AMERICAN ASSOCIATION OF MEAT PROCESSORS

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Room 102 Cotton Annex
300 12th Street SW
Washington, DC 20250-3700

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Bernard F. Shire

RE: Notice of Public Meeting: Revised Action Plan for the Control of *Listeria monocytogenes* for the Prevention of the Foodborne Illness Listeriosis

The **American Association of Meat Processors (AAMP)** is pleased to provide the following comments concerning the **U.S. Department of Agriculture's Revised Action Plan for the Control of *Listeria monocytogenes (Lm)***. This plan was discussed at an FSIS public meeting on May 15, 2000. AAMP participated in the meeting.

AAMP is an international trade association representing the interests of meat and poultry processors, slaughterers, wholesalers, retailers, caterers, and home food service companies, as well as suppliers and consultants to the meat industry. Most of AAMP's members are small, very small and medium-sized establishments.

Our Association and seven other trade associations prepared a White Paper, ***Industry Position on Control of Listeria monocytogenes (Lm), with Emphasis on Meat and Poultry Products***, that was presented at the May 15 public meeting on the FSIS Revised Action Plan. That position paper is part of the official record of the meeting, and should be considered part of our comments on this matter. AAMP's comments mentioned in this letter are preliminary, we'll have additional comments later.

Industry Taking Sufficient Precautions To Stop Listeria

AAMP is concerned about the continuous finding of *Listeria monocytogenes (Lm)* in ready-to-eat meat and poultry products by FSIS, under the Agency's routine sampling plan. Unfortunately, the Agency seems bent on conveying the idea to the public that this is due to a failure on the part of the industry to take sufficient precautions to prevent *Lm* in plants and in products.

At the May 15 meeting, AAMP and the other members of the industry coalition presented the results of a survey showing that more than 90 percent of processed meat and poultry plants use microbiological tests to help verify control of *Lm*. These tests

are in addition to the almost 7,500 tests performed on processed meat and poultry products every year by the federal government. Of course, this doesn't even count the tests being performed in state-inspected plants by state governments. The survey also showed that a high percentage of small plants do *Listeria* testing. The industry survey took place at the same time that very small plants were in the throes of starting their HACCP plans, presumably that hurt the response from that area.

Interestingly, the government data shows that *Lm* has actually declined in ready-to-eat meat and poultry products. This proves that both industry and government have been taking the correct steps to address the problem.

Part of the problem is that there are certain realities about this pathogen that USDA is either unable or unwilling to deal with or recognize. *Listeria* likes a cold environment, so colder is not always better. There's also the "non-compete" factor. *Lm* also likes being the only pathogen in town. With little competition from other bugs, due to various reasons and practices, *Lm* has the territory to itself.

The level of detection has gone from a few parts of *Lm* per million, to a few parts of *Lm* per billion. Unfortunately, USDA is still enforcing a "zero tolerance" policy. When you stack that against the several-in-a-billion detection level, that means the Agency's "zero tolerance" level is unjustly punitive against meat and poultry plants for an organism that always present in the environment. Inspectors can bring *Listeria monocytogenes* into the plant with them when they show up for work. The fact that this organism is always there, makes it so much harder to eliminate.

The zero tolerance policy that USDA enforces toward *Listeria* is unique in the Western world. The other developed countries, including Canada and much of Europe, Australia and New Zealand, don't enforce such a policy. Does USDA hold imported products to the same standard as domestic products?

Sanitation Is Key To Stopping Listeria

We also have to note that while testing can be helpful to a degree, testing itself does not kill *Listeria*. Improved technology and careful processing does that. Such things as proper cooking and cooling of ready-to-eat products, strict employee hygiene, careful equipment design, and most of all, scrupulous sanitation, are the ways to kill *Listeria*. That's how industry has been killing this bug for years and years. We question the use of HACCP Critical Control Points as part of this process.

In the ***Federal Register*** notice announcing the May 15 meeting, FSIS acknowledges itself that "*Listeria monocytogenes (Lm)* is found in soil and water, and can contaminate a variety of raw foods, such as uncooked meat and vegetables, as well as foods that

become contaminated after processing, such as soft cheeses and cold cuts, salads and spreads." FSIS might have added that it is widespread through the general environment, and that it strikes only .0009 percent of the population each year, and that consumers have a responsibility of taking care how they handle and prepare their foods. New technologies, such as product pasteurization after packaging, use of ingredients to check growth, or packaging that will do the same, will help, as well.

During the meeting, it was pointed out that there are more recalls for *Lm* among small and very small plants than there used to be. The fact is, the vast percentage of recalled products for *Listeria* come from overwhelmingly large plants, the giants of the industry. In its quest to protect the public from *Listeria*, FSIS has actually made it more difficult for small and very small plants to control the pathogen.

Expanding The Testing Window Hurts Small Plants

By expanding the window of product to be tested from a couple of hours, to a "cleanup-to-cleanup" in plants, it is much harder for small and very small plants to isolate product for testing. In a plant making a few products in great quantities, a line can be shut down. In a small or very small plant, the whole plant is put out of business as a result of the extensive government testing window. This makes it very difficult for the small industry. At the May 15 meeting, FSIS Administrator Thomas J. Billy acknowledged the problem this poses for plants.

