AMERICAN ASSOCIATION OF MEAT PROCESSORS

One Meating Place Elizabethtown, PA 17022
Phone: (717) 367-1168 Fax: (717) 367-9096
Email: aamp@aamp.com Website: www.aamp.com

April 17, 2008

U.S. Department of Agriculture
Food Safety and Inspection Service
c/o Mr. Keith Payne
1400 Independence Ave., SW.
Room 1175 South Building
Washington, DC 20250

1

2008-0011
2008-0011-1
Andrea H. Brown

RE: Docket No. FSIS-2008-0011
Shiga Toxin-Producing *E. coli* Public Meeting Comments

The American Association of Meat Processors (AAMP) is pleased to submit comments regarding the subjects discussed at the Shiga Toxin-Producing *E. coli*: Addressing the Challenges, Moving Forward with Solutions public meeting held in Washington, DC, on April 9-10, 2008.

AAMP 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 32 state, regional, and provincial associations of meat processors that are also affiliated with AAMP. Majority of our members are small and very small businesses, with most of them being them family-owned and operated.

The Food Safety and Inspection Service's (FSIS) consideration of the reclassification of primal cuts and boxed beef as adulterated if found to be contaminated with *E. coli* O157:H7 is surprising, as this type of change would seriously conflict with longstanding Agency policy and is not supported by sound science. FSIS determined that *E. coli* O157:H7 was considered an adulterant in raw ground beef products because of the fact that insufficient cooking methods by consumers might render the product harmful. Raw ground beef and needle tenderized beef products have the possibility for introduction of the pathogen into the interior of the product and if present, improper cooking could lead to illness. Primal cuts and boxed beef products do not share that same likelihood that pathogens have been introduced into the interior of the product, and therefore do not belong in the same category for *E. coli* O157:H7 risk to consumers. It is a simple fact, supported by science, that these products are not typically linked to human illness. Any trim or ground products from those beef primals or boxed beef would be subject to future testing for *E. coli* O157:H7, and fall into the requirements for zero tolerance at that time.

Our members utilize boxed beef products on a regular basis, and considering *E. coli* O157:H7 as an adulterant would certainly be detrimental to small and very small meat business operators. The cost of increased testing and the additional paperwork requirements would be a drain on their resources without having a recognizable benefit. What testing requirements would be put in place for small and very small processors for boxed beef and primal cuts that they bring into their facility for further processing? And how would declaring *E. coli* O157:H7 and adulterant in these products solve the root problem of where the pathogen is coming from?

Our membership is asking us what more they can do as small further processors to ensure that their products do not contain *E. coli* O157:H7. Increased testing is not the answer, nor is reassessing their HACCP plan when nothing has changed, or implementing certain uneconomical interventions. The Agency must be aware of the need for practicality in their thought process on this issue because small and very small meat processors are in a challenging position. While we share the similar goals of creating a safe food supply, there are limitations and costs for different segments of the industry that must be realized.

These limitations have led to small and very small plants making the decision to go retail exempt with their ground beef production in order to get away from increasing requirements. Given their volume of production, many have decided that it is more feasible go retail exempt. This must be a consideration for FSIS as they move forward because the policies that they implement may negatively impact small businesses in the meat industry.

Consumers rely on the U.S. Department of Agriculture (USDA) mark of inspection to mean that meat products are considered wholesome and unadulterated, but meat processors do not have this luxury. How are we solving the root problem if source material must be tested and processors are unable to rely on the mark of inspection in their incoming product? AAMP does not want to see the lack of accountability on the suppliers behalf continued. The Agency has failed to properly and appropriately trace back the source of *E. coli* O157:H7 contamination in ground beef to meat supplying establishments for years. This new reclassification would exacerbate that problem even further because suppliers would be left unaccountable for the contaminated product. Depending on how the policy is written and enforced small and very small meat processing establishments, as down-line processors, they may be the ones left financially responsible for the boxed beef if it comes back testing positive. They may not have the means to use the implicated lot in a fully-cooked product, and therefore be stuck with unmarketable product.

Also of concern to AAMP is the use of restriction labeling (*e.g.*, product labeled "not intended for use in ground beef"), which could limit the types and amount of product available on the market to be used for further processing. We believe that this kind of labeling restricts commerce and is not logical since the products were inspected and passed by the USDA. It also removes the accountability for suppliers and places the blame once again on the further processor who did not introduce the pathogen, but simply received it from someone up the production chain.

It is important that FSIS and industry work together to more clearly pinpoint the reason for the increased illness outbreaks resulting from *E.coli* O157:H7 in 2007. Since testing protocols have changed, are we finding it more because we are looking harder for it? Has the organism morphed so it is becoming harder to kill using the interventions currently in place? Is there an increased prevalence in our cattle populations? Are proper dressing procedures being implemented or have they gotten lax due to reliance on interventions further down the line? Are plants not holding tested product? Are consumers becoming more knowledgeable and reporting their illnesses, or are more health professionals reporting and investigating outbreaks? The list of questions goes on and we may never find out why 2007 was the year it was for *E. coli.* There are so many unknowns as to what caused the uptick and that creates definite challenges in finding the proper solution to the problem.

One area that was not discussed very thoroughly at the public meeting was the importance of consumer education. AAMP believes that more can be done to increase the likelihood that foodservice and consumers will handle and cook their meat products appropriately. More emphasis has to be placed here because proper cooking will eliminate the pathogen if present and is the best insurance policy available to avoid illness from *E. coli.* While we agree that this is not the only area where improvements can be made, it is part of the multi-hurdle approach that is designed to foster food safety. All stakeholders have important roles to play in the farm to fork continuum, and consumers are no different.

Whatever changes result from the recent discussion on FSIS' *E. coli* O157:H7 policies, it will be vital to small and very small establishments to have proper education and guidance materials available that are

applicable to their needs. Inspection personnel will also need the support of FSIS to provide training and resources for them at the field level.

We respectfully request that FSIS does not expand their policy in such a way so that *E. coli* O157:H7 is considered an adulterant in beef primals and boxed beef products. Several other meat industry trade organizations have also shared the same opinion and we hope that USDA hears our voice on this issue. AAMP appreciates the opportunity to provide input on this topic and looks forward to transparent communication throughout the process as FSIS considers how to proceed.
Thank you for your time and consideration.

Sincerely,

Andrea H. Brown
Director of Legislative and Regulatory Affairs

cc: Jay B. Wenther, Ph.D., AAMP Executive Director
Dave Sutton, AAMP President