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United States Department of Agriculture
FSIS Docket Room
Room 102 Cotton Annex
300 12th Street, S.W.
Washington, D.C. 20250-3700

Re: Draft FSIS Risk Assessment for *Listeria* in Ready-to-eat Meat and Poultry Products

AARP appreciates this opportunity to comment on the Food Safety and Inspection Service's (FSIS) Draft Risk Assessment for *Listeria* in Ready-to-eat (RTE) Meat and Poultry Products.

Last summer's major listeriosis outbreak and massive recalls of RTE deli meat make clear that *Listeria monocytogenes* ("LM" or "*L. monocytogenes*") continues to pose a significant public-health problem. Listeriosis is a serious foodborne disease that can be life-threatening to certain individuals, including older persons or those with weakened immune systems. It can also cause miscarriages and stillbirths in pregnant women. Last summer's outbreak has been linked to 53 illnesses, eight deaths and three miscarriages or stillbirths.¹

It is troubling that such a significant listeriosis outbreak should occur four years *after* FSIS promised to take decisive action to combat this deadly pathogen. This promise was made in the wake of the 1998 listeriosis outbreak linked to deli meat produced at Sara Lee's Bil Mar plant. Fifteen deaths, 100 illnesses, and six miscarriages and stillbirths were associated with products from that plant.²

With a proposed rule yet to be finalized two years after it was issued and a second risk assessment³ just now completed, FSIS needs to act with dispatch before another outbreak occurs. We agree that risk assessment plays an important role in the development of sound health and

¹ Centers for Disease Control and Prevention, Press Release, *Update: Listeriosis Outbreak Investigation*, Nov. 21, 2002.

² Food Safety and Inspection Service and U.S. Department of Health and Human Services, *Reducing the Risk of Listeria monocytogenes: Joint Response to the President*, Jan. 2001.

³ The first risk assessment was subsequently recharacterized as a risk ranking, thereby necessitating the recently completed assessment.

safety regulations, but it cannot serve as an obstacle to action when people are becoming ill and dying from an identified health threat. We agree with the National Advisory Committee on Microbiological Criteria for Foods (NACMCF), an USDA advisory committee, which has counseled that, the consideration of risk may not necessitate, in all situations, an in-depth quantitative risk assessment which requires extensive resources and time, particularly if it would delay timely protection of public health.⁴ We believe that LM presents just such a situation.

For this reason, we urge FSIS to revise its proposed regulation to reflect the findings of the risk assessment and issue a final rule as soon as possible. In particular, FSIS should increase the frequency of proposed testing for *Listeria*, in response to the findings that:

- (1) the minimal frequency of testing/sanitation of food contact surfaces, proposed by FSIS in 2001, results in a small reduction in the levels of *L. monocytogenes* on deli meats at the retail level; and
- (2) increased frequency of food contact surface testing/sanitation leads to a proportionally lower risk of listeriosis.

FSIS should quickly finalize its *Listeria* rule, even though we believe the risk assessment is deficient. Specifically, it fails to consider the effectiveness of testing non-food contact surfaces in addition to food-contact surfaces. LM has been found throughout the processing plant environment, not just on food contact surfaces (e.g., conveyor belts, tables, countertops, and the parts of machinery that have contact with food products) but also on non-food contact surfaces, such as floors, drains, walls -- even in the air.

The need to sample non-food contact surfaces for *Listeria* is well recognized. For example, research presented at the FSIS May 2001 Public Meeting found that the incidence of LM was much higher in drains and other non-food contact surfaces than on food-contact surfaces.⁵ In addition, the testing of non-food contact surfaces is recommended in many industry trade associations' and individual companies' *Listeria* control guidelines.⁶

⁴ National Advisory Committee on Microbiological Criteria For Foods, Response to the Questions Posed by FSIS Regarding Performance Standards With Particular Reference to Ground Beef Products, Final Report, Oct. 8, 2002, p. 4.

⁵ Martin Wiedmann, Environmental *Listeria* testing and molecular subtyping to control *Listeria monocytogenes* in RTE food processing environments, Presentation at the Food Safety and Inspection Service Public Meeting on the Performance Standards for the Production of Processed Meat and Poultry Products (May 2001).

Two large meat-industry surveys have documented the incidence of *Listeria* spp. on non-food contact surfaces. In one survey, sampling from more than 40 meat processors found *Listeria* spp. among drains, trenches, floors, exhaust hoods, cleaning aids and wash areas. The other survey found that the incidence of *Listeria* spp. on floors, was higher than the incidence on various food-contact surfaces Robert Cravani, *Listeria in Food-Processing Facilities*, in *Listeria, Listeriosis, and Food Safety 664-665* (Elliot T. Ryser & Elmer H. Marth eds., 2nd ed. 1999).

⁶ See, e.g., National Food Processors Association, *Guidelines to Prevent Post Processing Contamination from Listeria monocytogenes, First Edition*, (unpublished), April 1999; North American Meat Processors, et al., *Guidelines for Developing Good Manufacturing Practices (GMPs), Standard Operating Procedures (SOPs) and Environmental Sampling/Testing Recommendations (ESTRs): Ready-to-Eat (RTE) Products*, (unpublished), April

Moreover, in its recent *Listeria* directive to plant inspectors, FSIS encourages the testing of both food-contact surfaces and non-food contact surfaces as part of a science-based program addressing *L. monocytogenes* in product, food contact surfaces, and the environment.⁷ The fact that this testing is not mandatory should not automatically exclude it from consideration in the risk assessment. Indeed, the assessment addresses the effectiveness of interventions, such as the use of growth inhibitors, which are not currently mandated by the FSIS proposed rule.

The failure of FSIS to include the sampling of non-food contact surfaces in the risk assessment undermines its conclusions regarding the effectiveness of testing in combating *L. monocytogenes* contamination and is a serious flaw. However, AARP does not wish to delay any longer the issuance of a final rule. Therefore, we recommend that the agency finalize its rule and then revisit its risk assessment model to include the testing of non-food contact surfaces.

AARP appreciates this opportunity to comment on this important food-safety proposal. If you have any further questions, please contact Larry White of our Federal Affairs Staff at (202) 434-3800.

Sincerely,



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Director
Federal Affairs

1999; ConAgra Refrigerated Prepared Foods, *ConAgra Refrigerated Prepared Foods' Current Strategy for Listeria monocytogenes*, (unpublished), May 19, 1999.

⁷ Food Safety and Inspection Service, *Microbial Sampling of Ready-to-Eat Products for the FSIS Verification Testing Program*, Directive 10,240.3 (Dec. 9, 2002).