

UNITED STATES DEPARTMENT OF AGRICULTURE

Sub-Committee on Inter-Governmental)
Roles and Coordination) No. : 99-020N
United States Food and)
Drug Administration, FSIS)

Pages: 1 through 86

Place: Arlington, Virginia

Date: May 5, 1999

HERITAGE REPORTING CORPORATION

Official Reporters

1220 L Street, N.W., Suite 600

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Wednesday,
May 5, 1999

Adams Room
Quality Hotels and Suites,
Courthouse Plaza
1200 North Courthouse Road
Arlington, Virginia

The hearing in the above-entitled matter was
convened, pursuant to Notice, at 7:00 p.m.

SUB-COMMITTEE MEMBERS:

DR. DANIEL LaFONTAINE, Chairman
MR. MICHEAL MAMMINGA
MS. NANCY DONLEY
MR. LOREN LANGE
MS. COLLETTE SCHULTZ KASTER

P R O C E E D I N G S

(7:00 p.m.)

1
2
3 CHAIRMAN LaFONTAINE: Let's go ahead and get
4 started. Gary Weber is on this subcommittee, and I don't
5 see him just yet. But I feel a need to go ahead, and he can
6 join us if he shows.

7 For the record, this subcommittee meeting is for
8 the record, so I would strategically place the microphones
9 so it is recorded. Being an oldtimer, Nancy and I -- couple
10 of comments. And first of all, these sessions tend to be
11 much more informal than the sessions during the day.
12 However, it is an issue meeting so obviously we want to --
13 cut the comments -- nothing I can do.

14 (Laughter.)

15 And also, on that same vein, following the line of
16 informality, like Mr. Billy said today -- I think it was Mr.
17 Billy, there's an opportunity for the folks in the audience
18 if you see something that you want to be interjected as we
19 discuss this topic that you feel would be a constructive
20 comment. Put your hand up and holler or something, and
21 I'll get their attention, and I'll recognize you.

22 And of course, our FSIS consultant might have
23 the same views. Give us your thoughts. I'll try to be a
24 little bit of a taskmaster and keep it on track. That is,
25 you know, if I see us getting way off track, I'll try to

1 bring it back home. Between the break this afternoon and
2 this evening, I thought about how to tackle the subject and
3 that was what I wanted to cover first was my suggestion or
4 proposal on how we digest this topic. And what I thought --
5 what I'm proposing to the voting members of the subcommittee
6 -- what I'm proposing is that we thought it was we take this
7 and segment it into the major parts.

8 That is, definitions, how to approach this which
9 is similar to what Lauren did, and take each one and provide
10 open and free comments and then see if we can reach a
11 consensus. And then that would be the Subcommittee's
12 position. After all that is done, then I would take the
13 task, along with any volunteer help, to write a paragraph or
14 two that summarizes our suggestions to FSIS.

15 And then looking even further down, would be
16 similar to what we did with the interstate shipment issue --
17 is FSIS would come back to us at the next meeting with a
18 much refined concept paper that says, "Okay, we heard you.
19 Here's how we" -- "Here's our interpretation of what you
20 said and how we would go about that."

21 So, let me stop there. Is that a reasonable
22 approach to -- that is our task, but I just wanted to put it
23 out that way. Question?

24 MS. DONLEY: Sounds good.

25 MR. MAMMINGA: Proceed.

1 CHAIRMAN LaFONTAINE: Alright. Along that vein, I
2 broke this down into -- and I'm just going to read these
3 four or five things that I think we need to talk about. One
4 is the "custom, exempt" issue for individually owned
5 animals, the legislative approach, what would be the type of
6 language or definition that would be used to define the
7 groups of animals or birds we're talking about -- birds are
8 animals -- and then a definition of the type of inspection
9 we're talking about and, finally, the exemption for size
10 issue that was -- is in the current law for poultry.

11 MS. DONLEY: What was that first thing that you
12 said --

13 MS. KASTER: Yeah, go through --

14 MS. DONLEY: again?

15 CHAIRMAN LaFONTAINE: Buried in this --

16 MS. DONLEY: Do you want me to write on the -- do
17 you want us to have your sheet?

18 CHAIRMAN LaFONTAINE: You can, if you want, if
19 want to volunteer to do it.

20 MS. DONLEY: Would it be helpful to everyone? I
21 don't get jollies out of doing that, but it's up to --

22 CHAIRMAN LaFONTAINE: No, sure. Go ahead. It's
23 warm in here, isn't it?

24 MS. DONLEY: Okay.

25 CHAIRMAN LaFONTAINE: So, Nancy, what we're going

1 to do first is the general categories.

2 MS. DONLEY: Okay. And, actually, I didn't
3 understand what you first said there.

4 CHAIRMAN LaFONTAINE: Well, I'll -- well, let's
5 list the --

6 MS. DONLEY: I'll put down whatever --

7 CHAIRMAN LaFONTAINE: -- general categories.

8 MS. DONLEY: -- you said it was.

9 CHAIRMAN LaFONTAINE: Let's list the general
10 categories, and then we'll go back to each one individually.

11 MS. DONLEY: Okay.

12 CHAIRMAN LaFONTAINE: And I'll explain that first
13 one. It's called "custom, exempt."

14 MS. DONLEY: "Custom, exempt"?

15 CHAIRMAN LaFONTAINE: "Custom, exempt." The
16 second one I mentioned is Legislative Approach. Probably
17 should put "Legislative/Regulatory Approach."

18 MS. DONLEY: "Legislative/Regulatory"?

19 CHAIRMAN LaFONTAINE: Right. The third one -- I'm
20 struggling for a word -- would be "Refined Verbiage" -- in
21 other words, refining the verbiage. In other words, this
22 current laws says certain things need to be under
23 inspection, so we're talking about our proposal and how that
24 would be stated, redefined.

25 MS. DONLEY: Okay. So, "Refined Verbiage"?

1 CHAIRMAN LaFONTAINE: Yeah, that's --

2 MR. MAMMINGA: Does that have to do with what's
3 amenable and what's not?

4 CHAIRMAN LaFONTAINE: Right, right -- exactly.

5 MR. MAMMINGA: So, we want to examine the issue of
6 what is amenable now, versus what we think should be
7 amenable --

8 MS. DONLEY: Like amenable --

9 MR. MAMMINGA: -- in the future.

10 MS. DONLEY: -- and nonamenable --

11 CHAIRMAN LaFONTAINE: Okay.

12 MS. DONLEY: -- definitions or something?

13 CHAIRMAN LaFONTAINE: Yeah, definitions.

14 MR. MAMMINGA: Definition of "amenable" -- 's
15 pretty good.

16 CHAIRMAN LaFONTAINE: Sounds very good.

17 MS. DONLEY: Definition of "amenable"?

18 MR. MAMMINGA: Because that covers what must be
19 inspected. And that is a burning issue amongst us.

20 MS. DONLEY: Is that spelled better -- "amenable"?

21 MR. MAMMINGA: Yep.

22 CHAIRMAN LaFONTAINE: Good job. The fourth one
23 was "Definition of Inspection." Sounds familiar, doesn't
24 it, Loren?

25 MR. LANGE: Yeah.

1 MR. MAMMINGA: As in, "What are you going to
2 provide for all of these other species?" -- yeah.

3 MS. DONLEY: Okay.

4 CHAIRMAN LaFONTAINE: And, finally, the fifth one
5 I mentioned was "Size Exemption." That's for --

6 MS. DONLEY: "Size"?

7 CHAIRMAN LaFONTAINE: -- poultry.

8 MS. DONLEY: "Size" --

9 MR. MAMMINGA: "Size.

10 MS. DONLEY: -- "Exemption"?

11 MR. MAMMINGA: "Yeah, it's a -- that would be
12 relative to poultry only.

13 CHAIRMAN LaFONTAINE: Right, right -- size of --

14 MR. MAMMINGA: Numbers of birds -- you know, that
15 sort of thing.

16 MS. DONLEY: Oh, okay.

17 CHAIRMAN LaFONTAINE: Are there any others --

18 MS. DONLEY: The quantity or something like that.

19 CHAIRMAN LaFONTAINE: Yes, it's -- "Quantity
20 Exemption" is probably a better way to put it -- quantity of
21 --

22 MS. DONLEY: Okay.

23 MR. MAMMINGA: Dan, I've got a couple of things
24 that I was thinking of over dinner --

25 CHAIRMAN LaFONTAINE: Okay?

1 MR. MAMMINGA: -- that might apply to this,
2 because they're parts -- well one of them is a part -- where
3 we talk about the definition of "amenable" --

4 CHAIRMAN LaFONTAINE: Um-hum?

5 MR. MAMMINGA: -- you -- in my state and in
6 listening to our friends from North Dakota talk, the
7 business of the FDA ban on nitrites in nonamenable species
8 has got to play a part in this; because it's not based on
9 science. And it's not based on food safety. It is based on
10 -- well, in our mind, it's on food safety -- certainly not a
11 scientific-based ban.

12 CHAIRMAN LaFONTAINE: Well, does that play a part
13 in this?

14 MR. MAMMINGA: It does, but remember this is the
15 National Advisory Committee. It's a USDA committee. We
16 can't -- well, we could as a side recommendation, I guess.

17 CHAIRMAN LaFONTAINE: It doesn't take much to put
18 a line in there to ask for a little unified effort on two
19 government agencies to consider whether that ban is still --

20 MR. MAMMINGA: Okay.

21 CHAIRMAN LaFONTAINE: -- reasonable after 30
22 years. That's all we're asking. We're not telling anybody;
23 you're just asking them to work together.

24 MR. MAMMINGA: Yeah.

25 CHAIRMAN LaFONTAINE: Would that be -- maybe that

1 -- are you aware that --

2 MS. DONLEY: I'm sorry. Go --

3 CHAIRMAN LaFONTAINE: Okay. Sodium and potassium
4 nitrate and nitrite are curing agents. They are what make
5 hams pink and gives us all these nice colors. They also
6 provide a very wonderful prevention for the clostridium
7 botulinum spore. They prevent it from activating in an
8 anaerobic environment in a cooked product that has been
9 temperature-abused. Long and the short of it: if you have
10 120 parts of sodium nitrite going into a ready-to-eat
11 product and you put it in an anaerobic environment or a
12 vacuum package and then temperature-abuse it, that spore
13 will not activate under those conditions. And,
14 unfortunately, the Food and Drug Administration, in their
15 rules, defer to the United States Department of Agriculture
16 in the products that are made under their inspection. And I
17 don't remember exactly how that's in 21 of the federal regs.
18 but it alludes -- and USDA has accepted it as meaning only
19 amenable species -- cattle, sheep, swine, goats, equines and
20 domestic poultry. So, if you want to make buffalo jerky,
21 you're not allowed to cure it. You put it in the same
22 package, the same conditions, the same problem can happen.
23 And the buffalo and the deer and the ratite and all these
24 other nonamenable species people would like to be able to
25 make their products a hundred percent pure buffalo, or deer,

1 or ratite; but they can't, because --

2 CHAIRMAN LaFONTAINE: Thinking this thing through
3 -- and I don't mean to cut you off --

4 MR. MAMMINGA: Go ahead.

5 CHAIRMAN LaFONTAINE: -- unnecessarily -- if
6 they're made amenable, the problem goes away.

7 MR. MAMMINGA: That is -- maybe. Because I'm not
8 sure that FDA, the -- I'd have to get that section CFR out
9 and read it to make sure that it is specific enough where
10 FDA would accept that. I agree with you. Common sense will
11 tell you that that would fix it.

12 CHAIRMAN LaFONTAINE: Well, let's do this: it's a
13 valid issue, because it's directly related to --

14 MR. MAMMINGA: What's exempt --

15 CHAIRMAN LaFONTAINE: -- the processing part of
16 the regs.

17 MR. MAMMINGA: And food safety.

18 CHAIRMAN LaFONTAINE: Let's have that as a -- I
19 don't want to use the word "add-on," but as a possible add-
20 on item as this concept paper is developed.

21 MR. MAMMINGA: Sure.

22 CHAIRMAN LaFONTAINE: And we'll include it in
23 "this needs to be considered" category.

24 MR. MAMMINGA: And we could ask these two mighty
25 agencies to work together for a change on a food safety

1 versus, "We don't feel up to changing our rules this week,"
2 which is kind of the way it's gone in the past.

3 MS. DONLEY: Well, as part of the definition of
4 "amenable," could we put that as like a subset? "Okay,
5 where -- wherever we wind up with that definition, that is
6 to also include products made by these" --

7 MR. MAMMINGA: Well, we're talking flesh here.
8 You've covered it all. And, you know, I've been in the
9 Louisiana program and looked at them, where alligator and
10 crayfish are inspected under their state inspection program.
11 And sausages are made of alligator and these sorts of
12 products, and they're under the same problem whether it's an
13 alligator or a buffalo. If you're not a cattle, sheep,
14 swine, goat, equine or domestic poultry, you can't use
15 sodium nitrite in your product unless you do what? You make
16 it amenable by adding 3 percent raw amenable species. So,
17 here are these folks who go to all the trouble to raise
18 buffalo an -- or deer, or ratites; and then, in order to
19 make their products and make them legitimate for interstate
20 commerce, they have to put 3 percent of one of these
21 amenable species in it.

