

# SMA InfoMeat

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## FSIS Issues Notice on Publication of SRM Final Rule

Last Friday USDA's Food Safety and Inspection Service (FSIS) issued FSIS Notice 56-07: Final Regulations for Non-Ambulatory Disabled Cattle and Specified Risk Materials (SRMs). The notice announces publication of the SRM final rule, "Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Cattle; Prohibition of the Use of Certain Stunning Devices Used to Immobilize Cattle During Slaughter" also referred to as the SRM final rule. The notice also announces that FSIS will issue two new directives related to this final rule that consolidate all of the current instructions available to inspection personnel. Finally, this notice instructs inspection personnel to meet with establishment management and discuss the provisions of the SRM rule and the changes since the interim final rule. The notice can be reviewed at: [www.fsis.usda.gov/OPPDE/rdad/FSISNotices/56-07.pdf](http://www.fsis.usda.gov/OPPDE/rdad/FSISNotices/56-07.pdf). The final rule can be reviewed at: [www.fsis.usda.gov/OPPDE/rdad/FRPubs/03-025F.pdf](http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/03-025F.pdf). Upon receipt of this notice, at any establishment that process carcasses or parts of cattle carcasses, FSIS Inspection Program Personnel are instructed to conduct an "Awareness Meeting" with Establishment Management, and document the meeting in a memorandum of interview.

- They are to inform the establishment that the final rule will become effective October 1, 2007.
- They are to provide the establishment with link to the rule and to discuss the regulations. Talking points are included to ensure that the major points are covered in the meetings, and identify the changes in the final regulation compared to the interim rules.
- Inspection program personnel are also instructed to advise the establishment that, because there are changes in the regulations that may affect the establishment's hazard analysis or alter its HACCP plan, it is required under 9 CFR 417.4(a)(3) to reassess the adequacy of the HACCP plan. The establishment needs to do so by October 1, 2007, the effective date of the regulation.

Beginning October 1, 2007, inspection program personnel will use the new directives (not yet issued) to verify the existing and new regulatory requirements related to non-ambulatory disabled cattle and SRMs. The Notice cautions inspection program personnel that if they write an NR for a noncompliance with the SRM regulations that they must include the 9 CFR 310.22 citation. The use of the citation allows FSIS to track the numbers of noncompliances for SRM violations and look for trends, both at individual establishments and with particular requirements. They can use this information to either correlate if the trend demonstrates that there is a national concern, or to do further evaluation at an individual establishment if the trend demonstrates that it is one establishment. *(Thanks to SMA legal counsel Olsson, Frank & Weeda, P.C. for their expert summary of this Notice.)*

### Register now for "Developing & Implementing HACCP Plans for the Meat Industry"

to be held at Texas A&M University in College Station, Texas, **September 18-20, 2007**, hosted by SMA and the Texas A&M Department of Animal Science. The course provides hands-on training in developing a HACCP program for all types of meat slaughtering and processing facilities.

Registration forms are available on our website at [southwestmeat.org](http://southwestmeat.org) or by contacting the SMA office.

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## FSIS Posts Prototype for Broiler *Salmonella* Set Results

FSIS posted on its website a prototype of how the agency intends to report category 2 and 3 *Salmonella* set results for individual broiler establishments. This prototype shows how the agency will report the results for individual establishments of completed *Salmonella* sample sets, initially with a focus on broiler establishments that attain a Category 2 and 3 level of control. Category 1 broiler establishments will be posted later in calendar year 2008, once FSIS begins random, unannounced "check" sampling in these establishments. FSIS will compare the results of its check samples to those of the establishment. Category 1 establishments may not be tested for a full set for up to two years. Set results for other classes of raw products (e.g., turkeys, steers/heifers and ground beef) also will be posted beginning in calendar year 2008. FSIS will begin posting to its website the results for each establishment, after a notification about the change is published in a *Federal Register* notice. This is a follow-up to the agency's intention to post more information related to test results, as announced in February 2006. Making the results public is part of an effort to strongly encourage industry stakeholders to further reduce the presence of *Salmonella* on raw carcasses and ground product. FSIS expects the public offering of these results to positively impact public health through measurable reductions in the public's exposure to raw meat and poultry products that could be contaminated with *Salmonella* or other enteric pathogens, such as *Campylobacter*. The *Federal Register* notice will further articulate the agency's rationale for making the result public. The prototype is available at [www.fsis.usda.gov/PDF/Salmonella\\_Initiative\\_Prototype.pdf](http://www.fsis.usda.gov/PDF/Salmonella_Initiative_Prototype.pdf).

