UNITED STATES
DEPARTMENT OF AGRICULTURE

June 2000 In-Distribution Public)
Meeting)
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Pages: 1 through 88

Place: Washington, D.C.

Date: June 9, 2000

HERITAGE REPORTING CORPORATION
Official Reporters
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Washington Plaza Hotel
Franklin Room
10 Thomas Circle, NW
Washington, DC

Friday,June 9, 2000

The hearing in the above-entitled matter was convened, pursuant to notice, at 9:05 a.m.

APPEARANCES:

MODERATOR

Tom Billy, Administrator, USDA Food Safety and Inspection Service (FSIS)

PRESENTERS

Catherine Wotecki, USDA Undersecretary for Food Safety
Carol Seymour, Deputy Assistant Administrator, FSIS Office of Field Operations
Phil Derfler, Deputy Administrator, FSIS Office of Policy, Program Development and Evaluation
Krista Marting, FSIS Office of Policy, Program Development and Evaluation
Mary Cutshall, Acting Director, FSIS Inspection Systems Development Division

Jim Rutger, Minnesota Department of Agriculture

AUDIENCE PARTICIPANTS

Bernie Scheier, American Association of Meat Processors Caroline Smith DeWaal, Center for Science in the Public Interest
Jill Hollingsworth, Food Marketing Institute
Stan Emmerling, North American Meat Processors Association
Nancy Donley, Stop! Safe Tables Our Priority
Debra White, Food Marketing Institute
Mary Helms, North American Meat Processors Association
Charlotte Kristin, Center for Science in the Public Interest
Doug Saunders, Association of Food and Drug Officials

OTHERS PRESENT

Marlin Waller, Director, FSIS Human Resources Division

P R O C E E D I N G S

(9:05 a.m.)

MR. BILLY: My name is Tom Billy and I'm going to get this public meeting started. We've been asked by the television folks if we would give our opening remarks from the podium so it's a little departure from our normal procedure, but we're willing to accommodate that request.

It's my pleasure at this time to introduce Dr. Catherine Wotecki, the Undersecretary for Food Safety at the U. S. Department of Agriculture. Dr. Wotecki is going to provide us her opening remarks to set the stage for this important public meeting. Cathy?

MS. WOTECKI: Mr. Billy. Actually my remarks are going to be very brief today as they usually are at these public meetings. I want to first of all extend a welcome to all of you who devoted the time and energy and thought to prepare for this meeting and also to say we look forward to the contributions that you will be making during this meeting.

The comments and the ideas that you provide, even the questions that you raise, are very important in framing

the thinking of the agency as it moves forward in developing its plans across the whole broad spectrum of farm-to-table food safety for which the agency has responsibility.

I'd like to add my words of welcome to Mr. Billy to all of you today and to say that I look forward to hearing those comments and thoughts. The meeting today is going to focus on the role that the Food Safety and Inspection Service plays in the food delivery system after meat and poultry products leave federally inspected establishments.

There are, as you can see from your agenda, a number of presentations that people within the agency are going to be making to provide you with background information about the current thinking of the agency about its role in distribution of meat and poultry products.

Mr. Billy, the administrator of the Food Safety and Inspection Service, will be moderator for the meeting and there will be plenty of time during the meeting for questions and answers as well as an opportunity at the end of the morning for a real interactive dialogue.

As I said, we look forward to these meetings

because they do provide an enormous amount of thought from those in the industry as well as the general public about the role of the agency in food safety. So I look forward to a lively discussion this morning. Thank you.

MR. BILLY: Again, it's a pleasure to welcome all of you to this public meeting on in-distribution. In February of l995, when the Food Safety and Inspection Service published its proposed rule on pathogen reduction and HACCP, the agency presented this new food safety regulatory strategy with six basic elements.

The first five elements address the need for the Food Safety and Inspection Service, in conjunction with industry, to clearly define minimum requirements for industry: to stimulate food safety improvement by setting performance standards; to make industry responsible for microbiological testing of their products; to foster scientific and technological innovation; and to build the principal of prevention into the inspection system.

Since that time both FSIS and industry have worked together to make great progress in all five of these areas. And this strategy is working to improve the safety of meet

and poultry products nationwide.

We've seen tremendous gains in terms of reducing pathogens in slaughter and processing facilities. But we're not done yet. In addition to continuing the progress already made in these five important areas, FSIS must focus on the sixth element of that l995 strategy. And that is why we're here today.

The sixth element states and I quote, "FSIS must approach its food safety mission broadly and address potential hazards that arise throughout the food production and delivery system, including before animals enter FSIS-inspected establishments and after meat and poultry products leave those establishments."

We are here today to focus on what happens to meat, poultry and egg products after they leave the plant. We must be sure that the work we do within plants to ensure food safety is not undone once products leave the plant.

We know that products can be mishandled and recontaminated in distribution channels. Now, this isn't a new role for FSIS. For more than 30 years FSIS has carried out a limited number of tasks in distribution channels,

including monitoring products as they move through distribution, controlling adulterated products, detecting and documenting violations of the law, and following up on consumer complaints.

This work is carried out in full cooperation with state and local authorities that share distribution. However, it has been limited to approximately 15 to 20 percent of the time available from our small consumer officer staff -- excuse me, our small compliance officer staff. That's our compliance officers that generally are charged with enforcing our regulations. They were able to carry out this amount of effort when they weren't carrying out other enforcement responsibilities.

Now, we're not here today to debate whether FSIS should have a role in distribution channels. Rather we are here to explore whether we can improve on the approach currently in place, especially now that HACCP has been implemented. We want to explore whether we can use inspectors rather than compliance officers to conduct more activities in distribution channels so that compliance officers can concentrate on the more complex investigations

and other enforcement activities.

We want to explore whether we can identify and rank hazards in distribution channels so we can better focus our resources on the most critical problems. We want to explore how all of us with jurisdiction in distribution channels can best use our resources at the federal, state, and local levels in a complementary manner. We want to explore whether we can use information collected in distribution channels to help evaluate whether in-plant HACCP plans are working to place safe products in the consumer's hands.