22 MS. DONLEY: What's a ratite?

23 MR. MAMMINGA: Ostrich --

24 MR. LANGE: Ostrich --

25 MR. MAMMINGA: -- emu --

1 MR. LANGE: -- emu --

2 MS. DONLEY: Oh.

3 MR. LANGE: -- kiwi --

4 MR. MAMMINGA: -- cassowary --

5 MR. LANGE: -- cassowary -- yeah.

6 MS. KASTER: Yeah.

7 MR. MAMMINGA: Anyhow, it's a -- it's been an
8 issue for so many years --

9 MS. KASTER: I think it's good.

10 MR. MAMMINGA: -- for these folks. And why is
11 their product so unimportant that it can't even be
12 considered for the same requirements as red meat or poultry?
13 It's not fair.

14 CHAIRMAN LaFONTAINE: You said you had two issues.

15 MR. MAMMINGA: The other issue I'm just going to
16 tell you in passing. I discussed it at dinner tonight with
17 a couple of our state colleagues. And this is the next --
18 in my opinion, this is one of those things that we're going
19 to see first on "Nightline," "20/20," or when there's a
20 tragedy; because I guarantee you in these United States the
21 fur trade is not over with. People still trap and still
22 sell carcasses of animals that are utilized for their hides.

23 But what happens to those carcasses? And what happens to
24 those carcasses? Because they're not a cattle, sheep, a
25 swine or goat; because FDA isn't even sure whether or not

1 they have jurisdiction over them, they are boxed up and
2 frozen and sent to our inner cities, where they are utilized
3 by our diverse society. And we're talking about animals
4 that have been dead for a day or two before they're skinned
5 and eviscerated, where they are processed under the most
6 horrible conditions, and then they're sent off to people who
7 buy them.

8 Now, why do I bring this up? Only if we are truly
9 going to look at food from flesh, you have to look at it
10 from all animals -- don't you? If they're going to dress
11 raccoons out in a garage and send them by the box to Chicago
12 or New York or Philadelphia -- and it wouldn't be too hard
13 to find it -- is that an issue that we -- when we're -- now,
14 this -- you can just reject this whole idea, and you won't
15 offend me. But I just want you to be aware --

16 CHAIRMAN LaFONTAINE: Well, --

17 MR. MAMMINGA: -- that this happens.

18 CHAIRMAN LaFONTAINE: It's a -- a valid issue, but
19 I think it's beyond the scope of the topic tonight.

20 MR. MAMMINGA: I have no problem with that. I
21 just want you all to know that if you don't think it
22 happens, it happens.

23 MS. DONLEY: Well, should --

24 MS. KASTER: But we are going to discuss the
25 definition of "flesh" tonight and "meat" -- right?

1 MR. MAMMINGA: And that would -- you know, if
2 you're going to be well-rounded in what actually goes on in
3 these United States, you have to understand why did the
4 State of Louisiana set up an inspection program for nutria,
5 which is a giant rat that lives in a swamp? Because the
6 hide isn't worth anything, but the meat is. So, what is so
7 noble about a nutria that is not noble about a raccoon or an
8 opossum? It's just an issue. And when you're going to talk
9 about food across the board and food-from-flesh across the
10 board, I think you have to keep in mind all sources. Even
11 though we don't eat much horse meat in Iowa and there are no
12 packing plants in Iowa, it still has to be inspected in
13 order to be sold for food in these United States. What is
14 so noble about a horse that is not noble about a nutria?

15 MS. KASTER: Well, let's not go there.

16 MR. MAMMINGA: It's a big rat. Yeah, I know.
17 They can shoot them for all I care. But, anyway, we can
18 address it or not. I just want to throw it out on the table
19 as something that -- in Iowa, my little, dinky state,
20 believe it or not, I get a lot of calls every year during
21 the fall and the winter trapping season about that -- about,
22 "I took my furs in and sold them, and that guys got boxes
23 full of raccoon carcasses back there. What's he doing with
24 that?" I know what he's doing with them. He's selling them
25 to somebody for a buck a pop. Now, it might not be a major

1 specie. It might be such an infinitesimally small part of
2 our meat supply that we don't even want to consider it. But
3 it's the kind of stuff that looks good on TV.

4 Now, I will not bother you again with any more
5 esoteric ideas again.

6 CHAIRMAN LaFONTAINE: You can tell he's --

7 MS. DONLEY: Well, do you want to -- Dan, this is
8 your meeting, but do you -- should we just jump to number
9 three first and get --

10 MR. MAMMINGA: No.

11 MS. DONLEY: -- that defined?

12 CHAIRMAN LaFONTAINE: I think so. That's the
13 really big issue.

14 MS. DONLEY: Yeah.

15 MR. MAMMINGA: Yeah, it is.

16 CHAIRMAN LaFONTAINE: What's amenable and what's
17 not, and then that drives everything else.

18 MR. MAMMINGA: But I think you put a real good
19 point here, Dan; I want to give you credit for it. And that
20 is the fact that you've recognized up front that the form of
21 inspection for all of these species need not necessarily be
22 the same.

23 CHAIRMAN LaFONTAINE: I didn't say that. That was
24 said in Loren's --

25 MR. MAMMINGA: Did you say it?

1 CHAIRMAN LaFONTAINE: -- paper.

2 MR. MAMMINGA: Well, he said it.

3 MR. LANGE: No, I think it was a gentleman from
4 Texas.

5 MR. MAMMINGA: Whoever said it, they did a good
6 job.

7 CHAIRMAN LaFONTAINE: Well --

8 MR. MAMMINGA: Excuse me, but --

9 MS. DONLEY: I wrote he said, "changed to all of
10 animals raised for food."

11 MR. MAMMINGA: Yeah, but it was the method. You
12 know, we cut eight lymph nodes in the head of a beef.
13 Obviously, we're not going to do that with a ratite, which
14 doesn't have any in their noggin, anyway. So --

15 MR. LOREN: Well, you know, you have --

16 MR. MAMMINGA: -- you have to make it appropriate
17 for the species.

18 CHAIRMAN LaFONTAINE: To a certain extent, it's a
19 nonissue, though, because there're existing antemortem and
20 postmortem protocols for ratites, for rabbits, for -- I
21 assume for bison.

22 MR. MAMMINGA: But that's because --

23 CHAIRMAN LaFONTAINE: -- it's like beef --

24 MR. MAMMINGA: Same as beef.

25 CHAIRMAN LaFONTAINE: Okay. Let me get the -- oh,

1 there it is. Okay. If there -- that's all right there,
2 we'll tackle that part first; because that's the heart and
3 soul of this.

4 MR. MAMMINGA: Okay.

5 CHAIRMAN LaFONTAINE: A little bit of background:
6 When we met and discussed this topic -- I guess it was
7 almost a year ago, you know, we were starting from a whole
8 problem and trying to get something to get the process
9 started. And the -- all -- "animal flesh" was just putting
10 our arms around everything. And it was bought into by the
11 Committee, but at least my understanding was this is a
12 starting point. That is an awful broad definition and, as
13 Loren pointed out, it includes everything in the animal
14 kingdom. And it also includes -- which I guess I really
15 hadn't thought about -- is water foods.

16 MR. LANGE: FDA noticed that.

17 MR. MAMMINGA: Right.

18 CHAIRMAN LaFONTAINE: You know, I think
19 realistically we have to, in this particular scenario, deal
20 with what USDA has regulatory authority over. And they
21 certainly don't have it and they're not seeking it in the
22 Water food arena. So, I just used that as background. It
23 was very broad, and I think we need to come down to
24 something definition or -- you know, definition of the
25 minimum that captures the essence of our immediate and

1 future marketplace in the categories that FSIS emphasized
2 its authority on.

3 So, to get the discussion started, I'll start with
4 poultry. I'm going to read back some of Loren's -- is it
5 Lorne; is that correct? --

6 MR. LANGE: Yeah.

7 CHAIRMAN LaFONTAINE: -- words that was buried in
8 the text: "any commercially slaughtered and/or processed
9 birds for human consumption." And, to me, that -- I'm
10 talking about just the poultry part of it, or the bird part
11 of it -- I --

12 MS. DONLEY: And that -- he said -- because that
13 eliminates the exemption for small processors, and one would
14 have mandatory inspection of all flesh food from birds.

15 CHAIRMAN LaFONTAINE: Yeah, the exemption issue we
16 have separately, but basically we -- yes. Can any -- can
17 you see -- anyone see using those words? Anything they were
18 missing that we really feel need to be under inspection? To
19 me, it would cover the -- the birds that I'm aware of that
20 are currently being commercially slaughtered and processed
21 for human consumption that are not already under there --
22 the main ones I thought of were quail, pheasant and ratites.
23 And that -- those all are birds.

24 MR. MAMMINGA: Say it again.

25 CHAIRMAN LaFONTAINE: "Any commercially

1 slaughtered and/or processed birds for human consumption."
2 And I guess I need to go -- well, we'll just stop there.

3 MR. MAMMINGA: "Commercially" is the word that --
4 is the word that strikes me as being the one that will raise
5 questions. What does that mean? Because when you say
6 "commercially," then you're going back up to number one,
7 where you're talking about the "custom, exempt," privately
8 owned animal. I mean, that's done in the commercial
9 establishment. So, when you say "any slaughtered and/or
10 processed birds for human consumption" --

11 CHAIRMAN LaFONTAINE: Commercially --

12 MR. MAMMINGA: -- if you leave "commercially" out,
13 then you only have the question are you going to allow any
14 exemption for people to eat their own stuff. And I think
15 you want to do that in both poultry and red meat.

16 CHAIRMAN LaFONTAINE: Yeah, I agree.

17 MR. MAMMINGA: Thank you. I knew you would.

18 MS. KASTER: Rather than have the exemption be in
19 the sentence, which is -- sort of is now with the word
20 "commercially." Just make the sentence general, and then
21 apply the exclusion in the exemption portion of it.

22 MR. MAMMINGA: You know, maybe at the end, if it
23 isn't, in the legalese of it they usually say "unless
24 exempted."

25 MS. KASTER: Yes.

1 MR. MAMMINGA: So, you could say something like
2 "any slaughtered or processed bird for human consumption,
3 unless exempted." And then we could make an exemption. We
4 can go play with them. It's just one of these things.

5 CHAIRMAN LaFONTAINE: I think you can still -- I
6 like the word "commercially," because then you're defining
7 that this is -- there's a transaction -- financial
8 transaction -- involved between a customer and a processor -
9 - slaughterhouse/processor -- but you could still have what
10 you said, "unless other" -- "unless" --

11 MR. MAMMINGA: I agree.

12 CHAIRMAN LaFONTAINE: -- "exempt."

13 MR. MAMMINGA: That's a reasonable compromise.

14 CHAIRMAN LaFONTAINE: Right.

15 MR. MAMMINGA: And you leave "commercial" in as
16 long as you leave the proviso at the end that says "unless
17 exempt."

18 MS. KASTER: How come you're changing your mind on
19 that --

20 MR. MAMMINGA: Well --

21 MS. KASTER: -- when you made a good point about
22 the definition of "commercial"?

23 MR. MAMMINGA: I'm a compromiser, and we're not
24 going to fix the world here in a day; because I can see that
25 the way we've compromised I think will work.

1 MS. KASTER: Well, you know, one --

2 MR. MAMMINGA: Because commercial -- it is
3 essential. When you get into the business that we do, in
4 the regulatory end of it -- especially in the compliance end
5 of it, where you got some person out here that's set up some
6 kind of an operation and you have to define whether they're
7 doing it for their grandma or also 12 other people up and
8 down there, you throw the word "commercial" into it, they
9 need to throw in do they get a fee? Are they reimbursed?
10 Are they compensated in some way, et cetera, et cetera, et
11 cetera. You make the lawyers happy in a court fight. I
12 don't think it -- I would be comfortable without it in
13 there. But on the other hand, I can see, from a legal
14 standpoint, where you're talking to lawyers where sometimes
15 they're kind of happy to throw those words -- especially if
16 you have other provisos in your statutes that have to do
17 with what is a licensed commercial establishment, et cetera,
18 et cetera, et cetera.

19 MS. KASTER: If it applies legally, then I'll back
20 clear off; because, again, as you said earlier, I'm
21 certainly -- I --

22 MR. MAMMINGA: I'm not a lawyer, either.

23 MS. KASTER: -- don't want to act like a lawyer.
24 Other than that, I'm for what's best --

25 MR. MAMMINGA: Yes, yes.

1 MS. KASTER: -- and the least muddy the water, the
2 better off we are.

3 CHAIRMAN LaFONTAINE: Do you want me to repeat
4 that so you can write it down?

5 MS. DONLEY: Yes, we're on the -- yeah.

6 MR. MAMMINGA: At least write it down --

7 MS. DONLEY: And I can always change it.

8 MR. MAMMINGA: -- so we can change it later.

9 CHAIRMAN LaFONTAINE: Let me see if I got this
10 right based upon our little discussion here. "Any
11 commercially slaughtered" -- I have to go slow, because
12 we've got a --

13 MS. DONLEY: Okay?

14 CHAIRMAN LaFONTAINE: -- "and/or processed birds"
15 --

16 MS. DONLEY: "Processed birds"?

17 CHAIRMAN LaFONTAINE: "Birds," "birds" -- "bird"
18 or "birds." I guess "birds," "for human consumption" --
19 and, Mike, if you want to add the last two or three words --

20 MR. MAMMINGA: I would just say "unless exempted,"
21 because we're going to write a new exemption for red meat
22 and poultry. So, say "unless exempted."

