UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ADVISORY COMMITTEE ON

MEAT AND POULTRY INSPECTION

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PROPOSED RULE

MODERNIZATION OF POULTRY SLAUGHTER INSPECTION

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March 21, 2012
1:30 p.m.

Room 327 A, Whitten Building
1400 Independence Avenue, S.W.
Washington, D.C. 20250

CHAIR: MR. ALFRED V. ALMANZA
Administrator
Food Safety and Inspection Service

MODERATOR: MR. KEITH PAYNE
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COMMITTEE MEMBERS:

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MR. BRIAN R. COVINGTON
MS. NANCY J. DONLEY
MS. VENERANDA GAPUD
DR. HEIDI KASSENBORG
MS. SARAH A. KLEIN
DR. SHELTON E. MURINDA
MR. ROBERT G. REINHARD
DR. JOHN D. TILDEN
MS. CAROL L. TUCKER-FOREMAN
DR. J. BYRON WILLIAMS
MR. LEONARD W. WINCHESTER

USDA:

DR. ELISABETH A. HAGEN
Under Secretary for Food Safety

FSIS:

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Deputy Administrator

MS. MARY PORRETTA
Program Analyst, Policy Issuances Division
Office of Policy and Program Development

DR. HANY SIDRAK
Office of Field Operations

MR. CHRIS ALVARES

ALSO PRESENT:

EMILY, Operator

I-N-D-E-X

P-R-O-C-E-E-D-I-N-G-S

(1:35 p.m.)

MR. PAYNE: Good afternoon, everyone, and welcome to today's National Advisory Committee on Meat and Poultry Inspection meeting.

My name is Keith Payne, and I will be moderating today's session.

First, we will take a roll call of the Committee members. I will call out the names, and please answer if you're on the line or in the room.

Ms. Patricia Buck.

Mr. Brian Covington.

Dr. Catherine Cutter.

Ms. Nancy Donley.

MS. DONLEY: I'm here.

MR. PAYNE: Dr. Chen Fur-Chi.

Ms. Veneranda Gapud.

Dr. Craig Henry.

Dr. Cheryl Jones.

Dr. Heidi Kassenborg.

Ms. Sarah Klein.

Dr. Shelton Murinda.

Dr. Edna Negron-Bravo.

Mr. Robert Reinhard.

MR. REINHARD: Present.

MR. PAYNE: Dr. Craig Shultz.

Mr. Stanley Stromberg.

Dr. John Tilden.

Ms. Carol Tucker-Foreman.

MS. TUCKER-FOREMAN: I'm here.

MR. PAYNE: Thank you.

Mr. Steven Warshawer.

Dr. Byron Williams.

Mr. Leonard Winchester.

And now for the ex officio members.

Mr. Stanley Painter with the NJC.

Dr. Danah Vetter.

Mr. Robert McKee.

Dr. Justin Rhee.

And our liaisons to federal agencies with the CDC, Dr. Art Liang.

FDA, Dr. Joshua Hayes.

Folks, we're going to wait for five minutes to make sure we have a forum.

MS. TUCKER-FOREMAN: This is Carol. Can you tell me -- I don't have -- okay. Now I've got the mic next to name. You've fixed it. Thank you.

MR. PAYNE: Okay. Thank you, Carol.

Emily --

OPERATOR: Yes.

MR. PAYNE: -- could you put us on mute until we call upon you?

OPERATOR: I sure can.

MR. PAYNE: Thank you.

OPERATOR: One moment.

MR. PAYNE: Thank you very much. Let us know when we're on mute.

OPERATOR: You're on mute now.

MR. PAYNE: Thank you.

(Off the record.)

(On the record.)

MR. PAYNE: Okay, folks. Let's do the roll call again. Okay. Going down through the line.

Ms. Patricia Buck.

Mr. Brian Covington.

Dr. Catherine Cutter.

Ms. Nancy Donley.

Dr. Chen Fur-Chi.

DR. CHEN: I'm here.

MR. PAYNE: Thank you.

DR. CHEN: Can you hear me?

MR. PAYNE: Yes. Thank you.

Ms. Veneranda Gapud.

Dr. Craig Henry.

Dr. Cheryl Jones.

Dr. Heidi Kassenborg.

Ms. Sarah Klein.

MS. KLEIN: Yes, I'm here.

MR. PAYNE: Dr. Shelton Murinda.

Dr. Edna Negron-Bravo.

Mr. Robert Reinhard. He was here before.

Dr. Craig Shultz.

Mr. Stanley Stromberg.

Dr. John Tilden.

Ms. Carol Tucker-Foreman.

MS. TUCKER-FOREMAN: Here.

MR. PAYNE: Thank you.

Mr. Steven Warshawer.

Dr. Byron Williams.

Mr. Leonard Winchester.

Mr. Covington, Brian Covington, are you on the line?

OPERATOR: If you are a Committee member and need to be unmuted, please dial *1.

Yes, Pat Buck just called me. She does need to be unmuted.

MR. COVINGTON: I'm here.

MR. PAYNE: Mr. Covington is here. Ms. Buck will be joining us once she's unmuted.

Catherine Cutter.

MS. BUCK: I'm here.

MR. PAYNE: I'm sorry. Who was that?

MS. BUCK: This is Patricia Buck.

MR. PAYNE: Thank you. Dr. Catherine Cutter.

Ms. Nancy Donley.

Dr. Chen Fur-Chi.

DR. CHEN: I'm here.

MR. PAYNE: Thank you.

Ms. Veneranda Gapud.

MS. GAPUD: I am here.

MR. PAYNE: Thank you. Dr. Craig Henry.

Dr. Cheryl Jones.

Dr. Heidi Kassenborg.

DR. KASSENBORG: I'm here.

MR. PAYNE: Thank you.

DR. KASSENBORG: Can you hear me?

MR. PAYNE: Yes, we can.

Ms. Sarah Klein.

MS. KLEIN: Here.

MR. PAYNE: Dr. Shelton Murinda.

Dr. Edna Negron-Bravo.

And, Mr. Robert Reinhard, you indicated you were here.

MR. REINHARD: I am here.

MR. PAYNE: Thank you. Dr. Craig Shultz.

Mr. Stanley Stromberg.

Dr. John Tilden, you show up in the list. Are you there?

OPERATOR: He does not appear to be connected by audio.

MR. PAYNE: I'm sorry. What was that?

OPERATOR: He does not appear to be connected by audio.

MR. PAYNE: Okay. Ms. Carol Tucker-Foreman, you responded you were here.

Mr. Steven Warshawer.

MS. DONLEY: This is Nancy Donley. Could you hear me?

MR. PAYNE: Yes, we can hear you, Ms. Donley.

MS. DONLEY: Thanks.

MR. PAYNE: Dr. Byron Williams.

Mr. Leonard Winchester.

MR. WINCHESTER: Yes. Can you hear me out there?

MR. PAYNE: Yes, Mr. Winchester, you are here. So I think we have enough for a quorum.

MR. DERFLER: We've got to get John Tilden.

MR. PAYNE: John Tilden, Dr. John Tilden.

OPERATOR: Dr. Tilden, if you are on the line, please dial *1.

DR. TILDEN: Can you hear me now?

MR. PAYNE: Dr. Tilden, yes. Thank you.

We have 11 for a quorum.

And ex officio members, Mr. Stanley Painter.

Dr. Danah Vetter.

Mr. Robert McKee.

Dr. Justin Rhee.

Liaisons, Dr. Art Liang.

FDA, Dr. Joshua Hayes.

MR. DERFLER: Why don't you go over the ones who you have as being present, and if anybody else is there, they should identify themselves.

MR. PAYNE: Okay. Just to go over the ones of the Committee who I have present, indicated present for the meeting, I'll go down through that list. Ms. Patricia Buck, Mr. Brian Covington, Ms. Nancy Donley, Dr. Chen Fur-Chi, Ms. Veneranda Gapud, Dr. Heidi Kassenborg, Ms. Sarah Klein, Mr. Robert Reinhard, Dr. John Tilden, Ms. Carol Tucker-Foreman, and Mr. Leonard Winchester.

If I did not call any other members, if you were not on that list, and you are present on the call, please state so and your name.

DR. MURINDA: Shelton Murinda.

MR. PAYNE: Dr. Murinda, thank you very much. Okay.

DR. MURINDA: Thank you.

MR. PAYNE: Now I'd like to welcome and introduce to you Under Secretary for Food Safety, Dr. Elisabeth Hagen.

DR. HAGEN: Thank you, Keith, and sorry about the technical difficulties to start the meeting, but we're certainly glad that you're here with us.

As you know, we are convened today to discuss the Modernization of Poultry Slaughter Inspection Proposed Rule that the Agency put out in January. Yeah, January.

