UNITED STATES DEPARTMENT OF AGRICULTURE
NATIONAL ADVISORY COMMITTEE ON MEAT AND POULTRY INSPECTION

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SPRING MEETING

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STANDING SUB-COMMITTEE NUMBER 2

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TEST AND HOLD

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THURSDAY,
JUNE 16, 2005

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The Sub-Committee convened in Room 1160 of the South Building of the Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C., at 3:00 p.m., Mark Schad, Chairperson, presiding.

SUB-COMMITTEE MEMBERS PRESENT:

MARK SCHAD	Schad Meats, Inc.
DAVID CARPENTER	Southern Illinois University School of Medicine
SANDRA ESKIN	Public Policy Consultant
JOSEPH J. HARRIS	Southwest Meat Association
MIKE FINNEGAN	Montana Department of Livestock

USDA STAFF PRESENT:

CHARLIE GIOGLIO	Director, Inspection and Enforcement Initiatives Staff, Office of Policy, Program and Employee Development
MARY CUTSHALL	FSIS
MURRAY PENNER	FSIS
WANDA HAXTON	FSIS

ALSO PRESENT:

LYNN MORRISSETTE	American Meat Institute
ANNE RAZOR	

P-R-O-C-E-E-D-I-N-G-S

(2:45 P.M.)

CHAIRPERSON MARK SCHAD: This is Sub-Committee Number 2 on test and hold products. If it's okay with you guys, there was a few of us in the sub-committee that we're talking about, and between you, Joe Harris, and Charlie, give an update on these guidelines, so that we're all on the same page.

First of all, I thought we'd go around and everybody introduce themselves, so we've got that on the record. My name is Mark Schad, with Schad Meats, in Cincinnati, Ohio.

MR. FINNEGAN: Mike Finnegan, Montana State Meat Inspection.

DR. HARRIS: Joe Harris, with Southwest Meat Association.

DR. CARPENTER: David Carpenter, with Southern Illinois University School of Medicine.

MS. ESKIN: Sandra Eskin, I'm a Public Policy Consultant. I do a lot of food safety work for groups like AARP, CSPI, and other acronyms.

MR. GIOGLIO: I'm Charles Gioglio, from

FSIS. Some of my staff is here, Mark, too, to help facilitate.

CHAIRPERSON MARK SCHAD: Shall we introduce them?

MR. GIOGLIO: Murray, would you please state your name for the record.

MR. PENNER: Murray Penner, I work for Charlie.

MS. JEFFERSON: Val Jefferson, I also work for Charlie.

MS. HAXTON: Wanda Haxton. I also work partially with Charlie.

MS. MORRISSETTE: We're public. I don't know if you want us to --

CHAIRPERSON MARK SCHAD: Yes, go ahead.

MS. MORRISSETTE: I'm Lynn Morrissette, I'm with the American Meat Institute.

MS. RAZOR: Anne Razor, I'm with the North American Meat Processor's Association.

CHAIRPERSON MARK SCHAD: Unless there's an objection, you two are welcome to sit here at the table.

Anybody object to that?

(No response.)

Okay. Join in.

Charlie, Joe, one of you guys want to give us a synapsis?

DR. HARRIS: I'd be glad to. You heard a little of my spiel earlier in the day. Maybe just to add to that, I think there are at least four organizations of the eight on the cover of that thing, there, at least four of them represented in this room. Mark, I believe you were -- Did you attend the meetings?

CHAIRPERSON MARK SCHAD: I did not attend the meetings. I --

DR. HARRIS: Someone did, I don't remember who did.

CHAIRPERSON MARK SCHAD: Yeah, I don't know whether it was Jay or not. I'm on the board.

DR. HARRIS: I know Jay was there.

CHAIRPERSON MARK SCHAD: Yeah.

DR. HARRIS: I think there was one of your members, because we did try to emphasize not having

association members develop this document. We wanted this document to be developed by people out there in the field doing this stuff.

CHAIRPERSON MARK SCHAD: Just so everybody knows, I'm on the board of AAMP, and I saw these draft guidelines, I'm guessing, two or three weeks ago, and sent my comments to Carrie Harris. I've seen them before. The FSIS guidelines, I have not seen until today.

MS. ESKIN: Joe, when did that process start? When did the --

DR. HARRIS: March.

MS. ESKIN: The decision was made collectively that this would be really useful?

DR. HARRIS: Well, it started either late in the fall last year, or maybe even in January of this year, whenever we had some discussion with the Agency regarding their draft. They produced their draft before we did. Frankly, we had some real concerns with some of the things, business related functions, logistics, of some of the recommendations.

MS. ESKIN: The FSIS?

DR. HARRIS: And that's when we decided that it might be appropriate to get industry people that live with this stuff every day, to get their input on -- we use the Agency's document as a starting point, because we did not want to just, you know, throw out their efforts, because they had some very legitimate needs and things that we needed to accomplish as well, and we wanted to try and make sure to preserve those.

MS. ESKIN: Right.

DR. HARRIS: We felt that it would be appropriate for industry to develop a set of voluntary guidelines for a couple of reasons, not the least of which is, when they are finished and able to be disseminated, we can do more arm twisting than the Agency can when we send these things out. We can send them with a cover letter to establish, for instance, hey guys, ignore these with your own peril, here's what you could be faced with. The Agency can't be quite so blunt when they send out a set of voluntary guidelines.

MS. ESKIN: Sure.

DR. HARRIS: And, frankly, with the amount of regulation particularly the small plants deal with on a day-in, day-out basis, when they get a document from FSIS that is labeled voluntary, they tend to ignore it. They say, believe me, if I have to do this, they'll tell me that I have to do this.

There's that problem and, the other issue that we saw is, when the Agency issues documents, you have some plants -- most plants are doing a good job of holding the products. We were concerned that the same ones that don't hold the products, are the same ones that would ignore voluntary guidelines --

MS. ESKIN: Guidelines, yes.

DR. HARRIS: -- from the Agency. So there was that concern. The other side of that coin is, inspection field staff tends to view anything in writing that comes from the Agency as being a new regulation, regardless of how many times the word voluntary appears in our guidance.

MS. ESKIN: In our guidance, yes.

DR. HARRIS: So there were all of those things, and we got together as a group of

associations, and each invited several of our members to get together, and this is the document that has been developed.

MS. ESKIN: I only read it rather quickly at lunch, but is it all of your view that these guidelines are useful for any size plant; in particular, small and very small? I know throughout it it talks about you have to make it fit your operation, et cetera, et cetera, but you are all pretty confident that a small processor will look at this and say, oh, okay?

DR. HARRIS: Absolutely. We had -- I've definitely had -- I'm thinking about the members that I took, were definitely all small processors.

MS. ESKIN: All small processors. Well, maybe.

DR. HARRIS: There were some large ones involved in the development as well.

CHAIRPERSON MARK SCHAD: I'm just going to make one comment on that, and this is as a very small operator.

MS. ESKIN: Yes.

CHAIRPERSON MARK SCHAD: I'm going to be honest, I don't know whether that's still in what we got today, but the ones that came from Carrie two or three weeks ago, there was that part about putting your product in cold storage, if you didn't have much space.

In the real world, the reality of it is controlling product in a rented cold storage facility is very difficult to do, and it is expensive for a small processor.

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: So, to me, the practicality of that is not there. For a large processor it is, but for a small processor, that is not there.

MS. ESKIN: Now, the other thing that -- Maybe this is a FSIS figure and, Joe, I don't know if you all can agree with it. It talks about the majority of plants actually do hold product, and that there is yet a significant number of establishments that do not. Any sense of how those translate again with some sort of number?

DR. HARRIS: Yeah, as I was saying earlier, from looking at the data that was on the amount of samples we've collected and how many were held, it seems that possibly up to about 20 percent of those samples are not held.

MS. ESKIN: The product lots associated with those --

DR. HARRIS: Right. That's not pound exact lots.

MS. ESKIN: Right.

DR. HARRIS: Yeah, that's not poundage.

MS. ESKIN: Which doesn't address poundage or who is producing it?

DR. HARRIS: Right. These are just numbers. Let me just throw out the numbers. It's true that I did not calculate them out, so the 20 percent is real quick.

MS. ESKIN: I have a calculator here.

DR. HARRIS: In 2004 we took 7684 samples for Listeria Monocytogenes. 6208 of those were indicated as held in our data base.

MS. ESKIN: That's the companies that --

the plants held them while the sample was --

DR. HARRIS: That's right. The plants held those samples until the testing came back. What we do is, it is actually on the form itself that the inspector fills out when he or she takes -- you know, sends into the lab for a sample. We do have them indicate whether or not the establishment is holding the sample. That's really for our purposes, practically, because I used to have that job at one time as the director of the recall staff. Now my good friend Dr. Sidrak has that job.

If you know the product is held, if there is a positive, your blood pressure remains a little bit lower until, you know, while you're verifying things than if it's not held. You know, you react a while lot more quickly. That's why I said, quick and dirty, that looked like about 20 percent.

MS. ESKIN: That still had the --

DR. HARRIS: Or it seemed like about 20 percent or so are not held.

MS. ESKIN: Again, that's lots.

DR. HARRIS: Those are product lots, yeah.

Let's make that clear. Somebody on the committee made that point pretty well earlier, that the vast majority of product volume is held.

MS. ESKIN: Right.

DR. HARRIS: Okay. A lot of these recalls and a lot of these production lots, they may be a few hundred pounds, some as small as 40, 50 pounds, and -- but those are the ones that are still -- they are still problematic, put it that way. Whether it's 40 or 50 pounds of chicken salad or frankfurters, or whatever it is, it's still obviously a problem for the plant, a problem for the agency, and much more so, a problem for the public if that problem is adulterated. We want to prevent the illnesses that can come from that.

MS. ESKIN: Does FSIS or, for that matter, industry trade associations, or whoever, have any sense of that 20 percent, how much of that are lots produced by small or very small plants?

DR. HARRIS: I would venture to say that it is approaching 100 percent.

MS. ESKIN: Okay. So that one can

therefore deduce that maybe one of the major issues here is not evil -- excuse me, bad word -- but not people intentionally meaning to subvert the whole system, but just practically speaking, there are real obstacles to them being able to just test and hold?

DR. HARRIS: Yeah. I think that --

CHAIRPERSON MARK SCHAD: I think the key word is practical.

MR. GIOGLIO: It's not because they are trying to, you know --

MS. ESKIN: No.

DR. HARRIS: To give you an example, a story I heard from a real live company. One of my members called me, because I was talking to him about this whole issue, about how he needs to hold products when they are being tested for an adulterant. He said, "Look, I make about 500 pounds of ground beef a day. My policy is, if you order by 10 a.m., you get it by 2 p.m."