And we want to explore whether some activities carried out within the plant to address nonfood safety concerns may be best carried out while the products are in distribution channels.

This project should be thought of as a learning process. We don't have an approach in a system already designed to present to you today. We do have some ideas, however, and we will share those ideas, that is, our current thinking, with you today.

As we collect information and test new approaches,

we will begin to design a system that best protects the public health, using our existing resources as wisely as possible. This is expected to include establishing new federal regulatory requirements, such as performance standards at some point in the future, which we will do through a thoroughly public process.

In closing, we are committed to finishing what we set out to do -- that is, to develop a seamless farmed table food-safety system. This project is an important part of that goal.

Industry deserves much credit for the successful implementation of HACCP in meat and poultry plants, and we look forward to the same cooperation from industry as we continue this important work. We also look forward to working closely with the states and other regulatory authorities towards the establishment of the seamless system. Thank you.

What I'd like to do now is I'll go back to my seat and run through the agenda and then we'll start the actual presentations. What we plan to do now is provide some additional detailed information in terms of our current or

traditional approach to addressing the in-distribution channels and then look at common questions and issues of concern to us and others about this area of industry activity and then highlight for you a number of the specific pilot projects that we've embarked on, including training some of our people, our inspectors, and our current thinking in terms of other types of approaches we plan to look at in the ensuing months.

To start this off what I'd like to do is introduce Carol Seymour. She is deputy assistant administrator covering the area of district enforcement operations under our Office of Field Operations. Carol will lay out for you our traditional approach to in-distribution. Carol?

MS. SEYMOUR: Thank you Mr. Billy. Good morning everyone. The objective of this segment of our meeting is to give the participants a brief overview of USDA's traditional roles that are carried out to monitor the safety and labeling of meat and poultry products in distribution channels, including our past and present capabilities and priorities.

Well, FSIS has been and remains focused on the

very important and difficult task of assuring the safety of products produced in federally inspected plants. Our statutory responsibilities require that we undertake a wide range of task in distribution channels.

Some of the work conducted outside inspected plants includes monitoring products as they move through distribution, detecting and documenting violations of law, following up on consumer complaints, and making recall effectiveness checks.

Recent statutory amendments provide special requirements for monitoring egg labeling and storage temperatures in distribution. Further, FSIS compliance officers locate and control adulterated products that may have been contaminated through such things as truck wrecks, refrigeration failures, fires, and similar situations.

FSIS has long recognized that these kinds of activities can best be accomplished through cooperative work with state and local authorities that often share jurisdiction with us. For the purpose of today's meeting we will concentrate on one aspect of this cooperative work, the traditional work by federal and state compliance officers in

food distribution to conduct planned and random reviews of businesses that are covered by the meat, poultry, and egg products laws.

To better describe these roles it's useful to see them in historical context. In the early l960s, meat and poultry were separately regulated and compliance activities were carried out by two separate groups called the meat laws investigators and poultry regulatory officers.

Although these two units had significant differences in their methods, they shared a common interest in monitoring distribution channels for violations that could jeopardize food safety.

In the mid- to late l960s, four events occurred that led to changes in the way USDA carried out our responsibilities for in-distribution. First, the separate meat and poultry inspection programs were merged into one unit and directed to merge their methods and their processes, including their processes for enforcement.

Second, serious violations involving the diversion of inedible products and uninspected horse meat into human food channels led USDA to conclude that the so-called meat

and poultry allied industries needed to be systematically monitored and regulated. These allied industries include businesses that dispose of animals that died on the farm and lice from slaughter operations. Or the businesses handle similar materials that would pose a high risk if they were diverted into human food.

Third, the acts were amended to establish the current system of federal and state inspection and enforcement and a requirement that states have equal-to laws and programs to ensure that they can enforce these laws. If a state is unable to carry out these provisions, USDA is authorized to designate the state as one in which federal inspection and enforcement authorities fully apply.

Fourth, the same amendments to the laws that established the state requirements also established new federal responsibilities and authorities. Some of these changes were new prohibited acts for causing products to become adulterated in distribution channels, detention authority to block the movement of products as they move in commerce, authority to regulate the transportation in storage of meat and poultry products, a requirement that all

meat and poultry dealers register with USDA and maintain records of their transactions. USDA was authorized to examine facilities and records maintained by businesses involved in distribution of meat and poultry products.

USDA responded to these changes by, among other things, setting up a small compliance staff to monitor the distribution channels and to detect and document violations. The staff was formed in l966 and has evolved over the years to its present organizational structure, which includes two headquarters divisions and 179 field compliance officers and supervisors.

These officers and supervisors report through the FSIS district offices. The current district enforcement operations carries out many roles for FSIS, but among our bedrock functions is the continuing systematic monitoring of firms and individuals who are engaged in transportation, storage, sales, and service of meat and poultry products. This monitoring is carried out through the planned compliance reviews or random compliance reviews. The planned compliance program includes visits to approximately 11,000 businesses and individuals which are considered high

risk due to the inherent nature of their business or their past history of compliance.

The following categories of businesses are covered: processors, distributors, brokers, retailers, restaurants, transporters, custom establishments, animal food establishments, warehouses, salvage operators, renderers, 4-*D* establishments. These establishments, the 4-*D*, is people who handle dead, dying, disabled, or diseased animals. And other businesses where meat and poultry and egg products are handled are covered.

Planned reviews are scheduled, based on risk category. Compliance reviews are conducted quarterly for firms or individuals in risk category one. This category covers businesses that are suspected of currently violating provisions of law or that engage in activities that particularly lend themselves to placing unsound meat, poultry, or egg products into human food channels.

Risk category two covers firms that were found to be violating within the past twelve months or whose past operations demonstrate a constant or intermittent risk of placing unsound food in human food channels. They're

visited semiannually.

Risk-category-three firms are visited annually. They include operations that warrant continued planned coverage but that have not demonstrated noncompliance in the last 24 months.

The planned compliance program includes both inspected and uninspected businesses. It permits FSIS to track the movement of violators from business to business and to increase the likelihood that repeat violations will be detected. It is also used to monitor the terms of probation or formal plea agreements as directed by the courts.

