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FSIS Issues Notice on Verification Procedures for *E. coli*

The Food Safety and Inspection Service (FSIS) issued Notice 63-06 last week, instructing inspectors to conduct verification activities at establishments that test raw beef products for *E. coli* O157:H7 or receive presumptive or positive products. This Notice is effective upon issuance, so covered establishments can expect inspectors to conduct these activities at any time. The Notice covers three verification activities: (1) verification that the establishment took action in the event of increases in *E. coli* O157:H7 incidence rates; (2) verification that the establishment has documented proper control and disposition of presumptive or positive products; and (3) verification that, if an establishment receives presumptive or positive products, it has handled the products so that they have received an adequate lethality. This Notice was issued because there was an increase in positive FSIS ground beef samples for the first eight months of this year from 0.17% in 2005 to 0.19% in 2006 (at present, the rate for 2005 and 2006 is virtually identical). Of the three verification activities, the first poses the most concern since it uses a comparison between winter and summer incidence rates to determine whether the establishment should have taken corrective action to reduce rates. Given the inherently skewed nature of this comparison, there could be increased regulatory activity regardless of whether the establishment's total food safety system is operating as intended. Up until this point, the establishment was to analyze its rates to determine if its incidence was random/expected or had an identifiable cause. If the rate was random, no corrective actions were expected (other than a review to ensure the total food safety system was operating as intended). If there was an unexpected increase, the agency expected a more thorough review to determine if there was an assignable cause, and, if so, a determination as to whether a preventive action could be adopted. Intentionally or unintentionally, this Notice changes this previous expectation and invites the determination that every beef slaughter establishment's total food safety system is ineffective. The other two verification tasks are based on existing requirements in the *E. coli* O157:H7 Directive 10,010.1, Rev. 1 and hence do not impose any new expectations. For a detailed summary of this Notice by SMA legal counsel Olsson, Frank and Weeda, P.C., please email Phyllis at sma@tca.net. Notice 63-06 is available on the FSIS website at www.fsis.usda.gov/OPPDE/rdad/FSISNotices/63-06.pdf.

FSIS Notice Offers Q&A on Certifying Casings for Export

Last Thursday, the United States Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) released FSIS Notice 64-06, "Answers to Questions Related to the Certification for Export of Intestines or Animal Casings (FSIS Notice 3-06)." This Notice provides "answers to questions FSIS has received regarding FSIS Notice 34-06, Certification of Intestines or Animal Casings for Export" which was issued by FSIS on June 6, 2006. FSIS Notice 64-06 may be viewed at: www.fsis.usda.gov/OPPDE/rdad/FSISNotices/64-06.pdf. FSIS Notice 34-06 was issued to provide instruction to inspection program personnel on "how to determine whether intestines and casings from animals are eligible to receive the marks of inspection and how to certify the intestines and casings for export." FSIS Notice 34-06 may be viewed at: www.fsis.usda.gov/OPPDE/rdad/FSISNotices/34-06.pdf. This Notice was effective on July 17th and generated numerous questions. FSIS now provides the list of most frequently asked questions, as well as answers to those questions.

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SMA Urges Members to Develop Food Defense Plans Now

Beginning with the terrorist attacks of 9/11, there has been an ever-growing movement toward ensuring our nation's food supply is protected from intentional contamination. In January 2004, the White House issued Homeland Security Presidential Directive 9 (HSPD-9) that required FSIS to conduct vulnerability assessments of meat, poultry and egg products to acts of intentional contamination. Based on these vulnerability assessments, the agency developed several guidance documents for industry, including model plans and self-assessment checklists. All of these are available on-line at www.fsis.usda.gov/Food_Defense_&_Emergency_Response/index.asp. All meat and poultry processing facilities are strongly encouraged to assess their preparedness and ensure they have in place a functional food defense plan. In this regard, FSIS has instructed its inspectors (Directive 5420.1) to ask establishments if they have a food defense plan in place and they are documenting which establishments have plans.

According to the most recent survey of inspectors, 90% of large establishments had food defense plans. However, only 60% of small and 32% of very small establishments had plans in place. These numbers will continue to be tracked. While having a food defense plan in place is not currently required by regulation, it is vitally important for establishments, regardless of size, to take this issue seriously. FSIS has indicated in very clear terms it will move toward rulemaking if the industry does not achieve a high level of voluntary compliance. Aside from the benefits of reducing potential food defense vulnerabilities, the threat of impending rulemaking should be an added incentive for establishments to act now. Additionally, customer requirements are expected to become increasingly prescriptive in the area of food defense.

At a minimum, we suggest that establishments develop **written** plans that address four key areas of concern. 1) Facility Control – who has access to the facility, what areas they have access to, and, the ability to document, at any given time, exactly who is in the facility; 2) Water Control – whether the water supply coming into the facility is secure with no means for uncontrolled access; water control is especially important for establishments having their own wells or water storage facilities; 3) Chemical Control – whether all potentially hazardous chemicals are secured from unauthorized use; and 4) Ingredient/Product Control – what precautions have been taken to minimize the potential for intentional tampering. All four of these areas can be addressed in a variety of ways (from very simple to elaborate); there is no single approach that will be the answer for all establishments. Document the plan and make sure to include some periodic procedures for testing the plan. This can be as simple as conducting random checks on the provisions in the plan to make sure the procedures are being followed correctly. You should let the inspector know of your plan and permit him to review it in response to the next FSIS survey. In short, now is the time to act if you have not already done so. FSIS would prefer not to mandate food defense plans, but the agency is committed to do so if industry does not come along voluntarily. So, do it now on your own terms and you won't be forced to do so later. (Dr. Joe Harris, SMA, 10/2/06)

