Representing, Educating and Promoting the Restaurant/Hospitality Industry

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NATIONAL RESTAURANT ASSOCIATION®

(4)

February 29, 2000

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

99-060N-4
99-060N
Steven F. Grover

Re: Docket No. 99-060N

Dear Sir or Madam:

The National Restaurant Association, representing more than 40,000 members and over 200,000 restaurants, would like to comment on the agency's proposed review of the policy regarding raw beef products contaminated with *E. coli* 0157:H7. The National Restaurant Association shares the concern expressed by FSIS regarding the illnesses caused by this bacterial contaminant, and sincerely wishes to help the agency evolve an effective, rational and science-based methodology to prevent future *E. coli* 0157:H7 outbreaks associated with ground beef.

At the outset, we encourage FSIS to work closely with meat industry groups and consumers such as ourselves to focus on science-based prevention rather than the efforts to identify the problem after product release or access blame. We feel that the primary duty is to prevent people from becoming ill, and to that end we encourage others in industry and government to assist through maintaining the focus on reduction or elimination of pathogens in the food system. The practice of random sampling of raw beef products for *E. coli* 0157:H7 at points where the product is generally consumed and before the results are obtained, is logically flawed from a prevention standpoint and should generally be avoided. Furthermore, science-based technologies and procedures, which can be shown to eliminate *E. coli* 0157:H7, should be investigated and rapidly approved by FSIS.

Bacteria are a normal part of most raw foods, including ground beef. However, FSIS has taken the public policy position that the presence of anything other than zero levels of *E. coli* 0157:H7 in ground beef will result in the food being declared adulterated. Unfortunately, rather than absolutely assuring a safe food supply, this unscientific policy has caused confusion and a tremendous waste of resources at all levels. We fear that this current policy was set without an adequate risk assessment or clear scientific basis.

Our specific concerns with the current *E. coli 0157: H7* zero tolerance policy are as follows:

1. The beef industry and consumers, such as ourselves, have shown a great willingness to work at all levels toward the elimination of this pathogen. In fact, more industry and consumer education, and industry-initiated testing for *E. coli* 0157:H7 takes place today than at any other time. While we question the appropriateness of the current zero tolerance of the *E. coli 0157: H7* policy and its scientific basis, we strongly feel that science-based standards are necessary. We encourage FSIS to work with all sectors to improve our scientific understanding of this pathogen and implement meaningful science-based standards to assure ground beef safety.

2. The FSIS policy of random sampling and the zero tolerance for beef is scientifically and statistically problematic. Statistical validation or current scientific findings do not support the concept of random sampling and zero tolerance for *E. coli 0157:H7* in raw beef products. Furthermore, FSIS did not anticipate the negative reactions by a few meat manufacturers seeking to avoid the severe sampling liability of this unscientific rule. From a prevention and HACCP standpoint, FSIS must develop a more science-based risk assessment for *E. coli 0157: H7* at various levels in production. FSIS should then work with industry to identify critical control point strategies and technologies, which can be employed at the most effective points to prevent contamination. Cooperative sampling should be used primarily to determine the effectiveness of the prevention measures and not for punitive, after-the-fact enforcement actions.

In conclusion, we hope to avoid the perception that simple federal mandates can somehow provide raw food products that are totally free from all bacteria. While this is an admirable food safety goal, it may not be reasonable or even possible in the real world with current technology. Furthermore, random sampling and after- the-fact destruction of contaminated products, should not be our main line of defense. We encourage FSIS to fully consider science and not simplistic solutions in the development of a more statistically valid prevention-focused and science-based *E. coli 0157: H7* tolerance policy.

We are deeply committed to assuring food safety and will continuously strive to provide the safest food products possible to our customers. To this end, we have taken substantive steps to improve food safety regulations, education and the safety of foods served in restaurants. We look forward to working with FSIS in the future towards our common goal of improved food safety.

Sincerely,

Steven F. Grover, R.E.H.S.
Vice President, Health and Safety Regulatory Affairs

Cc: Steven C. Anderson, President and Chief Executive Officer