FSIS compliance officers also conduct randomly scheduled reviews in distribution channels. These so-called random reviews are made when time and travel funds permit compliance officers to visit a firm or location not covered by the planned compliance program. Last year FSIS compliance officers made approximately 34,000 random reviews. A random review may include examination of facilities and products, discussion with the employees of the business that are located on site, answering questions

or gathering information about the business or, occasionally, documenting a violation and placing the firm into our planned coverage.

FSIS publishes its enforcement activities, including the distribution of the full range of compliance actions on the FSIS Internet home page. For this meeting, let me highlight a few statistics that are most relevant from our recent annual report.

In fiscal year l999, compliance officers made 941 detentions totaling over 20 million pounds of product. They monitored 55 product recalls totaling over 40 million pounds of products and they initiated two formal court seizures involving nearly 160,000 pounds of product. And finally, they documented 2,370 violations.

Further, since an issue that's often discussed in relationship to IDI is overlap with states, let me describe our current work plan agreements now in place with 25 equal-to states for meat enforcement and 23 equal-to states for poultry enforcement.

In states that do not have these agreements, USDA has full authority for enforcement and we often exercise

that authority in cooperation with county or local governments. But in those states where we do have formal agreement, USDA shares the funding for state compliance programs.

The formal agreements provide for cooperative work planning, steps to minimize or eliminate duplications of effort, joint sharing of technology and information between FSIS and the individual states. State compliance officers receive training managed by FSIS, right alongside of federal compliance officers, at Sam Houston State University's Center for Criminal Justice.

Both federal and state supervisors share information and refer cases to their counterparts. Federal managers assist states in the most difficult cases and we hand off investigations when state enforcement actions are judged to be more expedient or effective.

Presently less than one-fifth of the compliance officer staff years are devoted to planned and random reviews. The balance of the time is devoted to documenting violations, controlling products, and a range of other enforcement type work designed to deter violations and

assure food safety, both in-plant and in distribution.

Nonetheless, this percentage of planned and random reviews time is significant because these reviews play a very important role in educating meat and poultry handlers, assuring that we are able to detect violations and deter continued or repeat noncompliance.

The plans to test in-distribution concepts provide, I think, a welcome opportunity to find efficient and effective ways to increase this coverage.

In closing, it should be pointed out that concerns have been raised about what FSIS intends to do in relationship to compliance officers and concerns that we're planning to replace compliance officers with in-distribution inspectors. Ultimately it's hoped that in-distribution inspectors may free up time at some locations so compliance officers can concentrate on the more complex investigation and enforcement work.

Other presenters will explain the concepts that we're examining for the future role of in-distribution inspectors in the farm-to-table continuum. Thank you very much.

MR. BILLY: Carol, why don't you stay there for a second? We've got a few minutes and what I'd like to do is provide an opportunity for anyone that has a question of clarification. We'll get more into a discussion after you've heard all of the material, but if there's something that Carol could clarify or amplify on, I'd welcome that.

If you'd like to raise a question, please state your name and your affiliation.

MR. SCHEIER: Bernie Scheier (phonetic), American Association of Meat Processors. I just had a question on one of the things you mentioned there about the planned visits. I guess there was the one category that there were no visits planned if there were no violations in the past two years. So why are you doing visits and what kind of risks are you looking for there?

MS. SEYMOUR: I'm sorry, we do those visits generally based on the nature of the work, the business that's being carried out, or they did have a violation two years before. And eventually, if there are no continuing violations we would drop them from our planned coverage.

But the question, for those of you in the

audience, refers to our risk category three. And those businesses are people who are kind of being retired from the planned coverage.

They may remain in there for a period of time if the nature of their operation is such that we think we need to visit them once a year. We are doing it again because -- primarily because they handle products or they've had activities that would lead us to believe that they might violate again.

MR. BILLY: Caroline?

MS. SMITH DEWAAL: Thank you. Caroline Smith DeWaal, with the Center for Science in the Public Interest. I have two questions. The first is how much of this oversight is in businesses with overlapping jurisdiction with the Food and Drug Administration?

MS. SEYMOUR: We do -- yes, that's a good question. I probably should have mentioned that we do have what we call dual jurisdiction firms, businesses that handle both FSIS-regulated and FDA-regulated foods. A great deal of this is, in fact, in businesses that would handle both. We are working very closely with FDA and when we do find

violations in a firm that is handling both meat and poultry products and, say, bakery products or dairy products, we make a referral to FDA and we are working on joint enforcement actions with them.

We have a couple that we hope will mature before too much longer, where there will be a joint action through the U.S. Attorney.

MS. SMITH DEWAAL: Do you have any documentation on FDA's followup on your referrals?

MS. SEYMOUR: We are getting documentation on that. I don't have any yet. I think there is a report that recently came out from the agency. Is that on our Web site? We may put something soon on our Web site to report on that.

MR. BILLY: I believe it is, but if it's not, we can do so. It's a joint report on the first year under this MOU.

MS. SMITH DEWAAL: My second question is about the 40 million pounds of products that were recalled. How much of that is actually retrieved?

MS. SEYMOUR: Well, the 40 million pounds I refer to is actually retrieved. That's an actual number of our

records of what we were able to confirm.

MS. SMITH DEWAAL: And what authority do you, the USDA officials have in going out and actually getting that product and retrieving it, or what's your role there?

MS. SEYMOUR: The role for recall effectiveness checks which I stressed in my remarks -- our compliance officers generally will verify about 10 percent -- is that correct, Tom -- about 10 percent of the consignees that are identified of a firm that is recalling product -- in other words, the people that they have shipped to. They'll also, in our random reviews and our planned reviews, will keep an eye out for that product.

And one of the areas that we do look at is salvage operators. And we make sure when compliance officers go in to a salvage operator, they are very attuned to any product that may have been recalled but not returned. We look at 10 percent of the consignees and if in fact we find that there is still product out there, we would detain that product and immediately move to get that product out of any distribution channels.

That happens very rarely, but we think its very

important to verify the recalls, to keep someone from -- and it's often not the recalling firm. It may be someone they sold to that may choose to not return the product. So we want to keep a very close eye on that.