We think this is a really significant step forward for consumers, a really significant step forward for this Agency. Obviously we wouldn't have put it out if we didn't think that, but we're not here to convince you of the merits of the rule. We're here to discuss things and to get your input. We value the work of this Advisory Committee, and we

appreciate you coming together on such short notice. So we really want to dispense with a lot of introductory remarks and get onto the business at hand today. So I'm just going to leave it there.

Thank you for being with us today, and I really look forward to hearing the discussion.

MR. PAYNE: Okay. Thank you, Dr. Hagen.

And now just a few housekeeping details. The meeting will last approximately two hours.

The phone and voice over IP lines will be muted during the session to minimize background noise and to ensure that everyone can clearly hear those who are speaking for the record.

This meeting is being recorded for an official transcript. The transcript will be posted on the FSIS website in the next 48 hours. There will be an audio file posted as well. The PowerPoint presentation is also on our website.

This meeting is an open forum for discussion and comments made by the NACMPI members. Committee members, when you speak, please state your name first for the record. So that everyone on the

Committee has an opportunity to speak, please hold your comment to no more than two minutes, and I will probably give you some indication just so you can close up your comment so we can move on.

Committee members, when you also wish to speak, please select the Raised Hand Icon at the top of your screen to put yourself in the question queue, and we will call on you to make your comment.

Also we will not be holding a public comment session for this meeting upon the advice of our colleagues at the Department. USDA wants to ensure that Advisory Committee members get every opportunity to express their views and guidance. So we are devoting the entire meeting to them.

Public comments on this Committee meeting will continue to be accepted through the NACMPI webpage at NACMPI@fsis.usda.gov, or in writing to: NACMPI, USDA, FSIS, 1400 Independence Avenue, Southwest, Room 1180, South Building, Washington, D.C. 20250. All submissions must include docket number FSIS-2012-0016. Comments will be accepted through April 26, 2012. Comments on the proposed

rule itself should be submitted through the Federal eRulemaking Portal at www.regulations.gov or by mail to USDA, FSIS, OPPD, RIMD, Docket Clearance Unit, Patriots Plaza 3, Room 8-164, 355 E Street Southwest, Washington, D.C. 20024-3221.

All the comments that we receive both in today's proceedings and on the proposal will be considered by the Agency in developing a final rule in the poultry slaughter rulemaking.

And one more housekeeping note, if at any time you have technical difficulties with the webinar interface, please contact the AT&T Connect Participant Support at 1-888-796-6118. Again, that's 1-888-796-6118.

At this time, I would like to introduce the FSIS Administrator, Mr. Alfred V. Almanza, the Committee Chair.

MR. ALMANZA: Thank you, Keith. Good afternoon to everyone.

I want to start out by saying that the Secretary and our Under Secretary Hagen and the Agency value the advice of this Committee.

The Modernization of Poultry Slaughter Inspection Proposed Rule is a very important rule, and a significant segue into the future of the Agency. We're not seeking consensus from this Committee, but we're interested in this Committee's input. Your comments and suggestions will not only inform the Agency's decision making on the final rule, but it may inspire comments by those listening and that may read the transcript of this meeting.

These comments will also likely be helpful and beneficial to the rulemaking process.

And now we'll have Ms. Mary Porretta, a Program Analyst in the Policy Issuance Division, within FSIS' Office of Policy and Program Development, give an overview of the Modernization of Poultry Slaughter Inspection Proposed Rule.

Ms. Porretta.

MS. PORRETTA: Okay. Great. Thank you, and good afternoon to everyone.

As was mentioned, I'm going to present an overview of the proposed rule and basically just highlight some of the main provisions that are in

the rule.

We can go to the next slide.

As all of you know, FSIS published our rule to modernize poultry slaughter inspection on January 27, 2012. We provided a 90-day comment period, and that is scheduled to close on April 26, 2012.

The purpose of the proposed rule is to improve food safety and the effectiveness of poultry slaughter inspection systems, to remove unnecessary regulatory obstacles to innovation and to make better use of the Agency's resources.

Next slide please.

There are basically two main parts to this proposed rule. The first part is a proposed new inspection system for young chickens and turkeys that replaces all existing inspection systems except for traditional. And then the second main part of the proposed rule are proposed changes that would apply to all establishments that slaughter poultry other than ratites.

I'm first going to discuss the new

inspection system, and then I'm going to go over the changes that were proposed for all poultry slaughter establishments.

Next slide.

We have four existing inspections, the Streamlined Inspection System, New Line Speed Inspection System, the New Turkey Inspection System and Traditional Inspection.

Under all four of these inspection systems, the plant personnel conduct no sorting activities. The FSIS inspectors check each carcass for defects and diseases, and they direct plant employees to take corrective actions.

Under these systems, our inspectors don't typically look for trim and processing defects on the line. The carcasses with defects that don't require condemnation, ones with bruises, scabs, are passed subject to trimming down the line by plant employees and then are re-inspected by FSIS under the Finished Product Standards.

FSIS inspectors identify and condemn carcasses with animal diseases, and plant employees

dispose of the condemned carcasses.

Most of these sorting activities don't enhance food safety because many defects, for example, scabs, sores or bruises, are related more to the marketability of the product.

Next slide.

So there are some limitations of this existing inspection system. Under these succinct systems, inspectors are required to spend more time conducting sorting activities for quality-related defects than verifying food safety-related process controls and effectiveness of HACCP system. The existing systems limit establishment incentive to improve their processing methods, and it also limits the line speeds.

Therefore, to address some of these limitations, one of the key elements of our proposed new inspection system is that the plant would be responsible for sorting. We would reduce the number of FSIS online inspectors to one. Establishment personnel would be responsible for sorting carcasses, disposing of carcasses that must be

condemned, and conducting any trim or reprocessing before they are presented to the FSIS carcass inspector. Establishments would be required to develop, implement, and maintain procedures to ensure that septicemic and toxemic carcasses do not enter the chiller. This is a requirement because carcasses with septicemic and toxemic conditions affect food safety, and they would need to incorporate these procedures into their HACCP system.

Another key element of the proposed new inspection system is that the FSIS online carcass inspector will conduct a carcass-by-carcass inspection before the carcasses enter the chiller. The carcass inspector would be authorized to stop the line to prevent contaminated carcasses from entering the chiller, and under the proposed system, the inspector-in-charge would be authorized to require that the establishment slow the line if the carcass inspector observes the presence of excessive food safety defects or other defects, poor presentation of carcasses or other indications that

there is a lack of process control.

Next slide please.

Another key element of the proposed new system is the offline verification inspector. Under the new system, an offline inspector will be assigned to each evisceration line. The verification inspector will conduct inspections and enforcement activities that are more important to food safety such as verifying compliance with HACCP and Sanitation SOP requirements, performing verification checks for septicemia and toxemia and visible fecal contamination, and verifying sanitary dressing requirements and also collecting samples.

Next slide.

Under the proposed new system, we would replace the Finished Product Standards with requirements that establishments maintain records to document that the products resulting from their slaughter operations comply with the definition of ready-to-cook poultry. The Finished Product Standards are criteria that apply to processed birds before and after chilling, and they address defects

that are really less important to food safety than such as sep/tox or a visible fecal contamination.

Under the existing regs, all poultry slaughter establishments are required to prepare all eviscerated carcasses as ready-to-cook poultry. Ready-to-cook poultry are any slaughtered poultry that have the head and feet removed and visible pin feathers and other materials removed from the carcass and which is suitable for cooking without the need for further processing.

Carcasses that contain a large number of trim and dressing defects or that contain a large number of removable animal diseases are not suitable for cooking without the need for further processing.

Next slide.

So under the proposed rule, establishments would have flexibility to choose how they would document that their products are ready-to-cook poultry. They could use statistical process control charts or documentation related to prerequisite programs or really any documentation that shows that their products are ready-to-cook poultry.

FSIS would verify that the plant is producing ready-to-cook poultry by observing for the presence of persistent, unattended removable animal disease and defects, and they would check establishment records. If there were a large number of these type of defects observed, the Agency would be authorized to require that the establishment slow the line speed to remedy the defects.

Next slide.

Another key element of the new poultry inspection system is that it would permit faster line speeds provided that the establishment maintain process control. Establishments would be permitted to operate at line speeds of up to 175 birds per minute per young chickens. Right now the maximum line speed under the existing system is 140 birds per minute, and that requires four online inspectors per line. And also under the new system, turkey establishments could have up to 55 birds per minute. Right now the maximum line speed is 51 birds per minute, and that requires two online inspectors.

