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U.S. Department of Agriculture
Food Safety and Inspection Service
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Washington, DC 20250

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05 DEC 20 AM 2:42

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Carol Mazure

Docket No. 05-013N

My name is Carol Mazure. My husband, Terry, and I have owned Marble's Catering Service in Savoy, Illinois for the past 22 years. In that time we have not had one report of food borne illness against our business. I believe there is another category of meat that the joint agencies of USDA and HHS should consider. The category is the issue of precooked already USDA inspected meat. We are currently being asked to get a meat processing permit from the Illinois Department of Agriculture as a result of changes in regulations in 2003. We are a test case in this area. I have been told that if I get this permit I will be inspected the same and will have to meet the same requirements as a raw meat processing plant.

The only thing Marble's Catering Service does is provide meals for private schools and daycares. We only use meat that is precooked and already USDA inspected. You will not find one ounce of raw meat in our building. That means that the meat we use is in a ready to eat form. The only processing we do to the meat is heat it to make it palatable and in several cases only thaw and serve cold. There is a difference between heating and reheating meats. Reheating would indicate taking the meat through several temperature changes. Taking meat through those temperature changes quickly and safely is a critical point in safe meat and food handling. We are not reheating in that sense. The meat we serve to our daycare and school sites is safe to eat right out of the box because USDA has by inspection and by product processing required other controls to designate it as safe. The only reason we heat the meat is that children might like the taste of their chicken nuggets or precooked hamburgers, hot instead of cold.

I have read the information that was presented to the US Congress before they passed an exemption for pizza from USDA inspection in 1991. This exemption would not have passed if pizza was a high risk food. The reasons given for the exemption were that the meat was precooked and already USDA inspected. This is exactly what we do. We provide low risk meat which by this definition is meat that is precooked and already USDA inspected. The pizza exemption, also known as the Pizza Hut exemption, was requested by Pizza Hut, one of the largest franchisers in this country. The reason Pizza Hut gave that they wanted to be exempt was that it would be very costly to fall under the stringent rules of the USDA daily inspections. What do you think it would do to us, a caterer who has four employees.

Marble's Catering is required to be licensed by our local Public Health Department and Illinois law requires us to have a certified food handler on duty at all times. The schools and daycares we provide food for are also required to be licensed by our local Public

Health Department and have a certified food handler to serve the food at each site. The State of Illinois has required certified food handlers at each foodservice facility for more than 30 years. We have to take foodservice sanitation classes, pass a test, take continuing education classes, and be recertified every five years.

My understanding in who has jurisdiction over meats is that the FDA has jurisdiction over retail and FSIS has jurisdiction over meat processing. By FSIS definition I am a meat processor because I do not serve my food to the end consumer. If I served the food at each site, I would not have to get this permit. This is physically impossible with more than 20 daycare and school sites and approximately 1200 children. Could I solve this problem by hiring an employee of each daycare and school to serve my lunches for 30 minutes each day? I understand that FSIS is trying to protect each change of possession of meat from manufacturer to consumer, but allow the inspection or supervision to fit the amount of food safety risk. I have looked on several FSIS websites that are all about risk. Consider food safety risk in this situation. The risk is very, very low.

The meat has been inspected when manufactured and cooked and again at our wholesale food supplier locations. When the meat comes to us it only needs to be heated. The meat is already safe when it comes to us. Allow us to use our certified food handler knowledge along with inspections by the Department of Public Health under FDA guidelines. If this is not enough we could provide a HCAAP program to be approved by FSIS and public health. Although I find this redundant as a certified food handler who has followed HCAAP procedures for many years, I would gladly do it to avoid the stringent and costly requirements of FSIS daily inspections.

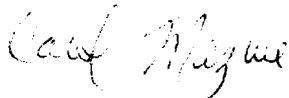
There is a concern that I have about falling under both FSIS and FDA jurisdictions. Some kind of agreement needs to be made between FSIS and FDA concerning restaurants and caterers. Very few restaurants or caterers provide just meat items, therefore they would fall under both jurisdictions if they delivered a complete meal to someone other than the end consumer. By personal experience I know that requirements for the two groups are different. In a pre-inspection by the Illinois Department of Agriculture to tell me what it would be like to be under their jurisdiction, there were several items in my building that follow the Department of Public Health standards that would not be allowed by the Department of Agriculture. There were also several things that the Department of Agriculture requires of a food processor, which is equivalent to a raw meat processor that I would have to change. These items are very costly, and in my opinion, have nothing to do with increasing food safety, especially in my case of not having raw meats in my facility. Having to meet the requirements of two agencies that have different requirements, especially one agency that requires you to meet the standards of a raw meat facility, is going to put many small businesses, like mine, out of business. Right now it would be less costly for me to go out of business and retire than to make the changes that the Illinois Department of Agriculture is requiring that I make to my building to meet raw meat processing requirements.

The new regulations passed in 2003 by the USDA, show that they are trying to better protect meat safety. I believe their efforts would be better served in a program that requires all states to have a certified food handler on duty during all shifts in all food

service facilities instead of daily inspections. It would be physically impossible for FSIS to be in all restaurants and catering operations during all hours of meat processing. After searching the internet for states that have certified food handlers, I discovered that some states don't even require this. Self – policing of food safety practices in cooperation with unannounced inspections by the Department of Public Health would go a long way to protecting the safety of all foods not just meat. The Department of Public Health not only provides inspections of restaurants and catering businesses, but also provides education on food safety and is available everyday for questions and concerns. They are only a phone call away.

I had a discussion a few weeks ago with my local public health department inspector. Our discussion focused on gray areas between retail and wholesale and the new types of precooked and already processed meats. I believe I fall in one of those gray areas that have not been addressed by USDA. There is no longer only raw meat processing. USDA needs to catch up with the times and adjust their thinking on these new gray areas and precooked meat items.

Please consider a different option for precooked already USDA inspected meats. I have been working with US Congressman Tim Johnson's office for the past five months to come to a resolution for my situation. Somewhere along the line it seems to me that someone has to realize that precooked already USDA inspected meats should not be inspected and treated the same as raw meats, even if we are not serving the end consumer. In my mind I am a retail caterer selling meals to daycares and private schools that parents are paying for through tuition, just as a parent pays for their child's meal at a restaurant. This should put me under department of public health jurisdiction, not the Illinois Department of Agriculture. Thank you for your consideration of this matter that affects me greatly.



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