MR. BILLY: Jill?

MS. HOLLINGSWORTH: Jill Hollingsworth, Food Marketing Institute. Carol, in your slide about the state enforcement programs, you mentioned the 25 meat agreements and the 23 poultry.

Can you explain what is the difference in the roles of FSIS and the states in the states that have an equal-to program and those that do not?

MS. SEYMOUR: Okay. In a fairly oversimplified -- there's quite a few differences, but for the purposes of our compliance and enforcement work, in states that have equal-to programs, the state would -- any violation involving interstate movement of products would be under the state authority solely. Any violation that might involve contamination of previously inspected, federally inspected product that's moved in interstate commerce, we would share jurisdiction. Any violation that involved interstate

commerce would be the federal jurisdiction.

MS. HOLLINGSWORTH: Is there any difference in the reviews -- of the planned and random reviews in one state versus another?

MS. SEYMOUR: Some states have more resources than others. In those states that may have less resources, federal reviews would be the more frequent thing and then we would hand those off to the states.

We encourage the states to have basically a planned compliance program that would cover repeat violators and high-risk businesses exactly like we do. And we'll share computer systems and records and forms and reports. And as I say, we provide training if the state is interested in doing that, we provide training for their COs right alongside with our COs. So they hopefully will conduct basically the same kind of coverage and share the information.

MR. BILLY: Stan?

MR. EMMERLING: Stan Emmerling, representing North American Meat Processors Association. It appears that the in-distribution compliance program is going to be much more

expansive and broader based -- that seems to be what we are anticipating.

You mentioned you have about a 179 compliance officers. I have several parts to the question. Do you anticipate hiring more, and does the -- the 179 does not include the state people involved. If you add them all together and you're working cooperatively, how many do you have in total?

MS. SEYMOUR: I'm sorry I don't know the answer. I should have looked that up, but we'll certainly check on that and make that information available. It wouldn't be twice that much, though, I can guarantee you. Tom, do you -- I don't know if you have any statistics?

MR. BILLY: I don't know that off the top of my head.

MS. SEYMOUR: My guess is it would be something in the range of 250-300.

MR. EMMERLING: And you're intending to perhaps hire more? Do you have any idea yet what you might be looking at there?

MS. SEYMOUR: Well, we've had a steady increase

over the last several years in the number of compliance officers, as the budget permits. Certainly we do know that there are certain parts of the country where we are thin on coverage and we certainly want to fill those positions.

MR. BILLY: Stan, let me intercede just a second. Part of your question will be addressed in the later presentations, but just to provide an initial response, you'll learn that what we're exploring at least in part is that some of the activities that have been carried out by compliance officers -- and keep in mind, Carol said that this is only taking about 15 to 20 percent of their time -- some of the activity may well be carried out by an inspector instead of a more highly trained compliance officer.

Also the change to HACCP has put a further demand on the role of compliance officers as it relates to slaughter and process facilities. So there's a pull towards compliance work related to that, and if we permit it, it could result in a reduction of this level of effort in distribution.

And so what we're looking at is alternative ways of maintaining and perhaps improving the effectiveness of

our presence in distribution, and that's what you'll hear more about in a little while. So maybe if you keep that question in mind when we go through the rest of the presentations, you'll get a sense of what we have in mind.

MR. EMMERLING: I for many years have been concerned you did not have enough compliance people. And you know, you divide through and do the arithmetic on 34,000 with 179 and you come up with about one a day.

The program you're talking about, if you're talking about other consumer protections as well as food safety, you need to have, in my judgment, a broader way of addressing that if you're trying to be effective in the long run.

MR. BILLY: And that's -- I think we'll get into that and then once you hear it, I encourage you to come back and give us your view of how you feel about what our current thinking is.

I'd like to move on now. So thank you, Carol.

Next, it's my pleasure to introduce Mr. Phil Derfler. Phil is the deputy administrator for the Office of Policy, Program Development and Evaluation and he's going to

talk about some of the common questions and issues regarding this area of in distribution and hopefully dispel a few myths in the process. Phil?

MR. DERFLER: Good morning. The national performance review suggests that we do our stuff in a question-and-answer format that would help in the clarity. And so, since as a speaker, I need all the help I can get, I figured I'd put my presentation in a question-and-answer format.

The questions actually reflect actual questions that we've been getting and concerns that we've been hearing about the in-distribution program and so that's what I want to try and address.

The first question is, what's the public health basis for assigning inspectors to work in in-distribution channels? The recognition that meat and poultry products need to be handled in a manner that will ensure that they will not be rendered injurious to health as they move from inspected facilities to the consumer and that the federal government needs to engage in activities designed to ensure that that's the case, is long standing.

Fifteen years ago, the national research council in its report, "Meat and Poultry Inspection: The Scientific Basis for the Agency's Program," stated that "An ideal meat and poultry inspection system will ensure that adequate public health protection measures are located throughout the food system, from animal production to the sale of the food product."

The NRC, in its report, listed several factors that could affect the safety of meat and poultry products after they leave the inspected establishment. Included among these things were the microbial load in the product at the time of shipment, air temperature and movement in transportation vehicles and in storage warehouses, insect and rodent control during storage, methods of loading walk-in refrigerators and display cases, and cleanliness of items used in handling meat and poultry products, including cutting boards, blocks, grinders, tenderizers, and cooking utensils.

FSIS pointed out or pointed to the need for a farm-to-table system and to the hazards that can arise as meat and poultry products move to the consumer in its 1995

pathogen reduction HACCP proposal. FSIS stated that its public health mandate requires that it work with the transportation, distribution, and retail sectors to implement effective strategies to prevent food safety problems. The agency pointed out that it was exercising regulatory oversight of meat and poultry products in transportation, storage, and distribution channels through the work of its compliance officers and by working with the Food and Drug Administration.

FSIS stated that if it put HACCP in place, it would consider how to reconfigure its program or initiate new activities to increase the effectiveness of its efforts to ensure that product remain safe after it left the inspected facility.

