UNITED STATES DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

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NATIONAL ADVISORY COMMITTEE ON
MEAT AND POULTRY INSPECTION

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8:30 a.m.

USDA South Building Cafeteria
1400 Independence Avenue, S.W.
Washington, D.C.

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MR. MIKE FINNEGAN
MR. MICHAEL GOVRO
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ALSO PARTICIPATING:

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I-N-D-E-X

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

(8:30 a.m.)

MR. TYNAN: If everybody could take their seats so we can get started with our reports, and all of a sudden there's less of the Committee than there was 10 minutes ago. How does that happen?

On our Agenda, I think we start usually our Wednesday morning session with a brief recap and I will allow Dr. Masters maybe to take a moment to warm us up before we get into the actual Subcommittee reports. Dr. Masters.

DR. MASTERS: Thank you, Robert. Well, yesterday we had a great day. We had information that was presented. For those of you who weren't here, we started in morning with an excellent presentation on our Public Health Communication Infrastructure in a more robust the risk-based environment. And we asked the Committee to think about that in context with all the information being presented both yesterday and today, and we provided some questions for them that we're asking for their input and will be providing an e-mail address for them so that they can provide us

their thoughts and feedback on that topic, and likely will be bringing that topic back as an issue for them to address at future meeting.

We also talked about some employee focus groups that we had had to introduce some information to our own employees that had been presented to this Advisory Committee last November, so we could start to engage with our own employees on our more robust Risk-Based Inspection System, and we introduced members that are here with us from our National Joint Council, our National Association of Federal Veterinarians and our association that's advisory and technical professionals, and so we're pleased to have them in our audience with us at this meeting.

Then we moved into our actual issues, our measuring establishment risk control for risk-based inspection, and strategic implementation plan for enhancing outreach to small and very small plants.

We're really looking and focusing on the measures that plants can take to control risks in their establishments and focusing on and asking the Committees to provide input on whether or not we had

established the right type of measures to look at and whether or not they were the right things to consider when we were looking at the kind of things that a plant could take to control risks in their plants. And so we had some questions for the Subcommittee on that area.

And then the Agency is really focusing on re-energizing our efforts to outreach to small and very small plants because we talked about on many occasions how important it is, regardless of the size of establishment, for all establishments to have well designed food safety systems to thrive as we move to a more robust Risk-Based Inspection System. And so we have designed an outreach activity and have a strategic implementation plan that we are looking at moving forward with and we have some questions for this subcommittee on whether or not we had the right plan, some ideas on how we might be able to have a users group to look at some of our materials to make sure they're the right materials before we put them into place and so we asked the Subcommittee to give us some feedback on that strategic implementation plan.

And so those groups worked and finished about 5:00 for one group and 6:00 for the other group, and so we look forward to their feedback this morning.

Thank you, Robert.

MR. TYNAN: Thank you, Dr. Masters. Dr. Raymond, did you have any comments?

DR. RAYMOND: No.

MR. TYNAN: Okay. Then if Ms. Eskin is ready, we're going to start off with our report on Subcommittee Number 1.

MS. ESKIN: I'd like to pass if possible.

MR. TYNAN: Being the flexible moderator that I am, we're going to pass on Number 1, and if it's possible, to ask Dr. Harris maybe to step up and do the report for Group Number 2 which has to do with the implementation plan for small and very small plants.

DR. HARRIS: Let me see if I can get this large enough so everyone can see it. Those of you in the back, you may not be able to read that. Hopefully we can go over it. It's not too terribly long.

We did get a lot of good work done last

night. We were the slow committee. We didn't finish until 6:00 p.m. I think that was poor leadership on my part because it didn't seem like the task was that great that it should have taken us so long, but we had a lot of good discussion, I want to think the other members of the Subcommittee as well as the other members of the public that were there and provided input.

And, the first question we dealt with was suggestions for how FSIS through the International HACCP Alliance could locate industry representatives willing to share its critique and other technical resources and assistance with small and very small plants. And I'll just read this for those of you in the back that cannot see it as well.

The Subcommittee recognizes that FSIS has a history of cooperative effort with the International HACCP Alliance, and it seems appropriate to the Subcommittee for the Agency to cooperate with the Alliance in these current efforts.

The Subcommittee recommends FSIS contact the Alliance directly to explore how the Alliance may be

able to serve the industry and Agency in facilitating the flow of expertise and technical resources from those that have them, being academia, industry representatives, trade associations, the State contacts that the Agency already has, to those that need them, i.e., the small and very small meat and poultry plants.

As the Agency moves forward with its plan to serve as a one-stop solution to establishments needing assistance, having a third party compiling and coordinating available resources, could definitely lend efficiency to the process.

Throughout our discussions, we did rely somewhat on the draft document that was provided in the, in the materials there that has a significant number of very specific action items already. So we didn't try to reinvent any of those action items. We sort of started with that as the basis.

The second question we addressed, suggestions for how FSIS could obtain data on the types of support that small and very small plants need for their food safety systems.

The Subcommittee recommends that FSIS should communicate directly with each federally inspected establishment via postal mail, direct mail or e-mails through CSIs or whatever other means the Agency could use to contact them about what types of support that they generally need and how establishments can access that support through either an 800 number or the website, et cetera. Also, as the Agency compiles its findings from the past several years' worth of food safety assessments, we hopefully can identify common gaps in supporting documentation. Another means may be the ongoing Agency industry roundtable meetings, serving as sources for identifying support needs. Another method to obtain the data could be for FSIS to provide a web-based mechanism for industry representatives, associations or other entities to submit commonly asked questions or support needs as well.

What suggestions do you have for how FSIS could best work with a users group consisting of all partners to provide feedback on the usefulness of existing tools and services, to pilot new activities

or materials and to make recommendations on how to improve the outreach to better meet the needs?