He said, "When they tell me I'm going to take a sample, I can't, you know --" He said, "I'm shipping my product just to the local community here,

to restaurants. By the time I get the results back, those products have been cooked and consumed."

He said, "You know, I understand the risk I'm taking if they find a positive, I'm going to have to recall everything. You know, it's just a risk I'm going to have to take."

MS. ESKIN: Right.

DR. HARRIS: So I don't know if you'll ever get to a company like that in terms of --

MS. ESKIN: How could you? I mean, practically speaking.

DR. HARRIS: And we worked with him in trying to come up with -- And we're still working with him, by the way, and we've about got him convinced, I think. It has taken a long time to work with him on developing a means of doing that.

MS. ESKIN: Of actually holding it, or at least tracing -- being able to identify that lot.

DR. HARRIS: Actually holding all the implicated product.

MS. ESKIN: And if it's out the door before you get the test results back in, is that --

DR. HARRIS: Well, what we were able to do is, by communicating better with FSIS inspection personnel, and him getting enough advance notice to where he can make a small batch, they can pull their sample, he can stop, clean up, change to a different raw material supplier, and go on and produce the rest of the day and still --

MS. ESKIN: And stick the rest of that batch where? In a freezer?

DR. HARRIS: Sure. We're talking about a very small amount in this case.

MS. ESKIN: And if it's negative release it.

DR. HARRIS: Release it.

MR. FINNEGAN: I think what you just said is the key, here, to give enough advance notice. I mean, you yourself, you want some advance notice where you can hold it.

CHAIRPERSON MARK SCHAD: Yeah, and I think that's where FSIS's role is key.

I'm trying to -- I guess that was you, Charlie, that said the policy is there for the

inspector to give prior notification.

MR. GIOGLIO: Yes. Right.

CHAIRPERSON MARK SCHAD: But it does not always take place in the field. It has happened to me, and it has happened to several, you know, plain operators that I know.

MR. GIOGLIO: That was one of the things, because the question, I think, from the committee came up, what are some of the barriers, or whatever, and those are some of the things that we have heard from industries that -- although the directives now on sampling do instruct the inspectors to provide adequate notification to the establishment so that they can hold the entire lot back, or the entire production that's represented by that sample. There are times, possibly, that that has not happened in the past.

What we've attempted to do, and we still are attempting to do now, is through the IKE scenarios, and so forth. Continue to get that word out to the inspectors, and give them some better understanding of how to have that communication

happen. We actually have them document that communication with the establishments. Okay. So, you know, that is something that we recognize and we're doing all that we can, you know, to make sure that that happens.

MR. FINNEGAN: The thing is, you can't allow too much time, because I'm just thinking of some small grinding operations that grind their own burger. If you, you know, say today, this is Thursday, say we're going to take a sample Friday afternoon, that plant owner is going to take -- use Conagra, use IBP, use Tyson, or if you give them too much time -- the key is to give enough notification, but not enough to where they alter their process, you know.

MR. GIOGLIO: That is exactly right. And that is the way the instructions are set up. In other words, we could not inspect -- We've instructed inspectors to turn back the sample if the establishment has changed the production processes just for the sampling purposes.

MR. FINNEGAN: Sure.

MR. GIOGLIO: That, all of a sudden, they

are taking some intervention that they never did before.

MS. ESKIN: And won't ever again.

MR. GIOGLIO: And may not ever again.

MR. FINNEGAN: Won't do it again, yes.

MR. GIOGLIO: Right. The instructions are that the sample is to in fact represent the process as it normally happens.

MR. FINNEGAN: Right.

MR. GIOGLIO: Okay. And not do some extraordinary measures that would alter -- that would give a skewed result, so to speak.

DR. HARRIS: In an idea world that works very well, and most of the time, I will tell you that it does. In an ideal world, what we ask companies to try to do, is to have that communication long before the inspector ever receives that notice that he's supposed to pull a sample, so that he knows on an on-going basis enough about the production practices to know what that company needs in terms of notice because, again, small companies just present such unique issues.

If they are only grinding a small amount of product, and yet there are buying combos full of trimmings, these huge containers, they may be using out of the same combo over four or five days in a row. So if Thursday of that week the inspector says -- Say Wednesday night the inspector says, "I've got to pull a sample tomorrow," well, they've already been grinding those raw materials for a couple of days and shipping product. Now, you know, then that's a dilemma for everybody involved. So that's why we try to get companies and inspectors to communicate before he's holding a sample for them, saying, "I need to take a sample," so that he understands enough about how they operate day to day, that maybe he knows that -- I understand that when an inspector gets a notice, he's got a window of opportunity, a 30 day window, to take that sample.

MR. GIOGLIO: Yes.

MR. FINNEGAN: That's right.

MS. ESKIN: Now I understand the scenario you just explained before that one way for a small plant to respond is to have a very small product lot

from which the sample is taken. I mean, what else would be -- Again, the presumption is they can't arguably continue to take their product lot and stick it for some place eight days, maximum. So what else, in addition to smaller lots, are things that small companies can or have done, to adequately, basically effectuate whatever test and hold --

DR. HARRIS: Well, they just, you know, produce the same size lot they always produce, but just hold it, is obviously one option.

MS. ESKIN: Obviously, yes.

DR. HARRIS: I don't know, help me out here, guys.

CHAIRPERSON MARK SCHAD: Okay. Well, when it happens to me, you know, I got the 30-day window.

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: I know when the sample is there, because the mail comes to me and it says, "To FSIS Inspector," but you can tell by the envelope, you know what it is. I say, "Look, inspector, you're going to take another sample from me." He goes, "Yeah, I know, I can tell by looking at

it." So he'll open it up and it's not like 30 days from the time we receive it. There's a date in there, and he says, "Well, we've got to take the sample within the next 30 days." So we'll sit down with him and say, "Okay, can we do it on this day when I'm making this product here that is, to me, a small volume." Let's take it from that one. Because when I make hams, I'll make 136 hams at a time. For me, that is a lot of money to tie up. So I'll say, "Can we take it from ham shanks or Canadian bacon? Let's do it from that, which I just got a few pounds tied up."

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: One thing that's fortunate for me, all these different items I make are basically the same product. I'm curing them and I'm curing them, and I'm fully cooking them, and I'm smoking them.

MS. ESKIN: The same materials, right.

CHAIRPERSON MARK SCHAD: It's all the same process, so there's never any question there. So he takes a sample from that small lot, and I hold that until I get the tests back.

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: And the other thing that I do, that I've tried to talk to small processors -- but this has only to do with listeria. You know, every time you do a -- I don't want to get too much off on tangents, but I'm trying to think of ways to help small processors.

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: Whenever the FSIS inspector comes in to take his sample for finished product --

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: See, I'm taking a food contact service sample once a month. I'll do that out of the same lot, so I'm not holding two lots a month instead of one.

MS. ESKIN: Right. Now, again, the question is, you say your products are basically made from the same raw materials. What happens, I guess, in a situation where you have a small processor, I assume it happens, who produces a number of different products that maybe have different levels of risks. I

mean, that is problematic because, again, the product that winds up being the one that's tested may not be the one -- I mean, the ultimate goal is to get to risk base, but it actually may not be the one, right?

CHAIRPERSON MARK SCHAD: Doesn't the sample say for a specific type of process based on the HACCP plan, or --

MR. GIOGLIO: The sample requests, I mean, they are different for the, you know, ready to eat and the ground beef, 40157H7, but we do have different programs for, let's say, ready to eat products, but the inspectors are instructed to decide randomly which products they are going to select. We have other programs, and they may have been speaking a little bit about risk.

You know what some of the other -- other programs are, you know, more targeted -- that may not be the exact word we're using right now, but are to the higher risk products.

MS. ESKIN: Right.

MR. GIOGLIO: Based on the alternatives that they're following in that plant to control

Listeria Monocytogenes, and so forth. So within those programs that the inspectors would be directed to pull those samples, then they are supposed to choose the more risky products, and then the times and so forth of the sampling should be random. Okay.

But that doesn't preclude the inspectors from providing enough advanced notification, depending on I think what Joe said earlier that the really important piece is the inspector obviously needs to know the processes that are going on in that plant, and there does need to be -- from my thought anyway -- that up front communication between the establishment, management and the inspector, so that the inspector may be able to inform the plant on a Monday, let's say, sometime this week I'm going to pull a sample, and I've chosen I'm going to pull this sample on Thursday, kind of thing, you know.

MS. ESKIN: Right.

MR. GIOGLIO: He's made that random selection that he's going to pull the sample on Thursday, which may give you adequate time, then, to either look at your process to either make what

adjustments that would not change the process, but in the production lot size, or whatever, to be able to hold a smaller amount.

MS. ESKIN: Joe, what's the time table, or at least the groups thoughts with your guidelines, taking FSIS aside for a minute and just you all? Are you now circulating this for people to comment on, or have people already commented on it?

DR. HARRIS: It has been circulated to all of those associations listed for comment.

MS. ESKIN: Okay.

DR. HARRIS: All those comments have been received, implemented. We are within days of finalizing this document and ready to disseminate it, you know, as widely as possible.

MS. ESKIN: What are some of those dissemination plans? Again, how are you going to get to all of those little operations?

DR. HARRIS: I don't know that we have formalized our plans on that yet, and some of the other associations presently wish to comment.

MS. ESKIN: Right.

DR. HARRIS: Obviously, the first step is posting it on our website, disseminating it to our members.

MS. ESKIN: Right.

DR. HARRIS: I will tell you, our hope is that we can get to a point where we have a single document that FSIS can endorse or support in some form or fashion, that we can say, look, FSIS has had input into this as well and, you know, we can disseminate it widely and even, you know, most of us as associations, you know, our members tend to be the ones that are better about holding their products.

We are not very proprietary when it comes to disseminating this kind of information, and we'll do everything we can do to get it to every small plant out there. We don't care if they are a member. They don't have to be a member to call us and ask us questions about it.

MS. ESKIN: But, again, they are inspected by either the State or the Federal. A small plant somewhere in this country is theoretically inspected by somebody. So, ideally, if you could get guidelines

to whoever that person is who walks in the door, that person can then hand them to the plant operator.

CHAIRPERSON MARK SCHAD: And if I could speak AAMP, on an issue such as this, of this significance, I'm going to go out on a limb, here, because I haven't discussed it with the rest of the board members, here. Like I say, on the issues such as this, we won't say, well, we're just not going to send it to just our members, because we've got mailing lists that go out nationwide to non-members, too.

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: And it's good for us, too, you know, look what our association is doing.

DR. HARRIS: Comment back there.

CHAIRPERSON MARK SCHAD: State your name, please.

MS. MORRISSETTE: Lynn Morrissette, with the American Meat Institute. I just wanted to add that we have had some conversations with Charlie and his staff and with Barb. I've heard Masters and her staff, about getting a list of the State inspection heads, essentially, and also working through AAMP,

because they have some good connection at that level as well with some of those people. We're going to try to get it out that way. Also through AMSA, the American Meat Science Association, has a huge data base that keeps up with their local extension people, and things like that. They have also said that they would be more than happy to help us disseminate the documents.