In the pathogen reduction and HACCP final rule the agency reconfirmed its commitment to a farm-to-table strategy. The agency stated that its public health mandate requires that if effect a comprehensive strategy to prevent foodborne illness and that its strategy would be based on three principles.

First, those hazards that could result in

foodborne illness can arise at each stage of the farm-to-table continuum. Each stage presents a hazard of a pathogen or other contamination and each provides opportunity for minimizing the effects of those hazards.

Second, those in control of each stage bear a responsibility for identifying and preventing or reducing the food safety hazards under their control.

And finally, the agency's public health mandate requires that it address hazards within each segment of the production and delivery chain and that it implement or encourage preventive strategies to improve the whole system.

Now that HACCP is in place and in effect in plan, FSIS has actually begun to consider how best to configure the in-distribution portion of its comprehensive strategy. Two factors will be particularly important as the agency does so.

First, product from an inspected establishment that the agency finds is not adulterated gets to bear the USDA mark of inspection. This mark acts as a representation about the condition of the product. FSIS believes that it has an obligation to verify that the handling of product as

it moves to consumers is such that the product appropriately continues to bear the mark of inspection.

Second, under the agency's HACCP regulation, an official establishment's HACCP plan is to be based on an analysis of the food safety hazards that can occur before, during, and after the product enters the official establishment. Verification activities focusing on product as it moves in distribution can provide agency personnel both inside and outside the producing establishment with insights as to whether the establishment, as presented by its product, has developed an adequate HACCP plan.

Both of these factors point to the need, based on food safety, to deploy agency personnel to scrutinize the condition of product as it moves in distribution. In addition, there's a third, nonfood safety factor that supports this need.

The agency recently published an advance notice of proposed rulemaking on how it should provide consumer protections other than food safety protection. One concept that the agency advanced in that notice was the possibility of shifting at least some of these other consumer protection

activities from in plant to in distribution so that the agency's checks come closer to the consumers who will receive the product and so that the agency's in-plant inspection force can concentrate on food safety.

For all of these reasons the agency believes that there is a significant basis for it to deploy some of its inspectors to work in distribution. But this raises the question of, why inspectors? Why not continue to rely only on compliance officers?

The answer is that our tentative view is that reliance on inspectors to assess the condition of product as it moves in distribution is consistent with a fundamental shift effected by the implementation of HACCP.

Before HACCP, the prime focus of the agency's efforts in distribution was to find noncompliant product that had somehow slipped by the agency's in-plant personnel and to take enforcement action against it. Compliance officers were the obvious choice to do this work.

Now, however, plants are responsible for ensuring, subject to agency verification, that the product they introduce in commerce is not adulterated. Thus the agency's

emphasis in distribution is to verify that product that is moving in commerce is not adulterated. This is the type of work that we are now assigning to inspectors. Only if the inspectors find a problem would compliance officers need to be called in.

One purpose of the in-distribution project is to determine whether this shift makes sense in practice. The agency's goal is to ensure, as Ms. Seymour said, that it does its work in distribution in as efficient and as cost-effective manner as possible. To decide how best to do so, the agency intends to explore various ways of doing in-distribution work, from relying on inspectors to compliance officers to state and local personnel and to personnel of other federal agencies, like FDA. We will design our ultimate in-distribution strategy, based on what we learn in the project.

Is the purpose of in-distribution inspection to find a place for inspectors displaced by the models project or displaced from models plans? The answer to this is no. It's true that the institution of the implementation phase of the HACCP implementation models project provided the

occasion for FSIS to select and train inspectors to work in distribution and to institute the in-distribution project. However, there is no continuing relation between the models project and the in-distribution project. Each will proceed based on the findings and developments in the particular project. For example, we're increasing the number of models plans up to 30 and are considering proposing broad changes in how we do inspection of the slaughter of young healthy chickens.

Neither development will directly result in an influx of in-distribution inspectors. The future of in-distribution inspection will be determined by what happens in the in-distribution project, including among other things the results of the work of the 11 in-distribution inspectors, what we learn from the work that we intend to do with the state of Minnesota, which Mary Cutshall will talk about later this morning, and what we learned from an assessment that we intend to do of the hazards that occur in distribution. Again, Ms. Cutshall will talk about that assessment.

One related point. There have been questions as

to whether consumer safety officers will be used in the in-distribution project. Let me make clear that the agency has no plans to do so. What, then, is the relationship of the models project and in-distribution? As I said, there is no continuing relation between the models project and the in-distribution project.

Historically they were connected in that both grew out of the agency's recognition that with the implementation of HACCP, there would be an opportunity to reconsider how FSIS did significant aspects of its work. The two projects were initially handled together by the agency and the MOU with our union that provided that there could be up to 30 models plans also provided for the selection and deployment of 11 in-distribution inspectors.

As work on the two projects proceeded, however, it became clear that there was no reason to keep them connected. First, they focus on completely different aspects of the agency's work. Moreover, the staff working on the models project simply had no time for in-distribution. The development of the in-distribution project has lagged as a result. Therefore, we decided it

would be better for both projects if we separated them completely.

What establishments will in-distribution inspectors visit? Because the work of the in-distribution project has lagged I don't really have a definitive answer to this question today. The initial concept for in distribution was that in-distribution inspectors would do the same in-distribution work as compliance officers. We've followed that concept to date and as a result in-distribution inspectors are visiting warehouses, distribution centers, and retail stores.

However, as I mentioned, FSIS intends to do an assessment of where the hazards are in distribution. As that work clarifies things, we may reconsider which facilities in-distribution inspectors visit.

Remember, however, that our goal is to configure our in-distribution resources in a way that will increase their effectiveness in ensuring the product remains safe after it leaves an inspected facility. Remember also that the in-distribution project is not a facility inspection program. Our interest is not in the facility per se but in

the product that bears the mark of inspection and in the conditions under which that product is being held.

Now, what do I mean when I say that we're interested in the conditions which the product is being held and not the facility? What I'm saying is that there's a big difference between walking into a supermarket and checking the conditions in the meat display cabinet and in other places where meat is being held, and on the other hand, doing a full inspection of the whole store. FSIS in-distribution inspectors will be doing the former and not the latter.