The Subcommittee recommends that FSIS should provide a mechanism for feedback on its existing tools and services such as the website and 800 number. The Agency should explore opportunities to participate in forums to solicit feedback at industry meetings. Further, it should encourage industry groups to hold forums for feedback during their meetings. Another means of getting feedback could be to have consumer safety inspectors solicit feedback from inspected establishments during their weekly meetings. Extension groups should also be provided an opportunity to provide feedback, again possibly through the HACCP Alliance that has a lot of connections with upwards of 40 land grant universities.

Finally, FSIS should expand its use of user focus groups to develop targeted feedback on programs, materials and other resources. For example, there's an upcoming focus group of small and very small establishments to talk about the materials that have

been provided on food defense plans. These focus groups could also assist the Agency in prioritizing the action steps that are contained in its strategic implementation plan that has already been developed.

And the last question we took up was what other suggestions do you have for FSIS for strengthening our strategy for outreach to small and very small plants?

The Subcommittee recommends that the Agency move forward with its strategic implementation plan for strengthening it's small and very small plant outreach, Agency communications, whether they be directive, notices or any other type of communications need to be in plain, straightforward language that makes very clear what the establishments responsibilities are. Also these documents need to be available in multiple languages and formats. We recognize that there are more and more establishments' operators who do not speak English as their first language and we thought that that would be a useful tool for them to have some other options there.

And finally establishments that participate

in Agency outreach activities should receive some sort of recognition for doing so.

And that concludes our Subcommittee's report.

MR. TYNAN: We have questions or comments from the other members of the Committee? Mr. Govro?

MR. GOVRO: I don't know if this more properly belongs with the second question or the last question, but I was wondering if the Agency has ever or if it would be appropriate for the Agency to write articles that would be published in trade journals that talk about your need for information from the industry about what types of help they need and I don't know if it in the form of establishing a regular column in one or two of the trade journals or of just writing single articles but it seems like that would be a good way to reach a wide group of people.

DR. HARRIS: I'm seeing a lot of nodding heads. Is that something that we want to add to this report then? Okay. I'm going to tack it onto the end for now instead of trying to figure out if there's a better place to insert it, just so we capture it.

Help me out here. Your suggestion was to public columns or articles that would solicit feedback?

MR. GOVRO: Yes -- articles about what the Agency is doing, trying to do in terms of outreach and, and solicit input that way.

DR. RAYMOND: Joe, I don't think we publish articles. I think you might want to rephrase that to submit.

DR. HARRIS: Okay. Good point.

MR. TYNAN: While Joe is doing his typing, are there other comments from other members of the Committee? Yes, Mr. Kowalcyk.

MR. KOWALCYK: Yeah. Dr. Harris, in the Subcommittee's discussions about the topic, did the subject of soliciting feedback from field personnel, inspectors that are out there working with these small and very small operations, to identify certain issues or regulations that the small operators are struggling with, so that way it would help the Agency focus on critical points that the small operators keep missing on?

DR. HARRIS: We did and we sort of captured

that a little bit in the section above, if I can get to it, where we talked about getting the field inspectors during their weekly meetings with the establishment management to get that feedback and, you know, communicate that back to the Agency. There in the middle of this paragraph, another means of getting feedback would be to have the consumer safety inspector solicit feedback from the inspected establishment during its weekly meeting.

I will say that by and large, we felt like a lot of effort had already been put into developing a very detailed strategic implementation plan, and it was a little bit challenging to find, find new things that weren't already included in that plan. So our report is fairly short.

MR. TYNAN: I sat in a little bit on the discussions last night, and I know, Dr. Carpenter, you -- when Joe mentioned the detail plan, that you had some comments and concerns regarding the level of detail and how to get comments and priorities. Did you want to -- I don't recall if that was included in the summary when Joe went through it.

DR. CARPENTER: Well, I just pointed out that in the entire plan, they're like 50, 50 points and over 100 action items, and I commented to Karlease Kelly, I think every verb in the dictionary has been used in those action items, but it was pretty comprehensive, and it might behoove the Agency to simply put that out as a draft format to all of the small and very small plants to help us prioritize what's the most important thing to do as we endeavor to get this communicated to all of you.

MR. TYNAN: Thank you, Dr. Carpenter. Mr. Schad, I know you -- I think you agreed with that last night. Is that something workable?

MR. SCHAD: Yeah, I'll just state my agreement. I had not thought of that but when Dr. Carpenter brought that up, I think that's an excellent idea.

DR. HARRIS: We did include that and talked about using focus groups to prioritize those action items, and that was included in the report.

MR. TYNAN: Is this the point at which the moderator asks, do we have general agreement or is

there further discussion we want to have on, on Dr. Harris' report?

I assume from, from no news that we're okay with the report as is. So anybody object if we consider it accepted as written?

Okay. Cool. Done. Thank you, Dr. Harris.

Now we have Ms. Sandra Eskin, who will give us a report on Subcommittee Number 1 which had to do with the establishment risk control. Ms. Eskin?

MS. ESKIN: Yes. One sec. I have to scroll up.

Our Subcommittee used the PowerPoint presentation that Don did yesterday as sort of our roadmap to go through the questions that were asked in a two-page issue paper. Again on page 2, there are actually six separate questions, three in the first part, two in the second, one in the third, that go to the issue of what components, what data information is relevant and useful to a determination of the effectiveness of a plant of an establishment risk control measurement. Again, just for context, there's going to be information about many different things

from many different sources that are going to go into an overall consideration of, of risk, level of risk, and what we focused on again was only that information that went to the question of, is an establishment's risk control measures effective? How effective are they?

So in the fourth slide of yesterday's presentation, there were outlined six general categories and that would be food safety system implementation, food safety system design, pathogen control, in-commerce findings, enforcement actions and other components.