CHAIRPERSON MARK SCHAD: AMI is one of the groups?

MS. ESKIN: Yes.

CHAIRPERSON MARK SCHAD: I just wanted to be sure. Okay.

Do we kind of feel like we're all on the same level of playing field, here?

MS. MORRISSETTE: Yeah, I think so.

MS. ESKIN: Yes.

DR. CARPENTER: Yes. I just want to make sure that when your members saw these guidelines and then saw FSIS, that there was consensus, that they were all on the same page. Is that kind of what --

MS. ESKIN: Well, it sounds like yours, s

you indicated, started with FSIS, but provided more, from your view, more detail and more direction for companies.

DR. HARRIS: We did.

MS. ESKIN: Has FSIS seen this document?

MR. GIOGLIO: Yes.

MS. ESKIN: Earlier in the process?

MR. GIOGLIO: No. Essentially, I think this document that you have here is what was presented to us.

MS. ESKIN: Have you all commented on it formally or informally?

MR. GIOGLIO: No.

MS. ESKIN: Again, you all started the process first?

MR. GIOGLIO: Correct.

After we presented the issue at the last meeting, and so forth, and I think the time line, Joe, was sort of laid out before and is about right. I think it was about, you know, December or January where we had that first draft. The document that you have now is substantially different from that and has

been -- has gone through a number of different stats within FSIS.

MS. ESKIN: Your document, right?

MR. GIOGLIO: Our document. Right.

It has not been cleared through the Agency yet for -- that's something that the Administrator would sign off and we would post on our website, or anything like that, but it is getting closer to that point. We basically got it ready for discussion here at this meeting.

I will say regarding the two, they probably are fairly close as far as the substance, because there are only so many ways, you know, that you can look at this problem, and we both sort of came up with a lot of the same thing. Ours focuses on a little bit more on maybe the control of product.

MS. ESKIN: Right.

MR. GIOGLIO: Because that's really important for us, as Joe was saying earlier. If I can comment, I think the industry documents does a good job with giving people practical -- there's sort of the forms that they give you, and other things, which

we don't have in ours, but it gives them worksheets and forms that they can sort of use to help them through the process.

CHAIRPERSON MARK SCHAD: I'm wondering now how we should approach this, when we have some questions, here, and we need an answer.

MR. GIOGLIO: I guess, from my perspective, if you can go back, Mark, and look at -- just really try to look at the questions were posed and see if -- And what other subcommittees have done in the past is simply looked at each question and try to answer each question with a bullet, or a couple of bullets, whatever it is. That's sort of the way I think you all approached it in the past.

MS. ESKIN: But yet in your situation, they sort of all collapsed into one sort of policy statement, in which you say that we think they need guidelines and here's where they should come from, and here's how they should be distributed.

MR. GIOGLIO: Yeah, and that's perfectly fine with us.

CHAIRPERSON MARK SCHAD: Yeah, I think we

do have to start after we answer these questions. Do we want to form just one or two questions? I mean, that's fine with me.

MS. ESKIN: Maybe it would be useful just to talk a little bit before we start word smithing, only if we get a consensus as far as -- Yeah, go through the four questions and then we'll get a consensus of how it will fit together.

CHAIRPERSON MARK SCHAD: Okay.

Should the Agency issue it's guidelines for holding products when sampling?

I slowed down there because I was thinking maybe that shouldn't be the first question.

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: Because it seemed like the first question should be number three, should the Agency and Industry issue their guidelines simultaneously?

MS. ESKIN: Right. Or, there's another way to ask that question, should they work together to issue one set of guidelines?

CHAIRPERSON MARK SCHAD: Is that just for

the small operator, the small operators that I know, you get two things out here and you're just going to cause confusion, you're not going to aid anybody. FSIS says this and the Trade Association says this, or should I call FSIS if I'm reading this one, and I'm not sure. I think everybody knows what I mean.

MS. ESKIN: Right.

DR. HARRIS: What Charlie is saying, he's got to get the secretary to endorse the industry document, and that will be like --

CHAIRPERSON MARK SCHAD: Is that a big hurdle, Charlie?

MR. GIOGLIO: No, no, I did not say that. I did not say that.

MR. FINNEGAN: Are you going to sign off immediately, as soon as --

MR. GIOGLIO: No, that's not what I'm saying.

DR. CARPENTER: Their own guidelines, that's what he meant.

MR. GIOGLIO: Our own guidelines.

I guess what I was saying, Dr. Carpenter,

is that our guidelines, okay, although they have worked through a number of different staffs at sort of my level. I mean, between my staff and some of the folks here that drafted them, Mary's staff, Mary Cutshall's staff, has looked at them because of the small plant implications, and us disseminating that information. The recall staff, to give us some practical and some technical insight as to what are the kinds of things that we need to deal with in these documents.

So that's what I was saying. They have not gone beyond that level to be cleared -- when I say cleared through FSIS, that means all of the assistant administrators and then, ultimately, Dr. Masters, the acting administrator, clearing the document to say, okay, you can now post this up on your website. Okay. We do work through that internal process, here, as I'm sure every other government agency does.

DR. CARPENTER: But does that exacerbate what Mark's talking about, having two documents to work with. Having the industry in its hand and then eventually FSIS having one on the website?

MR. GIOGLIO: That's really one of the questions, and that, essentially, is question number five.

MS. ESKIN: Right. Well, it's problematic. I'm thinking of a totally different context in which I was involved in a process that developed voluntary guidelines. In the process were all various stakeholders. The regulatory agency, FDA, was involved in the process in terms of providing advice and some guidance, but did not sanction the guidelines, did not -- doesn't even enforce them.

I said a minute ago, well, shouldn't the agency and the industry work together cooperatively under all these guidelines, but perhaps that's not appropriate because you all are the enforcers, ultimately. You enforce the law.

MR. GIOGLIO: Right.

MS. ESKIN: These are voluntary guidelines. I know practically speaking FSIS, USDA's name is on them, anybody is going to look at it as regulatory. While, personally, that may not be a problem for me, I understand that's really not the way

it is. So maybe what we have to do is start at four and propose -- let the industry put out their guidelines.

Perhaps FSIS could at least in some capacity comment on them, because that would at least -- if there were real problems with them, that would be addressed, but let the industry put them out, see how they go and, after a certain period of time, if FSIS has concerns, then there are other options. I understand -- asked the question, well, can't you compel test and hold, and the answer was, if we issued a rule, but that takes a long process. But either you do that or you don't. Meaning, you know, either you enforce or you wait and see, I guess, is my point.

MR. GIOGLIO: Right. However, I mean, just to follow on with what you're saying, I think that FSIS is in the position to say if we can effect this through a voluntary means a lot quicker than going through whether it's a rule, or however we need to publish it in the federal registry notice, and all the process that we need to go through there.

MS. ESKIN: Right.

MR. GIOGLIO: We think the sooner the better we get the voluntary cooperation.

MS. ESKIN: Right. But, the issue here is what is this? Is it your "this," or is it the industry's "this"?

MR. GIOGLIO: That's the question. To go on, on other types of guidance in years past, FSIS and the industry have followed a model, sort of what you're suggesting.

MS. ESKIN: Collaborative --

MR. GIOGLIO: The industry developed -- I'm thinking in terms of -- and I don't know if anybody here was involved in it, but maybe 10 years or so ago, the industry trade associations developed guidelines for producing dried and fermentive sausage, okay, to control 40157h7.

MS. ESKIN: Right.

MR. GIOGLIO: Okay. And that was something, ultimately, the Agency did look at and then was able to not sanction as an FSIS document, but did say, yeah, this should control it and we will. It's consistent with good science and good policy, and

good practice, and we think this is something that you all should recommend to your members.

MS. ESKIN: And either in effect, or still in effect, I assume, these guidelines?

MR. GIOGLIO: Yeah. That's still is in effect, and a number of plants are relying on those.

CHAIRPERSON MARK SCHAD: It sounds like we're leaning towards the voluntary guidelines, but it reminds me of a tough question I want to ask. From the FSIS standpoint, say we did that. Say this subcommittee recommended that.

MS. ESKIN: The industry guidelines.

CHAIRPERSON MARK SCHAD: The industry guidelines, and the committee agreed.

MS. ESKIN: Start there.

CHAIRPERSON MARK SCHAD: How would FSIS grade this?

MR. GIOGLIO: How would we grade --

CHAIRPERSON MARK SCHAD: Okay. Say the industry went out with the voluntary guidelines and the industry started to follow these guidelines. What --

MS. ESKIN: How would you assess their effectiveness?

CHAIRPERSON MARK SCHAD: Yeah. What percent drop --

MR. GIOGLIO: I think, yes. I don't know that I would, sitting right here, put a percentage drop on it. But if we see -- we obviously want to get down to zero, all of us do.

CHAIRPERSON MARK SCHAD: Yes.

DR. HARRIS: Right.

MR. GIOGLIO: I don't know that I have a percentage, but if we see a dramatic drop in the numbers of these types of recalls, and we look at just even the amount of product that's held when we sample, and that really is a dramatic drop, we think we're getting some success. I think what Joe is -- I don't know --

MS. ESKIN: Right. Could you break it down to the small plant and very small plant? Do you see a --

MR. GIOGLIO: We probably could cut the data that way, ultimately, to look at it a little bit

differently.

DR. HARRIS: Just as maybe for some perspective. This number has -- I guess it was mark that looked at it over the last several years. This 33 percent number that's floating out there now --

MS. ESKIN: Right.

DR. HARRIS: -- was at almost 70 percent about four years ago.

MS. ESKIN: Again, that's of the products that were tested.

DR. HARRIS: Recalls that were attributable to companies not holding their products. So progress has been made.

MS. ESKIN: Right.

DR. HARRIS: What our goal would be, is for us to issue our guidance, try to really force feed it to those out there that haven't come on board with doing this, and just see how much progress we can make before FSIS gets too serious about considering rule-making.

MS. ESKIN: Would it be reasonable -- and

I guess we can suggest whatever we feel like suggesting, and maybe it doesn't have to be listened to, but if we were to endorse using these industry guidelines to recommend or suggest an industry track as best they can amongst themselves. You know, sort of the effectiveness of these guidelines?

DR. HARRIS: I will say that there are some effectiveness measures built into the guidelines. I know one of the things that -- one of our early discussions with Barb, she had indicated that she really needed to be sure, as we developed these, that we thought about ways of measuring effectiveness.

MS. ESKIN: Okay.

DR. HARRIS: Now it's a little bit challenging, other than just seeing how many recalls are attributed to companies not holding products.

MS. ESKIN: Right.

