



Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

December 20, 2004

Dr. Merle D. Pierson
Acting Under Secretary for Food Safety
United States Department of Agriculture
227-E Whitten Building
12th and Jefferson Drive, S.W.
Washington, DC 20250

Dear Dr. Pierson:

We are writing to draw your attention to concerns about the enforcement of BSE-related measures in FSIS-inspected facilities. These concerns were spelled out in a letter from Charles S. Painter, Chairman of the National Joint Council of Food Inspection Locals, to Mr. William Smith, Assistant Administrator for Field Operations, dated December 8, 2004. Mr. Painter's letter requested a response by December 17, yet he has not received a response.

Mr. Painter's letter presented concerns about the removal of specified risk materials (SRMs) from cattle and FSIS inspectors' ability to enforce the export requirements for products destined for export. Specifically, the letter states that members of the union have reported:

1. Plant employees are not correctly identifying and marking all heads and carcasses of animals over 30 months old. Therefore, plant employees and government personnel further down the line are unaware that numerous parts should be removed as SRMs and these high risk materials are entering the food supply.
2. [O]n line Inspectors are not authorized to take actions when they see plant employees sending products that do not meet export requirements past the point on the line where they can be identified and removed.

These reports from government inspectors, whose job it is to prevent unsafe meat from entering the human food supply, are extremely disturbing. Because so many of the food safety regulations on BSE hinge on the age of 30 months, any incorrect determination of age weakens the effectiveness of these measures, which directly affects which nervous system materials are kept out of the human food supply. As Mr. Painter's letter noted, it is widely accepted that the removal of SRMs is a crucial public health protection against BSE. It is therefore unacceptable that the implementation and enforcement of the SRM rules be neglected, especially as we


continue to await the results of surveillance that could determine the prevalence of BSE in the U.S.

On the matter of meeting foreign export requirements, we are also very concerned that inspectors report having been “told not to intervene when they see that the export requirements of Mexico are not being met.” The adoption of “equivalence,” a policy which relies on foreign governments to enforce our meat inspection standards in foreign plants, has made the U.S. reliant on other countries to enforce our standards for meat bound for the U.S. market. It is foolish for us to expect other countries to enforce our standards, if USDA is willfully ignoring their standards when our plants are exporting to their markets. We also found it ironic that FSIS chose to reissue the Export Requirements for Mexico on December 15, 2004. Why did they not simultaneously respond to Mr. Painter’s letter, communicate directly with companies eligible to export meat products to Mexico, or reiterate to FSIS inspection personnel official USDA policy on this matter?

As we approach the one year anniversary of the discovery of a BSE-infected cow in Washington state, we feel it is imperative that the concerns raised by FSIS inspectors be addressed. If consumer confidence in the beef supply is to remain high, government inspectors in meat plants must be empowered to enforce regulations designed to keep high risk materials out of the food supply.

We urge you to immediately make the changes recommended in Mr. Painter’s letter – to instruct on-line inspectors to examine each head to ensure that plant personnel are correctly determining the age of cattle, and that written instructions are given to inspectors enabling them to take action regarding any violation of export requirements. In addition, all firms handling beef products should receive written notification of the official FSIS positions on these issues. We would also urge that these issues be adequately addressed in inspector training that the agency conducts.

Sincerely,



Wenonah Hauter
Director
Public Citizen’s Food Program

attachment: Letter from Mr. Painter, Chairman NJC

cc: Barbara Masters, Acting FSIS Administrator
William Smith, Assistant Administrator for Field Operations