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FSIS Issues Guidance on Overtime Policies

Last Friday the Food Safety and Inspection Service (FSIS) issued Directive 12,600.1, Rev. 1, Amendment 1, dealing with "Voluntary Reimbursable Inspection Services." The only change to the previous Directive is Attachment 2, which provides an important set of Q&A's dealing with overtime and should not be overlooked. This is the first time FSIS has provided any uniform and detailed guidance on overtime policies and requirements. The general rule is that overtime occurs if a plant operates outside of its approved operating schedule (up to 8 hours per day, 40 hours per week) and the inspector works outside of his/her regular tour of duty. The guidance provides the general rule as to when overtime is required and numerous examples of when it is not required. In essence, if the establishment is: actively processing products (such as cutting, injecting, formulating, or packaging), verifying a CCP, or requesting the mark be applied to product, inspection coverage must be provided. Other activities outside of approved operating hours are not covered. A bulleted list appears on page 24 of the Directive, but to highlight, overtime coverage is not required for activities such as moving product in the facility, monitoring a CCP (such as chilling), conducting pre-shipment review, and collecting product samples. For a detailed summary of the Directive's Attachment 2 by SMA legal counsel Ollson, Frank & Weeda, P.C., email Phyllis at phyllis@southwestmeat.org. The Directive may be viewed at: www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/12600.1Amend1.pdf.

Appeals Court Rules Against Texas Horse Slaughterers

The 5th U.S. Circuit Court of Appeals in New Orleans ruled late Friday that horse slaughter is illegal in Texas, home to two of the nation's three horse processing plants. The decision overturned a lower federal district court's ruling last year on a 1949 Texas law that banned horse slaughter for the purpose of selling the meat for food. The lower court had ruled that the Texas law was invalid because it had already been repealed by another statute and preempted by federal law. A panel of three judges on the 5th Circuit disagreed and said the law stood on its own merits and was still enforceable. "The lone cowboy riding his horse on a Texas trail is a cinematic icon," Judge Fortunato Benavides wrote. "Not once in memory did the cowboy eat his horse." The ruling affects two SMA members, Dallas Crown Inc. of Kaufman, Texas, and Beltex Corporation in Fort Worth. The only other horse slaughter plant in the U.S., Cavel International, Inc. in DeKalb, Illinois, is not affected by the ruling. Although all three facilities are foreign-owned, they employ local residents who may soon find themselves out of a job if the plants must close. According to USDA, over 80,000 horses, mules and other equines were slaughtered in 2005. Horse meat is not sold for human consumption in the U.S., but is exported to Europe and Japan, and sold to zoos and wildlife parks as food for big cats. Proponents of horse slaughter, like the American Veterinary Medical Association, claim slaughter is a humane way to deal with old horses and a better alternative to abandonment or neglect. "Those who want these plants to shut down should be careful what they wish for," said former Texas Congressman Charlie Stenholm, spokesman for the plants. "If these plants shut down tomorrow, the nation's patchwork of horse rescue facilities would be overwhelmed." National legislation against horse slaughter has yet to be approved by the Senate, although the issue will likely be reintroduced this session. It is probable that Dallas Crown and Beltex will appeal the matter after consulting with legal counsel. The district court's permanent injunction will not be lifted if they seek a rehearing within 14 days. They may also appeal the case to the United States Supreme Court within 90 days. The ruling is available at www.ca5.uscourts.gov/opinions/pub/05/05-11499-CV0.wpd.pdf.

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Sincere Condolences

SMA offers our sincere condolences to the Kane family for their recent loss of Bernard Kane, who passed away January 9, 2006 at age 88. Through faith, wit, and sheer force of will, he and his brother, Sam, withstood immeasurable hardships to survive the Nazi Holocaust. After immigrating to America, they opened a small retail beef operation in rural Violet, Texas in 1949 that became Sam Kane Beef Processors, Inc. While well known as a businessman, Kane was first and foremost known as a religious leader whose greatest love was educating the children of congregation B'nai Israel Synagogue, where he served as Cantor for over 40 years and was appointed Honorary Life President. Kane was also actively involved in the Combined Jewish Appeal, the United Jewish Appeal, B'nai Brith, Hadassah, the Anti-Defamation League, and countless other organizations. He is survived by his wife of 51 years, Ruth; daughter Susan Kane-Duschatko and husband, David; son Leslie Kane and wife, Marcie; grandsons, Miles and Kyle Kane; his brother, Sam; nephews, nieces, other relatives, and the entire Sam Kane Beef family, who will all miss him dearly. We also offer our belated condolences for the loss of Sam's wife, Aranka Feldbrand Kane, 86, who passed away December 17, 2006, after a lengthy illness. An Auschwitz survivor, she devoted her life to her husband, Sam, her children Jerry and Glenda Kane, Harold and Karen Kane, and Michael and Esther Kane Waring, her grandchildren David and Marlo Kane and Jeffrey and Amy Kane, and her great-grandchildren, who are the living legacies of her spirit and faith. In lieu of flowers, the family has requested that memorials be made to the charity of your choice.