DR. HARRIS: I don't really know how else to truly measure success.

MS. MORRISSETTE: I'll just add that, really, you know, the best way to do it is, we don't have the right to look at companies and watching to

see whether they held the product or not.

MS. ESKIN: I understand.

MS. MORRISSETTE: So that 20 percent number that Charlie mentioned could change, without us actually seeing too much change in the amount of actual recalls that occur. In addition to that, we had talked about that that was one of the positives about having worksheets in our guidelines, that we could possibly survey people, or do additional follow-up work in the future to find out how many people are using those work sheets, and things like that, to see if they are actually putting the ideas into practice.

MS. ESKIN: It's cumulative data. You're not identifying individual plants and all the specific information?

MS. MORRISSETTE: Right. Probably.

MS. ESKIN: I mean, again, this is a question of --

MS. MORRISSETTE: But, generally, we know from our members, from surveying our members, that we have about -- I want to say about 98 percent of our members are already holding the product.

MS. ESKIN: Right.

MS. MORRISSETTE: So, generally, we know where those numbers are coming from, and see whether --

MS. ESKIN: Sure. But, again, there is this other two percent who are, you know, either within your membership or all those other small and very small plants that maybe are not members of AMI.

MS. MORRISSETTE: Right. Exactly.

CHAIRPERSON MARK SCHAD: Because AMI, just so you know, that's the big packers.

MS. ESKIN: I know that.

MS. MORRISSETTE: I have to correct that.

MS. ESKIN: Oh, okay. Good.

MS. MORRISSETTE: We do have -- actually 80 percent of our membership is small and very small establishments. We do represent the big packers, but if you actually look at the number of plants that we represent, more than 80 percent are --

MS. ESKIN: Can you divide that 80 percent between the small and very small?

MS. MORRISSETTE: Probably the majority of

those are about --

MS. ESKIN: Because that small is a pretty big number.

MR. GIOGLIO: Yes, that can go up to 500.

MS. ESKIN: Yes.

MS. MORRISSETTE: Probably the majority of those are small. I mean, I know we have several members, and I brought some of them to our meeting that we hosted. The group that has 10 employees or fewer. You know, one has only two employees.

MS. ESKIN: Right.

MS. MORRISSETTE: I mean, we do have quite a few very small plants.

DR. HARRIS: I was going to say, she's not going to let that go by, Mark.

CHAIRPERSON MARK SCHAD: I've got say, I've got to be corrected by women at least once a day.

DR. HARRIS: I knew that wasn't going to fly.

MS. ESKIN: So, again, Joe, you said that you all, in the development of these guidelines did talk about -- Maybe Barb is the one who suggested

building in ways to determine effectiveness.

DR. HARRIS: And I had to look back through here to refresh my memory, because we talked about it, and I'll be honest, we never really came up with a good consensus, other than the kinds of things Lynn just talked about.

MS. ESKIN: Right.

DR. HARRIS: It's hard for a company by company approach to measure effectiveness. I mean, they either held it or they didn't.

MS. ESKIN: Right.

DR. HARRIS: Again, the Agency is probably the one to best answer those questions, because they do get those forms back that say -- from the inspectors when he sends the sample in -- was the product held or wasn't it.

MS. ESKIN: And then to work backwards with the recall. The product was recalled from where, what procedures did they follow? Okay.

MR. FINNEGAN: Ray, if we go along with the industry, the field force of the Agency, they'll be out of it, really. Is this what we're talking

about, rather than the inspectors?

MS. ESKIN: Well, what do the inspectors -- You're saying the inspectors won't be able to check on this?

MR. FINNEGAN: Right. You know, if it's an industry guideline, are we -- yeah. Can the agency be involved, if this comes right from the industry, is what I'm asking, Joe.

CHAIRPERSON MARK SCHAD: Wouldn't their position remain the same as we encourage you to hold product?

MS. ESKIN: Yes.

MR. GIOGLIO: Yes, I think that's true.

MS. ESKIN: An inspector notes whether or not the product is held, but there's no --

MR. GIOGLIO: The inspector does not enforce, and would not enforce --

MR. FINNEGAN: Right.

MS. ESKIN: Even your guidelines.

MR. FINNEGAN: Right. Okay.

MR. GIOGLIO: It strongly encourages the establishments to do so, to have a plan to do so and

so forth, and I think both sets of guidelines do go in and sort of provide instruction to the plants to have those conversations up front so that, you know, both sides know exactly what's going to be what.

MR. FINNEGAN: And so we would still have that data when they checked their little box in product held?

MR. GIOGLIO: Yeah.

MR. FINNEGAN: That would not change?

MR. GIOGLIO: Yeah, our process would not change.

MS. ESKIN: It doesn't change.

MR. GIOGLIO: Exactly. Our process would not change in that regard.

MR. FINNEGAN: Okay.

DR. HARRIS: Maybe I ought to ask this question of Charlie. One of the things we've got a little experience with, when they initiated the CSO, now EIAO reviews, one of the things that an EIAO would do during this assessment if he was visiting a company that he thought needed some help, he had a list of resources that he could refer that company to. Maybe

as part of the EIAO assessment the Agency can take a look at whether or not they are holding products when they are tested and, if they are not, can refer them, possibly, to a set a guidelines such as this. Is that a reasonable recommendation?

MR. GIOGLIO: I think that's -- yes.

DR. HARRIS: You know, frankly, we've had some very good results, I think, from EIAO referring small plants to specific resources that are available to help them.

MR. GIOGLIO: You're saying not Agency documents, but documents that were developed by universities and so forth?

DR. HARRIS: I mean, there was some of the EIAOs in Texas, I would get calls from companies that said the EIAO gave me your name and said you would help me even if I'm not a member, and they are right. I've never turned a firm away that called for help, regardless of --

CHAIRPERSON MARK SCHAD: Could you please kind of help Murray put a few words up there on the --

MR. PENNER: Yeah, I think I got it.

CHAIRPERSON MARK SCHAD: So we don't forget that one.

DR. HARRIS: Because these are the types of questions that the EIAOs are asking them anyway, as far as the procedures and practices that they are following on a day to day basis.

CHAIRPERSON MARK SCHAD: So are we on the consensus that we would recommend that we go with the industry guidelines prior to the agency issuing guidelines?

MS. ESKIN: Yes. And I would just want to put specific language in. If I say that, I'm sure that if I say that, I need to draft it, that USDA, as it happened with the dry sausage situation, officially comments or whatever, blesses, that's probably not the right word, these guidelines.

MR. GIOGLIO: Reviews them.

MS. ESKIN: Reviews them and makes sure that they are consistent with the law and that they are based on sound science, whatever. We can talk about a standard, but I'd be comfortable with that if, in fact, we have that industry -- official Agency

review.

CHAIRPERSON MARK SCHAD: So you're saying that it can be a link to question number four?

MS. ESKIN: Yes. I would support that, starting there, as long as the Agency --

CHAIRPERSON MARK SCHAD: Does anybody have a problem with that or not?

DR. HARRIS: Are you -- I just want to clarify, are you opposed to them be disseminated before that review is complete?

MS. ESKIN: I think it would be better to have the review beforehand, just to make sure there are no problems. I don't know what type of time table is feasible, here, for the FSIS review. We can say it has to be done in a timely manner. I would be concerned because, ultimately, what I want to make sure is, everything is consistent with the law.

DR. HARRIS: That type of review probably wouldn't take that long, would it?

MR. GIOGLIO: I don't believe it would be that long.

CHAIRPERSON MARK SCHAD: We're talking

about the Agency reviewing these and not sanctioning them or endorsing them, or making them somehow an Agency document, but reviewing to make sure they are consistent with the law and any policies.

MS. ESKIN: And any policies.

CHAIRPERSON MARK SCHAD: That they are not saying something that is outside Agency policy presently. Yes. I don't think, given this document, that that would take very long.

MS. ESKIN: Yes, and we can talk about an expeditious review.

MR. FINNEGAN: It's just like a HACCP plan. We're not approving their HACCP plan, but we're just making sure that --

MR. GIOGLIO: Correct. I think, you know, if there were something, I would think we would go back and say this is something that we see as problematic, and how can you folks address it?

MS. ESKIN: Right.

MS. MORRISSETTE: Charlie, just a quick question. If you guys did in fact do that and the industry went ahead and disseminated these guidelines

and a cover letter would be acceptable to the Agency, then, do you think they'd say these guidelines have been reviewed by the Agency for --

DR. HARRIS: Consistency?

MS. MORRISSETTE: Consistency with board policy, or something of that nature?

DR. HARRIS: Yeah, I think that's a good question. We need some kind of wording that the Agency is comfortable with so the industry knows, well, it actually mean something.

MR. GIOGLIO: Let me say this.

DR. HARRIS: I'm not trying to put you on the spot.

MR. GIOGLIO: No, I understand. I think that's something that you all can recommend. I'm not in a position right now to say exactly what the Agency is going to do, but that is something that you folks can recommend.

MS. ESKIN: Yes, what that's going to look like.

I'm also wondering, if not in the dry sausage situation, there may be some other situation

where language like that, whether it's an opinion letter, or whatever, there's language that's pretty much boiler plate, that would --

MS. MORRISSETTE: We've done it in the past, perhaps without their knowledge.

MS. ESKIN: Whoops. They haven't objected to these and they've been out here for a long time.

MS. MORRISSETTE: We've had conference calls, and things like that, where there's a question and answer session, we'll say, you know, these were given by the Agency, you know. We always send it to them and say, does this reflect what your thoughts were, before we send it out, you know.

MS. ESKIN: Sure.

MS. MORRISSETTE: But they don't actually have --

MS. ESKIN: Yes.

DR. HARRIS: And there is other precedent within the agency from -- you know, they had several -- the Agency on its website, I assume still has a lot of guidance documents in its HACCP implementation, and there were several industry

produced documents that they provide on their website. The ground beef document, I'm pretty sure was there, the animal handling that you guys did was there.

MR. GIOGLIO: All right.

MS. ESKIN: So there's some sort of language clarifying FSIS's -- the scope of FSIS's review?

MR. GIOGLIO: There's some type of disclaimer around it.

DR. HARRIS: That's what Mary and I were conferring on here a minute ago.

MS. ESKIN: The language or hanging up the map?

DR. HARRIS: No, not hanging up the map. Yes, but being able to -- Was it possible to --

MS. ESKIN: Again, this is not a new situation.

DR. HARRIS: While we're talking about maps, I can't help but observe that we have a map that lists inspected establishments and nuclear plants. Why those two go together, it's beyond me.

MR. PENNER: It's for irradiating meat, I

guess, I don't know.

MR. FINNEGAN: There you go. Good answer.

MR. GIOGLIO: We are, as was mentioned this morning, we are very much concerned in this Agency about food defense and recall and national security.