23 MR. LANGE: And when you look at some of our
24 historical documents, you get phrases like "birds being
25 raised commercially for human food." You get phrases like,

1 "turkeys raised in captivity for sale and commerce." Then
2 there's always -- "raised in captivity" was a favorite
3 phrase being used back in the '80s.

4 MR. MAMMINGA: And you left out "having range-
5 free" or "free-range chicken."

6 MR. LANGE: Yeah, well that --

7 MR. MAMMINGA: That screws it all up.

8 MR. LANGE: Yeah.

9 UNIDENTIFIED SPEAKER: And "commercially
10 slaughtered and/or processed birds for human consumption,
11 unless exempted." That's pretty short and sweet and to-the-
12 point, wouldn't you say?

13 CHAIRMAN LaFONTAINE: Now, I want to -- I'm going
14 to -- before we go to meat, as opposed to poultry, I feel I
15 need to digress -- don't write anything down just yet -- to
16 "custom, exempt." Mike and I are familiar with this
17 (UNINTELLIGIBLE), because we deal with it every day. And I
18 -- this is not the exact definition, but "custom, exempt"
19 basically is where a person can bring their animal they own
20 to an establishment, have it slaughtered and processed --
21 and/or processed -- and they get the meat back for their
22 personal use. And that is in the existing statutes
23 primarily intended for meat, but I'm not -- and I don't
24 think -- I'm looking at Mike -- I don't think he is, either
25 -- suggesting a change to that. Is that correct?

1 MR. MAMMINGA: That is correct, yeah.

2 MS. DONLEY: Do they typically take them to an
3 establishment that is --

4 MR. MAMMINGA: Yes.

5 CHAIRMAN LaFONTAINE: What happens is they'll take
6 them one that is fully regulated, or there may be some that
7 are stand-alone, "custom, exempt." That's all they do. But
8 they still have to meet certain sanitary standards by the
9 rules -- by the USDA rules.

10 MS. DONLEY: How large are these operations,
11 typically?

12 MR. MAMMINGA: Some of them in my state are quite
13 large.

14 MR. LANGE: Oh, really?

15 MR. MAMMINGA: Iowa has a lot of family farms
16 left. So, what you have -- now, one thing you have to
17 understand on where they take them -- because that always
18 raises a red flag. Like, do they go out in somebody's
19 garage or something. When we were talking about the
20 exemptions, when Carol Foreman and I were exchanging about
21 the exemptions, a retail store is exempt from our
22 inspection, provided they do certain things and provided
23 they do not do others. And any retail store or food
24 establishment that would be, quote, "retail" -- without
25 government -- state or federal -- inspection, there's two

1 things that none of them can do. They can't retork-can,
2 which is can under pressure and time and steam to make a
3 shelf-stable product; and they can't slaughter. And along
4 with that slaughter, they can't handle uninspected meat.
5 So, all of these custom animals we're talking about now go
6 into meat processing plants that are under our inspection or
7 under the inspection of the federal government.

8 Where the pertinent parts of part 308, which is
9 the sanitation part of the Regs, the identification -- and
10 all packages have to be marked "not for sale" -- every
11 piece, every packet. That's how we keep it out of
12 commercial channels. Every package is marked "not for
13 sale." So, it's -- all this really does is allow a
14 livestock producer to eat their own stuff without antemortem
15 or postmortem inspection. That's what it does. That's what
16 "custom" means. You eat your own stuff without antemortem
17 or postmortem inspection.

18 And there's a catch there that protects them from
19 themselves in that custom and retail products are covered
20 under the adulteration, misbranding and control provisions
21 of the act. So, if you take a sick beef into one of Dan's
22 custom plants in South Carolina, or one of my plants in
23 Iowa, and one of our people walk through and they say, "My
24 goodness, that stuff isn't fit to eat" -- you know, maybe
25 it's injured and it got run over by a truck. Maybe it died

1 other than by slaughter; you see all these hemorrhages in
2 their chest that they show they didn't bleed or such and
3 such and such; these veterinarians know about them -- they'd
4 say, "Sir, you own that beef. You're going to have to get
5 it out of here, because we don't want to process adulterated
6 food here." So, there are protections in this to actually
7 protect them from themselves, even though we do not provide
8 antemortem or postmortem.

9 This is kind of a resource-saving thing for us.
10 In my state, if I had to inspect all the custom animals that
11 are butchered in a couple of hundred meat processing plants,
12 I couldn't field a ball team. It just allows the producer
13 to eat their own stock.

14 CHAIRMAN LaFONTAINE: So, I'll wrap that up with
15 --

16 MR. MAMMINGA: No change?

17 CHAIRMAN LaFONTAINE: -- for voting folks here.
18 And Mike and I are not trying to overwhelm you, but we would
19 recommend that having custom -- what's commonly called
20 "custom, exempt" be left as-is, and would still apply.

21 MR. MAMMINGA: How do you want to address that in
22 your statement? It should say "no change to the
23 antemortem/postmortem custom," or some -- you'll make that
24 in some language that everybody can understand.

25 CHAIRMAN LaFONTAINE: "Continued custom

1 exemption."

2 MR. MAMMINGA: Okay.

3 MR. LANGE: There's people within FSIS, I know,
4 are concerned about not -- operations in some part of the
5 country where you have live animal herds and a custom-exempt
6 slaughter operation. And I can go there, pick out my live
7 animal -- now I own it -- and have it custom-slaughtered
8 there and take it home. That's outside the intent of the
9 custom exemption, but --

10 MR. MAMMINGA: In 30 years, no one has ever
11 challenged the definition of what is a livestock producer.
12 That is the exact words in the exemptions. The livestock
13 producer. It's never been challenged. So, it -- what does
14 that mean? Did you have to raise it from a calf from a cow?
15 Can you buy a feeder pig at 40 pounds and finish it? Or,
16 can I go to my friend here and say, "I'd like to buy one of
17 them pigs out in your lot," and then I'll have it butchered
18 without inspection. That has never been --

19 MS. KASTER: That's like going --

20 MR. MAMMINGA: -- challenged.

21 MS. KASTER: -- to an auction and buying an
22 individual steer or --

23 MR. MAMMINGA: Yeah.

24 MS. KASTER: -- pig, which people do it routinely,
25 but there's --

1 CHAIRMAN LaFONTAINE: Now --

2 MS. KASTER: -- no way to stop that.

3 CHAIRMAN LaFONTAINE: -- let's summarize this.

4 Then we'll move on.

5 MR. MAMMINGA: They're making a choice.

6 CHAIRMAN LaFONTAINE: It's -- it fits under the
7 classic "buyer beware," you know.

8 MR. MAMMINGA: Yeah, you're --

9 CHAIRMAN LaFONTAINE: If you want to --

10 MR. MAMMINGA: If you're willing to buy it.

11 CHAIRMAN LaFONTAINE: -- have you and your family
12 consume an animal under certain conditions and you knowingly
13 buy into that, there's no --

14 MS. KASTER: I don't have a problem with that as
15 long as it's for their own personal consumption and if they
16 cannot resell it.

17 MR. MAMMINGA: Do you want to know what the law
18 says? That if the locker, the processor does not give the
19 meat back to the livestock producer -- the last thing in
20 this exemption -- it'll be destroyed for human food. That's
21 the law -- to destroy it unless they give it back to the
22 producer.

23 CHAIRMAN LaFONTAINE: Okay, let's move on. I
24 think we've got -- I assume we have a consensus and that'll
25 continue as-is.

1 MS. DONLEY: Do you want me to make a note,
2 "Custom, exempt to continue as-is"?

3 CHAIRMAN LaFONTAINE: Yeah, I think we should.
4 Then we'll have everything in our summary, and --

5 MR. LANGE: I think you should --

6 CHAIRMAN LaFONTAINE: I'll help you summarize this
7 later on, but --

8 MS. DONLEY: Do you want that on the poultry, Dan
9 --

10 CHAIRMAN LaFONTAINE: No, no.

11 MS. DONLEY: -- or just as a separate sheet
12 completely?

13 CHAIRMAN LaFONTAINE: I would make it a separate
14 sheet with a (UNINTELLIGIBLE), it really applies to
15 livestock.

16 MR. MAMMINGA: The poultry exemption is a whole
17 'nother creature you're going to have to address here in a
18 minute. And I hope we can simplify them by about three
19 pages. They're terrible.

20 UNIDENTIFIED SPEAKER: It's hard to read those and
21 understand.

22 CHAIRMAN LaFONTAINE: Just say, "Continued current
23 'custom exempt' provisions."

24 MR. MAMMINGA: For red meat.

25 CHAIRMAN LaFONTAINE: Yeah, well --

1 MR. MAMMINGA: If you had "red meat" --

2 CHAIRMAN LaFONTAINE: It's only in the FMIA.

3 MR. MAMMINGA: Yeah, but there are exemptions in
4 the PPIA, and I hate them.

5 CHAIRMAN LaFONTAINE: But those are different.

6 MR. MAMMINGA: And there're exempted poultry,
7 PO90-92.

8 UNIDENTIFIED SPEAKER: That's the size issue,
9 quantity issue.

10 MR. MAMMINGA: Yeah, selling uninspected birds.

11 MS. DONLEY: So, this is "remain at" -- "Custom
12 exempt' is "remain as-is." Now, that is something that is
13 for meat and poultry -- correct?

14 CHAIRMAN LaFONTAINE: No, it's just meat.

15 MR. MAMMINGA: That's why it was mentioned.

16 MS. DONLEY: Just red meat?

17 MR. MAMMINGA: Yeah.

18 CHAIRMAN LaFONTAINE: They're only in --

19 MR. MAMMINGA: It's all in the processing.

20 CHAIRMAN LaFONTAINE: -- it's only in the red
21 meat.

22 MS. DONLEY: Okay. So, "remains as-is."

23 CHAIRMAN LaFONTAINE: Right.

24 MR. MAMMINGA: What confuses is when we put
25 "custom" and "exempt" in the same -- "exempt" is kind of a

1 chicken phrase and "custom" is kind of a red meat phrase,
2 but we know what we're talking about. That's what makes it
3 kind of dangerous.

4 MR. LANGE: There are custom -- it gets confused,
5 because there are custom operations that aren't custom
6 exempt.

7 MR. MAMMINGA: Yes, but we won't confuse them with
8 that -- the red meat and poultry stuff. But they'll be
9 happy, and we can make it simple. I've always wanted to
10 take a crack at those. Chicken poultry exemptions are dumb.

11 UNIDENTIFIED SPEAKER: Take a chance, Mike.

12 MR. MAMMINGA: There it is. This is yet. You
13 bet. I'm going to take it, too. Notice how I handled it in
14 the paper: "Under certain conditions, there's a thousand.
15 Under other conditions" -- because I didn't like --

16 CHAIRMAN LaFONTAINE: No, you couldn't explain
17 that two-page paper.

18 MR. MAMMINGA: I spent a week with the Iowa
19 attorney general on it. Got them so confused, they gave up.
20 They liked my explanation better than theirs.

21 But that is truly archaic -- the poultry
22 exemptions. That is from another --

23 CHAIRMAN LaFONTAINE: We will --

24 MR. MAMMINGA: -- era.

25 CHAIRMAN LaFONTAINE: -- deal with that with the

1 stroke of the pen here.

2 MR. MAMMINGA: Ah, good man. Military men.
3 Disciplined. Orders, take charge. Fix bayonets, lock and
4 load.

5 MS. DONLEY: I'm going to move this over.

6 CHAIRMAN LaFONTAINE: Okay.

7 MR. MAMMINGA: There you go.

8 (Informal discussion.)

9 CHAIRMAN LaFONTAINE: Now we are going to tackle
10 one that's a little tougher. And I don't have the magic
11 bullet, because Loren didn't put it in his text. What I'm
12 talking about is meat and what change we're proposing to the
13 food -- the Federal Meat Inspection Act as far as the
14 amenable species. I have some ideas, but kind of sit back
15 --

16 MR. MAMMINGA: Can I --

17 CHAIRMAN LaFONTAINE: Yes.

18 MR. MAMMINGA: -- ask you a question?

19 CHAIRMAN LaFONTAINE: Yes.

20 MR. MAMMINGA: We obviously don't want to deal
21 with fish, and we don't want to deal with insects -- things
22 like that, right?

23 CHAIRMAN LaFONTAINE: Right.

24 MR. MAMMINGA: Now, you are a doctor. I know that
25 for a fact. Where does -- why does "vertebrates" leap into

1 my mind?