Why isn't FSIS's in-distribution inspection program redundant to state inspection programs? We don't think there's redundancy because of the differences in the focus of the two programs. FSIS's focus is on federally inspected product and on the mark of inspection that that product bears. The state's focus is on a lot of the facilities that are in in-distribution. Thus, in the example I just gave, where FSIS's focus is on how federally inspected product is being handled in the meat department, the state's focus is on the entire store.

FSIS recognizes, however, that there can be some overlap between the two efforts. That's why, as part of the in-distribution project, we are working with the state of Minnesota in an effort to see how the agency can integrate state inspection with its in-distribution inspection efforts and to compare the input from state inspectors with that of its own in-distribution inspectors.

Our efforts will be to minimize any overlap. In fact, depending on what we learn, we may decide that in some states it will be appropriate to rely on state personnel working with FSIS compliance officers and that it is unnecessary to post in-distribution inspectors to that state at all. But that is why we're doing the in-distribution project, to learn how best to configure our resources.

Finally, what standards will in-distribution inspectors apply? In the short run, in-distribution inspectors, like FSIS compliance officers, will apply the adulteration and misbranding provisions of the Meat Inspection Act and the Poultry Products Inspection Act, and the FSIS regulations applicable to product after it leaves an inspected establishment. They will not be enforcing

either the food code or local laws.

In the future, FSIS intends to propose performance standards for the handling of meat and poultry products as it moves in distribution. However, this proposal is still in the early stages, very early stages of development.

That concludes my presentation. I hope I've answered some basic questions about the in-distribution project.

MR. BILLY: Thank you, Phil. Again, if there are questions to get clarification of what Bill's presented we'd welcome them. Nancy?

MS. DONLEY: Nancy Donley, from Stop! Safe Tables Our Priority. I'm a little confused, Phil, maybe. When Carol Seymour gave her presentation she said that states have to have equal-to programs, but then, here you say that the difference between the state programs, that there's a difference in focus. Can you --

MR. DERFLER: Well, I'm actually -- Carol was talking, I think, about state meat and poultry inspection programs and I'm saying that states have broader retail inspection programs, they work with the state and local --

and the state and local authorities cover that.

In some senses -- in a lot of the concerns that we've heard about the in-distribution project, it's been the overlap between what it is that we're going to do if we're going to send inspectors in retail stores. And that's what I was focusing on.

Now, as we work through the in-distribution project -- I mean, how we work all this out is one of the questions that we need to deal with, but that was what underlay what I said.

MR. BILLY: Now, let me say it a different way and maybe this will help as well. Under the law, states can choose to have inspection programs focused specifically on slaughter and processing facilities only, that if they're equal to our program, that product can be marked and shipped within the state. That's different than state responsibilities for warehouses or retail stores or restaurants. And what we're talking about today is the latter -- the warehouses, retail, distribution centers, that kind of thing.

And that's the area that our compliance officers

have traditionally focused in, and what Phil's talked about is how, in that latter area, we could modify our current strategy to get a more effective result in terms of food safety and other consumer protections.

MS. DONLEY: So those 25 meat plants and 23 poultry plants -- or I may have it reversed -- in the states, that is for slaughter and processing only, or are they also doing in-distribution functions?

MR. BILLY: Only. The cooperative agreements with us under our acts focus only -- those programs focus only on slaughter and processing. Sometimes the same people also carry out other activities. But it's under the state funds carrying out other authorities not provided for under our cooperative program.

MS. SEYMOUR: If I could add, we actually do have separate agreements for enforcement. We have inspectional agreements and enforcement agreements. The states, if they have an inspection program, they also have to have an enforcement program. If they do not have an inspection program we don't sign these agreements on the enforcement program.

I can see it's a little confusing, but under our statutes you have to have an equal law and that equal law has to have both an inspection component and prohibitions for selling adulterated product or misbranded product, that are much like our federal laws. So a state can't really be equal to unless they inspect products and they take actions on their violations that occur. So our cooperative work-plan agreements with the states really cover more of the compliance kinds of activities for criminal enforcement, documenting cases and prosecuting violators.

A good example, I think, that helps clear this up is, most states have weights and measures people who may go to retail stores and check to make sure the scales are accurate when you weigh your bulk foods and things along those lines. And they have specific laws about that. Occasionally weights-and-measures kinds of things bump into our food safety and labeling laws, but very rarely. We don't anticipate getting involved in weights -- you know, is the scale accurate. But we certainly would be getting involved in working with the states if there were some kind of a widespread consumer fraud involving federally inspected

product. And so that's the kind of things we'll work out in the pilot testing.

MS. DONLEY: Thank you.

MR. BILLY: Jill?

MS. HOLLINGSWORTH: Jill Hollingsworth, Food Marketing Institute. Before my question, first of all I want to thank Tom and Carol for that clarification, because I was concerned that the implication was that only 25 states had programs for inspecting at in-distribution, and in fact, all 50 states do. In some cases they may be equal to the food code versus equal to FSIS regulations, but all states inspect in-distribution.

Phil, I have a series of questions. First of all, the first one that would help for clarification is, can you identify how many food inspectors -- the category of food inspector, how many of those people are now called consumer safety inspectors and what is the difference? How does a food inspector become a CSI, or is it just merely a name change?

MR. DERFLER: I really don't know the answer to that question.

MR. BILLY: We do though. Hold on a second.

MR. WALLER: Hi, I'm Marlin Waller. For consumer safety inspectors right now, the change in classification took place after the full implementation of HACCP. We have approximately 2,900 positions that are now classified as consumer safety inspectors. They're the processing inspectors, off-line slaughter inspectors. So that's the primary difference. And also in the models plants now that -- and also the in-distribution inspectors are in the consumer safety inspector series.

MS. HOLLINGSWORTH: Is there any educational requirement or what is the distinction? Why does one become the other?

