

November 2, 2006

Ms. Ellyn Blumberg
RBI Public Meeting
United States Department of Agriculture
Food Safety and Inspection Service
14th & Independence Avenue, SW
Mail Drop 405 Aerospace
Washington, DC 20250

Docket No.: FSIS-2006-0028 – Public Comment on Risk Based Inspection

Dear Ms. Blumberg:

The Government Accountability Project (GAP) would like to thank the Food Safety and Inspection Service (FSIS) for the opportunity to comment on its proposed Risk Based Inspection (RBI) system for processing facilities. GAP agrees with the agency that higher risk establishments and products should be subject to increased inspection levels if public health is to be safeguarded. However, we are deeply troubled that the proposed RBI system necessarily entails reducing inspection in some facilities in order to increase it in others. Even more concerning is the shaky foundation on which the high/low risk designation for establishments and products stands. It became clear from the RBI public meeting in October that the agency is in no way ready to move forward with its plans to implement an RBI system for processing or other facilities.

Inspection Levels

During the October public meeting, concerns were raised about inspection levels in facilities determined to be at a low food safety risk. At that time, FSIS had not considered an acceptable minimum level of inspection. Will low risk facilities be absent inspectors, altogether? It would behoove the agency to think deeply on this question. Also, please consider at what point a high risk facility becomes too risky. What criteria will the agency use to determine when a high risk facility should be shut down? How will processing facilities be ranked in order to differentiate a high risk facility from an even higher risk facility?

Establishment Risk

Establishment and product risk levels need to be reevaluated. Establishment risk is based on a number of criteria that, taken either alone or together, do not provide accurate risk assessments. First, it has been revealed that there are significant inspector vacancies throughout the country forcing many inspectors to take on additional assignments during their work hours. The extra assignments make it unlikely that inspectors will have time to thoroughly do their jobs and may lead to a reduction in Noncompliance Reports (NRs) being written at the facilities, not because NRs are not warranted but because the facilities are not adequately inspected. Therefore, certain areas of the country may have fewer NRs, not because the facilities are low risk, but because the inspectors have not had time to fill out the reports. In these cases, reducing inspection levels in these facilities will only exacerbate the current problem. It was also pointed out at the public meeting that NRs were not only subjective but were never designed for comparative purposes.

Pathogen testing is also a component of establishment risk determinations. It was just revealed in an Office of the Inspector General (OIG) report that “a significant number of establishments...were excluded from the *Salmonella* sampling database because of ineffective controls to identify eligible establishments and also because district office personnel did not fully understand the process for including the establishments in the database.” Additionally, certain products have been excluded from E. Coli O157:H7 testing. The agency knew about these shortcomings in the pathogen testing data prior to the RBI public meeting. Unfortunately, the information revealed in the report was not made available to the public until after the public meeting even though it is critical information for evaluating the efficacy of the proposed RBI system. GAP agrees with the Inspector General that the agency must address these shortcomings.

Product Risk

In determining inherent product risk, FSIS convened a number of expert elicitations. Unfortunately, it was only a few months ago that the existence of these expert panels was revealed to the public, even though they had been meeting since 2001. Comments made at the October public meeting clearly indicated broad support for reevaluating the expert elicitation process. GAP commends the agency for being open to the idea of including independent public health officials in the expert elicitation process. At a minimum, experts should be asked to re-rank the food safety risks of products using a common scale predetermined by the agency. This should help normalize the data and reduce the number of outliers whose concerns may otherwise be lost. Additionally, GAP believes that food should be safe for all consumers including vulnerable populations like children, pregnant women and the elderly. We, therefore, recommend that experts be asked to consider vulnerable populations when determining risk.

Participation

GAP commends the agency for its efforts to include various stakeholders in the evaluation process for the proposed RBI system, as was evidenced by the October RBI public meeting, which included remote site locations to increase participation. It is absolutely imperative that the voices of frontline FSIS inspectors be heard, appreciated and deeply considered in the planning, implementing, monitoring and evaluating processes of any agency inspection system. GAP urges you to find a way to make sure inspectors are able to provide meaningful input into the proposed RBI system and that their comments are made available to the public.

Again, GAP thanks the agency for the opportunity to comment on the RBI system and for holding a public meeting to bring various stakeholders together. The October public meeting revealed that the agency is ill-prepared to move forward with RBI implementation. We urge FSIS to slow down and to hold additional public meetings that encourage broader participation as the agency begins to iron out some of the kinks in the system. Please feel free to contact me with any questions regarding our comments: (202) 408-9855, ext. 153.

Sincerely,

Jacqueline Ostfeld
Government Accountability Project