Under the proposed system, the inspector-

in-charge would be authorized to slow or stop the line if the establishment does not maintain process control.

Okay. Next slide.

In addition to proposing the new inspection system, we are proposing some changes to the traditional inspection system. We're proposing to limit the number of online inspectors to two. However, existing plants other than young chickens and turkeys currently operating with more than two online inspectors may continue to do so.

Next slide.

Now I'm going to go over some of the changes that are going to apply to all poultry establishments, not just young chickens and turkeys.

In the preamble to the proposed rule, we stated that contamination with fecal material and enteric pathogens are hazards that are reasonably likely to occur. FSIS has a zero tolerance for visible fecal contamination, and under the existing regs, establishments are required to prevent poultry carcasses contaminated with visible fecal material

from entering the chiller.

The proposed regulations will make clear that establishments will need to develop, implement, and maintain written procedures to prevent carcasses contaminated with visible fecal material from entering the chiller, and establishments will be required to incorporate these procedures into their HACCP systems.

Next slide.

Another proposed change that would apply to all poultry establishments is that they would be required to develop, implement, and maintain written procedures to prevent contamination of carcasses and parts by enteric pathogens and fecal contamination throughout the entire slaughter and dressing process, and they would also be required to incorporate these procedures into their HACCP systems.

Next slide.

As part of the procedures to prevent carcass contamination, we are proposing to require that establishments, at a minimum, include sampling

and analysis of carcasses for microbial organisms at pre-and post-chill points in the process to monitor for process control.

Under the proposed rule, establishments would be responsible for determining which microbial organisms will best help them monitor the effectiveness of their process control procedures, and they would be responsible for developing and implementing their own microbiological sampling plans.

Next slide.

For the microbial testing, establishments could develop sampling plans to test for enteric pathogens such as *Salmonella* or *Campylobacter*, at pre-chill and post-chill, or they could test for an appropriate indicator organism. The plants would need to provide scientific or technical documentation to support the design of the sampling plan, and because we are requiring these new sampling requirements for monitoring process control, the proposed rule would rescind the existing regulations that require post-chill testing

for generic *E. coli*.

Next slide.

The proposed rule is also proposing to remove the prescriptive time and temperature requirements for chilling of poultry. We're proposing that establishments would be required to develop, implement, and maintain procedures that control the level and prevent the multiplication of spoilage organisms and pathogenic bacteria in the product after evisceration, and again they would incorporate these procedures into their HACCP systems.

And next slide.

And, finally, we're proposing to permit the use of online reprocessing of poultry carcasses and the use of antimicrobial agents in addition to chlorine for offline reprocessing. Establishments would incorporate reprocessing procedures into their HACCP systems, and establishments would be permitted to use any approved safe and suitable antimicrobial agents under the specific conditions for which they have been approved.

And that's basically an overview of the rule.

MR. DERFLER: This is Phil Derfler. Mr. Almanza stepped out of the room. So I guess it falls to me to run the Committee. So what we're going to do is -- what we want to do is open the meeting now up for discussion by the Advisory Committee of the proposed rule. We're really interested in your comments, your reaction to the rule. As Al said, we don't expect the Committee to reach consensus, but we do believe that if there's a robust discussion by the Committee, it will be helpful not only to the Agency but all interested persons who either are listening on the call now or who get to read the transcript.

So in order to be recognized, if you press the Raised Hand button, and then we'll see how that works, and we'll go from there. Al's back, so I'll turn it back to him.

MR. PAYNE: All right. Emily, this is Keith Payne. If you could show me who is the first in the queue with a raised hand.

OPERATOR: Sarah Klein.

MR. PAYNE: Ms. Klein.

MS. KLEIN: Hi, everyone. Can everyone hear me?

MR. ALMANZA: Yes, we can.

MS. KLEIN: Okay. Great. Well, I really appreciate the Agency convening this meeting. As you know, we specifically asked at our recent consumer meeting that NACMPI be consulted on this important and comprehensive overhaul to poultry inspection.

We maintain a concern that more time and discussion by this Committee is needed and perhaps an in-person meeting especially given the difficulties that we're having with communicating on this web portal, but I do appreciate opportunity.

On behalf of the consumer members of the Committee, I'd like to put forth a statement into the record.

While modernization of the poultry inspection system is sorely needed, and this program does contain certain key modernizing elements, such

as increased microbial testing that are laudable, the consumer groups strongly urge the Agency to implement this overhaul in stages.

Currently the plan proposed major changes to the poultry inspection system but lacks information about several key areas.

Our recommendation for implementing specifically calls for the development of a mandatory standardized pre- and post-chill sampling program to test for *Salmonella* and *Campylobacter*. That program should be fully operational before any other changes are implemented so that the baseline dataset that it generates can inform future decision making. The protocol must be comparable as being planned.

The general framework that the Agency has laid out already in the proposed rule is too general to provide useful data going forward.

After implementation of this mandatory standardized sampling program, the Agency could then systemically add elements of the proposed new system. For example, company sorting, changes in

line speeds, et cetera, and have a metric to measure how each of these incremental changes impacts the rates of contamination. A well-designed sampling program should, for example, be able to generate fairly immediate responsive data about optimal operating and line speeds without having a negative effect on contamination, for example.

The microbiological testing data should serve as a feedback loop to inform additional programmatic changes as we move forward and will serve as an ongoing evaluation tool for the success of the program.

The key element of a mandatory testing program would include, of course, as I said, testing for *Salmonella* and *Campylobacter* as a requirement, a testing frequency that is at or above the Agency estimates in the proposed rule of 15 per location per day. That's found on page 4451 of the *Federal Register* Notice in the Information Collection Section.

I also would like to put forth a question to the Agency of where the Agency generated that

estimate and ask the Agency to provide the Committee with information about where that estimate can be found elsewhere. I didn't see it anywhere else in the document, but it's important to know where the Agency is getting that thinking from, that they're estimating 15 pre- and 15 post-chill samples at large establishments.

I'd like to invite the rest of the NACMPI Committee members that are present to comment on the consumer group's proposal or to indicate whether they're supportive, and I'd like to put forth this recommendation as one from the consumer members of the Committee but, of course, open to recommendation from the full Committee to the Agency.

I think it's important that we act in our advisory role to the Agency, as they move forward on this important and comprehensive overhaul. I want to make sure that the Agency has adequate time to deliberate these issues and advise the Committee thoughtfully, and so I invite other members of the Committee to weigh in on this particular proposal and on whether we would like to make this as a

recommendation of the full Committee going forward.

Thank you.

MR. PAYNE: Thank you, Ms. Klein.

Emily, who is next in the queue?

OPERATOR: Patricia Buck.

MR. PAYNE: Ms. Buck.

MS. BUCK: Yes. Can you hear me?

MR. PAYNE: Yes.

MS. BUCK: Thank you. I'm with CFI, and as one of the consumer groups, I think that what is being proposed is a huge change, and as such, we are going to have to have more substantiation to estimate the impact. I believe that is one of the key things that needs to happen because we have got to find out whether or not the public health benefits are going to be worth the cuts that are being proposed.

For example, Sarah Klein just talked about having a test for *Campylobacter*. I think that is a very important feature. *Campylobacter* in a recent New Zealand study was shown to have decreased by 13 percent in their cases of Guillain-Barre Syndrome,

and Guillain-Barre is a very, very serious long-term effect from a *Campylobacter* infection.

So I would like to see the Agency do some more studying, in particular with the impact of long-term health outcomes and how they could be having an effect on the estimated cost benefits that were proposed in this proposal.

I also think that when we talk about sampling, Barbara Kowalcyk who is not a member of the Committee has had this to say. The Agency needs to provide us with a reason as Sarah just indicated. Why do we need this prevalence? Why was this size of sample picked? And once you provide that, what was the power, the confidence level associated with that sample, and then what was the assumptions that were made. And, finally, are there other factors that should be considered such as the exact spot where you deem the sampling?

These types of things can be provided in your proposal, and we strongly recommend that you do so.

In closing on my remarks, I would say that

the consumer groups have already written a letter asking for the extension of the comment period because given the amount of information that is needed to be reviewed in studying the modernization of poultry, I think not only the consumer groups but the NACMPI members who would like to make a comment would need more time.

I thank you very much for allowing me to make these comments.

MR. PAYNE: Thank you, Ms. Buck.

Emily, next in the queue.

OPERATOR: Leonard Winchester.

MR. PAYNE: Mr. Winchester.

MR. WINCHESTER: Yes. I had a question regarding the slide presentation. The 175 birds per minute processing time can be the maximum, but I've been trying to read and have been hearing from other people comments that waivers are granted and get those up to 200 or 220. Is that actually in the -- is that something that's actually being moved forward with, or is it really holding it to 175? Because I think it's a question about how fast birds

are going by, and if waivers are automatically being granted in the initial 20-plus plants that were out there, I had a question about that.

