STATE OF VERMONT

DEPARTMENT OF AGRICULTURE, FOOD & MARKETS
Food Safety and Consumer Assurance Division
Carl W. Cushing, Director
Vermont Meat Inspection Service
Telephone:(802) 828-2426 Fax:(802) 828-5983

FSIS Docket Clerk
Docket No. 00-22N
USDA FSIS
Room 102, Cotton Annex
300 12th Street, SW.
Washington, DC 20250-3700

9

00-022N
00-022N-9
Carl W. Cushing

December 5, 2002

To: FSIS Docket Clerk

Thank you for the opportunity to comment on the "*E.coli* O157:H7 Contamination of Beef Draft Notice". The staff, of the Meat & Poultry Inspection Section; Vermont Department of Agriculture, are compelled to submit the following comments regarding the aforementioned Draft Notice. The State Inspection program in Vermont provides inspection for very small slaughter and processing establishments that are operating under State Inspection and Federal Inspection (Cross-utilization program) within the State. Our section deals with food safety issues on a daily basis and these issues comprise the highest priority of our duties. Certain aspects and language in the draft proposal, however, have raised concerns within our staff. Some of these concerns are specified in the following paragraphs:

(1) Very small establishments have expressed concerns regarding: (a) Rejection/ return of product to corporate producers for adulteration or dressing defects. (b) Further testing of products received from corporate producers. (c) Designating purchase specifications for product purchased from corporate producers.

These small establishments have reported perceived attempts at coercion when steps to implement some of the aforementioned actions are taken or proposed (i.e. threats to discontinue distribution to these establishments, etc.)

(2) Clarification is needed on acceptable means of validation and verification of interventions. Confusion exists as to what constitutes acceptable protocols for validation and/ or verification of current or proposed CCP's/ interventions. Comments in USDA publications regarding use of surrogate/ indicator organisms are contradictory. **Testing is required for validation/ verification of interventions but seemingly inappropriate for validation of current operations.**

(3) One of the *effective* interventions in very small slaughter plants is largely ignored by USDA FSIS. The slower line speeds allow very thorough dressing procedures and trimming of carcasses. There should be an acceptable way to validate a very small

SEAL OF QUALITY Vermont DEPT. OF AGRICULTURE®

116 STATE STREET
DRAWER 20
MONTPELIER, VT 05620-2901

establishment's slaughter procedures, even in light of USDA's current stand on *E.coli* O157:H7. However, it is not clear at this point what that protocol should involve.

Current establishment testing for E.coli Biotype I or other surrogate organisms has been deemed inadequate for validation of an establishment process; however, testing for pathogens is stated to be not useful for verification purposes because occurrence is low and distribution is non-random. Does *any* appropriate establishment testing for *E.coli* O157:H7 exist that would be deemed adequate by USDA FSIS, for validation/ verification purposes?

(4) In small processing operations, the establishment is strongly encouraged to institute purchasing specifications for incoming product. Aside from the concerns expressed in paragraph (1), the same incongruities, expressed in paragraph (2) and (3) exist in this instance, for verification that purchasing specifications are effective.

(5) The comment in the USDA publication regarding *undetectable levels* of *E.coli* O157:H7 gives rise to some concern regarding the reality of this requirement. Short of sterilization of the meat product, it is reasonable to assume that with rigorous enough testing on a given product, that one might find one or more *E.coli* O157:H7 cells within the product. *Absolutes*, such as this statement implies, aside from sounding good to the press, is generally unattainable in any industry and gives rise to more than a little amount of skepticism in industry as well as in inspection. Serious consideration should be given to an open ended statement such as this in the regulatory arena.

(6) The Establishments under inspection in this State, as previously noted, are all in the very small classification. Most of the establishments that are inspected by State personnel operate with two to six employees. These Establishments are, with few exceptions, highly motivated to produce a safe, wholesome product and strive to comply with any new regulatory mandates delivered by Inspection. Because of incongruities and ambiguities found within the draft *E.coli* O157:H7 document, many of these very small establishments may choose to withdraw from inspection, thus removing from the State, a valuable resource. This is compounded by the fact that Inspection personnel tend to find the draft proposal equally as problematic as indicated by previous paragraphs. We question whether the real or perceived benefits of implementation of the Draft Proposal will outweigh the costs (real and perceived) to our meat industry.

Hopefully, you will take these comments in the spirit intended. As stated previously our section is dedicated to ensuring that the meat and poultry industry continues to produce a safe and wholesome product. We hope that along with the efforts to continue development of a science-based inspection, that *wisdom* is employed equally. Please feel free to contact our department if you have any questions concerning these comments.

Sincerely,

Carl W. Cushing