2 CHAIRMAN LaFONTAINE: Well, that includes lots of
3 things --

4 MR. MAMMINGA: Well --

5 CHAIRMAN LaFONTAINE: -- besides what we want to
6 talk about.

7 MR. MAMMINGA: And -- but does it exclude the
8 things that we want to exclude? I guess that's the way I
9 was approaching it. Does it exclude worms and bugs and
10 things like that? And does at least keeping something that
11 has vertebrae in them --

12 CHAIRMAN LaFONTAINE: Well, "vertebrae" is
13 anything that has a vertebrae -- anything that has
14 vertebrae.

15 MR. MAMMINGA: Oh -- sorry. I was trying to look
16 for that silver bullet that would at least exclude
17 everything we wanted to --

18 CHAIRMAN LaFONTAINE: Let me throw one out. And I
19 don't know if this is a good one or not, but I was -- the
20 word I came up with is "mammals."

21 MS. DONLEY: Didn't we talk that around? Why did
22 that get thrown out last time? Because I know we --

23 UNIDENTIFIED SPEAKER: Well, that sounds good.

24 CHAIRMAN LaFONTAINE: Well, let me just mention
25 some of the species that probably should be included, and

1 they are all mammals: bison, deer, antelope, elk, reindeer,
2 water buffalo, rabbits. They're the ones that came to my
3 mind right away that are commonly -- I shouldn't say
4 "commonly" -- but that are commercially slaughtered and
5 offered for sale.

6 MR. MAMMINGA: It would also include things like
7 nutria.

8 CHAIRMAN LaFONTAINE: It would. It would not
9 include alligators.

10 MR. MAMMINGA: No.

11 CHAIRMAN LaFONTAINE: But I don't really care
12 about alligators.

13 MS. DONLEY: Can we --

14 CHAIRMAN LaFONTAINE: I mean I care about
15 alligators, and they are being raised commercially now. But
16 I don't know --

17 MR. MAMMINGA: There will be some on our committee
18 -- and certainly some of our colleagues in state programs --
19 that would do a lot of "what if's," especially our friends
20 from Louisiana and --

21 CHAIRMAN LaFONTAINE: Well --

22 MS. DONLEY: But is -- our point here is because
23 the -- we're not saying that it has to be federally
24 inspected. Or are we? But in here it says "federally or
25 state inspected."

1 MR. MAMMINGA: I think those two words will remain
2 together.

3 MS. DONLEY: So, we're just saying that that group
4 -- isn't a whale a mammal?

5 MR. MAMMINGA: And the lowland gorilla. But they
6 are protected under other laws, I would imagine. I thought
7 about that.

8 CHAIRMAN LaFONTAINE: -- protect -- you know, we
9 get into what can be -- we're not -- we're saying if it's
10 commercially raised -- I mean commercially slaughtered and
11 human -- and processed for human consumption. And that's
12 very broad, but there's other laws of the land that protect
13 species from being raised commercially for any purpose to
14 include --

15 MR. MAMMINGA: And I think your word
16 "commercially" there is essential, because that excludes
17 going to the zoo and poaching something or that sort of
18 foolishness. When you say "commercially raised," it
19 requires some legitimacy there and excludes naturally those
20 things that should not be included in this.

21 MS. DONLEY: What was Lee Jan's point? Does
22 anyone remember? Because I wrote down "change to 'all
23 animals raised for food.'"

24 CHAIRMAN LaFONTAINE: Let me give you a little
25 history. Mike might pipe in here in a second. The state

1 directors worked on a law -- proposed revision to the law --
2 that was actually never introduced, because the congressman
3 from Wisconsin did not run for reelection. That, you know,
4 they feel that all foods, such as fish, should be under
5 inspection also. And they're looking at it from a state
6 level for all foods. But we have to go back to what we have
7 authority -- what USDA has authority over, like I said
8 earlier. So, that's what he meant by that.

9 Oh, by the way, Lee was one of the primary authors
10 for that proposed legislation, so that's why it's on his
11 mind.

12 MR. MAMMINGA: There's a thought. Just think
13 about it. What is so noble about one species over another,
14 if you're raising it for food?

15 MS. DONLEY: I agree.

16 MR. MAMMINGA: And so the problem is -- Mr. Billy
17 alluded today to the fact that, you know, FDA sat and
18 listened when fish could come in this. To me, I thought --

19 MS. DONLEY: Poultry, too.

20 MR. MAMMINGA: -- we were given some sort of a
21 "whether or not." I mean if you look at his strategic plan
22 where he leaps and bounds five years into the future, I
23 think we can poke holes --

24 CHAIRMAN LaFONTAINE: Can we?

25 MR. MAMMINGA: -- I mean we could propose all --

1 MS. DONLEY: Whatever we want.

2 MR. MAMMINGA: -- we want. I mean they may say,
3 "Oh, why, we can never do that." Well, then, let them say
4 that. But I think there's a fair sentiment -- and I agree
5 with Dan on this issue as far as he and I would do this the
6 same. But thinking about how our colleagues feel about it,
7 I would have to say on their behalf -- those that aren't
8 here -- that the majority of the state program directors, if
9 you took a poll, said, "What do" -- and you put the question
10 to them, "What is so noble about a beef that is not noble
11 about a buffalo or an ostrich or a rabbit?" they would say,
12 "Why" -- or a perch -- "Why not inspect them all?" and just
13 have a different criteria that is appropriate for doing
14 that. But that does throw you into an intergovernmental,
15 you know, crab where they've got the fish now and we've got
16 the worms.

17 MR. LANGE: There's a serious early '90s --

18 MR. MAMMINGA: Yeah.

19 MR. LANGE: -- confrontation over this.

20 MR. MAMMINGA: And it might not go anywhere. But
21 from a logical standpoint -- hey, Doc, you -- you're much
22 more knowledgeable of this than I am. What is so noble
23 about a beef that is not noble about a -- an ostrich, or a
24 water buffalo, or a cottontail rabbit? They're all living,
25 breathing creatures. They all get disease. Most of them

1 get something that's rather miserable to people. They are
2 subject to food pathogens and spoilage. So, if we're going
3 to fix the world and make it right, why not fix the world?
4 And I'm willing to make any improvement that we can make in
5 these things. However --

6 CHAIRMAN LaFONTAINE: Can anybody -- I just picked
7 out one word, but we'd obviously have to put more to it than
8 that. But does "mammals" capture the group of animals --

9 MR. MAMMINGA: You bet. The ones that we deal
10 with the most. It's --

11 MS. DONLEY: But would it? But let me ask you
12 this: Is -- my concern is that there will be something that
13 no one's eating right now that just suddenly becomes the new
14 hot, hot rage. I think -- what if we were to say, to ensure
15 that "all animals raised for food commercially slaughtered
16 and/or processed," so that would -- "raised for" -- it's the
17 "raised for food" thing that then is going to cover the --
18 someone could create something that -- you know, they're
19 cloning sheep and doing all sorts of weird things that
20 create a whole, new animal, for heaven's sake.

21 MR. MAMMINGA: Your sentence has all the right
22 words in it, except when you say "animals." Say "mammals"?
23 "Animals"? You know --

24 MS. KASTER: Mike, I'm not understanding why you
25 want to -- first, you were talking about, "Nothing is too

1 noble. That includes this." Then your mammals, and we're
2 talking about alligators, you know, I'm just concerned,
3 because in that terminology, the way that we have it, you
4 can say that while the alligators are -- food from
5 alligators are a byproduct of their function, which is to
6 put them sometimes into lagoons to clean up either other
7 animals' waste, and the food that's a byproduct from the --
8 from the nutria function. Then we would have to be a little
9 bit careful, because they're not intentionally being raised
10 for food. It just happens to be a byproduct of that animal.

11 MR. MAMMINGA: You're correct -- absolutely
12 correct. And so we're struggling -- I'm struggling whether
13 to make it all-inclusive of all of God's creatures other
14 than birds -- and if we put in another thing -- or, because
15 of our practical knowledge, that might be a battle
16 impossible to win, to address a specific -- we're beyond
17 species; what do I want to -- to say "mammals," which would
18 at least address the things we know about today. These two
19 definitions -- what we've given to birds, and if we use Dr.
20 LaFontaine's "mammals," we would address all the species
21 that we know of today that people are raising commercially
22 for food.

23 MS. KASTER: Could you say "mammals and reptiles"?

24 MR. MAMMINGA: They're -- that's fine with me.

25 MS. KASTER: Mammals and reptiles?

1 MR. MAMMINGA: Reptiles.

2 MS. KASTER: And reptiles?

3 MR. MAMMINGA: See, you knew that. There again,
4 every word you add makes -- brings another government agency
5 into it and creates the undoubtable challenge of getting it
6 changed. For example, reptiles are not only regulated by
7 FDA, they're regulated by every food -- every game -- Fish
8 and Game in every state, besides the national Fish -- U.S.
9 Fish and Wildlife. So then you get them in it. And then
10 they want to interject their rules about commercially
11 raising painted turtles, or snappers -- or that for food.
12 And so that's where you get into -- what we can handle --
13 and, you know -- and I don't know. I kind of lean toward
14 Doc. "Mammals" -- at least we got the rabbits, the buffalo,
15 the family of deer.

16 MS. KASTER: It's the easiest way. I agree. I
17 just want to make sure --

18 MR. MAMMINGA: It would be a quantum leap.

19 MS. KASTER: -- if that needs to be pointed out.
20 We can't always be as foresightful as we'd like to be.

21 MR. MAMMINGA: Sure.

22 MS. KASTER: And to our reading, this is as it
23 should be.

24 MR. MAMMINGA: But after 30 years, it would be a
25 quantum leap. We've been "cattle, sheep, swine, goats,

1 equines and domestic poultry" for 30 years.

2 MS. DONLEY: Yeah, but 30 years ago, we weren't
3 eating buffalo like we're --

4 MR. MAMMINGA: That's what I'm saying.

5 MS. DONLEY: -- like it's being consumed today.

6 MR. MAMMINGA: If we put "mammals" in here, you'll
7 take care of the buffalo and the deer and the rabbits and
8 all that stuff.

9 MS. KASTER: What does FSIS have jurisdiction over
10 right now? Because we are the National Advisory Committee
11 for Meat and Poultry Inspection. So, all we can do is we
12 are an advisory committee to FSIS -- not to FDA. So, FSIS
13 is just going to have to -- it would be under their -- it
14 would be products under their jurisdiction.

15 MR. MAMMINGA: Well, the --

16 MS. KASTER: So, then we could just say "animals."
17 They don't have jurisdiction over insects, or jurisdiction
18 over reptiles; so --

19 MR. MAMMINGA: But there is no definition of
20 "animals" that include these species.

21 MS. KASTER: No, well, what I'm saying is that --
22 that's not under FSIS's jurisdiction. Or, is alligator meat
23 considered meat?

24 MR. MAMMINGA: Cattle, sheep, swine, goats,
25 equines and domestic poultry -- that's all FSIS has anything

1 to say about under mandatory inspection.

2 MS. KASTER: Under state inspection programs,
3 then.

4 MR. MAMMINGA: We have additional ones in Iowa --
5 fallow deer, sikka deer, red deer or elk are mandatory --
6 just like cattle and hogs in Iowa. In Texas and in
7 Illinois, almost every living creature is meat.

8 MS. KASTER: Well, why does not FDA have authority
9 over them?

10 MR. MAMMINGA: They do not have any statute that
11 says they do. They are not identified. "Food" is as close
12 as they come. Whatever is "food" is under theirs.

13 Your Tom Billy, he wasn't too willing to consider
14 whether or not sick armadillos were -- or, no, it wasn't
15 even armadillos. What was it?

16 MR. LANGE: We were talking about bison.

17 MR. MAMMINGA: -- bison -- whether a bad bison was
18 even a food under FDA rules. I believe it is.

19 MR. LANGE: We've always considered that
20 everything that's food, except what's covered under the Meat
21 and Poultry Acts -- you know.

22 MR. MAMMINGA: And worms and insects would come
23 under FDA. If you were selling dehydrated worms to put on
24 your salad, that would be FDA.

25 MS. KASTER: Okay. So, by default, we're taking

1 something from FDA jurisdiction to USDA. Because if we
2 don't specify it, then, because it's food it goes to FDA.

3 MR. MAMMINGA: Yeah.

4 CHAIRMAN LaFONTAINE: If it's not accounted for --

5 MR. LANGE: But the precedents -- you say "by
6 default," and you're correct in that. But the precedent
7 said already in that, under the AMS of '47, or Agriculture
8 Marketing Service, under "Voluntary Inspection," the USDA
9 ends up doing it; but he's very spacey. So, it's not like
10 it's a big power grab; it's being done already, and in huge
11 quantities, on a voluntary --

12 MR. MAMMINGA: Yeah, I've always understood that
13 probably FDA would be happy if that got clarified and USDA
14 took over those functions; unhappy if we made another move
15 on fish.