So starting with the first question, are the objectives or components, those terms were used interchangeably, identified by FSIS all appropriate objectives for measuring an establishment's risk control system, and overall the subcommittee agreed that all of the objectives that were identified by FSIS are appropriate, but we did go through each one of those six identified areas and discussed some points and brought up some issues that we wanted FSIS to look at particularly.

And starting from the top, the food safety system implementation, I think this issue engendered the most discussion both at the general meeting yesterday and in our subcommittee meeting and the discussion all centered around the usefulness of the current NR, noncompliance reporting system, and as we've all discussed, again there are questions about what particular NRs really have an impact on food safety, on public health. How are these NRs filled out? Is it consistent across areas, plants, inspectors, whatever?

So I think the general point we wanted to make to FSIS, and it's reflected in the second bullet, is we think first of all that the FSIS should really undertake a comprehensive review of the whole system, and then consider making some revisions, changes, that would address some of these concerns and really make this information useful in the determination of risk and risk controls. And there was some concern that any review might take a long time. We don't want to unnecessarily slow down this development movement toward a sound risk-based system, but at the same time

NRs have a lot of information there, and some of it certainly will be useful.

The third bullet under this point reflects I think the operation at the State level that when you're assessing a plant's compliance, you can try to be as specific as possible on the one hand, but then again general, and establish -- in this instance, the example was four possible categories, compliance, noncompliance, non-observed or not applicable. Again, that's simply a sub-point under this general recommendation that the NR system needs to be looked at and, two, needs to be revised to make it more useful to risk control measurement.

And the next point, food safety system design, perhaps similar in some ways to our discussion of the NR system, there was a concern expressed that the food safety assessments aren't done on a very regular basis. Correct me if I'm wrong, I think on average once every three years. Is that what FSIS --

DR. MASTERS: Unless for cause.

MS. ESKIN: Unless for cause. Again there could be very important data captured in these FSAs

but recognizing that they're not particularly frequent and again in these reports, you also have some concern with subjectivity that may undermine the usefulness.

The third component here, pathogen control, the Subcommittee wants to make clear that we believe that this data, the data from pathogen testing, is among the most important data that will determine the effectiveness of an establishment's risk control measures, and we also want to make the point that it's very important for FSIS to do a sufficiently large or sufficiently high level of sampling to get a good representative sample to take into account all the relevant factors, the type of products, the volume of products, the plant size, and again there may be seasonal variations. So that also has to be captured. So again, pathogen control data is very, very important in our minds.

And then the remaining factors, the remaining components, in-commerce findings, the outline from the PowerPoint identified recalls and consumer complaints as two types of in-commerce information that may be relevant, and we talked about

food -- excuse me -- about consumer complaints and particularly those that relate to food-borne illness cases as being very important to an assessment of the effectiveness of risk control measures.

And then finally we addressed the category of enforcement actions and just wanted to concur in what FSIS had explained to us, in that FSIS sometimes takes enforcement actions that are not in response to NRs or to FSAs or any other similar reporting, and that these actions could in certain instances be relevant to the effectiveness of an establishment's risk control measures. So again that's really our answer to the first question.

And again, in summary, we believe that all the identified components were important, but that some were more important than others in this measurement.

Moving onto number 2, the question was should any of the objectives or corresponding features be deleted? We said no. We thought they all should be considered.

Should anything be added, and one thing that

was brought up in our Subcommittee, that FSIS should consider is any pathogen test results that are collected by the State at retail may, in fact, in certain instances be relevant to the effectiveness of an establishment's risk control measures. So that would be added. That was one suggestion. There, of course, may be others.

Number 4, are some components more important, that is better indicators of risk control than others? Our group agreed that, yes, some of the components, again related to the effectiveness of an establishment's risk control measures, may, in fact, be more important and again we wanted to highlight the importance of pathogen test results, and one of our Subcommittee members wanted to specifically mention results for ready-to-eat products.

On the two remaining questions, the fifth question, if yes, some are more important than others, should the more important components be given or have greater weight in FSIS' numerical control measure than less important components? And again we're not near, or I should say FSIS is a number of steps away from

getting to the point where they develop some sort of system for weighting.

So therefore our recommendation was relatively general. We did, however, want to endorse the idea that, yes, you have a whole constellation of components and factors. Some are more important that others. So if we're talking in generalities about some sort of a weighting system. Some should be given more consideration or more weight than others. And again, we wanted to reaffirm our general agreement that again in order to get that far down the road toward this measurement, reliable, consistent data is absolutely essential before you -- and all these components or all components you're considering before you start trying to calculate those weights' values and then compare them.

And then finally the question was asked, should the findings from any food safety assessments or other sources that indicate exceptionally effective risk controls be allowed to lower or improve an establishment's risk control measure?

And again, from a general view, I think the

Subcommittee agrees that it would be appropriate to, for lack of a better word I'll say reward, but I just use that carefully here, but to somehow acknowledge that some establishments have particularly effective risk control measures, and we also at the same token wanted to make sure that that didn't entitle that establishment to a free pass basically. That, in fact, the Agency would still be doing oversight, that oversight would probably reflect the fact that this establishment had particularly good risk control measures but we just wanted to make sure that point wasn't lost.

So again, this was our consideration and reaction to a specific set of factor components identified by FSIS and it's only really one piece, one subset of a larger pool of data that have to be considered in trying to move toward a Risk-Based Inspection System.

MR. TYNAN: Questions from the group? Mr. Kowalcyk.

