

# Community Nutrition Institute • Government Accountability Project Public Citizen

October 31, 2002

Secretary Ann Veneman  
United States Department of Agriculture  
Room 200-A, Whitten Building  
12<sup>th</sup> Street and Jefferson Drive, SW  
Washington, DC 20250

Dear Secretary Veneman:

We are writing to you concerning the enclosed field instructions that were recently sent to Food Safety and Inspection staff assigned in a Kansas meat processing plant regarding permissible levels of contamination on meat. In light of the number of recalls that have been instituted this year, we are astounded that the United States Department of Agriculture has modified its “zero tolerance” policy on fecal material or ingesta appearing on meat products. It also sheds light on the USDA’s move toward interventions, such as irradiation, to plug the holes in a deregulated inspection regime.

We understand that all meat inspectors assigned to plants in Kansas are under the same instructions. This is significant since Kansas accounts for roughly 20% of red meat produced in the nation.

The Food Safety and Inspection Service (FSIS) claims that it is a public health agency whose mission is to protect the health and welfare of the public. This directive puts a strait jacket on inspectors and clearly transforms FSIS’ mission from that of protecting public health to protecting the economic health of the meat industry.

Specifically, we point to the following instructions made to inspectors in these field instructions:

## General Information and Conduct

- 1) Stopping production for “possible” cross contamination from split saws and trachea removal is unjustifiable unless you can verify that there is direct product contamination. Verification is OBSERVATION of gross contaminate not SUSPECTED contaminate. This is the only criteria for justifying halting production. (page 2)
- 2) You may be accountable for the time the company lost production if that lost production is not verifiable and the action not justifiable. (page 2)

## Rail Inspection

- 3) EVERY CARCASS must be looked at thoroughly. You cannot have your attention diverted by talking, spending too much time with individual trims...or washing your hands. (page 3)
- 4) There is ZERO TOLERANCE of contamination from ingesta, feces and milk on the carcass at presentation at the final rail. We will allow the company a chance to trim it off the moving line unless it is so excessive, that it must be corrected with the line stopped. You are responsible for the time the line is off. Turning off the line must be justifiable and verifiable if we are to support your action. Remember, YOU are accountable for this very serious responsibility of stopping the company's production for the benefit of food safety. Be sure that supervisors can support your decision. Identifiable and verifiable ingesta or feces is as follows: a material of yellow, green, brown or dark color that has a fibrous nature. (page 4)
- 5) You don't have to decide what the unidentified material is, where it came from, or remedy for correction. That is outside the scope of your work. (page 4)

## Viscera Table

- 6) Contamination with small amounts of ingesta on the paunch and small intestine which are salvaged by the company to be further processed to become edible does not always require condemnation. (page 5 – contradicts point 4)
- 7) When an inspector upstream from you has made that determination and turned that pluck and did not stamp it, that inspector's (sic) judgment should not be overridden and you should NOT STAMP OUT HIS PRODUCT!!! That should be the rule: INSPECT YOUR OWN PRODUCT. Stay within (sic) your own scope of work. (page 5)

It is clear what the message is here. Keeping the production lines moving is paramount, even at the expense of food safety.

But FSIS policy on allowing fecal contamination in federally inspected plants does not stop with meat production. We call your attention to the following exchange among Dr. Kenneth Petersen, Assistant Deputy Administrator for Field Operations at FSIS, Philip Derfler, Deputy Administrator for FSIS's Office of Policy, Program Development and Evaluation and Carol Tucker Foreman of the Consumer Federation of America that took place on June 5, 2002 at the last meeting of the National Advisory Committee on Meat and Poultry Inspection. This exchange describes current USDA policy on poultry inspection:

MS. FOREMAN: In traditional inspection, an inspector looks at the inside of the bird and quite frequently fecal contamination is on the inside of the bird because that's

what happens when it -- you puncture the gut. So, nobody's looking at the inside of these birds unless there's something on the outside?

DR. PETERSEN: In a traditional system, they are looking farther upstream, and so birds have not been pre-sorted, if you will, but even if they see birds with fecal contamination inside in a traditional system, if a plant has an on-line antimicrobial, they leave that bird on the line.