MR. ALMANZA: It is.

MR. WINCHESTER: Are waivers being granted to go beyond this 175, or is it just not really --

MR. ALMANZA: No, waivers are not being granted to go above 175.

MR. WINCHESTER: Okay.

MR. PAYNE: Thank you, Mr. Winchester. Is that it?

MR. WINCHESTER: I had one other thing, too. I was just wondering, are there any identified positive working staff or plants that you can share experience of lessons learned during the last number of years that this has been in place in those limited facilities, because I think that would be a point of saying, yeah, we've done the testing, we found the results, and this is where we are, but are we getting any feedback positively from the actual inspection staff saying, yeah, this works, so they can go and say to others or other plants saying,

yeah, well, we've been doing this here for X number of years or time, and these are the positive outcomes or whatever seen really happening versus just the comments we're hearing from people who are outside saying, well, we don't know this is going to work because you're changing so much so rapidly, but it's already working in some places. I just wondered if there's anything positive out there from the field staff that you can bring forward. Thanks.

MR. ALMANZA: Go ahead.

MR. DERFLER: This is Phil Derfler. In response to the last question, I mean we would point out that in the record of the rulemaking, we've included a report that reflects our experience under the HACCP Implementation Models Project, and in there, there is data and data analysis of the results of 10 years of experience or at least the 5 years of experience under this project in which we piloted a lot of the stuff that's reflected, not entirely, but a lot of the stuff that's reflected in the proposed rule.

So I would suggest that the information

that you're looking for is available in the record of the rulemaking.

MR. WINCHESTER: Okay. Just coming back on that -- this is Leonard Winchester again -- I see a lot of the stuff in there, but I was actually wondering if there was any specific, you know, inspector kind of reporting back that you can get or provide or are not willing to share that. I guess I'm looking for at it from the perspective of if you have workers, you know, from FSIS who are actually saying, yeah, this does work and, you know, don't be afraid of this kind of thing because that's what we -- change is really hard for anyone, you know, moving from one process to a new process, and unless you have some positive support behind it, other than just numbers, I just feel that that would be helpful in some way. So thank you.

MR. ALMANZA: This is Al Almanza, and I'll say this. In my travels around to the HIMP plants, I have, I've gotten a lot of positive feedback as to the responsibilities that the inspectors have. They're more focused on food safety. They're more

focused on public health activities, the ability to write NRs and to focus on the bigger picture.

So I mean I'm not going to speak for everyone, but I can tell you in my personal experience in my travels, that that is what I have encountered.

MR. WINCHESTER: Okay. Thank you.

MR. PAYNE: Thank you, Mr. Winchester.

Emily, next in our queue?

OPERATOR: Byron Williams, and I am unmuting you now.

MR. PAYNE: Dr. Williams.

DR. WILLIAMS: Hi, Keith. Thank you. A couple of comments that I'd like to share. I've heard both pros and cons from the industry constituents. One thing of concern is the lack of specificity concerning action taken when specific violations occur, and I know that it states that it's according to what you state in the HACCP plan, and secondly would like to reiterate that most constituents feel very strongly about the phase in, if the rule goes forward, to certainly allow a

phase-in period of some type because of some of the major changes that may have to be made.

Another concern is the amount of space that is required for changing around of the inspection stations and so forth at the end of the lines immediately pre- and post-chill for the stations there. Those were some of the comments.

And also in reading through, it seems that there are some inconsistencies, at least with the way I read it, in the option of continuing with traditional inspection versus being forced into the new modified version for young chicken and turkey. Initially I interpret it to mean that it would be an option for the inspection, but then later in the data and the information, it seemed as if it was more of a mandatory, and that's all. I appreciate the time.

MR. PAYNE: Thank you, Dr. Williams.

MS. GAPUD: Keith.

MR. PAYNE: Yes. Who's next?

MS. GAPUD: Yeah, I just want to know how I can -- which one should I press in order to be able

to speak?

MR. PAYNE: Yes, press the Hand Icon.

MS. GAPUD: Yeah.

MR. PAYNE: And you should come up Raised Hand Icon in the upper left corner and your name will come up in the queue.

MS. GAPUD: Yes, I did that many times, but it won't.

MR. PAYNE: Okay. Emily, do you show Dr. --

MS. GAPUD: Veneranda Gapud.

OPERATOR: I am not showing you with a raised hand, but I will put you as next in the queue.

MR. PAYNE: Thank you.

MS. GAPUD: I want to make some comments.

MR. PAYNE: Okay. Thank you.

MS. GAPUD: Thank you, Emily.

OPERATOR: You're welcome.

MR. PAYNE: Okay. Next is Ms. Gapud.

MS. GAPUD: Okay. Thank you so much. As part of the poultry industry, in my opinion, the

proposed modernization inspection rule is a long time overdue.

MR. PAYNE: I'm sorry, Ms. Gapud. Could you -- we're having difficulty hearing you. It seems like there's a distance between you and the speaker. If you could speak closer to the microphone.

MS. GAPUD: Okay. Yes, it's very hard to --

MR. PAYNE: Okay.

MS. GAPUD: This is Veneranda Gapud. As part of the poultry industry, in my opinion, the proposed modernization inspection is good overall and also it's long time overdue. We all know that the existing poultry inspection system was defined prior to the establishment of the HACCP regulations. I know lots of things have changed, and I know it will cost the establishments money in order to meet the requirements of the USDA, but I think given the industry, the ownership of their operations and process, I think that it's very encouraging, that will encourage innovation, and also I think here it

is very clear that the USDA FSIS has now recognized the tremendous efforts and investments that the poultry industry has made in reducing the naturally occurring pathogens in poultry. By giving us the ownership of our operations and process, I think that is commendable.

As you know, industry works so hard and we succeeded in even exceeding the performance standards that the FSIS has put out there, but the thing that we are quite concerned, Keith, and I have a meeting today with some members of my people in the slaughtering plants, one of the main concerns that we have is the lack of baseline on the post-chill side. We need the USDA FSIS to define that better for us.

Another thing that I want to mention is that I can see here in this proposal, of course, we will do everything we can in order to prevent any contamination before the carcass enters the chiller, but even we can say that there's no visible fecal contamination in a particular carcass, there's no absolute assurance that there won't be *Salmonella*

and *Campylobacter* in the carcass when it enters the chiller, and that is reality, and we have to consider, too, that the chiller as it -- is also a way of intervention. It's part of intervention.

In some establishments, I know some people have a post-chiller, but some like us, we do have a post-chiller which also helps in reducing the amount of pathogens.

So I think the Agency should clarify or define better the baseline especially in the post-chill side. We need that in order for us to supply our consumers with wholesome and safe product, but overall the modernization inspection I think in my opinion is great. Thank you.

MR. PAYNE: Thank you, Ms. Gapud.

Emily, next in the queue.

OPERATOR: Sarah Klein.

MR. PAYNE: Ms. Klein.

MS. KLEIN: Hi, everyone. I wanted to respond specifically to the question that was raised about whether the Agency can provide positive data to demonstrate the future success that's being

predicted.

I wanted to note that consumer groups are very uncomfortable that the Agency is relying so heavily on HIMP data as a way to demonstrate what they believe to be is the projected success of this new program. I'm looking specifically at Table 6 in the *Federal Register* Notice, and noting that even with the HIMP data, which, of course, the HIMP plants were a pilot program closely watched, all of the data was recorded. That's not what we're going to be having under this new system, but even under the HIMP plants, the data does not show a definitive success rate. In fact, in 2009 and 2010, the non-HIMP comparison broiler establishments had lower rates of *Salmonella* and *Campylobacter* than did the HIMP broiler establishments.

So I'm concerned that the Agency is relying so heavily on that data which to us is simply not convincing.

I think if we're going to do a national program, we need greater assurance of uniform behavior and of data collection that can show that

there are standards and that plants are meeting them. I think that the idea of letting each establishment define their own testing and sampling programs with only the *Salmonella* and *Campylobacter* performance standards as the tool, the Agency tool, is something that the consumer groups are increasingly uncomfortable with. Thank you.

MR. PAYNE: Thank you, Ms. Klein.

Emily, next in our queue.

OPERATOR: Nancy Donley.

MR. PAYNE: Ms. Donley.

MS. DONLEY: Thanks. Hello, everybody. I would like to ask FSIS to explain its rationale behind the increased line speeds and how is that going to relate to increased food safety. We have a real problem with *Salmonella and Campylobacter* in poultry products under current line speeds, and I'm curious as to how you think increased line speeds are going to lead to increased food safety.