MR. KOWALCYK: Yes. I was on the Subcommittee, and I guess going up to point 5 about

assigning weights across these various types of data, one of the issues that I think the Committee struggled with and I know I struggled with, is trying to determine what the final product is going to look like. So I think to make that determination we would need some starting point or initial structure within which we can discuss relative weighting. It was brought up that the regulatory testing is done on a significant number of plants and that not all of the plants were subject to regulatory testing. So how do we account for that in some type of, I don't know, ranking or scorecard mechanism?

And in addition, it would be important to better understand the quality of the data behind each of these objectives or elements.

We had a very good discussion about NRs in that -- understanding that each NR is reviewed and that the information that a NR contains should be consistent to the point where when you made a data entry, it could be scanned into some type of database, if you could make it as objective as possible, if you're going to incorporate it in some type of

measure.

So I think getting down the road to determining weights, you really can't assign a weight until you understand the data behind it, and I think -- I know I struggled with that, and I guess as part of the recommendation, I'd like to see added into it would be, you know, a better understanding of the data and data structure, how does FSIS envision that they will manage this data from, you know, to use FSAs, noncompliance reports, findings in commerce, coming from diverse sources. So how do you distill it altogether into one comprehensive data-mart so to speak that you can access to assign the weight.

MR. TYNAN: Michael, is that something that you want a question added in or is there an additional sentence or two?

MR. KOWALCYK: I would think, you know, having some starting point or initial structure within which we can discuss weighting and also, you know, a better understanding of the quality of the data behind each element we're talking about here before we can assign weight.

DR. MASTERS: This is Barb Masters. Just for the sake of everyone in the room, the discussion we talked about yesterday was, and I'm not opposed to putting anything in the report, the Subcommittee's report, but just so it is clear with the conversation we had yesterday, FSIS is looking for comments on the components of the measures of an establishment's ability to control risks and we recognize an except could be as how we use those components of measures to control risks, and so we recognize that the next step, and we have a workgroup that's working on these, would be to work with algorithms and we realize that we have to take these and work on those next steps. And so certainly through the -- NACMPI and through our third party facilitator, those will be the next steps in this piece of the puzzle, and so we talked about that yesterday. So everyone's on the same page, that we recognize those are the next steps since the devil starts getting into the details. So we recognize those are the next steps that we'll be dealing with and grappling with.

MS. ESKIN: Michael, I just typed something,

and see if this is close to what you want or again we can tweak it some more. At the end of the fifth question, the sentence read, such a determination can be made only after FSIS has available to it the reliable, consistent data necessary for the accurate assignment of such value, here's what I'm adding, and has a better understanding of how to assess the quality of the data and how to develop a structure to use the data. That's not artful but does that get us closer to what you're --

MR. KOWALCYK: Yeah, I think that gets us closer to where, you know, in my mind the recommendation needs to be, yeah.

MS. ESKIN: Okay.

MR. KOWALCYK: I'm fine with that.

MS. ESKIN: Okay.

MR. TYNAN: I apologize. I was paying attention to the screen and I don't know who went up first but I'm going to -- you were last? Thank you, Joe, you're an honest man. Mr. Schad?

MR. SCHAD: Yeah, I have two comments. One has to do under the category of in-commerce findings,

and it has to do with consumer complaints, and I think you have to be cautious with that, like you get a consumer calling who said, well, I ate this and I got sick. Sometimes they are mistaken. They might think they got sick from this certain meat or certain food, and just unknowingly it might have been from something else. So that type of data you have to be very careful with.

MS. ESKIN: That's why one of our Committee members suggested the addition of the word verified.

MR. SCHAD: Okay.

MS. ESKIN: And verified cases is hopefully -- hopefully it captured what you're saying, that there has to be some sort of confirmation I guess.

DR. MASTERS: And FSIS, this is Barb Masters, we want to clarify that FSIS has a consumer complaint monitoring system, and the data that we were referencing here and that we talked about yesterday, is we have a consumer complaint monitoring system, and we have a process for following up on all of the complaints that we receive, and we're only referencing

those related to public health and those that have been validated to be from a particular plant and those that have been confirmed to be accurate and validated as being confirmed as true public health illnesses or injuries and having come from particular establishments. So that was also discussed in the Subcommittee yesterday.

MR. TYNAN: Mr. Detwiler?

MR. DETWILER: A handout that was provided dealing with livestock and poultry volume data for the last calendar year, made me think of this, that there might be a component which let's say arbitrarily has a value of 2 but if that's at a small plant that has a small volume and a small distribution, that same exact component for a large plant that has much greater volume, much greater distribution or maybe it's a batch processing that deals with product from 400 head of livestock versus 1, that same component might have a different weight simply because of the size of the plant, the size of distribution, size of the -- or the volume of the product, not necessarily just that component has that value because of the risk that it

has. There may be weighting of the weighting depending on the size of the plant size, and I know that you're saying, you know, let it to the experts but I do believe that there must be some consideration in terms of risk from a small distribution, geography versus a much larger distribution but that's just a thought.

DR. MASTERS: Thank you, Mr. Detwiler, and if you'll -- I know not everyone got the PowerPoint slides, and they will be available, but on slide number -- it's the first slide with information on it, slide number 2, Mr. Anderson pointed out that when we as an agency are moving forward, we're looking at various components.

One of those is a likelihood of exposure potential which would relate to volume, and what we were asking the Subcommittee to look at was risk control effectiveness. So we were focusing in very narrowly on the plant's ability to control. Obviously another component is going to be looking at that exposure potential or volume. We talked a little bit about that yesterday in the Subcommittee, but we were

trying again to move away from that and focus folks in just on the ability to control those risks in a plant recognizing that another component is going to be that exposure potential or volume. So again, just their ability, regardless of size to control those risks but again that's why Mr. Anderson had put in that slide as a reminder that at some point in the future, we're going to have to come back to exposure potential or volume. So I appreciate you reminding all of us that that's something we'll have to put on the table at a future point.

