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Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, SW, Room 102 Cotton Annex
Washington, DC 20250

RE: Docket No. 04-006P
Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls

The American Association of Meat Processors (AAMP) is pleased to submit the following comments on the proposed rule, "Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls." Our Association is an international organization whose members include meat and poultry processors, slaughterers, caterers, food service companies, wholesalers, retailers, suppliers, and consultants to the meat and poultry industry. There are 33 state, regional, and provincial associations of meat processors that are also affiliated with AAMP. Majority of our members are small and very small businesses, most of them family-owned and operated.

This proposed rule would make the lists of retail consignees of meat and poultry products that have been voluntarily recalled available to the public if product has been distributed to a retail level. FSIS has proposed to routinely post these retail lists on its website as they are developed by the Agency during the retail verification activities. FSIS believes that by adopting the proposed rule, the efficiency of the recall process would be improved because consumers could easily identify the products that are being recalled. AAMP disagrees and is in opposition of the proposed rule. FSIS currently receives the consignee lists and traces the product forward to the retail level, sharing the relevant facts with other state and federal agencies, while still keeping the information confidential. The Agency already provides adequate information on their website for recall purposes and it is not necessary to allow the public to access these lists. The current process is effective and there is no need for confidential information to be shared with the public.

The major concern AAMP has with FSIS making the retail consignee lists available is that the Agency is releasing confidential and proprietary business information which will negatively affect the firm that is recalling the product. If retail consignee lists are made public, the establishment's customer list is essentially available for competing companies to access. There is a distinct possibility of competitors using the retail consignee information for their own benefit to gain customers who have become affected through the recall process. This type of situation is hardly beneficial to meat and poultry processing establishments, the safety of the food supply, nor the general public. In fact, it may force those who possibly will have recalls out of business because their customers are taken by competitors during a very vulnerable time period.

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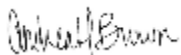
This proposed rule may also damage relationships between meat and poultry processors and their customers due to the linkage to the recall. No business wants their name publicly associated with a recall, and with the consignee lists available online, competitors may take advantage of the situation.

Publicizing the retail lists will not remove the problem of consumers mistakenly associating all of a manufacturer's products with a recall. Instead, it may heighten their concern over where they are purchasing products, and damage relationships between consumers and retailers who sold the recalled product. The degree of seriousness of recalls continues to be very important, since the word "recall" is typically of great concern to a consumer, especially when related to food they may be feeding their families. Another issue relates to short shelf-life products like ground beef, which is typically already consumed by the time the recall is activated. Publicly available retail consignee lists are certainly not necessary in recalls involving non-food safety issues (i.e., labeling, weight requirements, etc.), nor products with a short shelf-life.

Public interest groups may also use the retail lists for their own agendas instead of strictly for the purpose of improving the recall process. Boycotts, negative publicity, and other means of economic harassment detrimental to the business are all possibilities. This inappropriate utilization of the retail lists could result in serious and unnecessary damage to the reputation of an establishment or its customers.

Making retail consignee lists available to the public may provide limited assistance to the recall process, but not enough to risk negatively affecting meat and poultry processing and retail establishments in this manner. Releasing the confidential and proprietary information in retail consignee lists is wrong, especially when plants already go out of their way to accommodate FSIS during recall verification procedures. AAMP believes this proposed rule may greatly intimidate processors and serves as another attempt to decrease the number of recalls by FSIS. Every establishment has recall protocol within their HACCP plan and their procedures should be adequate to handle any recall situations that may occur. AAMP hopes that the Agency will also take into account how this proposed rule will affect small and very small meat industry establishments, whose business is at stake if they lose their customers. Industry demands that retail consignee lists remain confidential in order to protect the livelihood of meat and poultry processors, both large and small.

Sincerely,



Andrea H. Brown
Director of Legislative and Regulatory Affairs

cc: Steve Krut, AAMP Executive Director
Mark Schad, AAMP President
Jason Jennings, AAMP Meat Inspection Committee Chairman