



SAFE FOOD COALITION

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March 22, 1999

The Honorable Thomas Billy
Administrator, Food Safety and Inspection Service
US Department of Agriculture
Washington, DC 20251-3700

FSIS Docket Clerk
Docket No. 97-068N
US Department of Agriculture
Food Safety and Inspection Service
Room 102 Cotton Annex
300 12th Street, SW
Washington, DC 20250-3700

**Re: Beef Products Contaminated With *Escherichia coli* O157:H7
Policy on Beef Products Contaminated with *E. coli* O157:H7
Docket No. 97-068N
64 Fed. Reg. 2803 (January 19, 1999)**

Dear Administrator Billy:

On behalf of the Center for Science in the Public Interest's one million consumer members, and the following members of the Safe Food Coalition:¹ American Public Health Association, Consumer Federation of America, Government Accountability Project, National Consumers League, and Public Voice for Food and Health Policy, I am writing to comment on the Food Safety and Inspection Service's (FSIS) recent clarification of the *E. coli* O157:H7 adulteration policy.

We strongly support the clarification of the *E. coli* adulteration policy to include non-intact cuts of beef and beef intended for processing into non-intact cuts. According to CSPI data published in *Outbreak Alert! Closing the Gaps in Our Federal Food Safety Net*, at least two

¹ The Safe Food Coalition is an informal group of consumer, public health, whistle blower, senior citizen and labor organizations. It works to educate the public about the hazards of foodborne illness and seeks congressional and administrative action to improve meat, poultry and seafood inspection.

outbreaks have been linked to *E. coli* O157:H7 in roast beef, one in 1990 and one in 1995.² Those outbreaks represent only a tiny fraction of the outbreaks that have been reported to the Centers for Disease Control and Prevention during that time period,³ so there may be many other outbreaks from non-intact cuts of meat that we are unaware of.

Clarification of the policy is needed to assure appropriate protection of public health. *E. coli* O157:H7 can cause devastating illnesses for young, elderly, and immune-compromised consumers. While CSPI and other members of the Safe Food Coalition have tried to educate consumers on the risks of eating rare or undercooked beef products, consumers alone cannot solve this problem. The consequences of a single food-handling error associated with contaminated beef products are simply too grave. The meat industry, from the rancher to the slaughter house worker to the processor to the retailer, must take appropriate steps to safeguard the public.

We support the agency's definition of "beef products of concern." Meat subject to mechanical tenderizing that pierces the meat is included in that definition. Data presented by Kansas State University at the March 9, 1999 public meeting support that inclusion by showing that small amounts of contamination are transported to the interior of the meat during the tenderizing process.⁴ While the number of *E. coli* O157:H7 transported to the interior of the meat was lower than that found on the surface, any introduction is troubling because the bacteria can grow in the interior of the meat in the time between tenderizing and consumption. In addition, the infectious dose for *E. coli* O157:H7 is very low. The Kansas State study also shows wide variations in pathogen reduction during cooking of blade-tenderized steaks, further confirming that meat companies should explore alternative methods for tenderizing meat.

² Center for Science in the Public Interest, *Outbreak Alert! Closing the Gaps in Our Federal Food-Safety Net*, (Washington, DC: Center for Science in the Public Interest, 1999) pp. 17-18. In the July 1990 outbreak traced to *E. coli* O157:H7 in roast beef, 65 people were sickened in North Dakota. In the August 1995 outbreak traced to *E. coli* O157:H7 in roast beef, 31 people were sickened in Minnesota.

³ Centers for Disease Control and Prevention, "Surveillance for Foodborne-Disease Outbreaks -- United States, 1988-1992," *CDC Surveillance Summaries, Morbidity and Mortality Weekly Report*, Vol. 45, No. SS-5 (1996), pp. 9, 13-15.

⁴ Randall K. Phebus, et al., "*Escherichia coli* O157:H7 Risk Assessment for Production and Cooking of Blade Tenderized Beef Steaks," Kansas State University (unpublished), presented at the USDA-FSIS Public Meeting, Washington, DC, March 8, 1999.

Comments on the “Questions and Answers on Beef Products Contaminated with *E. coli* O157:H7”:

Question 1: Lot sizes should be appropriate to evaluate process control. Therefore, we object to FSIS arbitrarily saying in the final paragraph that lot size is up to the company regardless of its impact on process control.

Question 3: We agree that more intensive testing of incoming product is warranted once *E. coli* O157:H7 has been identified.

Question 5: We believe that FSIS should act anytime the agency determines that plants do not have in place or follow controls necessary to prevent adulterated product from being distributed to consumers. (Replace the “*E. coli* O157:H7 and did not have” with “or” in the fifth line of the Answer.)

Question 7: The plant should take steps to ensure that contaminated product does not cross-contaminate any other products that the plant intends to sell as raw product.

Question 8: FSIS fails to address what actions meat plants should take if they are notified of a possible contamination problem after the affected product has left the plant.

Question 9: FSIS should develop a stringent tracking system for adulterated product in transit to assure that it is properly disposed of. Clearly, any disposal of raw product in a land fill should be prohibited without further cooking to eliminate pathogens.

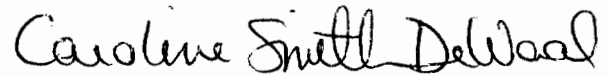
Question 10: FSIS should expand the *E. coli* O157:H7 surveillance testing program first to include trimmings intended for processing into ground beef and then to all beef intended for processing into non-intact beef products. FSIS should use more than 5,000 samples for its random sampling program for *E. coli* O157:H7.

With regard to products derived from advanced meat/bone separation machinery and recovery systems (“advanced meat recovery” or “AMR product”) and mechanically-separated meat (“MS(M)”), FSIS policy is that these highly comminuted products will be deemed adulterated if contaminated with *E. coli* O157:H7, unless they are further processed into ready-to-eat products. However, FSIS apparently does not intend to expand its sampling and testing program for *E. coli* O157:H7 to include AMR and MS(M), since these are intermediate products that are generally further processed and added to hamburger and other products.

The Safe Food Coalition is particularly concerned about highly comminuted meat products like bone-press AMR product and mechanically separated meat, because they provide such a favorable environment for bacterial growth. Therefore, we strongly support FSIS' decision to deem AMR and MS(M) to be adulterated if contaminated with *E. coli* O157:H7 unless they are further processed into ready-to-eat product. However, we question FSIS' tentative

decision to exclude AMR and MS(M) from its sampling and testing program for *E. coli* O157:H7. While AMR is generally incorporated into hamburger and other products (and not distributed directly to consumers), there is no legal requirement that this be so. Processors may legally sell AMR product directly to consumers as "beef" if they wish to. MS(M) may also legally be sold directly to consumers provided it is labeled as "mechanically separated beef." Moreover, we understand that a significant percentage of AMR product is sold to (1) retailers without their knowledge of its incorporation, and (2) institutions that may then use it as they see fit. The Safe Food Coalition therefore recommends that FSIS expand its in-plant sampling and testing program to include all comminuted beef products, including AMR and MS(M).

Very truly yours,



Caroline Smith DeWaal
Director, Food Safety Program
Center for Science in the Public Interest

On behalf of:

Carol Tucker Foreman
Coordinator, Safe Food Coalition
Consumer Federation of America
National Consumers League

American Public Health Association
Government Accountability Project
Public Voice for Food and Health Policy