MR. TYNAN: Thank you, Darin. Did you have anymore comments you wanted to make now that that math teaching background is coming to fruition?

MR. DETWILER: No.

MR. TYNAN: Dr. Harris?

DR. HARRIS: I have a question. You mentioned one of the additional factors that the Subcommittee wanted to add were State findings. My question is, is that -- State findings, is that something that FSIS routinely and uniformly gets access to or is it a hit and miss sort of thing. I

guess my perception of it is that it's probably more sporadic in nature and that there -- the Agency may not have access to result unless there is a positive documented by the State.

DR. RAYMOND: Dr. Raymond, I'll try to respond to that, Joe. I think you're pretty accurate when you say it's hit and miss. The amount of retail sampling being done has decreased over the years. We're doing more in-plant sampling as you know, and one of the reasons for retail sampling is to make sure the retail stores' display cases are properly refrigerated, et cetera, too. So if you did a retail sampling and found something, you're not sure whether -- where that occurred. I mean is it way back up the plant or not.

So I think you're right on. It's something -- when you mentioned that, I was going to comment on it. We will look at it, but I'm not terribly excited about retail sampling, I mean -- not retail sampling but not as using it for inherent risk control in a plant.

MR. TYNAN: Joe, did you have a comment or

something that you wanted to have in the report? No?

DR. HARRIS: I guess my point then would be in light of that last discussion whether or not that is a very viable recommendation. I can't see the exact wording of it but maybe to make it more of a, you know, I don't know where appropriate, you know, the Agency might consider that or something along the lines of recognizing that that probably is not going to be uniformly available or a useful piece of the puzzle.

MS. ESKIN: The key language in this -- in that recommendation is consider. You know, we're not recommending that they absolutely factor it in, but it says the Subcommittee recommends that it consider those results.

DR. MASTERS: And I'm going to speak up, this is Barb Masters, on behalf of Mr. Elfering, who was providing specific information for his State that he was aware of, and it is sporadic but in his individual state, and he spoke on behalf of Minnesota, Oregon, Washington, who are Great State Partners with our Agency, that they do provide us both positive and

negative findings and that they're Great Partners, and that they do provide us not only retail but other findings that they do find both positive and negative findings. And so he's speaking up on behalf of the States that he knows very well and the kind of findings that they can provide. So they are providing us all of their data and they're very transparent in those findings. So since Mr. Elfering is not here to support the information that he provided, I will do that for him and -- consider that information.

DR. HARRIS: I guess then I would be -- I'm comfortable in leaving it there in terms of I trust the Agency to use good judgment in that regard, and I'm just --

DR. RAYMOND: Joe, I think we leave consider. I think we leave it there because consider -- we need to get back to the Committee that advice will be considered. We need to give you the data. You're asking is it sporadic or not? We need to get acknowledge to you with those numbers.

DR. HARRIS: Fair enough.

MR. TYNAN: Mr. Schad, I saw you had your

hand --

MR. SCHAD: That was the issue I wanted to bring up.

MR. TYNAN: Okay. Cool. Okay. Thank you. Mr. Govro?

MR. GOVRO: Yes, I think I can provide some clarification and I actually think what is in the report was not what was discussed at our Subcommittee meeting yesterday. The point that Mr. Elfering brought up was that there may be data from Health Departments with regard to food-borne illnesses and attribution, not retail meat sampling, and I would agree that samples collected by State agencies and tested for pathogens is going to give you inconsistent data that's not going to be useful, but that the attribution data that you get from the Health Departments, and he referred, now I remember it, his Health Department in Oregon, that are very aggressive and active in, in following that information to its end. That information could be useful.

MS. ESKIN: I mean I think one of our members did make the suggestion edit to add the retail

store language. My only question, if we take it out, does that data still go to the question of assessing the effectiveness of risk control measures or is it data from other sources that's going to be considered with all the other data but doesn't go to the specific issue. In other words, on that second slide, there's a lot of other data and we all know obviously that public health data, attribution data, is going to be critical, but is it the data -- is it part of this data subset that is considered by us in this subcommittee. That information collected about plants that goes to the effectiveness of these plants' risk control measures.

The question is, should I just take out retail -- at retail stores and make it more general?

MR. GOVRO: I would not be in favor of recommending that retail sampling data be considered in this. Not that it's necessarily bad but I know what happened in Oregon may not be what happens in Washington or California or anywhere else, and I just think it would be difficult to incorporate data that had that much inherent inconsistency.

MS. ESKIN: If we take out at retail stores, does this recommendation still make sense in this context?

DR. RAYMOND: I'll respond to it for FSIS. If you want to leave it, a friendly suggestion, consider pathogen test results collected by States, I would say State and Local Health Departments because in some States, Local Health Departments are the drivers, and then I think it makes perfect sense.

MS. ESKIN: Okay.

MR. TYNAN: Mr. Finnegan, did you have a comment regarding the report?

MR. FINNEGAN: Yes. When Sandra's finished there, could you scroll back up to the first part where you talked -- when you mentioned NRs?

MS. ESKIN: Yes.

MR. FINNEGAN: Right. I agree with that because what we have to key on is significant NRs. There's a lot of NRs out there that are really clerical as compared to a real food safety hazard, and I can see where the Risk-Based Inspection System is going to put a little more teeth into NRs, and so if

we use them the right way, or we're going to use the NRs as data, it will have a significant effect for a food safety violation NR as versus a mere clerical one.

MR. TYNAN: Michael, were you suggesting a change to the report?

MR. FINNEGAN: I would like to -- you have it here or significant NRs, and I think we should keep that in there on, on the back of Tab 6, consider only significant NRs. What FSIS means by significant NRs I would ask Dr. Masters.

MR. TYNAN: Well, let's get to Tab 6. And where again were you looking, Michael, on Tab 6 report?