## R-CALF Loses Appeal to Ban Live Canadian Cattle

Last Tuesday, the U.S. 9th Circuit Court of Appeals rejected R-CALF's request for a permanent injunction that would prevent all live shipments of Canadian cattle from entering the U.S. The Montana-based Ranchers Cattlemen Action Legal Fund United Stockgrowers of America (R-CALF) argued that live Canadian cattle posed a risk of bovine spongiform encephalopathy (BSE), or mad cow disease, to the U.S. cattle herd and should be banned. The Court ruled that there were enough safeguards in place and that USDA was correct in designating Canada "a minimal risk country." "Having reviewed the merits of this case, we conclude that the agency considered the relevant factors and articulated a rational connection between the facts found and its decision to designate Canada a minimal-risk country," Judge Cynthia Holcomb Hall wrote. USDA imposed a ban on Canadian cattle after Canada found its first domestic case of BSE in 2003. It planned to reopen the border in 2005 to live imports of Canadian cattle, but R-CALF obtained a temporary injunction from a federal court in Montana. The USDA appealed to the 9th Circuit, which rejected R-CALF's arguments and reopened the U.S. border to shipments of Canadian cattle. The Montana federal court in 2006 also ruled in favor of the USDA. A three-judge 9th Circuit panel based in San Francisco re-examined another R-CALF appeal in its Tuesday ruling. "R-CALF's extra-record evidence has failed to convince us that the agency's review was unauthorized, incomplete, or otherwise improper," Judge Hall wrote. The decision went point by point through R-CALF's arguments but found fault in them. "The agency - at the time it made its decision - properly relied on studies from both the World Organization for Animal Health and the Harvard Center on Risk Analysis, finding that feed bans were the most effective way to prevent the spread of BSE," the court wrote. "It bears repeating that the agency did not assume 100 percent effectiveness of its measures." Shae Dodson, a spokeswoman for R-CALF, said that the group's board would have to vote on whether to appeal the case to the U.S. Supreme Court.



### Southwest Meat Association Insurance Program

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## FSIS Offers Criteria to Participate in *Salmonella* Initiative

Criteria for the *Salmonella* Initiative Program that USDA's Food Safety and Inspection Service (FSIS) intends to begin in October 2007 has recently been posted to their website. The program, conceptually discussed in 71 *Federal Register* 9772 (February 27, 2006), is designed to demonstrate definite improvements in ongoing control for *Salmonella* in broiler and turkey slaughter operations in volunteer establishments. Establishments must submit a request to participate in the program. If selected, establishments will then operate via a waiver to existing regulations as provided in 9 Code of Federal Regulations 381.3(b) and in accordance with the criteria specified for the program. Requests to participate in the program should be submitted to Dr. Isabel Arrington by e-mail to [Isabel.Arrington@fsis.usda.gov](mailto:Isabel.Arrington@fsis.usda.gov). On September 1, FSIS will begin reviewing requests to participate in the program. In addition, FSIS will formally announce the program in a *Federal Register* notice. The agency intends to terminate the program when a future final regulation is issued that incorporates the concepts of the program into a public health based poultry slaughter inspection system. The criteria and additional information on the program are available at [www.fsis.usda.gov/PDF/Salmonella\\_Initiative\\_Program\\_Criteria.pdf](http://www.fsis.usda.gov/PDF/Salmonella_Initiative_Program_Criteria.pdf).