FSIS Issues Guidance for Labeling Uncooked, Breaded Poultry

Last week the Food Safety and Inspection Service (FSIS) issued supplemental Question and Answers (Q&As) and guidance regarding FSIS Notice 75-06, Verification Instructions for Changes in Label Requirements for Uncooked, Frozen, Breaded Boneless Products. The supplemental Q&As and guidance were issued at the request of SMA legal counsel Olsson, Frank and Weeda, P.C. and the Food Products Association (FPA) to provide clarification regarding the type of cooking instructions that must appear on labels of uncooked breaded poultry products, as well as the type of validation data that is expected to support such instructions. The guidance applies to uncooked, breaded (both pre-browned and not pre-browned), boneless poultry products that also may be stuffed or filled, char-marked, or artificially colored. The Supplemental Q&As may be found at: www.fsis.usda.gov/PDF/Sup_Q&A_to_Address_Products_Affected_by_FSIS_Notice_75-06.pdf. The guidance document, entitled "Information on Validation of Labeled Cooking Instructions for Products Containing Raw or Partially Cooked Poultry," may be found at: www.fsis.usda.gov/PDF/Info_on_Validation_of_Labeled_Cooking_Instructions_Raw_or_Partially_Cooked_Poultry.pdf. For a summary of the guidance by SMA legal counsel, email Phyllis at phyllis@southwestmeat.org.

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Register now for “Developing & Implementing HACCP Plans for the Meat Industry”

to be held at Texas A&M University in College Station, Texas, February 13-15, 2007, hosted by SMA and the Texas A&M Department of Animal Science. Registration forms are available on our website at southwestmeat.org, or by contacting the SMA office.

Sign up today!

Briefly . . .

New Horse Slaughter Legislation Introduced: Legislators introduced horse slaughter prevention bills simultaneously last week in both the House and Senate. Last year the bill was passed in the House with a 263 to 146 vote, but the Senate adjourned before members were able to vote on the bill. Senators Mary Landrieu (D-LA) introduced the “Vergie S. Arden American Horse Slaughter Prevention Act,” S. 311, the Senate version of the bill, along with John Ensign (R-NV) and 11 original co-sponsors, according to a Humane Society of the United States press release. In the House, Representatives Janice Schakowsky (D-IL), Ed Whitfield (R-KY), John Spratt (D-SC), and Nick Rahall (D-WV) introduced H.R. 503 with 61 original cosponsors. Both bills would prohibit the “shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of any horse or other equine to be slaughtered for human consumption.” Earlier this month, Rahall and Whitfield introduced H.R. 249, a slaughter ban on wild horses, and Senator Tom Buford (R-KY) introduced a horse slaughter bill for his state.

FSIS to Hold Regulatory Education Sessions for Small, Very Small Plants: FSIS will hold regulatory education sessions on January 24 and 31 and on February 2, 6, and 28 for the owners and operators of small and very small plants. The sessions will cover a regulatory walk-through of sanitation standard operating procedures and the hazard analysis and critical control point and rules of practice regulations. The agency has moved forward with plans to expand the regulatory education sessions. Sessions will be held at the following locations:

- Wednesday, January 24, 5 - 7 PM, Embassy Suites Hotel - Covina, 1211 E. Garvey Street, Covina, CA;
- Wednesday, January 24, 6:30 - 8:30 PM, Doubletree Charlottesville, 990 Hilton Heights Rd., Charlottesville, VA;
- Wednesday, January 31, 6:30 to 8:30 PM, High Plains Power, 230 West Main, Riverton, WY.;
- Friday, February 2, 6:30 to 8:30 PM, Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY;
- Tuesday, February 6, 6:30 - 8:30 PM, at the Doubletree Albuquerque, 201 Marquette Avenue, Albuquerque, NM;
- Wednesday, February 28, 6:30 - 8:30 PM, Crowne Plaza Madison East Towne, 4402 East Washington Avenue, Madison, WI. To register by phone, call 800-336-3747. Online registration forms and information about upcoming sessions can be found at www.fsis.usda.gov/News_&_Events/Outreach_Sessions_SVS_Plants/index.asp.

Ingredients List for Meat/Poultry Products Updated: The Food Safety and Inspection Service (FSIS) has issued a revised list of safe and suitable ingredients for use in the production of meat and poultry products. Directive 7120.1, Amendment 10, includes substances approved for use as food additives via 21 CFR, GRAS notices, pre-market notifications and letters conveying acceptability determinations since the last amendment was issued on October 5, 2006. To view the updated list go to: www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/7120.1Amend10.pdf.

Mastertaste Makes Appointment to Flavor Division: Mastertaste Inc., a global developer and manufacturer of high-quality flavors and flavor bases, has appointed Gene Wachholtz account manager for the company’s Flavors Division, with special emphasis on the company’s Zesti Smoke™ product line. Wachholtz will be based out of Kansas City, MO. Wachholtz previously served as vice president of the Retail Meat Division of Cargill. Most recently, Wachholtz was a national sales manager at Jif-Pak Manufacturing. Mastertaste’s Flavors Division develops and manufactures high-quality flavors and custom flavors for savory, sweet and beverage applications. The company’s Zesti Smoke™ line is a specialized application of pyrolyzed (smoked, grilled, barbecued, etc.) flavors for the meat and savory markets.

Bird Flu Flaring Up in Asia: Bird flu is flaring up again as Indonesia reported additional human cases, Japan confirmed a first outbreak of H5N1 in 3 years, and there were reports that the virus was spreading among flocks in Vietnam, S. Korea, Hong Kong and Thailand. In Indonesia, three are still hospitalized and another three have been admitted; one woman died January 12. Of the 79 cases confirmed to date in Indonesia, 61 have been fatal. In southwestern Japan, an outbreak of bird flu at a poultry farm was due to the lethal H5N1 strain of the virus, a farm ministry official confirmed. There have been no reported cases of human infection or additional outbreaks in poultry in Japan since, but 4,000 birds died from the disease, and authorities culled the remaining 8,000 chickens at the affected farm. South Korean health officials announced plans today to expand a mass cull that began yesterday, and slaughter more than 660,000 poultry and pigs to try to stem a new outbreak.