DR. MASTERS: I think if you look at the bottom of the page where the workgroups have been working on this, they have started to put some parameters around our Subcommittee talks -- the Subcommittee talks yesterday as well about the fact that there have always been defined food safety versus non-food safety, and then you start looking at the food safety NRs, and that you need to find within that

food safety realm, those that are more significant than others. Our workgroup has tried to define in the footnotes of their issue paper that was put forward, those that they started to consider related to more significant than others. Those that define product alteration. Those that have not met the requirements of corrective actions either for HACCP or SSOPs. Those that have inadequate validation or inadequate verification related to verifying the food safety requirements. Those for which regulatory control actions were taken, or those that haven't met sanitation performance standards, the actual standards, you know, product -- direct product contamination type issues.

And there was some discussion where our consumer safety inspector, Ms. Dennis was there, and she talked about and gave some specific examples from the field where sanitation performance standards over time lead to direct product contamination, and those are some of the issues that we talked about in the Subcommittee yesterday, and she gave some real life examples for those that happened.

And so the Subcommittee got at that yesterday and tried to provide some guidance and so that was some of the issues that we talked about, and I think that's what the Agency was looking for, some feedback from this Subcommittee.

Would this edit satisfy you and hopefully everyone else, including our Subcommittee members, again trying to capture the idea, that we want to focus on significant NRs, those that have impact on food safety and public health. So that second bullet under food safety system implementation would read, after the first one, recommends a review of the NR system. As a result of this review, FSIS should consider making some changes to the NR system that would consider those NRs that are significant -- only those NRs that are significant and relate to food safety and public health in an assessment of the effectiveness of an establishment's risk control measures.

I can read it one more time. As a result of this review, FSIS should consider making some changes to the NR system that would consider only those NRs

that are sign and that relate to food safety and public health in an assessment of the effectiveness of an establishment's risk control measures.

MR. FINNEGAN: Right. You know, all the NRs are significant. However, some are purely economical. That's the point I'm trying to make here.

DR. MASTERS: Okay.

MR. FINNEGAN: You know, net weight, things like that, as versus a food safety hazard.

MS. ESKIN: So if we took out significant and just kept in food safety and public health?

MR. FINNEGAN: I would think.

MR. TYNAN: Mr. Schad, I thought I saw you reaching for your tent card?

MR. SCHAD: Well, I had a question for when the word significant was in there. I was just going to ask a question are you defining significant as it's defined in Tab 6 there. That was my question. Now you took it out, so I'm not sure my question is appropriate.

MR. TYNAN: Are you okay with the statement as written?

MR. SCHAD: Yes.

MR. TYNAN: Okay. Are there other comments on -- Mr. Schad?

MR. SCHAD: Just one more comment. This is my viewpoint of the significant NRs. I just keep on thinking, here is the goal of reducing or eliminating one of the many cases of food-borne illness, and to me that's the question that the inspector ought to ask, is this a significant NR that would relate to a risk-based system. These noncompliance issues, is that going to reduce the incidence of food-borne illness? I think that's a key question that has to be asked.

MR. TYNAN: Is that something you feel ought to be included in the report?

MR. SCHAD: In my opinion. I don't know if the rest of the Committee agrees or not.

MR. TYNAN: Do you have -- well, do you have some way of posing that, and then we'll see if everybody agrees?

DR. MASTERS: We just changed it. I can read it again.

MR. SCHAD: What if we just put in the

statement of a NR being defined as those directly related to incidents of food-borne illness.

MR. TYNAN: Mr. Govro?

MR. GOVRO: We talked about this a lot yesterday, and I think a lot of what you're getting at is captured in some of the other things that we talked about, the quality of the data, the importance of the data, and how it's very difficult to have a discussion about how important each element is without a starting point for a formula, and I think once we -- a starting point is proposed, we can really get down to what I expect to be a lively discussion about the merit of each element and its weight and so forth but I don't want to leave out any important point that the Committee wants to make. It just seems that FSIS is keenly aware of all of the elements that should be considered. That's my impression.

MR. TYNAN: Mr. Finnegan?

MR. FINNEGAN: I'm off.

MR. TYNAN: You're trying to trick me, Michael. Other comments from the group regarding the report?

As we have it now, is it acceptable to the group? Do I have sort of a thumbs up? Are we all agreeable?

Okay. Then we'll consider the report complete.

What I would suggest to the Committee is after the meeting our staff will take a crack at doing a little editing, not of contents or the substance of it but rather some of the grammar, those kinds of things. I will -- because we're doing it very quickly. So we want to be sure that the ideas are presented the way you want them to be. So we'll take a crack at doing some minor editing, making sure we have all the typos and things fixed, and I will send them back out to the Chairperson and to the Committee as a whole, and ask the Chairpersons maybe to get with their folks and, and verify that we didn't change anything of substance, and then we'll consider them done and get them posted. Is that agreeable to everyone?

Okay. With that, I think that closes out our, our reports. Are there any other comments?

Mr. Schad, it looks like you were getting ready to pose one?

MR. SCHAD: No.

MR. TYNAN: You've had enough, huh? Okay. I think the -- we have two ways to go. We can take a quick break and then have our public comments but usually that's not very long. So if the group is amenable or agreeable rather, then we'll just continue and do the public comment period.

We're a little bit ahead of schedule. So I thought I would have perhaps a list from outside, but I'm just going to -- if Dr. Masters is okay with that, I'll just ask the audience if there is anybody that would like to make a comment at this point regarding anything discussed yesterday or today.

Yes, ma'am. If you'd come up, identify yourself and your organization please.

MS. NESTOR: I'm Felicia Nestor with Food and Water Watch, and I sat in on the Subcommittee that was dealing with the components, and I've had some ideas since then.