MS. FOREMAN: But they know that it's there? So, they know --

DR. PETERSEN: It does not affect their decision.

MS. FOREMAN: Right.

DR. PETERSEN: If they --

MS. FOREMAN: I've watched a traditional line. I've watched an inspector tilt that bird and look at the inside of it and tell the plant employee to take it off.

DR. PETERSEN: They are looking in that instance not for fecal contamination but for some other process which we are -- for example, airsacculitis.

MS. FOREMAN: You're telling me that an inspector who looks and sees fecal contamination in a bird in a traditional system is not obligated to tell the plant employee to take it off the line?

DR. PETERSEN: If the plant has an on-line antimicrobial, no, they are not. That is the subject of a proposed rule that we have put out on on-line reprocessing.

MS. FOREMAN: A proposed rule? It's not a final rule? You're doing this without a final rule?

DR. PETERSEN: This is separate. The on-line is a separate issue.

MR. DERFLER: We've issued a waiver under --

MS. FOREMAN: You've issued a waiver.

MR. DERFLER: We've issued a waiver.

MS. FOREMAN: You've got a proposed rule that's not final, and you gotta a waiver, too?

MR. DERFLER: And our regulations provide for that. 9 CFR 303.1H provides exactly that.

MS. FOREMAN: So, we've got birds now out there that have fecal matter on the inside of the bird that the inspection force isn't required to remove because you waived the requirement?

DR. PETERSEN: But the best indicator of fecal material that we have is the generic E.coli results, and what we're seeing is those are going down. So, if we have a microbial indicator and on-line antimicrobials subject to this proposed rule, it was working on it.

MR. DERFLER: And the plants are meeting a performance standard before the chiller with respect --

MS. FOREMAN: I thought we were talking about a traditional plant here.

DR. PETERSEN: Yes.

MS. FOREMAN: Because Ken's saying that they're not looking for fecal on the inside of the carcass in the traditional inspection system.

MR. DERFLER: Use on-line reprocessing. To use on-line reprocessing, you have to meet certain standards before the chiller.

MS. FOREMAN: And that's in the traditional system and that's in place now as a waiver to the old rules?

MR. DERFLER: Any plant that has a waiver.

MS. FOREMAN: Any plant that has a waiver. Okay.

The point of this exchange is if a poultry plant has some sort of intervention, it will not be subject to normal inspection procedures and fecal contamination will be permitted. You can view this transcript, beginning on page 180, online at <http://www.fsis.usda.gov/OPPDE/nacmpi/Jun2002/Transcripts/NACMPI060502.pd>.

It is no wonder to us that the USDA is interested in requiring interventions, such as irradiation, for the National School Lunch Program because you have so weakened the authority of inspectors that the only way USDA can guarantee the safety of meat and poultry products is through sterilization of the contaminants.

We believe that this is unconscionable. Instead of investing in a strengthened inspection system, USDA is continuing to weaken it and is looking toward "silver bullets" that may be as harmful to consumers as the problems they are designed to cure. USDA has recently published proposed guidance to industry on how to deal with E. coli 0157:H7. Nothing in

that material addresses the fundamental problem: what USDA is going to do to reassert its regulatory authority over the industry.

Consequently, we strongly urge that you take the following actions:

- Recall as null and void the field instructions on performance criteria directing consumer safety inspectors and other inspection personnel to allow fecal contamination on beef carcasses;
- Issue instructions to all field staff directing that the zero tolerance rule for fecal contamination must be applied under any and all circumstances;
- Cancel all procedural rules intended to allow fecal contamination on poultry carcasses;
- Establish a management review committee with a mandate to review all field instructions to improve consistency in directives and to remove instructions that have the potential to increase the risk to health;
- Maintain the current prohibition on irradiation for commodities purchased for all of the nutrition programs which USDA administers because with a proper regulatory scheme, there will be minimal need for interventions.

We believe that these are minimal steps that you can take to restore public confidence in USDA's food safety and inspection system.

Sincerely,

Wenonah Hauter  
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Public Citizen's Critical Mass Energy and Environment Program

Rod Leonard  
Executive Director  
Community Nutrition Institute

Felicia Nestor  
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