16 MR. LANGE: Yeah.

17 CHAIRMAN LaFONTAINE: Yeah.

18 MR. LANGE: Yes, there was something on the
19 Reuters news service week about an aquaculture --

20 MR. MAMMINGA: Aquaculture.

21 MR. LANGE: -- you know, petitioning for USDA
22 mandatory inspection or something. I don't --

23 CHAIRMAN LaFONTAINE: Yeah, that's probably
24 created some nervousness in parts of Washington.

25 MR. MAMMINGA: And it is regulated. They have

1 HACCP in place. They have systems in place. Why monkey
2 with fish? We've got these other real-life things like
3 buffaloes and deers and rabbits. "Mammals" sounds -- you
4 want to quantum leap and not fix the world in one swoop?

5 MS. DONLEY: You would want to say "mammals raised
6 for food"?

7 CHAIRMAN LaFONTAINE: I'm going to -- it's going
8 to be a -- the same as poultry and just substitute "mammals"
9 instead of "birds."

10 MS. KASTER: Oh, of course, you make an
11 assumption.

12 CHAIRMAN LaFONTAINE: I may not. But I saw
13 something in the paper, but I was obviously doing a little
14 research to think about it.

15 MR. MAMMINGA: Like I say, this will not fix the
16 world; but it will fix everything we're dealing with now,
17 and it will be the first change in 30 years.

18 MS. KASTER: Then you get kind of an understanding
19 of --

20 MR. MAMMINGA: Sure.

21 MS. KASTER: -- regulatory legalese and what that
22 will entail.

23 MR. MAMMINGA: Well, "mammals" will take care of
24 everything I am faced with. It will level the laying field
25 for our friends from North Carolina in both food safety and

1 in fairness.

2 MS. DONLEY: Now, do we want "unless exempted"
3 here, too, right?

4 MR. MAMMINGA: Yeah. I think a person that raises
5 their own buffalo and wants to eat it ought to be able to do
6 that without having mortem/postmortem inspection. Or their
7 own fallow deer.

8 (Informal Comments)

9 CHAIRMAN LaFONTAINE: Okay. I would suggest we
10 tackle what I think will be another simple issue.

11 Go ahead and put that up on the overhead. Nancy,
12 thanks for doing this.

13 MR. MAMMINGA: Yeah. Not me. I -- you'd never be
14 able to read it.

15 MR. MAMMINGA: Well, and it also, for the first
16 time, excludes, by -- it will give me answer for the people
17 that call up and say that there is some person that is
18 driving around town picking up stray cats and selling them
19 to the Chinese restaurant; because then those cats have to
20 be inspect if they were going to be sold for food. There
21 would be a -- because right now --

22 UNIDENTIFIED SPEAKER: Legally, they would.

23 MR. MAMMINGA: -- you can catch cats all day long
24 and skin them out if you want to and get you a food
25 establishment license. You're in business.

1 CHAIRMAN LaFONTAINE: Okay. The next -- I'm
2 jumping around here a little bit, but on my original list
3 the size exemption. I think Mike and I had the same
4 thought.

5 MR. MAMMINGA: Explain it to them.

6 CHAIRMAN LaFONTAINE: That's -- well --

7 MS. DONLEY: There shouldn't be any.

8 CHAIRMAN LaFONTAINE: Correct.

9 MR. MAMMINGA: Yeah, right. Are y'all familiar
10 with that? The numbers of exempt poultry and that
11 foolishness? Foolishness.

12 CHAIRMAN LaFONTAINE: I heard that you and I --
13 anyways, I know we got three or --

14 MR. MAMMINGA: Yeah.

15 CHAIRMAN LaFONTAINE: -- four here.

16 MR. MAMMINGA: If we're going to let people eat
17 their own chicken, that's it.

18 CHAIRMAN LaFONTAINE: You know, we keep digressing
19 -- Mike and I -- because I guess we deal with it every day.

20 But you just wouldn't believe how upset some of the
21 legitimate guys get when somebody can go out and set up,
22 kill 10,000 birds not under inspection and ship them all
23 over the United States. That's their competition.

24 MS. DONLEY: And that is something that the public
25 is buying to consume and doesn't know it should be

1 inspected. If it's not being used --

2 MR. LANGE: Yeah, well --

3 MS. DONLEY: -- for personal use, they're -- it
4 should be inspected.

5 MR. LANGE: Well it -- that can happen right now.
6 I know it's happened in a --

7 MR. MAMMINGA: Under the regulations that permit
8 it, one thing that nobody seems to remember is that for
9 those -- every one of those birds is supposed to be
10 identified with a label or stamp that says "exempted
11 poultry, pl90-492" --

12 MS. DONLEY: And that means --

13 MR. MAMMINGA: -- which is the public law.

14 MS. DONLEY: -- diddley-squat to --

15 MR. MAMMINGA: I understand, but at least --

16 MS. DONLEY: -- John Q. public.

17 CHAIRMAN LaFONTAINE: Well, it was in '69 that
18 somebody got that put in. Okay. So --

19 MS. KASTER: Can I ask one question about that?

20 CHAIRMAN LaFONTAINE: Yeah.

21 MS. KASTER: What about something that was exempt
22 for cultural -- like, they're not quite religious reasons,
23 but culturally processed/prepared reasons? How does that
24 shake out?

25 CHAIRMAN LaFONTAINE: That doesn't have any impact

1 here.

2 MR. MAMMINGA: Because if you want to butcher
3 birds, like under any one of the religious exemptions, that
4 is an aside to the fact that it's got to be inspected.

5 MS. KASTER: Yeah. I'm not saying outright
6 religious. I'm saying that there's a cultural -- I'm
7 thinking of some of the oriental cultures --

8 MR. MAMMINGA: Well, those are -- mostly --

9 MS. KASTER: -- out on the west coast and kind of
10 thing.

11 MR. MAMMINGA: -- the ones that I see are the --
12 oh, let's see. Who do we see?

13 CHAIRMAN LaFONTAINE: Well, let me give you --

14 MR. MAMMINGA: Kosher. We see --

15 CHAIRMAN LaFONTAINE: Buddhist exempt.

16 MR. MAMMINGA: -- Hindus and Buddhists.

17 MS. KASTER: Again, I'm not talking about
18 religious faiths. I'm just --

19 MR. MAMMINGA: Those are the ones --

20 MS. KASTER: -- making that distinction, right at
21 the beginning.

22 CHAIRMAN LaFONTAINE: Well, what are you talking
23 about?

24 MS. KASTER: Culturally, but independent from
25 religious reasons.

1 MR. MAMMINGA: There are no such exemptions other
2 than religious. No legal ones.

3 MS. KASTER: But what I'm saying is will some of
4 these people who previously had had some latitude under this
5 -- will they say that culturally they're doing it in a
6 manner by which people in their country or their background
7 have always processed, independent of religious reasons?

8 MS. DONLEY: It's not supposed to happen. It does
9 happen, and that -- my experience has been with something
10 like with public -- some public health departments is they
11 just --

12 MR. MAMMINGA: Can you give me a real-life
13 example? What are you talking about?

14 MS. KASTER: Oh, I'm thinking about, again, how
15 some of the products that are processed to go to a oriental
16 market, for example. You go to San Francisco, and you see
17 ducks and that kind of thing.

18 MR. MAMMINGA: Where they lop their heads off and
19 dress it for you right on the spot?

20 CHAIRMAN LaFONTAINE: That's not covered by the
21 law. I think that's a --

22 MR. MAMMINGA: Well, I'm familiar with another
23 state that has a state program. And they have a very large
24 city -- one of the largest in the United States. And they
25 have a thing there amongst every -- I was in five poultry

1 plants that were owned by five different cultures. Okay? I
2 mean, literally, from the Far East and the Middle East to
3 the Hispanic, and they have a thing about what they call
4 "hot chickens." And you go into the market, and you buy a
5 chicken, or a couple of pigeons, or whatever is quacking and
6 squawking, and you pick them out and you pay them for them
7 and they're yours. And then the guy goes in the back, and
8 then he dresses them for you. And he comes out with them
9 right in a sack or a paper and say, "Here it is."

10 Alright. If you have a classification class that
11 butcher exempt birds for the people that own them, you're
12 clean. They can do what they want. If it means standing on
13 one foot and whistling "Dixie" --

14 MS. KASTER: As long as they pay for them first.

15 MR. MAMMINGA: Sure. As long as they own the
16 birds. Because, there again, that has never been
17 challenged, either.

18 CHAIRMAN LaFONTAINE: To answer your question, I
19 can think of a real-life example. Buddhists' exemption --
20 one of the Buddhist exemptions is religious; but it's ethnic
21 also, because we're talking about is New York-style dressed
22 birds. And that is -- all they do is take the feathers off.
23 The guts are in it, the head's on, the peter on it. And
24 that is an existing exemption for the -- for those folks who
25 -- and that can be bought. That can be inspected under

1 inspection and produced commercially and sold commercially.

2 And so my point is that -- I can't say it
3 absolutely, but there are things readily available to ethnic
4 groups with inspected birds, but I don't think there's
5 anything big out there that I'm aware of that would be
6 precluded from the marketplace.

7 MR. LANGE: And the religious-exempt birds are
8 supposed to be labelled --

9 MR. MAMMINGA: They are. They have --

10 MR. LANGE: -- they have a special --

11 MR. MAMMINGA: -- very specific labelling.

12 MR. LANGE: -- labelling on the stuff like that,
13 yeah.

14 MR. MAMMINGA: Why couldn't we say this exemption
15 to read identically to the 303 exemption for red meat? And
16 then just rewrite it that way. Get rid of the seven
17 different exemptions; get rid of the thousand birds in your
18 back yard, the 20,000 birds if you raise them and do them in
19 a -- the small enterprise. Get rid of all of those
20 exemptions and say, basically, that that which is delivered
21 for slaughter for the exclusive use of the poultry producer
22 and their nonpaying guests and family and employees -- just
23 like 303. Why not just discard that old stuff and have a
24 single exemption for the poultry producer --

25 CHAIRMAN LaFONTAINE: Well, I don't think --

1 MR. MAMMINGA: -- to eat their own stuff?

2 CHAIRMAN LaFONTAINE: -- I don't think you even
3 have to go that far, because I don't think anybody could
4 make a business of it on the one-on-one bird. And just say
5 eliminate it, period. Not get into custom exempt birds.

6 MR. MAMMINGA: I have 17 plants that slaughter
7 birds exclusively for the people that own them.

8 CHAIRMAN LaFONTAINE: Oh, is that right?

9 MR. MAMMINGA: And there's another three of our
10 custom red meat plants that have facilities to do that --

11 CHAIRMAN LaFONTAINE: Oh, okay.

12 MR. MAMMINGA: -- where Mrs. Jones and Uncle Fred
13 bring in their hundred chickens, and they dress them and
14 they give them back to them.

15 MS. DONLEY: Oh, I see what you're saying.

16 CHAIRMAN LaFONTAINE: And they're able to do that.
17 It's really not custom. Are they size exempt?

18 MR. MAMMINGA: No, it's under the exemptions --
19 the very first exemption. Or the -- it's the second
20 exemption, the one where the poultry producers deliver birds
21 for processing. All they have to do is make it -- you have
22 to allow people to eat their own stuff --

23 CHAIRMAN LaFONTAINE: Right, right.

24 MR. MAMMINGA: -- without requiring antemortem or
25 postmortem inspection of them. So, all we want to say for

1 poultry is the same thing we say or red meat, which is,
2 "Poultry that is delivered by the poultry producer for
3 processing and return to them for their exclusive use in
4 their household, their nonpaying guests, their family and
5 their employees," or however -- I get those words turned
6 around, but covers those four things. Why not just give
7 them the same break that we give livestock people, or mammal
8 people?

9 CHAIRMAN LaFONTAINE: You obviously -- you do know
10 the regulations better than me -- laws. I defer to your
11 judgment.

12 MR. MAMMINGA: But we should. What we shouldn't
13 do is allow for the sale of uninspected poultry. And red
14 meat -- there is no such permission to sell uninspected
15 poultry under -- our meat under any circumstances. But they
16 do recognize two things in the red meat law. One, you can
17 butcher your own animal in the back yard for your exclusive
18 use, and that's not -- doesn't require anything. And the
19 second thing is that you can take it to a commercial
20 establishment, have it done without antemortem/postmortem,
21 returned to you for your exclusive use. And they define
22 that. We should allow the poultry people the same thing and
23 nothing else.