I wanted to reiterate what Mike Kowalcyk was

saying about, you know, the number of plants that have no pathogen testing at this point, and to the extent that the Agency wants to rely on that kind of data, you know, I don't know what the Agency can do about it but it seems like you're going to have to fill that gap.

The data that you are going to rely on, the salmonella sampling and I assume the E. coli and listeria samplings, I think the Agency needs to insure, you really need to check that the sample collection that you're doing provides statistically significant information. The Agency has been dinged on this repeatedly over the years.

For instance, we did an analysis of the salmonella sampling in ground beef plants and at a third of the large ground beef plants, the samples that was supposed to take two and a half months was extended to up to two and a half years. So that doesn't give you a real good picture of the process control in those ground beef plants. I'm assuming it's gotten better recently but I haven't checked that.

The assumption that the plants, you know, that have all the new bells and whistles are going to have effective risk control measures, you know, I think that the public deserves to have the Agency check that because, you know, we all saw what happened with ConAgra, where because they had some triple clean intervention process or whatever, everybody assumed that the meat coming out of that plant was going to be safe, and their own company tests were showing that, you know, there was a high level of H:7 contamination.

The National Academy of Science in its last report recommended that when FSIS uses a statistical sampling program that they be very, very transparent about the assumptions and, you know, everything else, all of the other necessary details that we need to know in order to evaluate that sampling program.

Yesterday we were talking about recalls and today we're talking about attribution data, and I did mention it yesterday but I know that some of my consumer colleagues, you know, would want to point out that at this point, only 10 percent of food-borne illnesses are traced back to a source plant. So while

that information, the information you get when you do trace it back is good, there's, you know, 90 percent of the food-borne illnesses we don't identify a plant. So there's a lot we don't know.

I would suggest that the Agency's trace back, if the Agency pursues trace back more from its own E. coli H:7 sampling program, that would be better than the current supplier database. I think that using the current supplier database is helpful but it's insufficient. I think, you know, a much more active search for the source plants should be undertaken.

I think that it was invaluable to me to have Alfreda Dennis, the inspector's comments on the effectiveness of NRs because that real world example shows us, you know, that something that may seem insignificant is significant, and I would suggest that that's a question that you should really put to the frontline. You should give the inspectors that are dealing with that on a daily basis the opportunity to tell you why they think some NRs are effective, that you might not think are effective in reflecting the

risk.

And, you know, I realize that we're talking about a Risk-Based Inspection System here. So we're almost discounting wholesomeness issues and economic issues, but it seems that at some point, you're going to have to deal with that fact. The statute still requires a concern with wholesomeness. And, for instance, someone was mentioning, you know, economics, violations. I guess that would be like too much water in a process. You know, if a plant routinely is, you know, violating the formulation and putting too much water in a product, that plant is basically ripping off the public, and if they know that, you know, under this new system, they're going to escape, you know, there's going to be no scrutiny for that, there just seems to be -- it doesn't seem like you're fulfilling the mandate under the statute. Thank you.

MR. TYNAN: Thank you, Ms. Nestor. Is there anyone else in the public area that would like to make a comment at this point?

There being none -- I'm sorry. Ms. Dennis, would you identify yourself and your organization.

MS. DENNIS: Good morning. I'm Alfreda Dennis-Bowyer. I am here representing the National Joint Council of Inspectors. We as a group of inspectors, we appreciate this opportunity to be included in this meeting.

I just wanted to reiterate the noncompliance reports and what the inspector does on a daily basis is a very big and important task. The Agency has these regulations that are in place and we try to enforce and monitor these plants that are supposed to be meeting these requirements. Many of the plants are doing a good job and HACCP has been good in a lot of cases, and at this point things are a lot better than they were when they first started.

And, of course, across the board there may be differences in how an inspector will document a finding but basically a noncompliance report is not written as a frivolous thing to do. If the company is not meeting the requirements of the regulations that is outlined, that NR is document and it must meet -- it should be able to go through the appeal process. The company has the right to appeal any noncompliance

that is written and if it can withstand the appeal process and it clearly documents what the violation is according to the regulations, then that would be a NR that really should be considered at part of the information that you're going to look at in determining this is a safe inspection.

Over the years, the inspection program has changed the way they document or how things go but the industry, whatever the product is, the process really hasn't changed a lot. The chicken is going out -- the way they slaughter chickens may change a little bit but the end product is still going out. So no matter what type of inspection process the Agency comes up with, the inspectors will continue to monitor and stay with the parameters of whatever you outline.

So I just wanted to take this opportunity to speak on behalf of the NJC. We may not agree with everything that you're saying, but whatever you put out here, we're going to work with it. Thank you.

MR. TYNAN: Thank you, Alfred. Last call for public comment?

Okay. There being none, I'm going to turn

it back over to Dr. Masters for any closing remarks.

DR. MASTERS: Thank you, Robert. I certainly want to say thank you to the Committee. As always, you do a great job. We give you a challenge and you always exceed the expectations by coming up with great advice to the Agency, and I certainly want to thank you for all the work that you do. I think you provided us a lot to take with us from this session, and I want to thank you for that.

I want to thank the public as well for your comments that you've given us and I appreciate you for indulging with us and coming to the meeting.

I also want to thank our employee associations for coming and representing the associations and being at this meeting with us, as well as the members that have come from Resolve to begin interacting with the Agency and with our stakeholders as we move forward in this process.

There were some questions that came up yesterday in a couple of the Subcommittees and I think it's important to talk a little bit about how we're moving forward. It may not be as clear to everybody

as it is to some of us but I think Mr. Anderson tried to put it one of his introduction 5, and that is if we move forward with our more robust Risk-Based Inspection System, we had talked in November that we really need to look at the risk of the plant, the risk of the product and the risk of the process and that we're going to be trying to tie all of that together as we move forward, and then we'll be giving some decision criteria to our inspection personnel so that they can look at some of the decisions they need to make as they make their inspection decisions.

