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FSIS Discusses Steps to Reduce *E. coli*

Under Secretary for Food Safety Dr. Richard Raymond and FSIS officials conducted two separate telephone conference calls last Tuesday, one with industry and one with consumer groups, to discuss the recent Topps recall and to share steps the agency is taking to reduce *E. coli* O157:H7. Dr. David Goldman, assistant administrator for the Office of Public Health Science, discussed the timeline for the investigation and the actions taken by FSIS. The timeline is available at the USDA Web site at www.usda.gov/Newsroom/ under "Transcripts and Speeches, Release No. 0282.07." Dr. Daniel Engeljohn, deputy assistant administrator for the Office of Policy, Program and Employee Development, addressed steps the agency is taking to reduce *E. coli* O157:H7. These include:

- FSIS will require all beef plants to show they have effectively controlled *E. coli* O157:H7 by using a checklist to verify controls announced in 2002.
- To better identify corporations whose controls may not be sufficient and may jeopardize public health, FSIS will review corporate practices, as well as individual plant practices within a corporation, to control *E. coli* O157:H7.
- When there is evidence of an illness linked to FSIS regulated product taken from a consumer's home, FSIS will establish a stronger threshold for requesting a recall or taking other regulatory action.
- FSIS will dispatch specially trained investigators to conduct a food safety assessment, a thorough scientific review of the plant, when there is a positive testing result.

FSIS Issues Notice on FSAs and Verification Testing

On Friday, October 12, 2007, the Food Safety and Inspection Service (FSIS) issued Notice 64-07: "Scheduling Food Safety Assessments and Intensified Verification Testing." This Notice is part of a trio of Notices issued on *E. coli* O157:H7 (see page 2). However, this Notice, unlike the others issued Friday, covers other adulterants: *Listeria monocytogenes* (*L.m.*) and *Salmonella* in ready to eat (RTE) products. Under the Notice, if FSIS or another government laboratory reports any product as positive for *E. coli* O157:H7 or an RTE product as positive for *L.m.* or *Salmonella*, the District Office (DO) is to schedule a Food Safety Assessment (FSA) within 30 days. In addition, the DO is to schedule a FSA if the in-plant inspection personnel have documented repetitive non-compliances with the establishment's *Listeria* control program, including sanitation issues. If the FSA is scheduled for *Listeria*, the FSA will include the Intensified Verification Testing (IVT). In addition, an IVT will be scheduled within 30 days of a deferral or suspension held in abeyance, and should take place as soon as practicable after scheduling, if the cause for the action was the establishment's failure to control *Listeria*. The notice can be viewed at www.fsis.usda.gov/OPPDE/rdad/FSISNotices/64-07.pdf.

OFFICE CLOSED

Please note that the SMA office will be closed Wednesday, October 17, while we attend our quarterly Board of Directors meeting in Richardson, TX. We will be checking telephone messages regularly if you need to reach us.

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FSIS Issues Notice, Checklist for *E. Coli* Control

Late last Friday, the Food Safety and Inspection Service (FSIS) issued Notice 65-07: "Notice of Reassessment for *Escherichia coli* O157:H7 Control and Completion of a Checklist for All Beef Operations." In light of concerns involving *E. coli* O157:H7 this year, especially following the recent multi-million pound recall, FSIS is undertaking a new initiative to address this pathogen. Notice 65-07 is part of a trio of Notices issued Friday addressing *E. coli* O157:H7. Notice 65-07 provides that:

- The inspector is to meet with plant management at any facility which slaughters, fabricates, grinds, mechanically tenderizes or enhances raw beef;
- The establishment is then to reassess its HACCP plan by October 26th, taking into account the new developments identified by FSIS in Attachment 2 to the Notice;
- The inspector is to verify the reassessment at the first weekly meeting after October 26th (but no later than November 2nd) and determine what changes, if any, were made to the HACCP plan (and other food safety programs), forwarding the information to the FLS, the DO and the Office of Policy; and
- The inspector is to complete a 27 page checklist on the components of the establishment's food safety system by November 30th.

The Notice specifies how inspectors are to implement the new initiative and contains a "draft" checklist. Attachment 2 to the Notice identifies the new developments which an establishment should take into account while conducting the required reassessment. For a detailed summary of Notice 65-07 and practical suggestions by SMA legal counsel, Olsson, Frank and Weeda, P.C., please email phyllis@southwestmeat.org. The notice may be viewed at www.fsis.usda.gov/OPPDE/rdad/FSISNotices/65-07.pdf.

