

October 4, 2005

Docket Clerk, Docket No. 05-024N
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, SW
Room 102 Cotton Annex
Washington, DC 20250

**RE: Docket No. 05-024N
Notice of a Section 610 Regulatory Flexibility Act Review of the Pathogen
Reduction/Hazard Analysis Critical Control Point (HACCP) Systems Final Rule**

The American Association of Meat Processors (AAMP) is pleased to submit the following comments on the Notice of a Section 610 Regulatory Flexibility Act Review of the Pathogen Reduction/Hazard Analysis Critical Control Point (HACCP) Systems Final Rule.

The Association is an international organization whose members include meat and poultry processors, slaughterers, caterers, home 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.

AAMP agrees with the purpose behind the establishment of the Pathogen Reduction/HACCP final rule. It has become incredibly important to build effective measures to reduce and control pathogenic microorganisms on raw meat and poultry products into food production processes. The issue lies in implementing the regulations, which has been especially difficult for most of our membership. The additional expense, paperwork, and training required to design and maintain a HACCP plan has not been well received. The regulatory approach of the rule has also been somewhat of a stumbling block for our members. It is important that FSIS continue to evaluate the impact that the Pathogen Reduction/HACCP final rule has on small and very small plants.

The concept of HACCP and the development of food safety monitoring procedures is a necessity to protect the safety of the American food supply. Unfortunately, since its implementation, the concept of HACCP has sometimes been lost in bureaucratic red tape. The inspection personnel mentality of zero accountability has also been displayed throughout the meat industry. When these two scenarios occur, it equates to huge expenses to meat processors in time and money. We recognize that HACCP is an evolving concept, but we have seen it taken to extremes, costing meat processors too much over the years. Some plants are spending such large amounts of time performing record keeping activities that they have less

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time to perform their initial responsibilities of processing meat. This has caused some processors to either get out of the business or go retail or custom exempt in order to avoid the scrutiny and inconsistency of USDA inspection.

Record Keeping Nightmare for Small and Very Small Processors

Small plants have a limited number of employees available to perform extra record keeping tasks. They also do not have the financial resources to purchase expensive equipment that may be necessary to record and transfer the data. If data recording equipment is not purchased, extra time is taken to hand record data to validate the process. Either way, there is an additional expense for the plant. Small establishments typically do not have the financial resources or employee base to have one person designated to only handle HACCP related issues. Employees are active in all activities at the plant, therefore unable to devote all of their time to HACCP.

Also within the realm of paperwork, plants are responsible for providing scientific documentation for their HACCP plans. HACCP requires a great deal of scientific validation in order to conform to the USDA regulations. This is fairly easy for large meat corporations to do, because of the large number of employees, the scientific expertise within their own companies, and laboratories within their plants. Validation is much more difficult for the typical small and very small meat plants, where plant owners and employees do not have the same level of scientific knowledge and expertise. The government inspector often asks the processor to prove the scientific validity of its HACCP plan or Critical Control Points, which is an extremely expensive process for small plants. The source of this documentation is often a challenge for small establishments who have limited budgets and less time to search for appropriate information resources. Much of the information published in scientific journals requires expensive subscriptions to have access to the copyrighted data. With this being the case, the expense does not justify these sources as an option for small plants. If this information was somehow available in a database or “safe harbors” were created, it would reduce the expenses surrounding proper scientific documentation for small plants, and make the procedure easier for both the Agency and the processor.

AAMP, along with a number of Universities, came up with a plan that would solve some of the problems that small plants were having with HACCP validation. The group thought that creating standardized HACCP plans for small plants would be helpful. Since many of the plants use similar methods to make their products, they would be able to fit their manufacturing processes into standardized HACCP plans that were easily implemented. It would be an opportunity to solve many of the regulatory problems faced by small and very small plants, while at the same time, enabling plants to comply with USDA’s HACCP regulations. When raising this issue to USDA, they have provided no response or assistance in making the validation process easier for plants that need it. Without the resources to comply with regulations, small plants will continue to go out of business.