MR. DERFLER: This is Phil Derfler. You know, this purpose of this call is really not for the Agency to respond to questions. I think the

questions are important for the Agency to consider them or address them in the comments.

I think, you know, what we've talked about in the proposed rule is that, based on the experience that we've had with HIMP, based on the risk assessment, based on other things we've seen, that we've outlined in the record, we think that the record shows that by taking our people off the line and moving them back on the line, that we're able to increase the -- there's no reason that the line speeds can't increase and yet still maintain safety, but I think really what you need to do is you need to look at the record, you need to look at the information that we put in the record and then make your comments on the basis of that.

MS. DONLEY: Okay. I would like to just add though, so that when we meet in person and we go off into our subcommittees, there is always FSIS personnel there, to your point of answering questions. So I don't see why in this forum that we can't have the same sort of, you know, back and forth communication particularly to clarify points.

That's just my input.

MR. DERFLER: Okay. Thank you.

MR. PAYNE: Thank you, Ms. Donley.

Emily, next in the queue.

OPERATOR: I am showing no further questions or comments.

Patricia Buck has raised her hand.

MR. PAYNE: Ms. Buck.

MS. BUCK: Yes, thank you again. In reading the rule, and again as I said earlier, this is such a major change in the rule, that I think we need more time to thoroughly evaluate it, but in the rule, you talk about the need to have trainers for the pre-sorters, and yet I saw no indication in the rule where that training was going to be mandatory, and I think it's very important if we're going to rely on an employee to pre-sort for the carcass inspector who is on the line, that training becomes an integral part of your proposal unless I misread the rule. I don't know if I did.

The other thing that I would draw some attention to, and it keeps coming back to how are we

going to use this testing? Right now you have verification testing with the *Salmonella* verification testing program, and you have the baseline data that you use, and you also have the *E. coli* testing with sanitation.

I have no problem with having an expansion of the testing program. However, I would like to very much see the reasoning why you selected two points for testing as opposed to three points. I know three points at one time had been discussed by the Agency, and it was discounted because there was not a cost benefit that evidently that was associated with it, and again it comes back to when you make those cost-of-burden estimates, do you include the long-term health outcomes because those outcomes really are substantial? They can be from arthritis to Guillain-Barre, to neurological problems to kidney dysfunction, and I think we really need to start incorporating them into our plans as we move forward. Thank you.

MR. PAYNE: Thank you, Ms. Buck.

Emily, next in the queue.

OPERATOR: John Tilden.

MR. PAYNE: Dr. Tilden.

DR. TILDEN: Yeah, Keith, can you hear me?

MR. PAYNE: Yes.

DR. TILDEN: Okay. So first off, I just wanted to say I appreciate the general direction that FSIS continues to have where they are using data-driven decision making and moving towards focusing on microbial safety. So I appreciate the general direction and the commitment that FSIS continues to make.

That said, there are an awful lot of changes going on at once in this proposed rule, and I can see that there's going to be potentially some challenges in implementing it consistently across a wide range of different kinds of facilities. I can see that the HACCP Implementation Models Projects is one good source of data. I'm not convinced that you can generalize that data across the board, and some of your folks that should be most effective allies in moving forward, raising questions, at least there's a risk communication issue here that I think

the Agency would be wise to address.

For example, it is a little bit counterintuitive to say that increasing line speeds is going to reduce microbiological loads, and it also had to say, when you've got 145 birds per minute going in front of you, to say that that isn't going to impact the sensitivity of the systems to detect fecal contamination and keep it from getting into the chiller.

And I think it is a challenge for folks to go through the sheer volume of information that's out there and get to the bottom line and feel comfortable that they have good answers to that.

That being said, I think we support the general move away from bird-by-bird, looking at visible characteristics and moving towards microbiological safety and using those as indicators.

I do have a little bit of a concern about leaving too much flexibility in the determination of microbiological monitoring. As everyone probably on this call knows, there's a lot of variations on

indicator species and what's the appropriate organisms to test for, and I think that the devil's going to be in the details in making sure we end up having consistent and comparable information so that we can assess a year or two from now what we learned and which parts of the implementation process had been going well and where adjustments are needed.

Thanks.

MR. PAYNE: Thank you, Dr. Tilden.

Mr. Derfler.

MR. DERFLER: So this is Phil Derfler. Let me just address one thing that Dr. Tilden just said. We're not saying that increased line speeds are going to lead to less microbiological contamination. What we're saying is that there are changes that we can make in how we do inspection, and ultimately the ultimate effect of those are both increased line speeds but also better microbiological control and safer product. So it's sort of a combination in the whole system. So I just want to clarify that point.

DR. TILDEN: Yeah, this is John Tilden again. And, Phil, I really appreciate that, and I

do think just knowing from other regulatory program experiences that when you're changing a lot of things at the same time, it's essential to have the data so that you can evaluate each component part and make sure that what makes intuitive sense or what you would think would be the effect, really does have that effect, especially in a wide range of different contexts.

MR. PAYNE: Thank you, Dr. Tilden again.

Emily, next in the queue.

OPERATOR: Carol Tucker-Foreman.

MR. PAYNE: Ms. Tucker-Foreman.

MS. TUCKER-FOREMAN: Thank you. This is Carol Tucker-Foreman with Consumer Federation of America. First off, I want to associate myself with the comments made by Sarah Klein and Pat Buck and Nancy Donley. Sarah made it clear at the beginning that comments she made were ones that reflected the views of all the consumer members, and we would welcome support from others on the Committee who are concerned about the lack of information in some key areas and a lack of specificity.

I'd like to raise two other quick points. One is let's take a look back in history for just a minute. The Raw Poultry Products Inspection Act, Federal Meat Inspection Act, both require daily inspection at least of processing plants. As the poultry industry has grown over the years and demanded more and more and more personnel to do the visual inspection of the increased poultry being produced, the Agency has not been able to increase its staff to cover both those needs and to have an inspector visit every process plant and be in a processing plant, and it has gone to patrol inspections.

In the early 1970s, when we produced far less meat and poultry in this country, there were 9,500 inspectors. There are now I think around 7,200 inspectors.

There has been a problem with vacancies in the Agency, and there is a problem that many high-risk plants, particularly those making fresh ground beef and fresh poultry, are visited on a patrol basis. Somebody goes there once a day. Sometimes

because of the area they have to cover, they are there for a very limited period of time, and some of those plants have been involved in outbreaks.

If the Agency is really concerned with improving public health, then I think first you have to assure that there's no vacancies out there in processing inspectors, and second, you could reduce or eliminate the number of high risk plants that are visited on a patrol inspection basis, especially those that are producing a large amount of product every day, and I'd like to suggest that, and I am speaking for the consumer groups here, that rather than reducing the inspection force, FSIS should first assure you're covering those high risk ground beef, ground poultry plants with adequate personnel and they're not just having a quick look once a day because the inspector has to cover so many places. I think that's something that should be assured. It's not addressed in this rule, but we're supposed to advise the Agency on policy, and so you have our advice on this element of the policy.

The other thing is that I just have to say

that this kind of consultation with the Advisory Committee may meet the letter of the law, and consultation is required by the law, but it really is inadequate, and I think that the Agency has exposed itself to unnecessary criticism for conducting this kind of unsatisfactory consultation. There's no opportunity for the give and take that we have in a regular NACMPI meeting. There's no opportunity for the public to speak. I know they can file comments, but you missed something, and all of the people involved on the Committee missed something by not having an opportunity for the give and take that we usually have in a NACMPI meeting.

And what you all really lose is, at the end of NACMPI meetings, we always managed to come to some agreement on the issues that you ask us to comment on. So you're missing an opportunity to have the various interests represented on the Committee come together and come up with some creative compromises on some of the contentious issues here. You won't have that input, and that's very unfortunate.

And, again, I think that in your rush to judgment, you've lost an opportunity, and I've got to tell you, I think that it raises questions about the Agency's intentions when you try to steamroller something through the way you're doing this.

So thank you.

MR. PAYNE: Thank you, Ms. Tucker-Foreman.

Emily, next in the queue.

OPERATOR: Heidi Kassenborg.

MR. PAYNE: Dr. Kassenborg.

DR. KASSENBORG: Hello and good afternoon. I'd just like to support FSIS' move of visual inspection to more of a science-based approach. I think that having more inspection staff doesn't necessarily make it a better system. If the task that they're actually performing don't contribute to public health, and also as with everything, implementation will be key. So if we can adapt some of the findings that they found on the HIMP plants, I think that will be key, but not every facility will be set up to implement it to the same degree, and so I think that will need some close scrutiny,

and that concludes my comments.