24 MS. DONLEY: Now I'm confused. How does that
25 differ from custom exempt?

1 MR. MAMMINGA: It would be the same. That means
2 --

3 MS. DONLEY: Oh, that's right; because that's only
4 for --

5 MR. MAMMINGA: Red meat.

6 MS. DONLEY: -- red meat. So --

7 MR. MAMMINGA: Two laws. So we have to give --

8 CHAIRMAN LaFONTAINE: So, what we're really saying
9 is keep as-is for red meat --

10 MS. DONLEY: And then add poultry -- the same for
11 poultry -- right?

12 CHAIRMAN LaFONTAINE: Right.

13 MR. MAMMINGA: See, but you have two laws and two
14 sets of regulations. And what you find in the red meat law
15 and the red meat regulations in part 303 is not the same as
16 you find in part 381. So, you have to take that out of 381
17 which we find obnoxious, which is the size and the ability
18 to sell uninspected poultry --

19 MS. DONLEY: So, add it here, and then this one
20 says take it away. Keep as-is from red -- for meat --

21 MR. MAMMINGA: For meat, right.

22 MS. DONLEY: -- for mammals --

23 MR. MAMMINGA: Um-hum. There you go. You're on.

24 MS. DONLEY: "Keep as-is for mammals." Do we want
25 to use our "mammals" term?

1 CHAIRMAN LaFONTAINE: Yeah, sure.

2 MS. DONLEY: It makes you smile more than --

3 CHAIRMAN LaFONTAINE: Yeah.

4 MS. DONLEY: Okay. And then --

5 CHAIRMAN LaFONTAINE: Add or change -- or what's
6 the right way to put that?

7 MR. MAMMINGA: Well, first of all, you want to
8 strike the poultry exemptions as they are and replace them
9 --

10 MS. DONLEY: I'm going to do that over there.

11 MR. MAMMINGA: -- with this language.

12 CHAIRMAN LaFONTAINE: Yeah.

13 MS. DONLEY: Here I'm going to add it, though.

14 CHAIRMAN LaFONTAINE: Right. Eliminate the
15 existing poultry exemptions and substitute --

16 MR. MAMMINGA: Similar language as the red meat
17 exemption.

18 MS. DONLEY: Or create custom exempt for poultry.
19 That's what we're doing, aren't we?

20 CHAIRMAN LaFONTAINE: Well, we have to be sure we
21 --

22 MS. DONLEY: And then eliminate it there.

23 CHAIRMAN LaFONTAINE: Well, what Mike said is we
24 need to -- so that Lorne and everybody else that he's
25 dealing with has a clear vision -- is eliminate current --

1 eliminate the current poultry exemptions and substitute --

2 MS. DONLEY: You know what? We have that in our
3 book. We have the actual section under the next tab. We've
4 got it in here. If you want to find it, why don't we just
5 say, "Drop 30-" --

6 MR. MAMMINGA: Well, one thing you have to realize
7 here is that this particular change to the exemption for
8 poultry will require an act's going to change and a
9 regulation change. We're not changing anything in the red
10 meat statute. We're leaving it the same. We're -- as far
11 as the exemptions. I don't want --

12 MR. LANGE: You know, they're sort of -- one's
13 getting rid of the specific list and adding "mammals," and
14 the birds we think we can do almost by regulation. But if
15 you're going to open the act, we might as well open up the
16 act and change the wording of the act.

17 MR. MAMMINGA: Yeah, because the words in the act
18 are --

19 MR. LANGE: Yeah.

20 MR. MAMMINGA: -- but this would certainly make it
21 much simpler.

22 The size exemption, to me, is a little -- I know
23 exactly what Dan is talking about. You know, 21,000,
24 unlimited numbers if they're -- none of them are sold -- all
25 this. And then the small enterprise exemption, which is a

1 horror unto itself. What we're really talking about here is
2 striking all that language. And we're going to replace it
3 with similar language that addresses red meat, which says
4 basically if you raise birds and you want to eat them, you
5 can do that without antemortem/postmortem inspection.
6 That's all you're saying.

7 CHAIRMAN LaFONTAINE: So, it's really -- so you're
8 -- you take this beyond the size exemption.

9 MR. MAMMINGA: I'd strike them all.

10 CHAIRMAN LaFONTAINE: Because there's more in
11 there than just a size exemption.

12 MR. MAMMINGA: That is correct. There are
13 operations -- the small enterprise exemption that says that
14 you can do 20,000 birds, some of them inspected, some of
15 them not. Then you got the 20,000 birds if you own the
16 plant and the chickens. And then you got the thousand birds
17 in your back yard and dah-dah-dah-dah-dah. This is 1999.
18 We're not going to sign off the chickens -- or that birds --
19 excuse me -- that birds should not be inspected if they're
20 going to be sold for food. Right? And if they're not going
21 to be inspected, then you're going to eat them because you
22 own them.

23 CHAIRMAN LaFONTAINE: Here's what I recommend we
24 do -- is on that one where it says "custom exempt" is create
25 similar language for birds.

1 MR. MAMMINGA: There you go. Excellent.

2 CHAIRMAN LaFONTAINE: Or equivalent language.

3 MR. MAMMINGA: "Equivalent" -- that's a good word,
4 too.

5 CHAIRMAN LaFONTAINE: Does that give you adequate
6 guidance, Lorne?

7 MR. MAMMINGA: Yeah. Not guidance, but I guess --

8 MR. LANGE: Yeah. Understand that at least --

9 MR. MAMMINGA: We would never write language that
10 would satisfy the Agency. Just tell them "equivalent
11 language." They'd understand that.

12 CHAIRMAN LaFONTAINE: -- equivalent --

13 MS. DONLEY: "Standard"? "Equivalent standard for
14 birds"?

15 CHAIRMAN LaFONTAINE: "Equivalent" --

16 MR. MAMMINGA: Exemption.

17 CHAIRMAN LaFONTAINE: -- "exemption for birds."

18 MR. MAMMINGA: "An equivalent exemption for
19 birds."

20 CHAIRMAN LaFONTAINE: Great. "An equivalent
21 exemption for birds."

22 MS. DONLEY: Okay.

23 MR. MAMMINGA: See, our friends in Kansas, they
24 took the Federal Regs, and they did not adopt any of those
25 poultry exemptions except the last one, which says that you

1 can sell a thousand birds to your friends and neighbors and
2 butcher them in your back yard. That's the only exemption
3 they recognize in Kansas.

4 CHAIRMAN LaFONTAINE: And then, what I want to do
5 so there's no misunderstandings in the full committee, is --
6 don't write anything down yet, but under the one you just
7 wrote, "create" -- is put -- what I'm suggesting, in
8 parenthesis eliminate "current" --

9 MS. DONLEY: Eliminate "current" exemption?

10 CHAIRMAN LaFONTAINE: Right.

11 MR. MAMMINGA: Or replace -- use this to replace
12 that. Well, however you want to say it, but let them know
13 that we want to strike the entire exemption sections in the
14 poultry right now and replace it with --

15 CHAIRMAN LaFONTAINE: What is that --

16 MR. MAMMINGA: -- equivalent language.

17 MS. DONLEY: "Create equivalent exemption" --

18 CHAIRMAN LaFONTAINE: 381 what?

19 MS. DONLEY: -- "for birds" --

20 CHAIRMAN LaFONTAINE: What are we --

21 MR. MAMMINGA: Right.

22 CHAIRMAN LaFONTAINE: -- talking about?

23 MR. MAMMINGA: Strike "existing" --

24 MR. LANGE: 381 are the poultry regs.

25 CHAIRMAN LaFONTAINE: Yeah, but what is the

1 paragraph --

2 MR. LANGE: Section -- it's section 15 of the Act.

3 CHAIRMAN LaFONTAINE: Yeah, let's see, Nancy, it's
4 titled "Exemptions," section 15 of the PPIA.

5 MS. DONLEY: And strike "existing" -- strike
6 "existing" -- you're right.

7 (Knock on Door)

8 MR. LANGE: Is that the pizza?

9 MR. MAMMINGA: I fought -- I fought them alone at
10 Pizza Hut for three years. Crooks. They've expanded their
11 exemption. I fought them -- you should see my file on Pizza
12 Hut. I felt like Don Quixote a lot of those days.

13 MS. DONLEY: Strike all existing exemptions,
14 right?

15 CHAIRMAN LaFONTAINE: Well, just say "existing
16 exemptions."

17 MS. DONLEY: And then section 15?

18 CHAIRMAN LaFONTAINE: Right, section 1 of PPIA.

19 MR. MAMMINGA: And then you're going to hit them
20 with 381 out of the current regs? 381-point -- what is it?

21 CHAIRMAN LaFONTAINE: And current regs.

22 MR. MAMMINGA: And current regs. Corresponding
23 regs, yeah.

24 CHAIRMAN LaFONTAINE: Better add in "corresponding
25 regulations, because these are again outlined in part 381 of

1 the regs.

2 MR. MAMMINGA: They are?

3 CHAIRMAN LaFONTAINE: What are you saying?

4 MR. MAMMINGA: You have to strike that part, or
5 you're going to use this part to replace "in the current
6 regulations" -- however you want to say it. But there are
7 regulations that mimic, or mirror the Act, that almost word
8 for word in those cases.

9 CHAIRMAN LaFONTAINE: Okay. Well, then, eliminate
10 this; eliminate the regs already --

11 MR. MAMMINGA: As long we all know that those regs
12 have got to go as well, and be replaced by this new
13 language.

14 CHAIRMAN LaFONTAINE: Okay. So, we have taken
15 care of number one, number three and number five.

16 MR. MAMMINGA: Excellent.

17 MS. DONLEY: Alright. I don't need this any more.

18 CHAIRMAN LaFONTAINE: Alright. Let's go to number
19 four, definition of inspection. And I'll tell you what I --
20 you may not agree with me, but here's what I wrote down. I
21 said continue it as-is. That is, continuous
22 antemortem/postmortem inspection. Whatever is the norm.

23 MR. MAMMINGA: That's what I wanted to know --
24 what was your definition of "inspection." You're just
25 talking about animal -- mammal-by-mammal, bird-by-bird

1 antemortem/postmortem inspection. Continue with.

2 CHAIRMAN LaFONTAINE: Right. And then, of course,
3 the processing part falls under -- just like we're doing
4 other species now, or whatever changes come down the road --
5 let me -- let me -- "same as." In other words, if it's
6 amenable, it's amenable. Pathogen reduction, SSOPs, HAACP -
7 - whatever -- antemortem/postmortem --

8 MR. MAMMINGA: Well, can I ask a dumb question?

9 CHAIRMAN LaFONTAINE: Yeah.

10 MR. MAMMINGA: Do we have to even address that?
11 That will be addressed in future regulations and in ongoing
12 regulations now.

13 CHAIRMAN LaFONTAINE: I don't know that we do. I
14 know that Loren put it in his paper what's the definition of
15 an inspection. And --

16 MR. MAMMINGA: What did you say, Loren? Do you
17 remember?

18 CHAIRMAN LaFONTAINE: What did you say?

19 MR. LANGE: Oh, I didn't. I just said it had to
20 be defined. The only place where, really -- that I know
21 there was a major issue, and that was squab. And there was
22 -- the question came up could you do -- I mean one is these
23 are all birds. These are all mammals, you know. Most of it
24 all -- the antemortem, postmortem applied. And the issue
25 was could you do -- I think it was the viscera inspection of

1 squab, because the viscera are so small. But I don't know
2 how it was resolved, but --

3 CHAIRMAN LaFONTAINE: Well, we have the -- one of
4 the few squab plants in the United States. They do lots of
5 birds, and my inspectors look at every one of them. It's
6 mandatory in that state. That's not an issue.

7 MR. MAMMINGA: Is it an issue --

8 MS. DONLEY: Same as inspection? Same as current
9 inspection.

10 MR. MAMMINGA: Well, I'm just trying to get out of
11 my friend in the kind veterinary profession -- I think, as a
12 professional, I know how he feels about carcass-by-carcass
13 inspection. And I know that probably, as a veterinarian,
14 you're probably not too hep -- or are you -- on this model
15 project.

16 CHAIRMAN LaFONTAINE: No, I think the models --
17 we're getting off-track here for a moment. The models
18 project has merit.

19 MR. MAMMINGA: Okay. I'm just trying to figure
20 when --

21 CHAIRMAN LaFONTAINE: It's not --

22 MR. MAMMINGA: -- you talk about --

23 CHAIRMAN LaFONTAINE: -- a scenario for uniform
24 animals --

25 MR. MAMMINGA: Okay, then we all agree.

1 CHAIRMAN LaFONTAINE: -- whatever they might be --
2 young birds, young quail -- provided we go through the
3 proper steps blah, blah, blah. But that's a whole different
4 issue.

5 MR. MAMMINGA: Then all you're really trying to
6 communicate here is that, whatever the standards are for
7 inspection, they will remain the same for these --

8 CHAIRMAN LaFONTAINE: Yeah, here we go.

9 MR. MAMMINGA: -- mammals and birds.

10 CHAIRMAN LaFONTAINE: Inspection would be --
11 inspection standards would be the same as other amenable
12 species.

13 MR. MAMMINGA: There you go. That's what you have
14 to say, then. We've defined it.

15 MS. DONLEY: Keep that thought, Dan.

16 CHAIRMAN LaFONTAINE: Inspection standards same as
17 current for amenable species. Just a very general
18 statement.

19 MR. MAMMINGA: That way, you can make your
20 procedures appropriate for whatever you're working on. I
21 mean there might be a better way to inspect squab versus a
22 turkey, and I would leave that to you folks that come up
23 with those schemes to determine that.

