

June 8, 2006

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 Number 04-006P

Dear Sir or Madam:

On behalf of the consumer group Food & Water Watch, I welcome this opportunity to comment on the proposed rule entitled, "Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls" which was originally published in the March 7, 2006 Federal Register (71 FR 11326-11328).

I commend the Food Safety and Inspection Service (FSIS) for taking this important first step towards providing more complete information to consumers when meat and poultry products under the Agency's jurisdiction are subject to recall. While we would much prefer that the names of the retail consignees also appear in the Agency's press releases, the fact that the names of retailers will be listed on the Agency's website will provide consumers and media outlets valuable information that could expedite the recovery of recalled product.

At the present time, Agency recall notices provide establishment numbers, product codes, and when possible, pictures of products. Apart from the photographs, this is not information that is readily useful for consumers. Consumers are not accustomed to looking for product codes or establishment numbers on product labels. Consequently, they often do not return recalled product because they do not know what to look for to determine if they have purchased it.

Some industry representatives have claimed that under the current system retailers often accept more product returned by consumers than was initially targeted in the recall. There is no concrete evidence that this occurs on a regular basis. The only instances that we are

aware of where this occurred involved recalls of beef products from cattle infected with bovine spongiform encephalopathy (BSE), or beef products that had been improperly imported from countries that had cases of BSE.<sup>1</sup>

Furthermore, the Agency has recently resumed reporting the amount of product subject to recall that is actually recovered. The rate of recovery for 2005 and 2006 show a range of zero to 86.2 percent. For those large recalls involving quantities of 50,000 pounds or more, the Agency reported a rate of recovery of 2.5 to 12.8 percent.<sup>2</sup> That is unacceptable, and leads us to believe that most consumers were not aware that they were in possession of product that was subject to a recall since the information provided in recall notices was so sketchy. Had the recall notices contained the names of the retailers that sold the product, we believe that more product would have been returned in these recalls.

Some industry representatives also contend that the Agency recall notices might provide incomplete information in recall notices if it is later discovered that not all retail consignees were initially identified. These industry representatives argue that consumers might be lulled into a false sense of security if the supermarket where they purchased a product is not listed on the Agency's website, but is later to be discovered as a retailer of a recalled product. We disagree, because nothing would prevent the Agency from issuing a second or third recall notice should it be discovered that there was incomplete information in the initial notice. In fact, the Agency has already done that when the scope of a recall has needed to be enlarged. For example, the 2002 recalls involving ConAgra and Wampler products necessitated the issuance of two recall notices when it became apparent that the scope of those recalls had to be broadened.<sup>3</sup> The Agency took similar action recently in the recall for Chicken Lunch Makers.<sup>4</sup> There is precedent for the Agency to release more than one recall notice for the same product, so these industry concerns seem to be baseless.

While the Agency should be commended for proposing this rule, we believe that the list of consignees should be broadened to cover such entities as restaurants so that consumers are fully aware of the scope of food recalls. Most consumers frequently eat away from home, so listing as many retailers as possible – whether grocery stores or restaurants – in recall

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<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OA/recalls/press/pr067-2003.htm> and

[http://www.fsis.usda.gov/News\\_&\\_Events/Recall\\_028\\_2004\\_Release/index.asp](http://www.fsis.usda.gov/News_&_Events/Recall_028_2004_Release/index.asp)

<sup>2</sup> [http://www.fsis.usda.gov/Fsis\\_Recalls/Quantity\\_Recovered/index.asp](http://www.fsis.usda.gov/Fsis_Recalls/Quantity_Recovered/index.asp)

<sup>3</sup>

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/oa/recalls/press/pr055-2002a.htm> ;

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/oa/recalls/press/pr055-2002.htm> ;

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/oa/recalls/press/pr090-2002a.htm> ;

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/oa/recalls/press/pr090-2002.htm>

<sup>4</sup> See [http://www.fsis.usda.gov/Fsis\\_Recalls/RNR\\_052\\_2005/index.asp](http://www.fsis.usda.gov/Fsis_Recalls/RNR_052_2005/index.asp)

notices would provide valuable information to consumers, and assist the Agency with any traceback activities.

Should you have any questions regarding our comments, please feel free to contact me at (202) 797-6550.

Sincerely,

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