Holding Product Is A Problem For Small Plants

FSIS has also pointed out that some plants, particularly very small ones, don't hold product while it is being sampled by the Agency. AAMP acknowledges that this is a very serious problem, and has been urging its members and other small and very small plants to hold product undergoing sampling. Because of the long wait for test results, and the government testing window, it can be difficult for very small plants making product "on demand" to hold it. On the other hand, plants take great risks in letting the product out the door. It is one thing to stop product from being shipped if a "positive" is found, but quite another to deal with the publicity, trying to retrieve the product and other concerns if a problem is found and the product's out the door. We are looking for ways to help plants that are caught in the middle.

Just recently, AAMP and seven other trade groups sent a letter to the FSIS Administrator, noting that these groups had prepared an excellent working tool to help establishments prevent *Lm*, called ***Guidelines for Good Manufacturing Practices (GMPs), Standard Operating Procedures (SOPs), and Environmental Sampling and Testing Recommendations (ESTRs) for Ready-to-Eat (RTE) Products***. These

"Guidelines" were prepared by plant operators from the participating trade associations, and top scientists, including microbiologists. AAMP and the other trade associations involved have publicized these "Guidelines" extensively. They appear on our website, and we offer them through our bulletins.

AAMP and the other trade groups have asked FSIS to publicize the availability of these "Guidelines" through its own channels, since plants do not have to belong to an association, but have contact with meat inspectors by law. We are hopeful that increasing use of these "Guidelines" will help to solve the problem with *Listeria*.

AAMP's Educational Plans

AAMP is preparing to offer a pre-convention workshop on "Process Validation for Small and Very Small Plants" at the **American Convention of Meat Processors** in Lancaster, PA in early August. We are also studying the possibility of offering a national workshop on *Listeria* control and management during the fall.

During the public meeting, FSIS Administrator Billy and other Agency officials indicated they are looking for ways to help small industry eliminate the risk of *Lm* in meat and poultry products. AAMP welcomes such an initiative from the Agency. AAMP would be happy to join the Agency in helping to provide training and guidance. We note that when FSIS began its two-day "technical assistance" programs to help small and very small plants get ready for HACCP, the first series of those government programs were actually held in the AAMP office in Elizabethtown, PA. We have a long tradition of working with the Agency on joint efforts to make food safe, and this is another area in which we can work together for the betterment of plant operators and consumers.

We are concerned about a proposal that would reduce government testing in plants that do their own routine testing, and focus all government testing efforts in small and very small plants. For one thing, quite a number of small plants do testing on their own, or companion sampling with FSIS sampling. We are concerned that small and very small plants are going to be painted with a broad brush, when the reality is that most of the problems have taken place in plants that are household names across the U.S.

Testing Can't Solve *Listeria* Problem

Finally, a word about some of the recommendations in the action plan, and from the **National Advisory Committee on Meat and Poultry Inspection (NACMPI)**. AAMP supports the use of environmental monitoring for indicator organisms like Listeria spp. But requiring it, or requiring final product testing, as recommended by the Committee on May 16 - 17, may discourage, rather encourage good testing programs.

We still have great concerns about USDA testing programs in general, and sampling for *Listeria* in particular. There are too many cases of USDA sampling "finding" positives, while parallel testing by meat establishment private laboratories finds nothing. If the Agency's testing programs are suspect, what value are they? And how does that help the cause of food safety?

You may end up with good plant compliance with the regulation being considered, but less than satisfactory control of *Listeria*. We think USDA's priority, like industry's, should be to control the organism, not see how many regulations it can crank out.

The USDA proposal to set up a performance standard on sanitation for *Listeria* would simply "pile on the regulatory pressure," without any benefit. Plants already are doing Sanitation SSOP's. Either they're doing them, or they're not. Creating another bureaucratic hoop to jump through will not improve SSOP implementation or performance, and will take away time from trying sanitation top-notch.

Performance Standards May Not Be The Answer

The Agency has started down what it describes as a long path to making performance standards a major part of what plants will have to do in order to comply with rules and regulations. There may be a role for performance standards in the USDA regulatory scheme. But by "piling them on," as we mentioned above, by designing and implementing new regulations constantly, the Agency is creating a maze of requirements that many plants, especially smaller ones, will find difficult to meet.

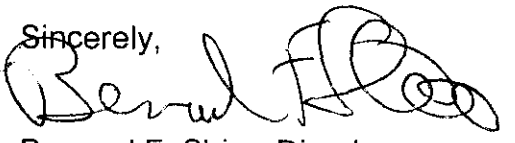
In addition, we are not convinced that these performance regulations in general, and this one in particular, a sanitation performance standard, would accomplish anything. It would give inspectors more "tasks" to carry out, and plant operators more meaningless tasks to perform. These tasks would take away from plants' efforts to make their products safe, as well as the time to run their businesses successfully.

AAMP has great concerns about the regulatory direction that USDA-FSIS is heading. It is a road full of rules and regulations that are not based on scientific principles or needs, but only regulations for their own sake. We and others think that federal regulatory agencies need to make a better case for their rulemaking proposals than they've been doing. Do these rules really have any impact on public health? Or, are they enacted to satisfy political interests?

We think it is very important for the industry and the Agency to work together to solve the problem, rather than create yet another adversarial setting that will allow FSIS to "blame" the industry for *Listeria*, wherever it may appear.

AAMP appreciates the opportunity to comment on this action plan and issue. We'd like to comment further as the Agency moves into rulemaking.

Sincerely,



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Legislative & Regulatory Affairs

cc: Randy A. Alewel, AAMP President
Thomas J. Billy, FSIS Administrator