24 MS. DONLEY: So, inspection standards should be
25 the same as current amenable species?

1 CHAIRMAN LaFONTAINE: Right. Okay.

2 MR. LANGE: In other words, for the Act -- to me,
3 says, "The secretary shall cause to be made an inspection of
4 each carcass and parts of carcasses," and stuff.

5 MR. MAMMINGA: There you go.

6 MR. LANGE: That's --

7 MR. MAMMINGA: That will stay the same.

8 MR. LANGE: And that's further defined through
9 regulation.

10 CHAIRMAN LaFONTAINE: Yes.

11 MR. MAMMINGA: Yep. Even on to directives and
12 training materials. That's a good way to tie that in, sir.
13 Good thinking. That's just what you want to do. Give them
14 the flexibility to make their procedure appropriate for the
15 critter, but --

16 CHAIRMAN LaFONTAINE: The --

17 MR. MAMMINGA: -- make them all the same.

18 CHAIRMAN LaFONTAINE: -- fifth issue -- I thought
19 of a sixth one I'll bring up later. I won't issue a
20 statement, but the -- number two up there, "Legislative/
21 Regulatory Approach" -- in Loren's paper he presented three
22 options, or three approaches. One was what he called the
23 surgical approach. That was -- let me see if I got my
24 thoughts right. Well, yeah. Amendment to the existing
25 acts. One was to redo the Act completely, and the third one

1 was a new statute that would deal just with this -- with
2 these add-ons. Having said that, I'll put my thoughts on
3 the table. I think the surgical approach, amendments to the
4 existing acts, would be the most logical approach -- rather
5 than redoing the whole thing over, you know. It's probably
6 going to open up a Pandora's Box, anyways. But --

7 MR. MAMMINGA: Then we'll have to speak with the
8 acts and the regulations, because what we've done here today
9 affects both.

10 CHAIRMAN LaFONTAINE: Well, you're right, but if
11 you --

12 MR. MAMMINGA: Change the Act, take away the --

13 CHAIRMAN LaFONTAINE: -- the regulations and then
14 you go -- then you go -- you know, and then it's --

15 MR. MAMMINGA: Then it'll make people nervous if
16 we don't acknowledge that the acts and the regs have to be
17 addressed. Whether it's necessary or not, you have to know
18 -- let them know that we know that both will have to change.
19 Do you think he's going to want us to be real specific --
20 chapter and verse, acts and regs?

21 CHAIRMAN LaFONTAINE: No, no.

22 MR. MAMMINGA: Because we could do her if you give
23 me federal regs.

24 MS. DONLEY: Um-unh.

25 CHAIRMAN LaFONTAINE: No, no, Mike. And all

1 kidding aside, that's what our approach -- we need --

2 MR. MAMMINGA: Okay.

3 CHAIRMAN LaFONTAINE: -- to know the substance of
4 what's in there, what's not in there; but it's not our job
5 to try and write the --

6 MR. MAMMINGA: I'm just --

7 CHAIRMAN LaFONTAINE: -- legislation.

8 MR. MAMMINGA: -- asking, because sometimes we --

9 CHAIRMAN LaFONTAINE: Now, having said --

10 MR. MAMMINGA: -- get accused of being too
11 difficult.

12 CHAIRMAN LaFONTAINE: -- that, Loren has your
13 phone number.

14 MR. MAMMINGA: You don't need my phone number.

15 MR. LANGE: Well, I -- in that section of the
16 paper, I admit I was just -- there were -- you had a fairly
17 extensive last-November discussion on, you know, these sort
18 of -- what was labelled the "surgical approach," and making
19 amendments to the existing statues or, you know, the -- or
20 the position now's the time to sort of -- you know, you've
21 got Egg Products Inspection Act, Poultry Products Inspection
22 and Meat Inspection Act -- you know, is to sort of have a
23 comprehensive, new inspection act that would cover a lot of
24 other issues like other subcommittees are dealing with --
25 like, possibly, exemptions and stuff. But the way this is

1 structured now, it's sort of taking the two and making them
2 more analogous. And it sort of seems that the surgical
3 approach is the only one that makes any sense.

4 CHAIRMAN LaFONTAINE: What I told you earlier --

5 MS. DONLEY: Yeah, so that --

6 CHAIRMAN LaFONTAINE: -- mention it again.

7 We recommend the legislative approach would be as
8 amendments to the PPIA and the FMIA.

9 MS. DONLEY: Legislative rather than --

10 CHAIRMAN LaFONTAINE: No, see, both of these are
11 going to require -- for both, to accomplish this, there's
12 going to have to be legislative changes -- both laws.

13 MS. DONLEY: So, changing the law.

14 CHAIRMAN LaFONTAINE: Yeah, right. If we would --
15 if we didn't -- hadn't got into the exemption business, like
16 Lorne pointed out, we might have been able to do it
17 regulatory for poultry.

18 MR. MAMMINGA: Yeah.

19 CHAIRMAN LaFONTAINE: But I don't think we can get
20 -- it won't work. So, if you make a law change, then that
21 drives the regulations thereof. So, we can mention, like
22 Mike said, "legislative approach, blah, blah, blah, blah,
23 blah" --

24 MR. MAMMINGA: Parenthetically.

25 CHAIRMAN LaFONTAINE: -- to include appropriate --

1 I mean with subsequent regulatory change, so that that's
2 acknowledged.

3 MS. DONLEY: So, would you just want to make,
4 like, the declarative statement, "This will require
5 legislative -- new legislation leading to new" --

6 CHAIRMAN LaFONTAINE: Let's word it something like
7 this, that -- get my thoughts together here.

8 MS. DONLEY: Okay. Both -- I'm going to just make
9 it --

10 MR. MAMMINGA: You know, Dan, you had a good word
11 there that will kind of ease a lot of fears. You know when
12 the state director drafted the whole new act for it, oh, my
13 gosh, that's many, many things. When you say that you're
14 going to have surgical changes to the Act and regulations,
15 that sounds more controlled, more -- where they don't have
16 to read thousands of pages to see where there were hundreds
17 or dozens. I like that "surgical" word in there, because it
18 did -- it indicates a precise changing of this, versus an
19 overall throw the whole kit and caboodle out.

20 CHAIRMAN LaFONTAINE: I think what we'll do is
21 we'll put in parenthesis, when we get this all written,
22 "surgical approach" --

23 MR. MAMMINGA: Good.

24 CHAIRMAN LaFONTAINE: -- because that's in his
25 paper. But, "The recommended legislative approach to" -- I

1 don't want to get too wordy, but, "The recommended" -- let
2 me just read through it. "The recommended legislative
3 approach for these changes is as amendments to EPIA and
4 FMIA."

5 MS. DONLEY: One more time.

6 CHAIRMAN LaFONTAINE: Sorry?

7 MS. DONLEY: One more time.

8 CHAIRMAN LaFONTAINE: Okay. "The recommended
9 legislative approach to effect these changes" -- to effect
10 as the verb -- "is amendments to the two acts."

11 MS. DONLEY: Are we recommending it, Dan, or are
12 we just acknowledging that it's going to take --

13 CHAIRMAN LaFONTAINE: No, I think we're
14 recommending it, because --

15 MR. MAMMINGA: The approach is what you're
16 recommending. You're recommending, instead of --

17 CHAIRMAN LaFONTAINE: Yeah.

18 MR. MAMMINGA: -- a wholesale rewrite of --

19 CHAIRMAN LaFONTAINE: -- another piece of --

20 MR. MAMMINGA: -- the whole thing --

21 CHAIRMAN LaFONTAINE: -- paper. What's -- what a
22 -- you know, three different legislative approaches, and
23 we're -- and one of those was just making the amendments to
24 the existing acts.

25 MR. MAMMINGA: There you go.

1 CHAIRMAN LaFONTAINE: Another one was a stand-
2 alone statute that dealt just with the changes. And the
3 third was rewriting all -- the whole act. So, we're
4 answering one of their -- FSIS's questions.

5 MS. DONLEY: So, we're recommending to amend
6 through legislation --

7 MR. MAMMINGA: Right.

8 MS. DONLEY: -- the existing act.

9 CHAIRMAN LaFONTAINE: Go ahead and write down what
10 I said, and then we can digest it. "Recommend the
11 legislative approach to effect" --

12 MS. DONLEY: Well, you know what I mean.

13 CHAIRMAN LaFONTAINE: Yeah, I'll --

14 MS. DONLEY: "Recommend the" --

15 CHAIRMAN LaFONTAINE: "... legislative approach to
16 effect these changes" -- e-f-f-e-c-t. Make sure we get the
17 right word -- rather than affect, effect. Okay, "Recommend
18 the legislative approach to effect these changes be
19 amendments" --

20 MS. DONLEY: "Be"?

21 CHAIRMAN LaFONTAINE: "... be" -- "be amendments"
22 --

23 MS. DONLEY: Oh, "the amendments" -- got it.

24 CHAIRMAN LaFONTAINE: "B-e amendments" -- I use
25 all these funny words.

1 (Informal comment.)

2 CHAIRMAN LaFONTAINE: "... be amendments to the
3 PPIA and FMIA." And then, in parenthesis, "surgical
4 approach."

5 MS. KASTER: And what's the down side to the --
6 say, the third alternative, which was to do a new statute?

7 CHAIRMAN LaFONTAINE: Well, the reason I
8 discounted that, then you've got a whole new act. Then you
9 got --

10 MS. KASTER: Oh, that does drive a whole new --
11 okay.

12 MR. MAMMINGA: They have to look at every --

13 CHAIRMAN LaFONTAINE: -- one act for beef, and you
14 got another act for bison --

15 MS. KASTER: Okay, so either one of those two
16 options (UNINTELLIGIBLE). Okay.

17 MR. LANGE: I think the staff person that
18 suggested it was thinking of something like an exotic animal
19 inspector.

20 MR. MAMMINGA: Yeah, "Exotic Animal and Bird
21 Inspection Act," or something that -- you know.
22 (UNINTEL`LIGIBLE) clean and neat as you can make it without
23 affecting any other language is your best bet.

24 CHAIRMAN LaFONTAINE: And then we also need to --
25 don't write this down, but let me just -- back to Mike's

1 comments about it's really a separate sentence on that
2 follow-on to regulatory changes (UNINTELLIGIBLE).

3 MR. MAMMINGA: Well, you can just say "and
4 associated regulations," or, "and" -- we just want to let
5 them know that we know that there are regulations that need
6 to be changed as well. Changes -- it'd be amendments to the
7 --

8 CHAIRMAN LaFONTAINE: The first sentence is
9 legislative approach, so you don't want to throw in the word
10 "regulations" in there.

11 MR. MAMMINGA: Throw it in after your acts. "...
12 changes be amendments to the PPIA and FMIA and associated
13 regulations."

14 CHAIRMAN LaFONTAINE: No, you can't put
15 regulations in with the legislative approach. The
16 legislation has nothing to do with regulation.

17 MR. MAMMINGA: Okay. Then add another sentence
18 and say, "This will also require regulation changes, if
19 adopted."

20 MR. LANGE: "... regulations to be amended, as
21 necessary," or something like that.

22 MR. MAMMINGA: Okay. Yeah, or --

23 CHAIRMAN LaFONTAINE: "... amendments to be" --

24 MR. MAMMINGA: "Regulations."

25 CHAIRMAN LaFONTAINE: "Regulations" -- "...

1 regulations to be changed, as necessary."

2 MR. MAMMINGA: "Changed," "amended."

3 CHAIRMAN LaFONTAINE: "... changed accordingly."

4 MR. MAMMINGA: That'll give them the idea.

5 MS. DONLEY: "... to be changed accordingly"?

6 CHAIRMAN LaFONTAINE: Right.

7 MS. DONLEY: Okay.

8 CHAIRMAN LaFONTAINE: Okay. Now, I have one
9 additional thought that I think everyone will agree --
10 unless Nancy's finished here.

11 MS. DONLEY: Go ahead. I can listen.

12 CHAIRMAN LaFONTAINE: Well, I want to -- while
13 you're doing that, I want to --

14 MR. MAMMINGA: Don't forget the nitrate thing.
15 Where are we going to stick that in there?

16 CHAIRMAN LaFONTAINE: I thought you'd forget.

17 MR. MAMMINGA: Not hardly. Elephants never
18 forget. Reptiles don't die 'til after sundown.

19 CHAIRMAN LaFONTAINE: As we put this paper
20 together, I thought that would be a logical order -- to talk
21 about the definition of meat and poultry first -- poultry
22 and beef; cover the exemption issue, because that's a
23 legislative issue; and then jump to the legislation
24 regulation; and then inspection is strictly a rule making or
25 regulatory issue. So, that doesn't have any bearing on the

1 -- I mean that won't be tied up --

2 MS. DONLEY: Oh, then inspections for legislation
3 is three. What you said.

4 CHAIRMAN LaFONTAINE: Oh, I did say the other way.
5 Yeah. I think I'll change these. Kind of a -- it doesn't
6 really make that much difference, but -- the other issue
7 that I thought we should put in the introductory paragraph,
8 or sentence, is that this -- in addition to -- well, let me
9 just say it. I think we need to put in that this fits
10 FSIS's vision of a seamless, federal-state inspection system
11 in that we've got consistent standards between the federal
12 and the state, and we don't have all these individual state
13 laws to cover the loopholes that currently exist; and that,
14 because most of these folks that are going to be affect by
15 this law are small, that once we get the interstate shipment
16 cleared up, they'll tend to follow the state inspection
17 programs, where they exist. So, it's kind of a natural
18 follow-on.