### In Memorium

SMA offers our sincere condolences to the family, friends, and colleagues of Bruce Johnston, who passed away Thursday, August 30. He was associated with Cold Storage Construction Services of Montgomery, TX for 30 years. Bruce is survived by his wife, Cheryl Ann Johnston of Montgomery, TX; brother, Whitey Johnston of Jackson, MS; sons Wayne of Sierra Vista, AZ, Donald of Poteau, OK, Daniel of Boise, ID; Kevin Rossi of Montgomery and Robert Rossi of College Station; daughters Cindy Leach of Katy, TX, Donna Nimmo of Lodi, CA, Shelly Johnston of Houston, TX and Angie Johnston of San Diego, CA; as well as 21 grandchildren and 2 great-grandchildren. Memorial services are scheduled Saturday, September 8, 2007, at 12 noon at St. Mary's Catholic Church, FM 1774, in Plantersville, TX. In lieu of flowers, the family requests donations to Asera Care Hospice, 19221 Interstate 45 South, Suite 190, Shenandoah, TX 77385, phone: 281-298-0961 or fax 298-0971.

### Briefly . . .

**TAMU Offers Joint Symposium on High Quality Beef:** Texas A&M University and the National Institute of Animal Science will host the 2nd Korea-U.S.- Japan International Joint Symposium: Producing High Quality Beef for the Asian and Domestic Markets, October 15-16, 2007, at Texas A&M University in College Station, TX. The program is aimed at individual producers and companies that emphasize the production of high quality beef, and will focus on important aspects of high quality beef cattle production for the U.S., Korean, and Japanese markets. It will also include a discussion of the economics of producing high quality beef for domestic and foreign markets, with special emphasis on Asian markets. For details and online registration, visit: <http://animalscience.tamu.edu/symposium/>.

**FSIS Issues Draft IKE Scenario on Overtime Inspection:** On Friday, the Food Safety and Inspection Service (FSIS) issued a Draft Interactive Knowledge Exchange (IKE) on "When Inspection Coverage is Required and Overtime is Charged." Under Directive 12,600.2, inspection coverage is required for certain plant activities. In this scenario, the specific activity requiring coverage is when the establishment is undertaking a HACCP verification activity (as opposed to its normal monitoring activities). Therefore, the inspector can charge overtime for verification of the establishment's stabilization CCP. Inspectors can also charge overtime when they are scheduled to conduct a direct observation pre-operational inspection outside the plant's normal hours of operation and can charge overtime for the one-half hour before the start of the regular tour of duty. The IKE is available at [www.fsis.usda.gov/FSIS\\_Employees/IKE\\_07D-07/index.asp](http://www.fsis.usda.gov/FSIS_Employees/IKE_07D-07/index.asp). Email comments may be submitted by September 10, 2007 to: [lke@fsis.usda.gov](mailto:lke@fsis.usda.gov).

**AMS Updates Export Requirement for S. Korea:** On August 24, FSIS issued Notice 54-07, "Updated Requirements for Certifying Beef Exports to Korea." This notice informs inspection program personnel that the Agricultural Marketing Service (AMS) posted a new requirement for an establishment to participate in AMS' export verification program. The establishment should review, and tighten appropriately, its weight range tolerance for boxes of boneless beef product presented for export to Korea. In addition to following agency directives and notices on exports, FSIS personnel who receive an application to export boneless beef to Korea should verify that the product was produced under an export verification program which complies with AMS' August 24 requirement. The requirement is posted at [www.ams.usda.gov/lsg/arc/LSKoreaClarificationStatement.pdf](http://www.ams.usda.gov/lsg/arc/LSKoreaClarificationStatement.pdf).

**NACMPI Reports Available Online:** Reports from the August meeting of the National Advisory Council on Meat and Poultry Inspection (NACMPI) meeting are now available online. Topics include standard procedures for data collection and analysis at FSIS, linking FSIS activities to its public health goals, a pilot project to explore mechanisms for sharing industry data with FSIS, and updates on previous meetings and briefing papers. The reports are available online at [www.fsis.usda.gov/regulations\\_&\\_policies/National\\_Advisory\\_Committee\\_on\\_Meat\\_&\\_Poultry/index.asp](http://www.fsis.usda.gov/regulations_&_policies/National_Advisory_Committee_on_Meat_&_Poultry/index.asp).