

99-055R-3
99-055R
William A. Pinkerson

Comments on 9 CFR Parts 303 and 38:

Docket 99-055R

3

FEB 1

RECEIVED
FEB 10 11 51 AM '01

The regulation as proposed represents two major steps backward in insuring the wholesomeness of the meat and poultry sold in the United States:

- 1) Storage conditions at retail establishments do not generally meet the standards for inspected plants in terms of sanitation or temperature control. The U.S.D.A. has itself defined this as critical since it is a Critical Control Point in the Generic HACCP model for Raw, Not Ground Meat and Poultry.
- 2) Significant quantities of meat and poultry will be processed without inspection and sold as "pass through" by the retailers. These establishments do not generally maintain processing temperature control or separation of species.

Discussion

We are a U.S.D.A facility producing kosher and halal products. We have observed storage conditions in retail establishments that are currently selling "pass through" for resale and have not observed sanitary practices or temperature recording in effect. We have made complaints to compliance and they have told us that box in and box out is not in their purview any longer.

We have observed product processed in these retailers and then repackaged into the USDA boxes in which the product was received and then shipped for resale. For instance, a retailer might take bone-in chicken breast from a USDA inspected box, process it boneless and then ship it in the chicken breast box bearing the mark of inspection from the original inspected facility. Compliance has told us they can not act unless they see the box itself. The local health departments take the view that the USDA has the responsibility to see that their mark of inspection is not abused. Hence this is already a gap in the inspection system.

By removing "pass through" from the retail exemption limit the USDA is proposing to permit limitless shipments of meat and poultry from establishments where they have no control over the storage conditions and where misuse of the mark of inspection is already occurring. Without the "pass through" included in the limitation, and with no regular inspection of hotel, restaurant and other retail food establishments, there is functionally no limit to the amount of product a retailer might process and repackage.

Most general market retail butchers have closed over the past decades as supermarkets have become the principal source of retail meat and poultry. At the same time specialized ethnic markets for religious (kosher and halal) and ethnic (Latin, Asian, etc.) markets have grown in number. The adoption of the proposed regulation will not only reduce the wholesomeness of meat and poultry in the market, but the impact will in effect be discriminatory falling principally on consumers from religious and ethnic minorities.

For further information contact:

William A. Pinkerson
President
Royal Palate Foods
960 E. Hyde Park Blvd.
Inglewood, CA 90302
(310) 330-7701