19 That make sense -- what I'm saying, Mike?

20 MR. MAMMINGA: You bet it does. I think, almost
21 using the word, it's within the spirit of their strategic
22 plan -- something, you know, to let them know that we think
23 that this is right down their alley.

24 MR. LANGE: And the Agency does like that word
25 "seamless"?

1 MR. MAMMINGA: They do. The guy that authors
2 things, that sits at the head of it usually appreciates
3 hearing his word coming back him.

4 CHAIRMAN LaFONTAINE: And I -- it's a good word,
5 too --

6 MR. MAMMINGA: Yep, it is.

7 CHAIRMAN LaFONTAINE: -- because that's really
8 what we need -- is a --

9 MR. MAMMINGA: And it would be -- bring some
10 consistency to the arena.

11 MR. LANGE: Now, it isn't going to stop individual
12 states from still having laws that require inspection of non
13 -- how do you say that -- non mamillion [sic]?

14 MR. MAMMINGA: Non mammalian.

15 CHAIRMAN LaFONTAINE: But it certainly promotes
16 consistency from state to state.

17 MR. MAMMINGA: Well, and it would truly address
18 the species that we are dealing with almost across the
19 board. Yes, there're some alligators, but certainly it
20 would answer all of our questions about ratites and buffalo
21 and deer and rabbits and those things, and will put them all
22 on the same playing field with their other creatures -- with
23 cattle, sheep, swine, goats and equines

24 CHAIRMAN LaFONTAINE: Back to your nitrate issue,
25 the inspection says the same as current amenable species; so

1 it would take care of that.

2 MR. MAMMINGA: It would. I -- because people
3 don't always understand and read between all lines, I would
4 put a statement in there to the effect that we would expect
5 -- I guess what I'm trying to communicate is that the food
6 additives that are permitted under the Food, Drug and
7 Cosmetic Act would be permissible for all species covered
8 under these acts.

9 CHAIRMAN LaFONTAINE: You know, I hear -- I know
10 where you're coming from. You don't want it to fall through
11 the cracks, but it's a given.

12 MR. MAMMINGA: Dan, I -- it may not need any
13 legislation. And I wouldn't write this as legislation. I
14 would just say --

15 CHAIRMAN LaFONTAINE: Well, it's not inspection.

16 MR. MAMMINGA: -- that the -- that there is an
17 understanding here. And I would put it just as a proviso,
18 something with an asterisk in front of it, that there is an
19 understanding here that the food additives that are
20 permitted under the Food, Drug and Cosmetic Act would apply
21 to all animals and birds -- or --

22 CHAIRMAN LaFONTAINE: All amenable species.

23 MR. MAMMINGA: -- amenable species. But I would
24 say that there is an understanding of that. So if some guy
25 down the road in another office building doesn't have that

1 understanding, we can address it then.

2 CHAIRMAN LaFONTAINE: Why don't we -- I mean I
3 don't have any great objection. We can add that as a
4 additional fact or additional sheet. Just parrot what he
5 said. Yes?

6 MR. HANSEL: Sometime back, we had a Senator --

7 CHAIRMAN LaFONTAINE: Identify yourself.

8 MR. HANSEL: My name is Dale Hansel. I'm
9 president of the National Bison Association.

10 MR. MAMMINGA: Oh, okay.

11 MR. HANSEL: And I've worked on this nitrite thing
12 for ten years. Sometime back, we had Senator Presler
13 sponsor a bill to inspect. During that process, I
14 researched as far as I could. Bison was made amenable, and
15 he was to bison to the Meat Act. I called many people at
16 FDA, and they said, "No. Just because it doesn't do -- the
17 law doesn't state that just because a product is amenable it
18 will be allowed to have nitrites." So, I think it's very
19 important that you add something in there --

20 MR. MAMMINGA: That you specifically say that the
21 food additives -- and we're not even going to pick nitrite
22 out. We're not going to make that the issue.

23 MR. HANSEL: Right.

24 MR. MAMMINGA: We're going to say that the food
25 additives that are approved under the Pure Food, Drug and

1 Cosmetic Act will apply to all amenable species. That way -
2 - now, that -- and I suppose we need a proviso that that may
3 require clarification of FDA's -- I don't know if that's in
4 their Act or their regulations. I think that's in 21 of the
5 CFR.

6 MR. LANGE: I think it is.

7 MR. MAMMINGA: I think that language that we're
8 drafting for is in 21 of CFR, not 9, where our stuff is.
9 I'm not sure it would require an act change, because it's in
10 the regulations, where they identify stuff as GRAS --
11 "generally recognized as safe." I think that's in 21. So,
12 we just need to say that this is what we expect. And it may
13 require regulation change under FDA regulations at 21 CFR.
14 You don't have to say "21 CFR," but say that. We need to
15 let them know that this is what we expect. Otherwise, it
16 will fall through the big, ole crack in the floor; and
17 they'll say, "Oh, garsh. You forgot to say this." And I
18 hate that. Just hate that.

19 MS. DONLEY: "Food additives allowed under the
20 Food, Drug and Cosmetic Act" --

21 MR. LANGE: Could I add the word "authorized," or
22 "allowed"?

23 MR. MAMMINGA: There you go -- "allowed" -- "will
24 be allowed in all amenable species." That's all you have to
25 say -- "will be allowed in all" -- "Food additives allowed

1 under the Food, Drug and Cosmetic Act will be allowed in all
2 amenable species." That's all you have to say.

3 CHAIRMAN LaFONTAINE: Put a header on there. Oh,
4 yeah, "Food Additives." In other words, we've got a heading
5 on everything else, so that'll put this paper together.
6 That'll help organize things.

7 MR. MAMMINGA: Sounds reasonable.

8 MS. KASTER: Are there any other issues like this
9 that are falling through the cracks?

10 MR. MAMMINGA: This is the biggest one of longest
11 standing. This is crying dangerously, in my opinion.

12 MS. DONLEY: Now, do you want this numbered
13 something in --

14 CHAIRMAN LaFONTAINE: Yeah, it'll be number --

15 MS. DONLEY: -- on here?

16 CHAIRMAN LaFONTAINE: -- five. Um-hum.

17 MS. DONLEY: You want it after "Legislative
18 Regulation," or do you want it --

19 CHAIRMAN LaFONTAINE: I want it after
20 "Inspection." Oh, I see where you're coming from.

21 MS. DONLEY: Do you want it after the meat and
22 poultry?

23 CHAIRMAN LaFONTAINE: Oh, it's -- okay.

24 MS. DONLEY: You want this to be 2A?

25 CHAIRMAN LaFONTAINE: Actually --

1 MS. DONLEY: And then exempt 2B?

2 MS. KASTER: Then after 1B, right where we --

3 MS. DONLEY: Yeah, I --

4 CHAIRMAN LaFONTAINE: I think --

5 MS. DONLEY: -- I'd do it 1A, 1B, 2A as this, 2B
6 as "Customer Exempt." Oh, wait.

7 CHAIRMAN LaFONTAINE: Actually, 1A and 1B should
8 stay the same, 2 can stay the same, and then this should be
9 3, and then -- but then we're back -- so that one's 3.

10 CHAIRMAN LaFONTAINE: Okay. Back to the question
11 you just asked -- if there're any -- Nancy, Mike -- any
12 other related issues that need to be brought up?

13 MR. MAMMINGA: Sir, I can tell you, in my opinion,
14 we have taken a quantum leap here tonight from a -- in a
15 practical, real-world, real 1999, fixing real problems. I
16 don't -- if you got this done, we would have simplified and
17 made understandable incredible amounts of stuff.

18 CHAIRMAN LaFONTAINE: Okay. Now, what I need --
19 we're not quite done yet. What I need to do is I would -- I
20 visualize an introductory paragraph, and then these are all
21 sub-bullets, and then a closing paragraph that says our
22 expectation or recommendation is that the Agency come back
23 to us with a revised concept paper at the next meeting that
24 incorporates these recommendations. That would be a closing
25 paragraph.

1 MR. MAMMINGA: Good, good.

2 CHAIRMAN LaFONTAINE: And we'll write the closing
3 paragraph.

4 MR. MAMMINGA: You're on a role, Doc.

5 CHAIRMAN LaFONTAINE: Okay.

6 MS. DONLEY: I'm looking for -- I'm looking at it
7 for people to have an added level of protection.

8 MR. MAMMINGA: We have to have two. And
9 consistency. And uniformity. And the everyday person can
10 understand it.

11 MS. DONLEY: And you know what? The public thinks
12 that anything that they put in their mouths, that they can
13 go order in a restaurant is inspected.

14 MR. MAMMINGA: Sure, they do.

15 MS. DONLEY: And it's just what they think.

16 MR. MAMMINGA: Absolutely.

17 MS. DONLEY: And it should be.

18 MR. MAMMINGA: They -- there is an -- that is one
19 of the greatest divides between government, the processor
20 and the consumer -- is the expectation. What is your
21 expectation? And is it bounded, by any means, in law or
22 practice? Because it is not. It is not.

23 MS. DONLEY: Question for buffalo people. What
24 pathogens are of concern? And is it a lot like beef? Is
25 there anything in -- do you have -- is there any -- has

1 there ever been anything OSI-77 found in buffalo, as a for-
2 instance, to date? Or --

3 MR. HANSEL: No, it never -- there never has been.
4 And we -- we've --

5 MS. DONLEY: You test for it?

6 MR. HANSEL: -- we test routinely for it, but we
7 have found --

8 MR. LANGE: But having said that -- and I don't
9 want to preempt you -- e.coli 15787 in the live animal is,
10 or can be, found in all ruminants.

11 MR. HANSEL: I'm sure that's true.

12 MR. LANGE: Deer, elk, bison. And the folks Dale
13 Hancock out of Washington state and folks in Idaho, you
14 know, in surveys, say they'll find it in the feces of all of
15 their ruminants. I'm not saying that -- he can -- but if
16 they're testing their meat, they probably haven't found it.
17 But it's only a matter of time that it could happen.

18 MR. MAMMINGA: It could grow there. There's a
19 case of 15787 in a shot white-tail deer.

20 MR. LANGE: Which is always a big outbreak in
21 venison jerky in Oregon, and it's well-documented -- of
22 e.coli 15787.

23 MS. DONLEY: I don't -- you know, it's
24 interesting, because even stuff I've seen from some others
25 is that the question asked is, in the case of, I know, with

1 the deer, wasn't it dressed in a beef processing plant? So,
2 that was it cross-contamination issue? Or do --

3 MR. MAMMINGA: I think this -- I don't think that
4 this deer ever saw a processing plant. I think this is one
5 that a guy cut up on his kitchen table after deer season,
6 contaminated it with a dirty carcass that had 15787 in it,
7 and got it on something else and somehow got it -- and, you
8 know, 1, 2, 3 bacterial. And what do you know? So -- I
9 think this occurred -- I don't think this had anything to do
10 with any kind of a commercial processing plant. This is a
11 case a guy got it cutting up his own deer and eating it and
12 getting the kitchen table contaminated and getting his bread
13 on it or something like that.

14 MR. LANGE: You're talking about the Oregon thing
15 or something different?

16 MR. MAMMINGA: I'm talking about a hunter --

17 MR. LANGE: Oh, yeah, yeah.

18 CHAIRMAN LaFONTAINE: Okay. I've got the ending
19 paragraph, or sentence. I have to work on the introductory.

20 "As a follow-up action, recommend FSIS develop a revised
21 concept paper appropriating these recommendations to be
22 presented at the next NACMPIA meeting."

23 MR. MAMMINGA: Sounds good to me. How about you?

24 MR. LOREN: Yeah, we'll make it.

25 MR. MAMMINGA: The rest of you?

1 CHAIRMAN LaFONTAINE: What we're going to do for
2 those new members, this -- our admin assistant will put all
3 this on a piece of paper here in a few minutes, and we'll
4 take a break. And then she'll print it out, and we'll take
5 a crack at it. And then we'll do our fine-tuning, and we'll
6 adjourn.

7 MR. MAMMINGA: Proceed.

8 CHAIRMAN LaFONTAINE: So, I need to get her the --

9 MS. DONLEY: How about our opening paragraph?

10 CHAIRMAN LaFONTAINE: Well, I'm going to work on
11 that.

12 What's your name again, ma'am? Jean? Okay.
13 These are going to be sub-bullets to an opening paragraph.
14 So, why don't you start typing those. And then I'll write
15 the -- then you can put the introductory paragraph.

16 (Whereupon, at 8:51 p.m., the meeting of the sub-
17 committee adjourned.)

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Sub-Committee on Inter-Governmental Roles
 Name of Hearing or Event

99-020N
 Docket No.

Arlington, VA
 Place of Hearing

May 5, 1999
 Date of Hearing

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