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FSIS Docket Clerk
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U.S. Department of Agriculture, Food Safety and Inspection Service
Room 102, Cotton Annex
300 12th Street, Southwest
Washington, D.C. 20250-3700

97-068N
97-068N-30
Dr. Dell M. Allen

To Whom It Concern:

Excel Corporation appreciates this opportunity to comment on USDA's proposal to expand its current policy on the microbial pathogen *E. coli* O157:H7 as an adulterant to include raw beef trim and muscle meats whose surface has been penetrated. Excel would urge USDA to hold this policy in abeyance.

Excel is a leading producer of raw beef products and we supply those products to customers around the globe. Excel takes the safety of our products very seriously, investing millions of dollars in new technology to improve product safety. In spite of all our efforts, neither we nor anyone can today guarantee that raw animal protein products are totally free of pathogens.

As FSIS develops its regulatory policy, it is imperative that the agency take into consideration the varied risk levels for the presence of *E. coli* O157:H7 among raw beef products. It is our position that different products have differing levels of risk and these risk parameters should guide the agency in developing and implementing policy on this pathogen. The agency has stated that there is a risk-assessment project being conducted which will be completed in approximately one year. It seems premature, at this time, to initiate new policy before this risk assessment project is completed.

The risk to consumers associated with *E. coli* O157:H7 in whole muscle meats, whether the meat has had its surface penetrated or not, does not seem to warrant the action suggested in this notice of policy change. To our knowledge, there has never been a reported case of O157:H7 illness traced back to the consumption of muscle meats, either those that are intact or that have had their surface penetrated. Recent research presented to FSIS by Kansas State University researchers would indicate that there is no statistically significant difference between steaks that are intact versus those that have been needle tenderized. These results were reported from a project where the steaks (both intact and tenderized) were intentionally inoculated on the surface with un-realistically high counts of the pathogen. All of this leads Excel to question why the agency would want to implement policy which expands the adulteration definition to muscle meats, whether intact or surface penetrated.

The bulk of the trim Excel produces is subjected to company testing and/or customer testing. Much of our trim goes to processors who use it to manufacture cooked products. These are typically cooked to or beyond the 160 F. temperature required to kill O157:H7 and/or other pathogens. To brand O157:H7 an adulterant in any trim that is destined for this type of processing is unnecessary and potentially counter-productive.

Due to the unfortunate publicity that this organism has generated the past few years, many of these types of customers want no association with any raw product that is known to have tested positively for this pathogen, even though cooking renders it harmless. Such customers have developed a legitimate fear of becoming associated publicly with any product that has been shown to have a confirmed positive for *E. coli* O157:H7 because of the perceived damage it might do to their brand image. Thus, if *E. coli* O157:H7 is declared an adulterant in raw beef trimmings by the agency, the adulterant status should be confined to the lot in which it is identified. The industry reaction to a policy other than this might well be one where some customers will want to purchase only when they have assurances that ***no testing*** on any trim is to being conducted.

Excel understands that data from three different companies has been submitted to FSIS where individual lots of trimmings were identified as positive for *E. coli* O157:H7 on loads (20 combo loads which were sub-divided into 4 lots of 5 combos each) where all other lots on those loads were negative for this pathogen. The negative lots from these 20 combo loads were then made into ground beef. As the negative lots were being made into ground beef, the product being produced was subjected to extensive finished product testing. None of the finished product produced from these negative lots was found to be positive for *E. coli* O157:H7, despite the fact that they had been on a truckload of trimmings where one positive lot had been present. This data supports confining positive *E. coli* O157:H7 findings to only the confirmed positive lots of trim and not expanding to other lots where negative results are obtained.

Excel urges FSIS to adopt a policy which encourages the beef industry to test for this organism, not discourage this kind of testing. The carcass testing proposal put forward by the industry coalition made up of all industry segments at the Public Hearing on this issue March 8, 1999, seems to offer this incentive. We trust that FSIS will consider this carcass testing proposal seriously and allow the industry the opportunity to demonstrate its effectiveness prior to implementing new policy on E. coli O157:H7 as an adulterant.

Again, we appreciate the opportunity to comment on this proposed policy.

Sincerely,

Dell M. Allen

Dr. Dell M. Allen
Vice President, Quality and Training