MR. PAYNE: Thank you, Dr. Kassenborg.

Emily, next in our queue.

OPERATOR: Currently showing no one else in the queue.

DR. WILLIAMS: Keith, Byron Williams, Mississippi State University. I don't know if I'm being heard.

MR. PAYNE: Dr. Williams, yes, we can hear you.

DR. WILLIAMS: Okay. I clicked on the Raised Hand for the queue but didn't -- but a couple of additional comments I'd just like to make to the Agency.

There are very few or limited State-inspected poultry facilities, but just wanted to comment to the Agency about what the philosophy is or the intent for those plants that are under state inspection or other means of inspection, whether they will be allowed the opportunity to adapt this or maintain existing conditions as they go forward.

I, too, applaud the Agency for looking at a

more scientific base as the HACCP system has shown to put the emphasis on the plant for doing the routine types of things and more of the quality aspects, if you will, of poultry carcass sorting and so forth, to allow the Agency more time to focus on the food safety issues. That's it for now.

MR. PAYNE: Thank you, Dr. Williams.

Emily, next in the queue.

OPERATOR: I'm not showing anyone else in the queue.

MR. DERFLER: This is Phil Derfler. If I could just respond for a second to Mr. Williams' comment. I mean since this standard -- this is a proposed rule, and obviously we've got to see what the comments say, and we'll make a final decision on the way we go. If we were to adopt an inspection system like that outlined in the proposal, you know, the states have to have an equal to system. We'll have Traditional Inspection and we'll have the new system, which would give, it seems to me, the states a fair amount of latitude in deciding what they want to do in getting to have an equivalent system.

But going back to a point that was made before, or a question that was raised, just remember that some of this is going to be voluntary on the plant, where the plant gets to elect whether they want to have the new -- under the proposal, the plant, as Ms. Porretta pointed out, the plant gets to decide whether or not they want to go to the new inspection system or whether they want to operate under Traditional Inspection, but there will be certain things that all plants will have to comply with, and that's all laid out in the proposal.

MR. PAYNE: Emily, do we show anyone in the queue?

OPERATOR: Yes, several people. John Tilden.

MR. PAYNE: Dr. Tilden.

DR. TILDEN: Keith, I just wanted to second Byron's comment. I think that's getting at how do we implement this in small and very small plants, and I really appreciate the good work that FSIS has done in their outreach in general in peaking up that outreach, but I think, and this goes back to the

implementation issue, is most of the time when you're trying to help people make sound decisions, both from a food safety and from a business case, the more specific the data, the better, as everyone knows.

So I think it will be essential as you move forward with this to have the data for decision making so that as you implement this, FSIS is gathering enough comprehensive information across the board so that they can make to apples-to-apples comparisons and then the rest of the industry may not be the first in line to volunteer to implement these things, can learn from the experience of those that do. Thank you.

MR. PAYNE: Thank you, Dr. Tilden.

Next in our queue, Emily.

OPERATOR: Shelton Murinda.

MR. PAYNE: Dr. Murinda.

DR. MURINDA: Can you hear me?

MR. PAYNE: Yes.

DR. MURINDA: Thank you. Shelton Murinda, California Poly, Pomona.

I applaud the Agency for proposing this important and comprehensive overhaul and also trying to emphasize science-based approaches to food safety. I do have a few small comments.

Firstly, it is indicated the Agency requires rescinding testing for generic *E. coli*. Isn't this at variance with previous statements that indicated that we intend to use suitable indicators since generic *E. coli* has been the traditional indicators for fecal contamination in place of testing for specific pathogens like *Salmonella*, *Campylobacter* and Shiga toxin producing *E. coli* and *Listeria*?

In this regard, the current indicator would remain very vague if it is not defined, and we also need to define what will be the suitable indicators for the two major pathogens that are being proposed, that is *Campylobacter* and *Salmonella* species, if the generic *E. coli* are to be omitted.

That's the end of my comments.

MR. PAYNE: Thank you, Dr. Murinda.

Next in our queue, Emily.

OPERATOR: Patricia Buck.

MR. PAYNE: Ms. Buck.

MS. BUCK: Yes. I wanted to, number one, applaud Dr. Tilden for many of his comments. I thought they were very good, and I think you should certainly pay attention to them as well as to the consumer comments and others, of course.

One of the things that I have to keep coming back to is just what Dr. Tilden brought up again, and that is that we need to have specific data and some of the data that FSIS has used in their risk assessment, which is largely what they base this proposal on, does not really get to some of the issues that need to be investigated.

I would recommend to the Agency that they once again seek the outside assistance of a statistical person, either within or outside of the Agency, to find out exactly how they can create the type of system that will allow them to make the comparisons, that will allow them to make projections about the future, that will really give them the opportunity to compare the trends that are

forthcoming.

For example, one of the jobs that an inspector is supposed to do under the CCPs is to look for other infections, and those other infections are really important for us to be aware of and to track because they are the emerging ones, and yet we do not have a system in place with this proposal to really get to how we're going to collect that type of data.

So I encourage them, I am encouraged with some of the things in this proposal, but there are certain specific things that have not been named that have to be included. Allowing just any indicator pathogen to be used, I'm not for. I think we have to spell out the pathogen that you're going to use to build a system where you can actually compare the apples to apples.

I think the other thing we have to do is have mandatory training requirements in this proposal.

You know, Barbara Kowalcyk has told you many, many times that you can take the *Salmonella*

verification testing program and turn it around and make it into something that could be used to do the types of things you want to do, and I think you need to start investigating those options.

Thank you very much.

MR. PAYNE: Thank you, Ms. Buck.

Next in our queue, Emily.

OPERATOR: Jeff Walther.

MR. PAYNE: I'm sorry. Is that Walter?

OPERATOR: Walther.

MR. PAYNE: He's not on our Committee.

OPERATOR: Well, then, the next Committee member would be Carol Tucker-Foreman.

MR. PAYNE: Ms. Tucker-Foreman.

MS. TUCKER-FOREMAN: Yes. This is Carol Tucker-Foreman. Sorry, I hit my button on mute.

I did want to make a point that several people have commended the Agency for moving to a more science-based system here, and I did want to make the point that the consumer groups that have commented, particularly Sarah and Pat, have raised issues about the science in this proposal. We, too,

support science-based systems. We supported the HACCP system, and we continue to support it.

However, we've raised concerns about certain elements of the proposed science in this program, and I haven't heard anybody, since we seem to have some give and take time now, I haven't heard much comment on the specifics that Sarah Klein raised. Maybe we could have an exchange about that. Thank you.

MR. PAYNE: Thank you, Ms. Tucker-Foreman.

MR. ALMANZA: This is Al. I think we have a bit of time to do that right now, and I did want to, I wanted to go into answering a couple of questions that have kind of been left on the table.

Number one, this is planned to be a phased-in project. So it isn't going to be wide open to where everybody comes in right off the bat. It's going to be staged, so tiered in. We're looking at over a three-year period, so that we're looking at just letting in a few plants at a time per district so that we don't overwhelm the ability for us to staff the inspection positions in those plants

because we don't want to have a personnel type issue occur. So that's one.

The thing that I did want to talk about a little bit because the appearance that we're trying to expedite this process really isn't true. We normally give a 60-day comment period. We offered up a 90-day comment period to start out with, and so there's nothing about us trying to steamroll or trying to push anybody into doing anything in an expedited process, and we still have the letter from the consumer groups that has requested for us to extend the period, and we certainly are considering that.

The thing that is very, very relevant here is that we are looking at a more science-based approach. I can speak from personal experience that being in HIMP plants before, having been a district manager in a district that had HIMP plants, there are a number of issues that simply cannot be disputed in those types of plants, and even with the increased line speeds, the inspector's responsibility is still to look for abnormalities on

the line. That's basically what they're looking for when they're inspecting the poultry as it goes by them currently and in HIMP plants as well.

So, I don't know, Hany, did you want to speak to any of the other questions that were raised?

DR. SIDRAK: Not specific. This is Hany Sidrak with FSIS, Office of Field Operations. I just want to maybe make a comment regarding a point that was raised earlier about each carcass would receive inspection. That would be the case also under this proposed rule. So I wanted to make sure that this is, you know, a point that's clear.

As far as the science that supports the poultry slaughter rule, I think 10 years worth of data under HIMP, we went into analysis of that as Mr. Derfler mentioned, for the previous five years, and in some cases, two years, with certain parameters that supports along with what we've experienced in the plants as Mr. Almanza said, supports the proposed rule as a very viable option to modernize poultry inspection. I can get into

more --

MR. ALMANZA: That's fine. I just wanted to make sure that we kind of covered some of the issues that were left on the table, and then we can respond to some of the comments.