At this point, the Agency is talking about daily inspection visits to each of those processing establishments. But, perhaps if we look at the inherent list of the product and the measures planned for incorporating to control risks in their individual plants, then maybe we can make some decisions about how much time inspection personnel need to spend in those plants and the different criteria they could use for inspection within those plants on the daily inspection visits. And, maybe it could look different in one plant versus a different plant.

And obviously this is one of the first opportunities we've had to put forth some of the work the Agency is beginning to do in those areas by asking one of our Subcommittee to look at those measures to control risk in the plant. But we obviously have a lot of work ahead as we start to look up these inherent risk of products, and we start trying to bring forth the data because data is going to drive all the decisions that we make as we start to look at the risks of the processes and we try to start tying all of these pieces together, to try to start asking the questions about the criteria that inspection personnel might use.

And so that's why we really complimented this group by asking us to work with a third party facilitator so we could start getting input from all of our stakeholders, the employees, the folks that were here, and all of our employees out in the workforce because they're such a valuable asset to us, the industry and the consumer, so that we could work together to move forward as we make some of these decisions.

So I want to thank everybody for helping us take this first step, and I think we can see we have a lot more steps to take. But I think we've started to make some of the right steps because as Dr. Raymond and I have said many times, these steps are the right steps we believe we need to take to further protect public health. And, we don't want to take any steps that don't take us in the direction to further protect public health. We're not going to get more resources but the resources we get, need to be used more effective and efficiently to further protect public health, and those are the kinds of questions we're asking. And we believe this Subcommittee and the Committee here can help us make better and more informed decisions for our inspection personnel, to use the great knowledge and abilities they have in better and more informed ways.

So we think this was the first opportunity to put some good work that our Agency's doing forward to this Committee, and hopefully you'll start to see more and more of this coming forward. So we appreciate the work that you're doing and hopefully

you'll start seeing all of these pieces come out and come together. And again, hopefully that helps put a little bit back into context and all of the PowerPoints that were presented here at this meeting will be available to everyone, and we look forward to all of the work you're going to do, and I think more and more of it will become enforced, and we appreciate the good work that you're doing. So thank you very, very much.

MR. TYNAN: I get the last word. I think with that, unless there are some other questions or comments or business that the Committee would like to take up at this point -- Mr. Govro?

MR. GOVRO: Yes. I'd like to talk a little bit about the functioning of the Committee and the distribution of the information that we get prior to the meeting. I had a discussion this morning with some of the Committee members about the fact that we received these books in advance of the meeting and then get another copy when we were here. And we received the materials probably a little bit later than most of us would have preferred before this

meeting, and I wanted to bring it up to the rest of the Committee.

I would be perfectly happy to receive this information electronically without receiving a hard copy, and I don't know if you have any restrictions on, on what form it has to be in before you distribute it to us, you can distribute it in draft form or whatever, but I would just as soon get it a couple of weeks ahead of time in advance and print off what I need to or not, and just have a little bit more time to come prepared.

DR. MASTERS: I think we can do that. Certainly we recognize and, and my question to you would be, there's one or two documents that we were perking and burning the midnight oil to get ready. As you can imagine, there's been a lot of work trying to get this ready. There's some that would have been ready earlier than others, and we certainly, if we were doing it electronically, could have been sending the majority of these documents. And so if that's agreeable to the Committee, we could have been doing that. And those we were burning the midnight oil on,

we could have sent, and our goal is as always to get them as soon as possible to you but if you're agreeable to do that, we can certainly do that and we'll try to continue to meet our goals getting them to you at least two weeks in advance.

Obviously the ones measures the control with, we were, as you know, were just trying to get the work done, and so that was the one that took us the longest time to be prepared on because of our -- the steering committee is working and just trying to get that work done but if you're agreeable to getting in chunks, we can get them to you sooner rather than later.

MR. TYNAN: You just need a big mailbox when we send some of these out. No, no, I'm kidding. Yeah, we'd be glad to do that. That's not a problem from our perspective, whatever way makes it easier for the Committee.

Are there other logistical issues for the Committee? We might as well get those out of the way now?

If there's other things that we need to do

to make this more efficient in its operation, we'd be pleased to do that.

Okay. I'll try and be a little bit more timely in the future. I know that's an area that we had some difficulty with in the past. We're working on it to be better at it, and the electronic version may help that. So I appreciate the comment and the suggestion.

With that, I want to thank the Committee for being as patient as they have been with us in terms of timeliness and materials and all the things that go on.

I'm going to make a motion that we adjourn, but I would ask the other Subcommittee to reconvene with us maybe in 10, 15 minutes. How about quarter after, and we'll meet right in here where we have the tables set up, and we'll have a little private conversation regarding some of the things we need to be doing for stakeholder issues.

I have some materials I tried to get around this morning to give that to the group. If I didn't touch with you, and you're on that Subcommittee,

please let me know and I will give you what you need.

With that, do I have a motion to adjourn?

UNIDENTIFIED SPEAKER: So moved.

MR. TYNAN: Okay.

UNIDENTIFIED SPEAKER: Second.

MR. TYNAN: Okay. Thank you again, and have a safe trip home.

(Whereupon, at 9:57 a.m., the meeting was concluded.)

C E R T I F I C A T E

This is to certify that the attached proceedings in the matter of:

NATIONAL ADVISORY COMMITTEE ON

MEAT AND POULTRY INSPECTION

Washington, D.C.

May 24, 2006

were held as herein appears, and that this is the original transcription thereof for the files of the United States Department of Agriculture, Food Safety and Inspection Service.

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SEAN BECKER, Reporter

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