Court Blocks "No Match" Letters to Employers

Last Wednesday a federal judge in San Francisco granted a request by labor and civil liberties organizations to temporarily block the U.S. government from proceeding with a program to penalize businesses that may be employing undocumented workers. U.S. District Judge Charles Breyer said the Social Security Administration and the Department of Homeland Security (DHS) could not go ahead with their plan to send joint letters warning businesses of pending penalties if they keep workers whose Social Security numbers do not match their names. One of the Bush administration's key immigration measures, the policy aims to curb illegal immigration by identifying workers with fake Social Security numbers. Employers would receive letters if an employee's number did not match the name in the agency's records, and would then have 90 days to clear up the problem or fire the employee. In his ruling, Judge Charles Breyer said the policy could affect many legal workers, and he criticized the DHS for failing to conduct a survey of the costs and impact for small businesses. Federal law requires the government to conduct a study of costs and alternatives when a new regulation causes such burdens. In addition, Breyer said, DHS lacked legal authority for a statement in the letter that assured employers that the government would not sue them for discrimination if they fired workers because of unresolved no-match letters. There has been no such assurance from the Justice Department office that is responsible for such suits, Breyer said. Homeland Security Secretary Michael Chertoff said the administration is considering an appeal. The Ninth U.S. Circuit Court of Appeals in San Francisco could overrule Breyer by the end of this year, letting the new system take effect while it is being challenged.



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**Does Your HACCP Plan Need An Update?
Are You Ready for an FSIS Review?**

Register now for “Beyond Basics: HACCP Plan Improvement Workshop for Raw and Cooked Product Operations,” hosted by SMA, NMA, and the Texas A&M University Department of Animal Science, **November 1-2, 2007** at Texas A&M University.

This workshop will provide a review and evaluation of your company’s HACCP plan, with hands-on help to improve it. Registration information and the course outline are available on our website.

Sign up today!**FSIS Issues Notice on Follow-up Sampling after *E. coli* Positive**

The Food Safety and Inspection Service (FSIS) issued Notice 66-07: “Multiple Follow-up Sampling After FSIS Positive *Escherichia coli* (*E. coli*) O157:H7 Results,” the third of a trio of Notices issued on Friday. According to this Notice, FSIS is implementing a multiple follow-up sample program because an analysis of the agency’s *E. coli* O157:H7 data shows that plants are more likely to have a second positive sample for *E. coli* O157:H7 if they had a positive sample within the preceding 120 days. If an establishment’s ground beef is positive under any federal or state government test (or there was a positive FSIS trace back sample of a raw ground component under MT 52), the establishment will be subject to sixteen (16) additional samples as part of the agency’s new follow-up sampling programs (MT 04 for ground; MT 53 for raw ground components). The sample forms will be automatically generated once the positive is reported. The Notice outlines testing frequency and exceptions for low-volume and foreign establishments. For a detailed summary of Notice 66-07 by SMA legal counsel, Olsson, Frank and Weeda, P.C., please email phyllis@southwestmeat.org.

Briefly . . .

Senator Pushes for Tougher Meat Inspection Standards: Following recent ground beef recalls due to *E. coli* O157:H7 contamination, Senator Charles Schumer (D-NY) said on October 14 he would push for legislation to improve federal oversight of meat safety. At a news conference in Manhattan’s meatpacking district, he told reporters, “The USDA has become a toothless tiger when it comes to keeping our meat clean and safe. Ensuring the safety of our meat and poultry requires immediate action.” Schumer said he plans to reintroduce legislation to give USDA the authority to temporarily close meat processing plants that repeatedly fail inspections for *E. coli* bacteria and expand the agency’s authority to trace and recall contaminated food. This proposed legislation would also direct the federal Centers for Disease Control and Prevention to work with other agencies to identify potential biological threats to the food supply and prepare a rapid response plan.

FSIS Posts White Paper on Non-O157 STEC: FSIS posted a white paper addressing Non-O157:H7 Shiga toxin-producing *E. coli*, otherwise known as STEC. A public meeting on this topic will be held on October 17, from 8:30 AM to 3:30 PM, at the George Mason University Arlington campus, 3401 N. Fairfax Drive, Room 244, Arlington, VA. Visit www.fsis.usda.gov/News_&_Events/Meetings_&_Events/index.asp to view more details.

Register Now for the *Listeria* Control Workshop!

SMA and AAMP are co-sponsoring NAMP’s International *Listeria monocytogenes* Control Workshop for small businesses, scheduled for Thursday, November 8, 2007, at the Embassy Suites Dallas – DFW International Airport North. Dr. Harshavardhan Thippareddi and Dr. Dennis Burson, both of the University of Nebraska, will conduct the workshop. Registration rate is \$295 for SMA, NAMP, and AAMP members and \$395 for non-members though October 25. The one-day workshop is specifically designed for small to medium sized meat plants that produce Ready-to-Eat products, and will offer techniques and programs specifically tailored for those operations. Registration information is available on our website or you may email phyllis@southwestmeat.org. **Sign up today!**