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Joan Claybrook, President

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Wenonah Hauter

FSIS Docket Room
Food Safety and Inspection Service
U.S. Department of Agriculture
Room 102, Cotton Annex Building
300 12th Street, S.W.
Washington, DC 20250-3700

**RE: Compliance with the HACCP Regulations, *E. coli* 0157:H7
Contamination of Beef Products
Docket No. 00-22N, 67 Fed. Reg. 62,325 (October 7, 2002)**

Public Citizen, a non-profit consumer organization with some 150,000 members, welcomes this opportunity to comment on the recent efforts by the Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture to strengthen its policies relating to the inspection of raw beef products and the prevalence of *Escherichia coli* (*E. coli*) 0157:H7.

While we applaud the agency's recognition of the magnitude of *E. coli* contamination in raw beef products, we do not believe that your proposed efforts go far enough.

First, we find that there are fundamental flaws in the manner the HACCP regulation is being administered. There is too much reliance on industry self-regulation that is rendering government inspection meaningless. We believe that it is government's role to select the critical control points in slaughter and grinding operations – not industry's. Consequently, we would urge that FSIS initiate action to transfer that responsibility to its employees.

Second, we believe that all testing be conducted by FSIS and its personnel. The reluctance of ConAgra to turn over the results of its testing to the Centers for Disease Control after a recall had already been initiated clearly shows that some in industry

cannot be trusted to reveal voluntarily positive test results.¹ This testing should be conducted by federal government employees in government laboratories.

Third, zero tolerance for fecal contamination on meat and poultry products should mean zero tolerance – whether or not a plant has anti-microbial interventions. Recent revelations that, at least in some FSIS regions, some levels of fecal contamination are tolerated is not acceptable.² There should be a reiteration to all FSIS personnel that no levels of fecal contamination will be tolerated and that there will be no punitive action taken for careful vigilance of this policy. Let the inspectors do their jobs.

Fourth, measures need to be taken upstream to prevent contaminated meat from entering the food supply. That means that control measures on the farm need to be instituted to prevent animals from becoming contaminated with the *E. coli* bacteria. The Cornell University-USDA research from 1998 needs to be pursued on a broader scale to reduce the incidence of contaminated animals from entering the slaughtering process.³ It also means that FSIS should encourage farmers and ranchers to employ practices that prevent the spread of disease among animals.

More rigorous testing needs to occur at the slaughtering facilities. Positives may result while contaminated meat is being processed or ground even though the contamination may have occurred on the farm or in the slaughter process. This places an unfair burden on small processors.⁴

Trace-back procedures should be rigorously followed when contaminated product is discovered, and *agency personnel should be supported when they have identified the source of contaminated meat – they should not be chastised.*⁵

Fifth, we strongly oppose the use of controversial interventions, such as irradiation, to mask the filth that may remain on meat from improper slaughtering and processing practices. If there is a true policy of zero tolerance of fecal contamination on raw meat products, then contaminated product needs to be condemned. Sterilizing the contamination does not correct the inherent problems that exist within slaughter and processing. It renders the product unwholesome and it has no business entering the food supply.

Sixth, industry should be encouraged to invest in detection technology that would identify contaminated product before it enters the food supply. The ideal would be for real-time testing to occur. The current voluntary recall process that relies on a testing

¹ David Migoya, "Lawmakers Want Details of ConAgra Meat Recall," Denver Post, September 13, 2002.

² Letter from Community Nutrition Institute, Government Accountability Project, Public Citizen to Secretary of Agriculture Ann Veneman, October 31, 2002, see <http://www.citizen.org/documents/VenemanLetter.pdf>.

³ Cornell News, "Acid Relief for O157:H7, Simple Change in Diets Could Cut *E. coli* Infection, USDA and Cornell Scientists Report," September 10, 1998.

⁴ See e-mails from John Munseil, President of Montana Quality Foods and Processing, <http://www.citizen.org/cmep/foodsafety/meat/articles.cfm?ID=8062>

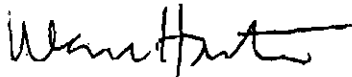
⁵ Ibid.

schedule that permits contaminated product to reach consumers before a problem is detected is not acceptable.

Seventh, FSIS inspection personnel need to receive rigorous training to do their jobs. They should all receive the training being afforded the consumer safety officers. The number and the magnitude of the recent recalls indicate that the public cannot wait for FSIS to hire its ideal number of consumer safety officers to be deployed across the country. FSIS should utilize the inspection force it now has and equip it with the tools and authority so that it can fulfill its public health mission. That includes giving in-plant inspectors the authority to review HACCP plans and SSOP's.

Should you have any questions regarding our comments, please feel free to contact me.

Sincerely,



Wenonah Hauter,
 Director
 Public Citizen's Critical Mass Energy and Environment Program