AMS Increases Fees for Voluntary Meat Grading, Certification

Last week the Agriculture Marketing Service (AMS) published its final rule revising/increasing the hourly fees it charges for voluntary Federal meat grading and certification services performed by the Meat Grading and Certification (MGC) Branch. Fees will be adjusted based on the increased costs of providing these services and to ensure that the MGC Branch "operates on a financially self-supporting basis." The increase in rates is effective October 1, 2006. Base hourly rates for commitment applicants (users of meat grading and certification services who agree to pay for five continuous eight-hour days, Monday through Friday between 6 a.m. and 6 p.m.) will increase from \$55 to \$61. Base hourly rates for non commitment applicants (users of meat grading and certification services who agree to pay an hourly fee without committing to any number of service hours) will increase from \$70 to \$78. The premium hourly rate (for hours exceeding eight per day, hours before 6 a.m. or after 6 p.m., Saturdays or Sundays that are not legal holidays) will increase from \$70 to \$78. The legal holiday hourly fee (for hours of meat grading or certification services provided on legal holidays) will increase from \$110 to \$122. The *Federal Register* posting of this final rule may be viewed at: <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/E6-15853.pdf>.

Does Your HACCP Plan Need An Update? Are You Ready for an FSIS Team 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 30 - December 1, 2006** at Texas A&M University. Registration information and course outline are available on our website. **Sign up today!**

FSIS Releases IKE Scenarios on *E. coli* Verification Procedures

The Food Safety and Inspection Service's (FSIS) Interactive Knowledge Exchange has released three new scenarios on verification procedures involving *E. coli* O157:H7. The first scenario, 07D-06, was released to assist inspection program personnel in verifying that establishments are reacting appropriately to the information generated for *E. coli* O157:H7 in raw beef manufacturing trim intended for use as ground beef. It follows an FSIS inspection through a beef slaughter/processing combination plant as they perform a 03B01 procedure. The second scenario, 08D-06, assists inspection program personnel in verifying that the establishment is reacting appropriately to the information generated for *E. coli* O157:H7 in raw ground beef. The scenario follows an inspector through an establishment that slaughters and produces beef trim for raw ground beef. The last scenario, 09D-06, guides an inspector through a beef grinding plant that purchases beef manufacturing trim from other establishments and grinds the product for sale as ground beef at retail. It also assists inspection personnel in verifying that the establishment is reacting appropriately to information generated for *E. coli* O157:H7 in raw ground beef. The scenarios are available for review and comment at www.fsis.usda.gov/FSIS_Employees/IKE_Comment/index.asp.

Briefly . . .

Japan Confirms 29th Case of BSE: Last Thursday Japan's Agriculture Ministry confirmed that a cow from northern Japan was the country's 29th case of bovine spongiform encephalopathy (BSE). Tests on the 6 1/4 year-old dairy cow performed at the National Institute of Animal Health confirmed that the cow, which died at a ranch on Japan's northernmost island of Hokkaido, was infected with the fatal illness. The animal was destroyed and incinerated and did not enter the human or animal food chain, the ministry said.

USDA Appoints New Deputy Under Secretary for MRP: Deputy Agriculture Secretary Chuck Conner recently announced the appointment of J. Burton Eller, Jr., as Deputy Under Secretary for Marketing and Regulatory Programs (MRP). Eller will assist Under Secretary Bruce Knight and work with Deputy Under Secretary Dr. Chuck Lambert to oversee the management of USDA's MRP mission area. MRP agencies are active participants in setting national and international agricultural standards. Dr. Chuck Lambert will continue in his role as Deputy Under Secretary for MRP, focusing on international issues such as opening beef markets abroad, combating avian influenza, and addressing numerous sanitary and phytosanitary trade issues. Jeremy Stump, who was Acting Deputy Under Secretary of MRP, will now serve as the Senior Advisor to the Secretary for International and Homeland Security Affairs and Biotechnology. Eller most recently served as Director of the Office of External Affairs for USDA's Farm Service Agency (FSA). Eller has also served as senior counsel and special partner for McLeod, Watkinson & Miller as well as in executive capacities for the National Cattlemen's Association. Eller grew up on a livestock farm in Marion, VA, which he still maintains. He holds a B.S. in animal science and a Master's degree in physiology from Virginia Tech.

Tompkin Receives 2006 Bauman Award: USDA's Under Secretary for Food Safety Dr. Richard Raymond presented Dr. R. Bruce Tompkin with the prestigious 2006 Howard Bauman Award on September 27. "Dr. Tompkin has contributed enormously to food safety through his research into specific pathogens and to the control of foodborne illness by sharing that information widely," stated Raymond. "Dr. Tompkin's lifelong dedication to science and education has contributed directly to the reduction of foodborne illness in America and it gives me great pleasure to honor such a deserving individual with the 2006 Howard Bauman Award." Tompkin began his career as a food microbiologist with what is now ConAgra Foods in 1962 and retired as vice president of product safety in 2002. Some of his most significant research was on the control of microbiological hazards in meat and poultry products, including *Clostridium botulinum*, *Salmonella* and *Listeria monocytogenes*. Tompkin was an early proponent of the use of the Hazard Analysis and Critical Control Point (HACCP) system, helping to implement it at ConAgra long before it was required. The Bauman Award, named for Dr. Howard E. Bauman, is the highest food safety honor presented by USDA and recognizes an individual who has exhibited leadership and a longstanding commitment to improving food safety.

**The SMA Office will be closed
Friday, October 6, 2006 for our
quarterly Board of Directors meeting.**

We will be checking telephone messages regularly, so if you need assistance, please leave your name, number and a brief message and we will return your call at our earliest opportunity.



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