DR. HARRIS: I've just never seen a map of that particular content that's --

MS. ESKIN: So I guess one of the next questions is if we're all sort of in agreement as far as striving for Agency guidelines, then what's next? Those Agency guidelines are out there. I was asking earlier, assuming they've been reviewed, if there's any way to monitor or measure or assess the effectiveness, I guess FSIS would do that from that function, as would probably the industry that supports these? I mean, is there any language we should put in our recommendation regarding monitoring or measuring effectiveness of the guidelines?

CHAIRPERSON MARK SCHAD: To answer your question, yes. Now, what is that language? That's my opinion anyway.

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: You're talking about industry monitoring?

MS. ESKIN: Yes. Either or both.

CHAIRPERSON MARK SCHAD: I think we discussed that a little bit already, that it's kind of difficult for industry to monitor it, but we would be behind FSIS --

DR. HARRIS: And also we're blending roles a little bit, here, in terms of what we can as a committee recommend, even though we're about to recommend -- it sounds like we're on the road to recommending that we let industry issue the guidelines and see how they go. I don't know that we can instruct -- As a committee we can't really instruct industry how to monitor, but I think that's --

MS. ESKIN: We can suggest that FSIS monitor the effectiveness, and maybe have pretty open-ended language because that is, you're right, ultimately their role, and if they determine after two years or three years or five years that these guidelines -- or less -- that these guidelines are not

working, then there are other options, not simply --

CHAIRPERSON MARK SCHAD: Well, and it might take some tweaking. If the Agency keeps on giving feedback to the trade association, well, we've got a good start, but maybe what if we changed this or that as a step, rather than, well, this is not -- Industry's guidelines aren't working so, therefore, we have to go.

MS. ESKIN: No, it's not that simple. It doesn't go right there.

CHAIRPERSON MARK SCHAD: No, I'm saying maybe it doesn't necessarily need to be. Maybe we can tweak the industry's guidelines.

MS. ESKIN: So the FSIS has a rule to monitor.

DR. CARPENTER: But if the industry is not going to cooperate, I mean, how should this recommendation of ours say FSIS should augment the activity of the industry so that, you know, the monitoring function is valid or complete? I mean, how are you going to get industry to share the data?

DR. HARRIS: Well, the data is whether --

did they or didn't they hold the product? FSIS collects that data every time they pull a sample.

DR. CARPENTER: Okay.

MS. ESKIN: Yes.

DR. HARRIS: So they are collecting that data already. The idea being, hopefully, as a result of what we're trying to accomplish. The number of companies holding their product goes from 80 percent to, ideally, 100 percent.

MS. ESKIN: And the document is what gets us there. The theory is that you distribute it widely, small and very small plants, figure out what to do. The other piece of the data, as we were talking about before, is that you take the recall information and try to figure out how that matches the hold, not hold.

MR. GIOGLIO: Right. And that's exactly what we want to get down to, zero recalls that are triggered this way.

DR. CARPENTER: Right.

MR. GIOGLIO: Or any other way, for that matter, really.

MR. FINNEGAN: What's important to me is just the word guidelines instead of regulation.

MS. ESKIN: Right.

MR. FINNEGAN: Guidelines, and it's got to be done as soon as possible. That's the key, the guidelines. We wouldn't want to regulate that.

DR. CARPENTER: Putting guidelines in place will prevent regulations from being implemented, or slow it down.

MR. FINNEGAN: We hope.

DR. CARPENTER: Well, it will slow it down.

MS. ESKIN: Rather than say prevent, they will be effective in reaching our goal.

CHAIRPERSON MARK SCHAD: So if we do state that -- I'm thinking about what Sanders said before, really just one question. Once we -- if we do state that we recommend that we go with the industry guidelines, we've pretty much answered all the questions, haven't we?

MS. ESKIN: Just so we do, I think that adding the issue about monitoring makes it clear that

FSIS is not merely abdicating its role. In fact, it has an active role. Number one, to review it.

CHAIRPERSON MARK SCHAD: And the fact that we're going to ask the Agency to review it.

MS. ESKIN: And monitor it.

CHAIRPERSON MARK SCHAD: And comment on it.

MS. ESKIN: Then it obviously always retains the right that we can say this or don't have to state it to take action.

MS. CUTSHALL: Can I just say a quick thing, here.

CHAIRPERSON MARK SCHAD: Yes, go ahead, Mary.

DR. CARPENTER: It sounds like you have come to consensus on the fact that you want to go with industry guidance and deal with that, and I've heard a couple things from Joe and some other folks. When you say you've answered the questions, my next question to you is, you've come to consensus that this is probably the way you want to go with FSIS's assurance that it is in meeting of all policy procedure and is not in

conflict. How are you effectively going to get it out there?

MS. ESKIN: We had asked that initially to Joe, it might have been before you came in, I don't remember, but he was talking about there was a website or, Joe, were there some other avenues?

DR. HARRIS: Everything from -- a lot of us have mailing lists that go well beyond our mailing lists. Probably all of us do as associations. We will disseminate that, and I think there's been some discussion with the Agency, correct, about --

MS. MORRISSETTE: We thought that you were going to help us with that.

MS. CUTSHALL: Is that okay?

MS. MORRISSETTE: Actually, they volunteered you.

MS. CUTSHALL: I know I get volunteered. I get volunteered all the time. Charlie and I had been working together on some ideas of some ways to get it out. I think that's something that -- I'm bringing the issue up, because I think it's something that should be part of your recommendations as well.

The one thing that we found and I had a concern and, maybe to try to pick your brain and get creative is, we've talked about a number of ways that we could disseminate information, that we could get information out, the website, web cast, workshops, mass mailings, but we know from experience that there's a part of the population out there that is not --

MS. MORRISSETTE: Getting the information?

MS. CUTSHALL: -- getting it. They may get it and from the instant that it comes from a trade association, they may look at it and --

MS. MORRISSETTE: It goes in the trash.

MS. CUTSHALL: Exactly. The same thing that they do when sometimes we send things out. Oh, my lord, it's another thing from FSIS. I'll round file it. So I would just kind of challenge you to maybe define -- it sounds like you have an agreement, so maybe define a little bit more about ways that you think we can effectively get it out because, if we -- It sounds like your recommendation is to go that way.

If we do proceed that way and we have some measurement in place, how are we going to make sure

that everybody possible is getting the word, because when Charlie was talking in some of the conversations that we had, we know, particularly, that small and very small are the ones that are having a problem holding product. Particularly, a lot of the very small, and they are some of the hardest folks to reach.

You know, what would -- I'm just throwing it out there for you all to talk about. What are some ideas that you can give to us about ways --

DR. HARRIS: I think we also need to piggyback on what the other subcommittees is talking about, the very issue of disseminating information to small and very small, or the technology. So we might want to link with that subcommittee report, to some extent. I heard this morning suggestions about extension, district offices.

MS. ESKIN: Right.

DR. HARRIS: Mary's office. She does a tremendous job of getting materials out there, and has ever since HACCP implementation started, and I didn't really think about it, prior to just now, but you have

disseminated a lot of things that weren't necessarily Agency documents over the years.

MS. CUTSHALL: We have done a number of things where we talk about cooperative agreements that emphasizes cooperating. In those instances, yes, what we've done is provide some portion of funding and some input in the same input in the same kind of thing in making sure it's in keeping with industry policy and procedures and everything else. From that perspective, it's not a new concept. It would be something that would be sort of in keeping with a lot of the things we have done.

When we did the generic models, we went back out to industry and we said, you know, get together some groups and lets make these better. Of course that came out the emphasis of the tour on it, but it's the same kind of collaborative type of effort, and I don't think it's precedent-setting for us to do something like that. Obviously, from our perspective, we would have to say, no, this is not regulatory. We can't enforce it, but it's something that we strongly encourage you to make use of. We're

going to be tracking progress, et cetera, et cetera.

MS. ESKIN: Mark, since you obviously have a small plant, do you have any thoughts as far as -- I mean, you belong to an association?

CHAIRPERSON MARK SCHAD: Yes.

MS. ESKIN: Obviously, there are a lot of small and very small plants that don't. Yet there is at least in a local or regional level some interaction. Do you have any thoughts about how these can trickle down to these small and very small plants?

CHAIRPERSON MARK SCHAD: I wish I could very easily answer that question, because that is a tough one. I know through AAMP, and the AAMP office tracks these more than I do. When we see a recall, I'm always curious, boy, I wonder if that guy's a member of AAMP.

MS. ESKIN: Right.

CHAIRPERSON MARK SCHAD: AAMP has just one or two instances, never found any of those members subject to a recall.

MS. ESKIN: Yes.

CHAIRPERSON MARK SCHAD: So we kind of

decided, well, how do we reach those members that aren't, those plants that aren't members of the trade association. So that's a tough one. So I think -- Joe, you've got a good point there, like you need to kind of piggyback with that other committee and some of their ideas, because what Kevin was coming up with this morning, I thought he had some good ideas, too, on how to reach these ideas that I had never thought of before.

DR. HARRIS: Obviously, we need to reach to the State inspection --

MS. ESKIN: Isn't that the issue? I was saying this before that every one of these plants, small or huge, has an inspector walk in, whether it's a State inspector or a Federal inspector. Not that you should put extra burdens on that person, but they are a resource as well as an enforcer, so to speak.

MS. CUTSHALL: From a resource perspective, and I can't speak for Bill Smith, I would attempt to speak for Bill Smith, I might get in huge trouble, but I think he might say from a resource perspective that maybe having the in plant inspector

do something like that may not be the most effective way. We talked about the EIAOs and a lot of the work that the EIAOs do. They may be a good resource because they're not directly connected to the day to day in plant types of activities.

MS. ESKIN: The enforcement.

MR. FINNEGAN: Yes.

MS. CUTSHALL: They have a different type of training.

MS. ESKIN: And they go into plants every day?

MS. CUTSHALL: They are out there, they are doing different things. They have exposure to a number of things. They go out and give talks to groups, and they may be a good resource to be able to sit there and for us to effectively -- I mean, we can do workshops, we can do some of these other things, but to really get down to some of the grass roots level, use some of the EIAOs and give them some training, give them some expertise in what it is.

CHAIRPERSON MARK SCHAD: What about bringing that EAIO into a -- like a -- I'm from Ohio,

so I'll just use Ohio State as an example, where Lynn Knipe could -- He does this for all types of issues, especially when new regulations come out. He'd say, well, if you want to know more about the new regulations, come out to the campus and we'll talk about it, while the EIAO spoke to the -- And they are usually pretty well attended.

MS. ESKIN: Did the little small plants take the time and go to these things?

CHAIRPERSON MARK SCHAD: Oh, yes. If they are convinced it's worth while, and that's part of the tough part of it. They are usually very well attended.