Financial Burden to the Small and Very Small Meat Processing Industry

The financial impact on our membership to implement HACCP has been very great. Plants have had to pay for assistance in developing and redeveloping their plans, HACCP training courses for themselves and employees, plant upgrades, and other associated costs. Many plants have had to make adjustments in salaries for employees or hire additional employees to focus on HACCP. There is only so much of an increase that can feasibly be added to customer costs, and due to smaller production capabilities, these plants are very limited in their cost of production.

Inspection overtime costs are now directly related to HACCP “validation.” Plant operators are forced to pay inspectors overtime fees for their services beyond the normal working times, such as on weekends and holidays. Most plants have no problem with paying inspectors overtime when they are processing, but cannot afford the significant increase in unnecessary overtime charges that has occurred over the last few years. Unnecessary overtime situations include inspectors returning after inspection hours to check temperatures on products that are cooking or to watch products be removed from an oven and placed in a cooler 15 feet away.

Many small plants operate under a “patrol” system, or “tour of inspection,” where an inspector is responsible for monitoring several plants in an area each day. Inspectors do not have to be present in the plant when processing operations are done during regular daytime hours. In many cases, when product is being finished during the regular plant hours, the inspector does nothing to check it and may not even be present. However, if the product is being completed outside the normal inspection hours, the inspector may insist on coming back, resulting in a two-hour minimum overtime charge to the establishment. Some processing establishments have temperature monitoring and recording systems in place to ensure proper cooking and cooling occurs, while others manually take such temperatures and record them on HACCP forms. Independent of which recording method is used, the data could easily verify the procedures when the inspection personnel return the next day. Instead, plants are paying inspectors’ overtime, possibly two and three days a week for a two-hour minimum each time, just to verify procedures identified in their HACCP plans.

Our main point is that years ago, USDA promised to do something about this problem, and thus far has done nothing, despite being reminded frequently. Processors operating under federal inspection are required to keep detailed records of every step of their processing operations and can hold their product until the paperwork, temperature recording charts, and other verification measures are checked by inspectors the following day. All of which can occur before product is shipped or released into commerce. This makes the Agency’s overtime policy a money maker at the expense of those smallest processors who are least able to afford it. If the purpose of HACCP is to ensure food safety and wholesomeness, then why are plants continuously being gouged when trying to implement it?

Other Considerations

While zero tolerance for all pathogens would make our food supply safe, this goal is unattainable in the real world. All blame has been shifted to the meat processing industry while the general consumer is left unaccountable for their basic knowledge of food safety. Without question, meat processors inherently want to produce safe meat products and are willing to put

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forth effort to accomplish this. However, continuing to educate consumers is critical to the success of the chain of actions surrounding HACCP since many of the incidences have been known to occur at the consumer level. Unfortunately, some processors can afford the latest technology, but utilize other effective techniques that accomplish the end goal of a safe meat product. USDA scrutiny and inconsistencies sometimes cause meat processors to unnecessarily change their methods, causing increased expenses. This attitude needs to be seriously re-evaluated and changes must be made when it comes to relationships between USDA officials and plants.

The relationship that plant inspectors have with many small plants is not the most ideal. Instead of working together towards a common goal, it seems many times as though plant management and inspection personnel are working against each other. For HACCP to be a program that works equally and effectively in all types of plants, more effort needs to be placed on improving the interaction between these two parties. To foster a better working relationship, inspectors should be trained to assist plants with their inspection questions and be a source of information instead of a thorn in the plant's side. Inspection personnel are the best resource from FSIS to meat and poultry processing establishments and better utilizing them to communicate successfully and disseminate information is a valuable tool that many times goes unrealized.

AAMP appreciates the chance to comment on the Notice of a 610 Regulatory Flexibility Act Review of the Pathogen Reduction/HACCP Systems Final Rule. We hope that FSIS will continue to evaluate programs that effect small and very small meat and poultry processors. Increasing the communication efforts and enhancing the relationships between USDA officials and plant management is critical to the overall success of the inspection program. We agree that the concept of HACCP and the development of food safety monitoring procedures is a necessity to protect the safety of the American food supply. However, we do not want to see our members go out of business due to unattainable goals and financial hardships that are created by the Agency.

Sincerely,



Andrea H. Brown
Director of Legislative and Regulatory Affairs

cc: Mark Schad, AAMP President