MR. WALLER: The consumer safety inspector occupation does not have a positive education requirement like the consumer safety officer, and food inspector obviously does not have a positive education -- that means do not have to have a college degree. So we had -- with the change in the way that inspection is now being done under HACCP, we think that the consumer safety inspectors series is more appropriate for the way that we're approaching

inspection now and that's why the change occurred for processing and off-line slaughter jobs.

MS. HOLLINGSWORTH: And will slaughter on-line inspectors remain as food inspectors and not CSIs?

MR. WALLER: Yes.

MS. HOLLINGSWORTH: Okay. My next question is, in one of your slides where you identified the difference in the focus, where you said the state focus was on the entire facility and FSIS was on federally inspected product, it sort of sounds there like you're saying that the states do not inspect federally inspected product. Can you clarify for us, is there anything that an in-distribution inspector would inspect or monitor that a state inspector does not already do?

MR. DERFLER: Well, I think I acknowledged that there is some overlap, and that's why we're working with Minnesota to see how that works out. The state inspector may well look at the conditions under which the meat is being held. And that's what we're trying to work out with Minnesota. Mary is going to talk about that, about what information we would learn from that and how it would work.

But the mark of inspection, though, is uniquely ours, and right now, in the lack of an interstate shipment or anything like that, only we would be able to do anything with respect to that mark. And we take that very seriously.

MS. HOLLINGSWORTH: Okay. And my last question is on the role in distribution -- when you talk about assessing the adequacy of the HACCP plan, how will assessing the adequacy of the HACCP plan, when the product is beyond the scope of the HACCP plan that is being enforced or used by the plant, how will that differ than, say, a preshipment verification?

It was our understanding that the preshipment verification was used to ensure that the product in distribution in fact had been produced under a valid HACCP program. What would be different in distribution?

MR. DERFLER: We anticipate that there may be developments in distribution that reveal matters that the establishment had not adequately anticipated in doing its hazard analysis. For example, I mean, the one that sort of comes to the mind right now is listeria, where what we've learned recently is that some of the sell-by dates that were

being put on the product were based not necessarily on food safety considerations and that there was the possibility of actual listeria grow-out during that time.

That's one of the things that might be able to be determined by doing inspections in distribution rather than simply relying on the work that we're doing in the plant.

MS. HOLLINGSWORTH: Thank you.

MR. BILLY: And I might add, that would be something that isn't currently being looked at by state inspectors specifically, but perhaps that's something that we can address as well through this cooperative effort with the states. Caroline?

MS. DEWAAL: Thank you Tom. It's Caroline Smith DeWaal with the Center for Science in the Public Interest. Phil, a couple of years ago we did some research that resulted in a report called "Dine At Your Own Risk," where we compared state, county, and local government adoption of the federal food code which Jill Hollingsworth just referred to. It is true that the states have major responsibilities for the oversight of restaurants, food service, grocery stores. But the reality of that system is that it's not

even clear which body of government has the responsibility in some instances. Sometimes it's the state, sometimes it's the local government, sometimes it's the county government.

In addition, each one of these entities has to separately adopt standards for the regulation of restaurants, food service, grocery stores. Our report documented that there was huge variation in the application of very basic food safety standards -- things like cooking temperatures for fish, for eggs, for meat, for chicken.

There can be huge variations around the country in how such basic temperature standards as how hot to cook a hamburger. How the states apply those and the county and local governments apply those in a restaurant setting around the country can be highly variable.

We are also very concerned that state, county, and local budgets fluctuate much more rapidly, and as a result we've seen huge inspector cuts that can occur very quickly at the state, county, or local level. The people who are supposed to be doing this check of grocery stores, restaurants, and things like nursing homes and school cafeterias may not be there because they may have been cut

from -- or they may be being used somewhere else because of budget cuts. So we strongly support having another check on the system which would be represented by this in-distribution program.

My question is, how is this program going to better ensure that we get these minimum federal standards for meat safety -- things like adequate cooling temperatures, adequate holding temperatures, adequate cooking temperatures. Is there a way that we can use this additional check on the system to ensure that minimum standards are being applied, minimum food safety standards are being applied around the country?

MR. DERFLER: Well I think the answer to your question has to be a two-part answer. First of all, there has to be appropriate standards in place, and we intend to look at that through the rulemaking we intend to do on a performance standard. Plus, I mean, we work very closely with the Conference for Food Protection to ensure that the food code is as good and reliable a document as possible.

Once those things are in place, then the in-distribution inspection system, however that ultimately is

configured, is hopefully going to provide monitoring.

MS. DEWAAL: But even if the food code is a strong document, if it is not adopted in a particular jurisdiction, it's not meaningfully serving the public. How will this program provide -- let me just give you an example from our report. Our data was collected, I think it's around four or five years after the Jack-in-the-Box outbreak. And yet a third of the jurisdictions that we surveyed still didn't enforce the minimum cooking standard for hamburgers that we all knew had to be enforced to prevent another Jack-in-the-Box-type outbreak.

How will this system ensure that even if a particular state or locality hasn't adopted that cooking temperature, that you will be able to enforce it? How are we going to ensure that these minimum safety standards are being enforced around the country?

MR. DERFLER: Well, obviously the purpose of the in-distribution program is to find the best way to do that. That may be in some circumstances balancing what we do with the states, because the states are providing viable enforcement. In some states it might mean that we do have a

bigger in-distribution program. I mean, it depends on what our resources are going to be, what we learn as we do the program, and what the states are doing.

MR. BILLY: Okay. Thank you very much. I'm going to now call a break and I'd like you all to try very hard to be back here at 10:30.

(Whereupon a short recess was taken.)

MR. BILLY: Another area that we wanted to share some information with you on is to give you the sense of he kind of training and evaluation functions that we're currently making available to our in-distribution inspectors. We think it will help communicate some of our current thinking and, obviously, again provide opportunity to ask any questions and clarification.

With us this morning to present this material is Krista Marting. She is with the Office of Policy, Program Development and Evaluation. Krista?

MS. MARTING: Thank you. Good morning everyone. As you have already heard this morning, we have started to explore how resources will conduct in-distribution activities as part of the agency's farm-to-table strategy.