MS. CUTSHALL: And I think Joe was mentioning, and we talked about it earlier, that we do have a lot of contact with the University, with the University Extension folks. They do a lot of activities for FSIS on different types of training, where we say we really can't go out and train people. We partner with these folks, so they actually go out and do training. In fact, I think this year just starting, we had a couple of universities that are

looking at doing some courses on recalls. If we had something that would serve as a real consistent piece, that they could deliver the message as well as the EIAOs, then you've got something that you can really get your hands around.

MS. ESKIN: We do have multiple sources.

MS. CUTSHALL: And I think you really have to look at as many sources as you can because --

CHAIRPERSON MARK SCHAD: Can you start listing those, Mary, before they forget them all?

MS. ESKIN: EIAOs, universities.

MS. CUTSHALL: One of the things that we do with the university extension folks, and you've probably seen this, the materials that we develop in-house, or whatever, we provide those to the universities so that they've got a consistent piece that they can be talking from, and we don't have Penn State doing one thing, K State doing something else, as much as it may be causing some --

CHAIRPERSON MARK SCHAD: To get back to your question, Sandra. I guess, again, I speak more from Ohio than any place else. Ohio State is in

Columbus, so it's centrally located within the State. So it's just, you know, anywhere from the State you can drive two hours or less, and you're there. It's a one-day thing, it's not an overnight thing, or anything like that.

DR. HARRIS: Right.

MS. MORRISSETTE: Do the EIAOs go into the State inspected facilities?

MS. CUTSHALL: The EIAOs do not go in the State inspected facilities.

MS. ESKIN: So that would leave something else. Well, unless they come to them.

MS. CUTSHALL: I would have to check, because I think -- Charlie, you may know better than I, but I think some of the states have started sending some personnel to EIAO training.

CHAIRPERSON MARK SCHAD: I know Ohio State inspector does.

MR. FINNEGAN: In fact, I have to go in November.

MS. CUTSHALL: So I think there is some cross --

MR. FINNEGAN: But to reach all the state plants, what is there, 28 states?

MS. CUTSHALL: Yes.

MR. FINNEGAN: To just have to hit the state directors, they are going to cover all of their -- And I know they will. They are going to cover all of their plants with the 28 state directors. They're the only ones that do any sampling, either federal or state. Retail, they are not sampling, are they?

MS. CUTSHALL: Well, we sample in retail.

MR. FINNEGAN: Oh, you do.

DR. HARRIS: I would tell you, these guidelines are probably not very well suited to retail operations. I don't know that they are necessarily ill-suited, it's just that retail operations were not the focus of developing those.

MR. GIOGLIO: And, actually, the data that I was talking about earlier and so forth, was really from the inspected plants, not including retail.

DR. HARRIS: Lynn's probably going to disagree with me.

MS. MORRISSETTE: No. I was just going to mention that we did have conversations about trying to put reverse pressure on these processors as well by hitting the retail stores with these guidelines and saying, are you purchasing from people that are doing this? And trying to hit them back that way, too, which probably works, but it generally will get to, again, the small and large companies. A lot of these real little guys sell to independent grocerers, which of course could provide it to their association, but it's still going to be hard to hit those real little guys that are selling to local restaurants and things like that. But it was another avenue.

MR. FINNEGAN: Well we're just keying on inspected plants with this policy.

CHAIRPERSON MARK SCHAD: I guess we need a couple more at least. We'll get a copy of what we got down so far, then we can go over that.

Let's see, extensions, universities. Any other ideas as far as out reach?

MS. CUTSHALL: I think you mentioned partnering in some workshops and doing things like

that. Sometimes the face-to-face -- I mean, I know we all like technology, and I like technology as well, but sometimes the face-to-face is where you're really going to get folks. I think in talking to the industry and the associations, you would be folks that could help target where would be places that would be the best places to go. Normally, when we would plan workshops or things like that, we look at the --

CHAIRPERSON MARK SCHAD: Oh, we need Charlie.

MS. CUTSHALL: That could be something you could help us with, particularly involving meetings that you hold for the members, and other things that we do. Newsletters, and things like that would be other avenues that you could start getting the word out. We did what we call a promo piece, so it's actually a piece that's -- here's why you need to pay attention to this. It's something else that you can take as sort of a -- here's a tactic where we want to get your attention, and people will start paying attention to what you're saying, because they have some vested interest in paying attention to you.

DR. HARRIS: I don't know, but maybe if we could plant some editorials in a trade press. There's a lot of ways you could disseminate information.

MS. MORRISSETTE: Maybe the envelope that it's in can say, you know, open this envelope to receive a chance for a four-year membership.

MS. CUTSHALL: Do like Publisher's Clearinghouse. Do little pennies in the window box.

MS. MORRISSETTE: You could. That's right.

DR. HARRIS: The membership is nearly free already.

CHAIRPERSON MARK SCHAD: How much is it?

DR. HARRIS: Oh, it depends on how big you are. Anywhere from -- What do you got? What can you afford?

CHAIRPERSON MARK SCHAD: Well, I think we've answered the question with the first bullet, and now we've got a series of questions. I think we need more statements than questions.

DR. HARRIS: Yeah, I think some of those questions need to be turned into statements. So how

would the agency assess -- Go ahead.

MS. ESKIN: No, in response to it, I was just trying to rephrase the whole thing. For example, I would take the first bullet and slightly change it into more of a statement. The subcommittee recommends that the industry issue its guidelines on test and hold, whatever the proper terminology is here, after FSIS review, or timely FSIS review, if we're concerned about that.

Then responding to one of the other points under here, under the second bullet, FSIS would make clear -- I don't know what the correct phraseology is here -- would make clear that it has not approved the guidelines and would not enforce them. That may not be proper wording, but that's to make clear it's simply review and not approval.

CHAIRPERSON MARK SCHAD: That's fine.

MS. MORRISSETTE: What was the last statement again?

MS. ESKIN: I said FSIS would make clear that it is only reviewing the guidelines for consistency with law and policy, and is not approving

them.

CHAIRPERSON MARK SCHAD: I would just -- You don't have to answer this, I was just trying to think of something more positive, instead of not approving.

MS. ESKIN: Okay.

CHAIRPERSON MARK SCHAD: I know you don't like endorse, or those kind of words.

MS. ESKIN: I'm not sure how you can say that, because it is a disclaimer. I mean, there's no way to say it not negatively.

MS. CUTSHALL: You could just say that FSIS has reviewed this and has no serious objections or believes it complies with law and policy.

MR. GIOGLIO: Or unless you say that we would review it to make sure that it does in fact conform with policy.

MS. ESKIN: So then let's take that first sentence. At the end it says right now, after FSIS review to ensure that it conforms with applicable laws and policies, period?

MR. GIOGLIO: Yes, that will work.

MS. ESKIN: Okay. Then we'd have a second sentence which would capture the second part of that first bullet, as far as Agency assessment. You know -- Well, let's talk before that even. We want to talk about distribution, right? That was the point that Mary was making again?

The industry should work with the agency to ensure widespread distribution of the guidelines, especially to small and very small plants, period. Then we can capture --

CHAIRPERSON MARK SCHAD: I.e., or for example.

MS. ESKIN: Yes, another sentence. Let's see, let me think.

DR. CARPENTER: Probably something about every avenue and personal interaction with industry and association's interaction with industry.

MS. ESKIN: Industry associations, universities, EIAOs, state directors. Is that specific enough.

MR. FINNEGAN: State inspected plants.

MS. ESKIN: State inspected plants.

MR. FINNEGAN: If you say directors of State's Department of Agriculture, do we want to get that wordy?

MS. ESKIN: Yes, we'll have to be. All should be involved in the distribution process or distribution and --

MS. MORRISSETTE: Dissemination process.

MS. ESKIN: Thank you. Dissemination process. That's sort of explaining to them more than anything else. That captures workshops, because workshops could be run by any one of those entities, right, and it would also, arguably, capture trade publications, because they would be, in most cases, sponsored by trade publications.

MR. FINNEGAN: Yes.

MS. ESKIN: Then I think the next point is the issue of Agency monitoring. All right. You could add a sentence. Joe, you were mentioning before about working with the new technology work group to use sort of the same avenues. I don't know how we can phrase that, but --

DR. HARRIS: Yes. Something about the

Agency should also consider subcommittee one's recommendations for new technology dissemination as a possible avenue for this as well, because I don't know what their recommendations are going to be yet.

CHAIRPERSON MARK SCHAD: Although we might -- the right opportunity to add that might be tomorrow when we --

MS. ESKIN: That's a good idea. Then we can just add a sentence. We'll do it tomorrow.

MS. JEFFERSON: Am I adding a sentence?

MS. ESKIN: We'll do it tomorrow.

MS. JEFFERSON: That first one, the subcommittee recommends, that very first one?

MS. ESKIN: The first and second should still be there. I think we were starting on a third.

MS. JEFFERSON: Right. I wanted you to repeat the first one.

MS. ESKIN: The very first one?

DR. HARRIS: The very first bullet?

MS. ESKIN: Why don't you read it back to me and see what you have.

MS. JEFFERSON: I have the subcommittee

recommends that the committee --

MS. ESKIN: This is the very, very beginning?

MS. JEFFERSON: Yes.

MS. ESKIN: Oh. Okay. The subcommittee recommends that the industry issue its guidelines after FSIS reviews them for consistency with agency laws and policies. That would be --

MS. JEFFERSON: After FSIS reviews to ensure --

MS. ESKIN: Consistency with applicable laws --

MS. JEFFERSON: Applicable laws and policies.

MS. ESKIN: Applicable laws and policies, period. And then the second sentence is the one about distribution dissemination.

MS. JEFFERSON: The industry should work with the Agency to ensure widespread distribution of the guidelines to small and very small plants. The industry associations should work with universities, EIAOs, directors of State Department of Agriculture,

and also be involved in --

MS. ESKIN: Actually, the part -- I think the industry associations -- it's a whole list. It's industry, associations, comma, da, da, da, da, should all work towards dissemination of the guidelines. So the sentence is structured as a list. Then the thought is maybe we'll add something else if the new technology subcommittee has anything.

Then the issue of FSIS, I guess, monitoring of the effectiveness of the guidelines, would be the next point.

CHAIRPERSON MARK SCHAD: So we need to make that as another statement.

MS. ESKIN: As another statement.

CHAIRPERSON MARK SCHAD: And now we're going to say with feedback to the trade associations?

MS. ESKIN: Or working with industry.

CHAIRPERSON MARK SCHAD: Working with industry?

MS. ESKIN: I mean, obviously, there are limitations on both sides but, you know, FSIS should work with industry to -- Well, I guess FSIS should

monitor the effectiveness of the industry guidelines. Now we can add some clause about working the industry, but that's almost self-evident, because monitoring would be data that you all get, that they get?

