.)  
8  
9  
10  
11

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433