MR. PAYNE: Thank you, Dr. Sidrak.

Emily, any other questions or comments in the queue?

MS. GAPUD: Keith. Hello.

MR. PAYNE: Yes, Ms. Gapud.

MS. GAPUD: Again, Veneranda Gapud again with Fieldale Farms.

I want to make a comment regarding training, the importance of training, and I know that in the proposal, there's something in there, where they're talking about that the FSIS needs to develops guidance documents to assist establishments in the training of the sorters, but I just want to mention also, yes, that is great to help the establishments, but I think also the FSIS, they have to be sure that the inspectors are well trained in, you know, inspecting the products because even now

we do see some of these inspectors, sometimes we don't know what they're asking and sometimes it's not reasonable at all.

Okay. So I think the training for both the inspectors and the people in the plant is really vital to be successful in this modernization. Thank you.

MR. PAYNE: Thank you very much.

Emily, next in our queue.

OPERATOR: Sarah Klein.

MR. PAYNE: Ms. Klein.

MS. KLEIN: Hi. Thank you. I want to talk briefly about a couple of things that have just come up recently.

The first is that I feel like we're using, and I'm sorry, I feel like this would be easier if we were sitting around a table and to have more of a back and forth, but this is what it is. So I think that we can all stipulate that we all are in favor of a more science-based approach to inspection. I'm concerned that what's being set up here is a little bit of a -- some of us are in favor of science based

and some of us are not, and that's certainly not the case.

The question is what is the science that is underpinning the changes that are proposed.

Mr. Almanza just said that the Agency was already planning a tiered-in approach over three years, where the phases would be numbers of plants would be admitted at a time to begin the system.

The suggestion that I made at the outset of the meeting, the proposal put forth by the consumer groups, is also a phased-in approach, but instead of phasing in by the number of plants, you phase in by the substantive change that is being made. So you phase in first a microbial testing system that is standard and uniform and contains science-based data collection that can give us a baseline of *Salmonella* and *Campy* across all plants, comparable data.

Then you phase in, you know, tier two is you phase in your next major substantive change which could be the change in carcass sorting from an inspector, from a FSIS inspector to a plant employee.

Your third tier might be the change in line speed.

What this does is give you, the Agency and other stakeholders, the opportunity to see what change is having what effect on the baseline data that you collected so that, for example, we've talked a lot on this call today about line speeds and about how it has not been suggested, of course, that the line speed will have a positive impact on public health. Phil Derfler has been trying to tell us that he doesn't see a reason why it will have a negative impact on public health, and that's great except that we can't change line speeds on the basis of our belief that they won't have an impact on the data. We should instead have a way to measure whether the line speeds have had an impact on the rates of contamination.

So, for example, making other changes incrementally and then adding in gives you a real opportunity. It's just like testing for a food allergy. You remove all of the things from your diet and then you add them in one by one so that you

can see which is the one that causes the negative reaction.

So that is the idea that the consumer groups are putting forth, and it seems as if there were members of this Committee who were also supportive of many of these elements, the idea of standardized required testing for *Salmonella* and *Campylobacter*, for example, and for other specificity involved in that microbiological testing program. I don't know whether other members of the Committee are supportive of our phased-in approach idea, but I'd certainly be interested to hear. Thank you.

MR. PAYNE: Thank you, Ms. Klein.

Emily, next in our queue.

OPERATOR: John Tilden.

MR. PAYNE: Dr. Tilden.

DR. TILDEN: Yeah, Keith. So as I have been kind of trying to make this a little more interactive in my mind and with the new information that's been presented on this call, I do think that there's probably some agreement that we do need to

have some degree of standardization of microbial testing between FSIS plants so that there is some way of doing some comparability, and I have faith that the FSIS folks have looked at this in detail, and I have not been able to weigh into the specifics of it. I'm not as strong an advocate that you have to have exactly the same species for every one all across the board, but I do think you do need to have a group of folks that can look and say, here is the battery of tests that we are going to use across the board so that we have some degree of comparability of the data.

And I do think that knowing the folks on the call, that there is I think a broad agreement that there's a lot of value in the FSIS verification activities that are happening offline, and seeing more of that, that helps buttress the process controls that the industry is putting in place, and the advantages of the adjustments to industry process controls that are outlined in the rule, I think there's some strong things there.

My concern is if you do change them all at

once, it's going to be hard to tell. It will take a better designed implementation to do them all simultaneously than phased in, and I'm not saying you have to do them phased in, but I think it's critical that we have an assessment process built in, and I apologize to FSIS if you've already outlined that, and I just missed it in some of the documentation.

I also did want to revisit the bird-by-bird inspection. I mean I think everyone recognizes that this has cultural, it has political, it has food safety tentacles to it, and I think it's essential that if we are upping the line speeds, that we say what is it that we are really detecting at the higher line speeds? What is the sensitivity to detect what outcome? And then how frequently are we detecting that? And if we can't document what it is we're detecting and at what frequency and what the public health impact of that is, then I think that's important for us to be able to put that on the table and look at it objectively.

MR. PAYNE: Thank you, Dr. Tilden.

Emily, next in our queue.

OPERATOR: Patricia Buck.

MR. PAYNE: Ms. Buck.

MS. BUCK: Yes. I just wanted a quick response here to the things that Vene brought up brought up about the training. I very much agree with the idea that she proposed that everyone needs to have training if we're going to actually do this job effectively.

And I wanted to draw to the other NACMPI members' attention that FSIS actually has already demanded of other countries, such as Australia and New Zealand, when they've used employees to do certain tasks, that those countries had to verify that they certified that they had had a certain level of training for their products and for their processes, and I think if we're going to demand that of other countries, we should be demanding that at the very least, you know, for our domestic food as well. Thank you.

MR. PAYNE: Thank you, Ms. Buck, and we have Mr. Chris Alvares from FSIS to make a comment.

MR. ALVARES: Hi, this is Chris Alvares. There have been a couple of comments in the discussion about line speeds and the need to do analysis, and I just wanted to make sure that the Committee is aware and refers to, there is a report that -- it's not the risk assessment that supports the rule, but an additional report on HIMP where we did look at the effect of line speeds on *Salmonella* rates and other factors and did not see an effect at least within the line speeds that both the Traditional and the HIMP programs are operating at.

So I think we certainly would welcome comment on how we can further analyze that data and further kind of respond to line speed concerns, but I would recommend that the Committee take a look at that and look at some of the work that's been done in that particular area.

MR. PAYNE: Thank you, Mr. Alvarez.

Emily, next in our queue.

OPERATOR: Carol Tucker-Foreman.

MR. PAYNE: Ms. Tucker-Foreman.

MS. TUCKER-FOREMAN: Thank you. Chris,

have those reports, the studies you just talked about, been reviewed by peer reviewers outside FSIS and USDA?

MR. ALVARES: No, that has not been peer reviewed outside of FSIS.

MS. TUCKER-FOREMAN: Thank you.

MR. ALVARES: But it is posted and we certainly welcome comment at least from that perspective.

MS. TUCKER-FOREMAN: But the Agency has not ever asked qualified people to assess the mechanisms that you used to arrive at the data that you got to say this is a good way to go about getting the data that we have, and that you can't get that satisfactorily in the comment period. We have suggested a number of times that the Agency should submit a lot of their substudies for outside review, and I believe the GAO suggested that as well.

MR. DERFLER: This is Phil Derfler. I just would remind everybody that after the GAO did its review, the Hargis Committee did a review of the study and of the validity of the study and concluded

that the study that we were doing was a valid study and appropriate way to proceed, and the data that we're looking at grew out of that study. So I would just point that out for the record.

MS. TUCKER-FOREMAN: And who was it that reviewed it?

MR. DERFLER: It was Dr. Hargis and the committee from the -- there was a national -- I forget. It's in the record. I'm sorry, Carol. I don't --

MS. TUCKER-FOREMAN: And I remember it now. It was Mississippi State as I recall, and --

MR. DERFLER: I think he's actually from one of the Texas universities just to be honest.

MS. TUCKER-FOREMAN: Okay. And what year was that?

MR. DERFLER: I think it was done in 2002 or 2003.

MS. TUCKER-FOREMAN: And it hasn't been anything since, right?

MR. DERFLER: Well, you know, given the findings of that committee, there was no reason to

do any more. We continued to operate under the study, yes.

MS. TUCKER-FOREMAN: Well, there were a number of criticisms of the outside group report as well that were made but never accommodated by FSIS. So I'm trying to remember now, but it was, as I recall, the committee had very limited membership in terms of the expertise that it brought. I don't believe that there was a statistician among the members, just for example.

MR. DERFLER: I just wanted to point out, it's in the record.