MR. GIOGLIO: It may be data from both, but I think it would be probably our data that we would evaluate and make that known to the, you know, the industry, what we were looking at. I think the question, really, was getting at then that would come back if we find for one reason or another that all the efforts -- I don't think this would be the case, but that all the efforts were ineffective, then we'd have to go back and say, okay, we'll continue along the line of our, you know, to issue a more formal policy, or take some other tack here.

MS. ESKIN: Or tweak the policy.

CHAIRPERSON MARK SCHAD: Yes.

MS. ESKIN: There's a whole range of options, here.

CHAIRPERSON MARK SCHAD: Right.

MR. GIOGLIO: Exactly.

MS. JEFFERSON: How does the sentence read right now, that last sentence, emphasize --

CHAIRPERSON MARK SCHAD: It has to do with measuring the effectiveness of the guidelines.

MS. JEFFERSON: FSIS should monitor the effectiveness of the industry guidelines --

MS. ESKIN: And take any appropriate action --

MR. GIOGLIO: Okay. And take appropriate action in response to the findings of the evaluation.

MS. ESKIN: Including recommending revisions to the industry guidelines, or issuing it's own guidelines, or other action.

MR. GIOGLIO: Right. Can I say as maybe just a suggestion, that it can range from, you know, making suggestions to --

MS. ESKIN: Revising the guidelines.

MR. GIOGLIO: Up through the more formal, you know, rule making.

MS. ESKIN: Taking action.

CHAIRPERSON MARK SCHAD: Could it involve periodic reports, though? I mean, you're putting --

aren't you putting these reports together already or not?

MR. GIOGLIO: No, I'm not sure what reports. I mean, it could be that we would look at it periodically.

CHAIRPERSON MARK SCHAD: I mean, like, Joe in the Southwest Meat Association, wants to know, Charlie, we've had these guidelines out here for six months, how we doing, is the question?

MS. ESKIN: Are you suggesting that we specify -- do an evaluation six months, a year after the --

CHAIRPERSON MARK SCHAD: I'm not sure it should be that specific, just periodically, or something. I don't want it to be, okay, industry, you've got a one shot chance at this.

MS. ESKIN: How about on-going, is that okay?

MR. GIOGLIO: Okay. On-going evaluation. That essentially is what we would do anyway. We would keep looking to make sure, hey, are they working? As long as we keep seeing improvement, I

think we're happy as long as we keep seeing that improvement. See, Val was real good at writing the guidelines, but taking the dictation, she's not -- She's a good staff officer, not --

MS. JEFFERSON: FSIS should monitor the effectiveness of the industry guidelines on an on-going basis. And take any appropriate action in response to the findings of the evaluation, including recommending revisions of the guidelines.

MS. ESKIN: And we can say everything from -- phraseology?

MR. GIOGLIO: You could say ranging from recommendations to improve the guidelines through formal regulatory action, or formal rule making, or whatever. Rather not regulatory action, because that sounds like taking action against the plant. Rule making.

MS. ESKIN: Or rule making.

MR. GIOGLIO: Right.

MS. JEFFERSON: FSIS should monitor the effectiveness of the industry guidelines on an on-going basis and take any appropriate action in

response to the finding of the evaluations, ranging from recommendations and improving the guidelines and formal rule making.

MS. ESKIN: Yes. Is that okay?

DR. HARRIS: I guess that's good.

MR. FINNEGAN: It works.

CHAIRPERSON MARK SCHAD: Is that yes or no, Joe?

DR. HARRIS: I don't know. I just hate to attach my name to anything that mentions rule making.

CHAIRPERSON MARK SCHAD: Well, can we change it somehow?

MS. ESKIN: We can --

DR. HARRIS: I would prefer to leave it more open-ended. How about take more appropriate action.

MS. ESKIN: How about more formal agency action?

DR. HARRIS: That's okay.

MS. ESKIN: That's our word.

DR. HARRIS: That's right. I don't want to go on record recommending rule making.

MS. ESKIN: Formal Agency.

DR. HARRIS: Right.

MR. GIOGLIO: I don't think that's what you're doing. You're recommending that we continue to evaluate.

MS. ESKIN: Discomfort.

DR. HARRIS: Yeah. Seriously, because, back to the original question that started all of this, that withholding the marks of inspection, that to us was very scary stuff.

MS. ESKIN: Is it officially not -- At what point in the process is it attached, is it put on?

DR. HARRIS: Right. That's the challenge. After the industry has completed the pre-shipment review. After they have reviewed all of their --

MR. GIOGLIO: All the documents.

MS. ESKIN: For each lot.

DR. HARRIS: But, logistically, it's preprinted on the packaging material. So you got a situation, though, where now you've got product in the plant that very much bears the mark of inspection, but

is not inspected. That would become a huge -- that would give me the heebee geebees.

MS. ESKIN: Right. Because it would be in violation.

DR. HARRIS: Yeah, so we're very scared of that kind of an approach, so that's why I'm kind of hesitant to put that word in there.

MS. ESKIN: Okay.

CHAIRPERSON MARK SCHAD: Anybody else need a copy?

MR. PENNER: If you want it put on a disk, I have a disk in my little -- in case you want to have a disk with that on it to play with later.

MS. ESKIN: Is industry capitalized?

MS. JEFFERSON: No.

MS. MORRISSETTE: Do you have a CD?

MR. PENNER: There should be a cd or a disk. Either/or is in my little --

MR. FINNEGAN: This part, here, Department of Agriculture, that's all good, but what I was referring to was Directors of State Meat Inspection.

MR. GIOGLIO: Some states will be Ag

Department and others will be Meat Inspection.

MS. ESKIN: Relevant state officials, is that generic? I'd defer to you, Mike.

MR. FINNEGAN: If we had state meat inspection, you know, we know who that is. There's 28 of them, Directors of State Meat Inspection Programs.

MS. ESKIN: Meat Inspection Programs?

MR. FINNEGAN: Programs, exactly. Meat and Poultry, I guess.

MR. GIOGLIO: Right. Correct.

MS. ESKIN: A couple grammatical things in the first sentence. Review to ensure that it. I think that we should consider the guidelines plural and just say that they conform with applicable laws and policies. Then in the last sentence, the third from the last line, it says, appropriate action in response to the findings of the evaluation. I'd put a comma between evaluations and the word ranging.

DR. CARPENTER: And change the second from to a for.

MS. ESKIN: Where is the second from at?

CHAIRPERSON MARK SCHAD: I don't guess I

could talk you into a period after evaluations, and then just leave it at that.

MS. ESKIN: What was that?

CHAIRPERSON MARK SCHAD: I said I don't suppose I could talk you into just ending after the word evaluations?

MS. ESKIN: Nope. Nope. Recommendations for. It should be the second to the last sentence. From recommendations for improvement, not from. I see it.

DR. CARPENTER: Joe, maybe to satisfy you, in stead of formal agency actions, perceived possible formal agency actions.

CHAIRPERSON MARK SCHAD: I mean, bottom line is, the Agency is going to take whatever action it deems appropriate, whether we recommend that they do that or not.

MS. ESKIN: That is right. True, but having it there makes other stakeholders more comfortable.

MS. JEFFERSON: I can note your objection for the record.

CHAIRPERSON MARK SCHAD: This may be a small thing but I'm wondering, we've kind of got this bunched together and, just to make it more readable, make all of these sentences bullets.

MS. ESKIN: So maybe after the first heading, it should say, subcommittee recommends that industry issue its guidelines so we know what you're talking about. No, forget it.

CHAIRPERSON MARK SCHAD: Yeah, I think it should say industry issue.

DR. HARRIS: Or should or recommendation be directed specifically to the agency that we the subcommittee recommends that the Agency review the guidelines and allow them to disseminate them, and then help in evaluating their effectiveness.

MS. ESKIN: Not to be negative, just to say that the FSIS not issue its own regulations at this time.

DR. HARRIS: It's own guidelines.

MS. ESKIN: I meant that. I didn't say regulations, did I? Guidelines at this time, and instead review the industry -- the draft industry

guidelines.

DR. HARRIS: I mean, I hate to start rewriting this thing now, I just think our advice needs to go to the Agency since that's what our task is.

MS. ESKIN: No, no. Yes, you're absolutely right. Right.

So the subcommittee recommends that, and the first bullet is: FSIS not issue its own, I guess, hold and test guidelines at this time but, instead, review the industry guidelines to ensure that they conform with applicable laws and policies, period. I guess with the second bullet being the next sentence. Does that make sense, Mark?

CHAIRPERSON MARK SCHAD: I'm looking for it real quick. I mean, yeah, I guess that's what I was thinking. I was thinking making each sentence a bullet.

MS. ESKIN: A bullet, yes.

MR. FINNEGAN: Right.

CHAIRPERSON MARK SCHAD: That's just a thing with me, make it very easy reading.

MR. FINNEGAN: Right. You have to do the reading.

CHAIRPERSON MARK SCHAD: Yes.

MS. ESKIN: Val, if it's a bullet, you can take out the should, I think. The subcommittee recommends that the industry work with the agency to ensure widespread distribution of its guidelines. Make that clear. Especially --

MS. JEFFERSON: Could you repeat that real quick?

DR. HARRIS: Gosh, we've already worn out one reporter. Scared her completely away. She did a good job drafting the guidelines.

MS. ESKIN: Well, can you please reread the first bullet?

MS. HAXTON: The subcommittee recommends that FSIS not issue its own hold and test guidelines at this time, but instead --

MS. ESKIN: reviews the industry guidelines to ensure that they conform.

MS. HAXTON: With applicable laws and policy.

MS. ESKIN: Right. And then we said the second bullet --

DR. CARPENTER: Wait a minute. Am I the only one with a "not" in the first sentence?

MS. HAXTON: Should not issue its own hold and test guidelines.

MS. ESKIN: Okay. Then how are you going to say they shouldn't --

DR. CARPENTER: Consider refraining from issuing, something like that.

MS. ESKIN: The FSIS refrain from --

CHAIRPERSON MARK SCHAD: No, I think we ought to just tell them don't do that.

MS. ESKIN: I don't --

DR. HARRIS: Like I say, am I the only one that prefers the "not" in there?

MS. ESKIN: Issuing its own hold and test guidelines instead, is that okay?

MS. HAXTON: But instead use industry guidelines to ensure that they conform with applicable laws and policies.

MS. ESKIN: And then the next bullet would

be, I think the industry --

MS. HAXTON: The industry issues its guidelines after FSIS reviews them.

MS. ESKIN: And works with the Agency to ensure widespread distribution of the guidelines, comma, especially to small and very small plants. Then all the same bullet, this next sentence, or do you want a separate bullet?

CHAIRPERSON MARK SCHAD: Yeah, I think you can do it in the same bullet.

MS. ESKIN: The same bullet, you continue. Do you see the sentence that follows: Industry, associations, universities, EIAOs, and directors of State Meat and Poultry Inspection Programs.

MS. HAXTON: Okay.

MS. ESKIN: Should be involved in the dissemination process.

MS. HAXTON: Okay.

MS. ESKIN: And then the final bullet would be that last sentence.

MS. HAXTON: FSIS should monitor the effectiveness of the industry guidelines on an on-

going basis, and take any appropriate action in response to the findings of evaluations, ranging from recommendations for improving the guidelines, to a formal Agency action.

MS. ESKIN: It works for me.

MR. FINNEGAN: Could you put a time line on this? Is that a customary thing? How do you --

MS. ESKIN: Meaning, in terms of --

MR. FINNEGAN: Three months. Is that a customary thing? I don't know.

MS. ESKIN: Probably not in this situation. I mean, sometimes there is a specific --

MR. FINNEGAN: It won't end up on a shelf anywhere because, obviously we'll be there.

DR. HARRIS: You know, I think in six months, I can think of examples where we have used terms like expeditiously or, you know, as soon as is feasible. I don't think we've ever suggested a specific time line.

MS. MORRISSETTE: We're going to badger them.

DR. HARRIS: We'll keep pestering them

until --

MS. ESKIN: That's fair. Even when the statutes are very specific on when the government should issue guidelines in three years or two years, and the deadline passes, for practical purposes, there's really no sort of penalty. It's really near to impossible.

We'll make sure it's on all of your guys' websites once they are finalized.

DR. HARRIS: It will be. You can count on it will be probably on the front page.

MS. ESKIN: Is there any reason why FSIS couldn't put those on their own website?

MR. GIOGLIO: No. I'll defer to my colleague, but --

MS. ESKIN: Have they done that in the past? Maybe just a link to --

MS. CUTSHALL: Well, the link is problematic.

MS. ESKIN: Okay.

MS. CUTSHALL: When we do links, I know Joe is shaking his head because he knows what I'm

going to say. When you link to someone else's website, it's tacit --

MS. ESKIN: Endorsement.

MS. CUTSHALL: -- endorsement of everything that's on the website.

MS. ESKIN: Bad idea. Okay.

MS. CUTSHALL: I think with something like this, if we have reviewed it and say that there is nothing in there that would conflict with our regulations, laws, policies, that certainly we would be willing to put it up on our website or the disclaimer that says this is not official.

DR. HARRIS: Yeah, the links to outside sites are not a good thing, usually.

MR. FINNEGAN: Would you e-mail this to all 7000 field officers and stuff?

MS. CUTSHALL: To our inspection program personnel?

MR. FINNEGAN: Right.

MS. CUTSHALL: That, I would have to talk to field operations about and see how they wanted to approach that. Now, one of the things that we do have

that is up and running now is our intranet.

MR. FINNEGAN: Your what?

MS. CUTSHALL: Our -- FSIS intranet.

MR. FINNEGAN: Oh, right.

MS. CUTSHALL: Which is an internet base for all our folks.

MR. FINNEGAN: Yes.

MS. CUTSHALL: On that intranet, part of that is a resource center, where we put up a lot of the materials that CFL has done, that we have done for small and very small plants. And that we do for the personnel without having to do a mass mailing. So I would just need to check up on that.

MR. FINNEGAN: Sure. Just see if we can.

MS. ESKIN: There's a couple of places that are duplicative. And also here, too.

CHAIRPERSON MARK SCHAD: You guys help me out as far as tomorrow. Do we want to state that, well, we took the four questions and put it down to one, or do we at least list all the four questions and --

MR. GIOGLIO: I don't think you're locked

into a given format for reporting now.

CHAIRPERSON MARK SCHAD: Okay.

MR. GIOGLIO: But you've addressed, I think, all of our questions.

MS. ESKIN: And all those questions are interwoven. They are not discrete. Sometimes they are very discrete in the reports.

MR. GIOGLIO: That was more, really, to get this discussion going and let you know the kind of advice we needed.

MS. ESKIN: Is there anything we didn't address that you felt we should have, since you're the one who asked the question?

MR. GIOGLIO: No, I guess the question of the focus, I guess, but I think we talked about that some, and that's probably going to come out in the evaluation process. Even before, even in the review, if we see a problem.

CHAIRPERSON MARK SCHAD: This is a question I have, I don't know if the rest of the subcommittee can tell me this. This has to do with this IKE scenario, which is interesting to me. Near

the beginning of the meeting I was saying I understand the Agency's policy of the inspector encouraging and informing prior notification. I shouldn't use the word encouraging -- informing prior notification and the IKE scenario seems to work at communicating that to the inspectors.

MR. GIOGLIO: Correct.

CHAIRPERSON MARK SCHAD: I want to just ask this question of the subcommittee, do we want to comment on that? Do we want the Agency to do more of this, or do you think that's outside this discussion?

MR. GIOGLIO: That is outside the -- That was your recommendation -- Not your recommendation, Mark, but the subcommittee's recommendation the last time, and we did follow up on that, and that is part of --

CHAIRPERSON MARK SCHAD: Okay.

MR. GIOGLIO: That's what I was trying to get across this morning, that we took the committee's recommendation and --

CHAIRPERSON MARK SCHAD: I guess what I'm getting at is, we could get these industry guidelines

out there. Say we did a very good job of getting the industry guidelines out there, and I just wanted to make sure that the Agency kept on doing everything it could do to get the policy information out to the inspectors in the field, so that the plants say, okay, these are good guidelines, I want to follow them, but I've got this problem, here, with the inspector giving me prior notification. I wanted to make sure that the Agency kept on working very hard at that. That's why I was asking the subcommittee, do we want to say something about that or not?

MR. GIOGLIO: That's your call, Mark?

CHAIRPERSON MARK SCHAD: I guess I'm asking the question, Joe?

MS. ESKIN: You could draft some language and we'll look at it. That's really what it comes down to.

CHAIRPERSON MARK SCHAD: Do I say that the subcommittee recommends that FSIS continue its policy of communicating to the inspectors in the field the plant's right to prior notification?

MS. ESKIN: Again, is that a problem right

now?

CHAIRPERSON MARK SCHAD: I experience it. I experienced it just last week.

MS. ESKIN: Okay.

CHAIRPERSON MARK SCHAD: It surprised me, but it happened.

MR. GIOGLIO: I mean, it is our policy for prior notification. If you want to make that recommendation, I don't think that's --

MS. ESKIN: Well, that's not really a test and hold right.

MR. GIOGLIO: -- a problem.

MS. ESKIN: It's the test part of the test and hold part.

CHAIRPERSON MARK SCHAD: The only thing I'm saying is, it's related to the subject, but it's a little bit different.

MR. GIOGLIO: I hear what you're saying, and we know as an Agency what you're saying.

CHAIRPERSON MARK SCHAD: Okay. I'm not trying to bring any personal stuff in.

MS. ESKIN: I think I'd rather not include

it, because it raises a lot of other questions in my mind.

CHAIRPERSON MARK SCHAD: Okay.

MS. ESKIN: Unless anyone else feels --

DR. HARRIS: Well, I don't disagree with the concept. I don't know that we have to do it in this particular forum. Believe me, we feel your pain. I know others that have experienced that.

CHAIRPERSON MARK SCHAD: You were asking about how long it takes to get analysis, and what happened was, I did not get prior notification, and the inspector pulled a sample on Friday, which he wasn't supposed to do, so that added three more days to my holding time.

MS. ESKIN: That can ruin your whole day.

MR. FINNEGAN: What are you testing for in hams?

CHAIRPERSON MARK SCHAD: Listeria and salmonella.

MR. FINNEGAN: Is it generic listeria or LM?

CHAIRPERSON MARK SCHAD: LM.

MS. ESKIN: Are we all set?

MR. FINNEGAN: Now is this ready to hand over to FSIS, or are you going to review this again?

DR. HARRIS: I suspect FSIS already has it.

MS. ESKIN: Right. But do you have to formal -- does everybody have to agree amongst yourself, I guess, all those organizations?

DR. HARRIS: All those organizations have already reviewed and --

MS. ESKIN: No, no. I don't think anybody would object to FSIS as we recommended they do formally review them, or informally.

DR. HARRIS: No. I mean, I think we wrote those with the full anticipation that they were going to be reviewed by the Agency, and it was our desire that it be reviewed by the Agency.

MR. FINNEGAN: Okay. I was just wondering if we could hand it over?

DR. HARRIS: Yes.

MR. FINNEGAN: Even though they got it.

CHAIRPERSON MARK SCHAD: So is this in a

form that you think is ready to hand over to FSIS now? I'm not talking about today or tomorrow, even.

DR. HARRIS: No, no. They have it in the form it is in right now.

MR. FINNEGAN: Okay. So you don't have to readjust anything in here?

CHAIRPERSON MARK SCHAD: There were some comments today about communicating to the small and very small business of the economic and business advantage of doing this, rather than the food safety, too.

DR. HARRIS: And we may do that outside the scope of the guidelines.

MS. ESKIN: Yes, in the promotional material.

DR. HARRIS: Yeah, exactly. Convincing them why they need to read the guidelines. That may be it. That may be where we --

CHAIRPERSON MARK SCHAD: I've been holding products for ten years, and that was my first reason, was the economic and business sense that made me do it.

MS. ESKIN: Totally.

CHAIRPERSON MARK SCHAD: I'll work with Wanda because there was some rewording or repetition, here, and --

MS. ESKIN: Well, I just gave her my revisions and Charlie did, too.

CHAIRPERSON MARK SCHAD: Oh, okay.

MS. ESKIN: Just a couple commas, and there was a repetition in the second paragraph and at the end. Otherwise, it was fine.

CHAIRPERSON MARK SCHAD: Everybody on the subcommittee is happy with it?

DR. HARRIS: Yes.

MS. ESKIN: You don't have to say wildly happy, you can just say happy.

CHAIRPERSON MARK SCHAD: We got the R word out of there.

DR. HARRIS: Yes.

CHAIRPERSON MARK SCHAD: Joe's like, please step away from the "R" word.

MR. FINNEGAN: I agree, and I'm a regulator. I have no problem with that.

MR. GIOGLIO: And Wanda was the one writing, so --

MS. HAXTON: Yes. Anything that goes into the Federal Register, I'm in the office that writes it, so -- and this is one of my topics.

MS. ESKIN: All right. So we are back in at 8:30 tomorrow morning?

MS. HAXTON: Correct.

CHAIRPERSON MARK SCHAD: Thank you, very much.

DR. CARPENTER: You make a nice presentation.

CHAIRPERSON MARK SCHAD: If anybody thinks of anything between now and tomorrow morning. Let me know if you think of something while you're drinking a beer or something.

MS. ESKIN: Because that's the first thing that comes to mind, food safety.

CHAIRPERSON MARK SCHAD: Okay.

(4:32:22 p.m. -- off the record.)