MR. PAYNE: Okay. Thank you, Mr. Derfler. Thank you, Ms. Carol Tucker-Foreman.

And who is next in the queue?

OPERATOR: Nancy Donley.

MR. PAYNE: Ms. Donley.

MS. DONLEY: I have actually a question here. Now, we came forward, and I'll just state for the record, you know, I solely support the comments made by all of the other consumer organization representatives here. We've come up with some major

recommendations, and actually Sarah in her initial comments, about ways of going about this, that this basically needs to be done in a more systematized manner and not have all of these variables going in at one time so that you can't measure which variable is perhaps promoting the best good or the most harm.

That said, how are you taking these things that we are suggesting today? Are you going to be presenting them to the Secretary of Agriculture? What are you going to do with the results of this meeting? Because that's typically what you do after an Advisory Committee meeting, correct?

MR. DERFLER: This is Phil Derfler. We're going to get the transcript. We're going to post the transcript. We're going to make it available for public comment as well as, you know, people can hear this and make comments on what they're hearing at this meeting which would constitute the public comment portion of it.

And then we're going to consider everything we hear, that's in the transcript as well as all of the other comments that we receive in the

rulemaking, and use those in reaching a decision on how to proceed in the final rule.

Since there won't be any recommendation from the Committee, there will be nothing to take specifically from the Committee to the Secretary. However, obviously wherever we go in the rulemaking process will be reviewed by the Secretary.

MS. DONLEY: Do you have -- is there some way, you know, there have been some very specific proposals made here. I don't see any sort of a -- maybe we have some very specific things that we want to take to the Secretary. So I guess that would be raising those issues that have been raised in getting to see where the Committee is on there, if we have any consensus.

MR. DERFLER: I mean our plan is to take whatever we get from the Committee during the course of this meeting, plus the comments that we get during the course of this meeting and in public comments after this, evaluated and then put together a final document that we would take to the Secretary.

MS. DONLEY: Is that -- so you -- I'm confused because you don't wait for public comments when there is, yes, you have a proposed rule here. You don't incorporate public comments into Committee comments. I'm not saying this very well. Let me start over again.

If this had been a regular type of meeting where we were all sitting around, we had a day and a half to discuss this, we broke out in our groups and we came up with concrete ideas, that would go directly to the -- you would take that and send that to the Secretary. I do not understand why you are combining stuff that is coming from this Advisory Committee with public comments and then putting that together as a common thing, to combine those two inputs, if you will, to take to the Secretary. I'm just not understanding the process.

MR. DERFLER: This is Phil Derfler. What we're trying to do is we thought it would be valuable to hear from the Committee. We also think it would be valuable to get public comments on the deliberations of the Committee.

Our plan is to factor the results of the Committee's deliberation in our process of reaching a final rule. This is somewhat unique in that we're having this Committee meeting as part of the rulemaking process. That's not usually how the Advisory Committee works, and so that's why this process is somewhat different. We're going to look very closely at everything we get from this Committee, everything that we get in public comment on what we do, and we'll make determinations based on our review of the record that we develop.

MS. GAPUD: Hi, Keith.

MR. PAYNE: Thank you, Ms. Donley.

Next in our queue is Ms. Gapud.

MS. GAPUD: Yeah, Keith, I want to make another comment here. We are all consumers and, of course, the Agency and the industry, we want to do the right thing to protect the public, but the thing of it is, each of us are members of the supply chain, whether you are consumer, whether you are Agency or you are part of the industry. So each of us has responsibility when it comes to food safety.

What I can say here is that not only the industry, the -- or whatever, but I think we need to more when it comes to training and educating people on how to cook the food properly. We will do everything we can because, of course, who wants to have no food, okay. Who wants to have, you know, getting people sick. We don't want that.

Of course, there are some exceptions, too, okay. However, I think it is the responsibility of each member of the supply chain, and that includes the consumers, the end user of the products, the industry and the Agency, and if we work all together and educate everyone on how to cook the food properly, how to prepare the food properly, so that they can address food safety, I think we are all going to be good.

MR. PAYNE: Thank you, Ms. Gapud.

Anyone in the queue, Emily?

OPERATOR: Sarah Klein.

MR. PAYNE: Ms. Klein.

MS. KLEIN: Hi, this is Sarah Klein. I wanted to touch a little bit on what Nancy Donley

was just saying. I, too, am increasingly uncomfortable with the way that this particular NACMPI meeting is going. I mean we asked for the meeting. I'm pleased that the Agency has put something together on a short timeframe, but I didn't realize that the entire nature of the meeting, not just the location of the meeting -- you know, I knew that the location of the meeting or our phone meeting was going to be different.

I didn't realize that the entire nature of the meeting was going to be different, and by that I mean exactly what Nancy was trying to say, that this notion that somehow our comments, that they are individual comments by Committee members that are going to be folded into a larger record, analyzed by FSIS staff, and then kind of taken into account as the rulemaking process goes forward is very different than what we are used to as a Committee, which is that we can come to some sort of consensus on certain points even if we don't have general consensus on all things, even if we, you know -- but we usually come out with a document that says here

are the things that the Committee puts forth as advice, that's what's required by law, to the Agency, and that's not part of a new rule notice and comment. That is a separate advisory role that the Committee serves, and it is not a favor to the Committee members to have us fulfill that responsibility. That is the role of the Advisory Committee, and I don't think that we're being allowed to fulfill it.

And I hesitate to be this negative about it because usually I'm not, but I do really feel like this is not turning out to be the appropriate use of the Committee, and having us all submit individual comments into the Committee record is simply not what this Committee is supposed to be. We're supposed to be discussing these issues and coming up with Committee consensus points that are then presented to directly to the Secretary.

You know, I could have just made individual comments as my organization or in collaboration with the other consumer groups into the written record for consideration, but I'm supposed to get, you

know, two bites at this apple. I get a bite as a regular old consumer to make a comment into the record of the *Federal Register,* and I get an additional opportunity to comment directly to the Secretary as part of a National Advisory Committee, and those are not the same opportunity, and I don't think that they should be combined or conflated. Thanks.

MR. ALMANZA: Sarah, I just want to say that this is not normal because we are in the rulemaking process, and so granted, I mean you all requested this meeting, granted it's not the optimum circumstances, but we felt it necessary to include you all, and as Phil has explained what our process will be, because we are in the rulemaking process, this is, in fact, different.

MR. PAYNE: Thank you, Mr. Almanza. Thank you, Ms. Klein.

Any other comments in the queue, Emily?

OPERATOR: Carol Tucker-Foreman.

MR. PAYNE: Ms. Tucker-Foreman.

MS. TUCKER-FOREMAN: Thank you. The law

does require, the Poultry Products Inspection Act does require that the Agency consult with the Advisory Committee on major policy changes. I don't believe that that was done before the rule, the proposed rule was issued. So you're not really doing us a favor by holding this meeting. I think what you're doing is perhaps trying to correct something you left out previously. Thank you.

MR. PAYNE: Thank you, Ms. Tucker-Foreman.

Next, Emily, in our queue.

OPERATOR: No further comments or questions in the queue.

MR. ALMANZA: All right. Well, this is Al, and so I think we've now come to the time to close the meeting. I want to thank everybody for your comments. We value your input and your expert opinions, and thank you to those who took time to listen in today.

I also want to thank Sally Fernandez and Keith Payne and other members of the staff of the Office of Outreach, Employee Education and Training for putting this meeting together, and Mary Porretta

for her presentation today.

If you wish to comment on today's meeting, please e-mail your comments on this meeting to NACMPI@fsis.usda.gov or mail your comments to NACMPI, USDA, FSIS, 1400 Independence Avenue Southwest, Room 1180, South Building, Washington, D.C. 20250. All submissions must include docket number FSIS-2012-0016. Comments on the proposed rule itself should be submitted through the Federal eRulemaking Portal at www.regulations.gov or by mail to USDA, FSIS, OPPD, RIMD, Docket Clearance Unit, Patriots Plaza 3, Room 8-164, 355 E Street Southwest, Washington, D.C. 20024-3221.

The meeting is now adjourned. Thank you.

(Whereupon, at 3:26 p.m., the meeting was concluded.)

C E R T I F I C A T E

This is to certify that the attached proceedings in the matter of:

NATIONAL ADVISORY COMMITTEE ON

MEAT AND POULTRY INSPECTION

PROPOSED RULE

MODERNIZATION OF POULTRY SLAUGHTER INSPECTION

Washington, D.C.

March 21, 2012

were held as herein appears, and that this is the original transcription thereof for the files of the United States Department of Agriculture, Food Safety and Inspection Service.

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TIMOTHY J. ATKINSON, JR., Reporter

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