To start the process, 11 in-distribution inspectors were assigned to four locations in the United States to conduct specific in-distribution activities. This initiative was designed to provide information about how to best focus resources to address food hazards after meat and poultry products leave inspected establishments.

This morning I'll be providing you with a brief update on the 11 in-distribution inspectors, the training that was provided to them, and I will also briefly describe the ongoing evaluation process that is underway.

Earlier this year 11 in-distribution inspectors and their respective supervisors were trained to carry out in-distribution activities in four locations. Five in-distribution inspectors were assigned to the Philadelphia, Pennsylvania, area. We actually have two in South Philadelphia, one in North Philadelphia and two in Hatfield, Pennsylvania. Three in-distribution inspectors were assigned to the Minneapolis, Minnesota, area. We have one in Minneapolis, one in St. Cloud, and one in Austin. Two in-distribution inspectors have been assigned to Harrisonburg, Virginia, and one has been assigned to

Guntersville, Alabama.

The training that was provided to the in-distribution participants consisted of four different components: an orientation, introductory on the job, formal, and followup on the job training.

The orientation session lasted two days and was conducted January 19th and 20th in each of the four district offices. This training consisted of an overview of the activities that the in-distribution inspectors would be performing. I will discuss these activities in the next slide. At this orientation session, in-distribution inspectors were paired with a compliance officer who served as their mentor throughout the remainder of the training program.

Following the two-day orientation session began a two-week introductory on-the-job training session. This lasted from January 24th through February 4th. During this OJT session, inspectors accompanied their mentor compliance officers and observed the compliance officers performing the assigned activities.

Next there was one week of formal training. This

took place from February 7th through the 11th in our Philadelphia district office. At this training session the inspectors were taught the specific components of each of the assigned activities and also how to complete the paperwork that was associated with each of the activities.

Following the formal training we had a followup on-the-job training session that, again, lasted two weeks. This was February 14th through the 25th. During this OJT session, inspectors went out again with compliance officers but instead the inspectors assumed the lead in performing the assigned activities while the compliance officers observed and provided the necessary guidance and input as needed.

Following this two-week OJT session the in-distribution inspectors began working independently, contacting their appropriate supervisor for guidance as needed. The initial training activities that the participants were trained to perform include conducting reviews -- these are the planned and random reviews that Carol Seymour discussed earlier -- conducting the recall effectiveness checks, investigating consumer complaints,

collecting E. coli samples, and liaison activities.

I'll give a brief description of the last three since the first two we've already discussed earlier. Investigating consumer complaints simply involves talking to the consumer who has submitted a complaint, just to gather information about the product, and it also may involve going to the store where the product was purchased, to gather additional information.

Collecting E. coli samples actually doesn't need an explanation so I won't do that. Liaison activities -- this simply involved the communication that is needed between the in-distribution inspectors and FSIS enforcement personnel and state and local government officials as a result of performing all of these activities.

A formative evaluation of the in-distribution inspection program is planned. A formative evaluation takes place during the program's operation and focuses on providing useful information to program staff. The purpose of the evaluation will be to determine if the program is working as intended, identify any problems the participants are having as they carry out their duties, identify any

additional training needs, and to assess the differences in how the project is working in the four different geographic areas.

The evaluation process will be continuous, to allow adjustments to be made as necessary. The evaluation team will collect information from all participants at various intervals, using surveys and interviews. Information will be used to address study questions, identify improvements, and note recommendations for continued success.

An initial evaluation was conducted shortly after the training and focused primarily just on the training. This evaluation recommended that additional training be provided to address the varying levels of knowledge and experience among the in-distribution inspectors. Project leaders are currently exploring different options for providing the additional training to some of the in-distribution inspectors to address these variances.

In addition to the formative evaluation, project leaders have established an open line of communication with all participants to allow for continuous feedback and

improvement.

And that's it for me. I have the shortest of all presentations.

MR. BILLY: Thank you, Krista. Are there any questions for clarification? Anyone? Okay, thank you very much.

The next presentation is going to be made by Mary Cutshall. Many of you know Mary as the person that provided some very important leadership, helping the small and very small plants implement HACCP.

Mary is now also focusing her energies in helping us develop the concepts and approaches that Phil described in very general terms in his presentation. Mary now will give you a little more in-depth thinking in terms of these ideas, so that may well prompt some further questions on your part. Mary?

MS. CUTSHALL: Thank you. Good morning. I hope, as Mr. Billy said, that some of the things that I talk about this morning will bring together the information that Carol has presented, that Phil has presented, and that Krista has presented and give you a little bit more idea about what our

concepts and our thinking is. And I want to stress at the outset that what I'm going to be talking about is our current thinking and our concepts, because this is an ongoing process of development for us at FSIS.

You heard this morning where we began with the in-distribution project and about the role that compliance plays in assuring that food is safe in an in-distribution environment. Through this project we are not creating a new activity within in-distribution channels as you've already heard. This activity has already been established through our compliance program and under our current authorities.

Rather, what we want to do is explore new ways to look at assuring food safety through the distribution channels as part of our farm-to-table commitment. Thus, as Mr. Billy said earlier this morning, we are not debating about the need for presence in distribution but how we can best carry out our food safety and other consumer protection responsibilities at this point in the farm-to-table continuum.

Today I want to discuss our current thinking and the ideas that we will test, and I want to stress the word

"test." The emphasis for the future of this project is on determining conditions that exist in the distribution chain under which inspected products are held that may constitute food safety hazards and how to address them, using the resources available to us at FSIS, the federal levels, state levels and local levels.

I'm going to go about this in sort of a who, what, where, when, and why format as a way of organizing the information that I'm going to present to you today. And that follows with sort of our presentation all throughout the morning.

I'm going to begin with "who." And the idea that I will discuss and the ideas today involve the 11 inspection program personnel that are currently in place for this project. I'm also going to discuss cooperative agreements that we hope to establish and that we are establishing with state and local jurisdictions as part of our focus on partnerships. And I'm going to talk more about cooperative agreements later in my talk.

When we talk about "what," we want to talk about what the in-distribution inspectors will do. For the

duration of this project we will test the concept of having in-distribution inspectors conduct verification activities to ensure the safety of federally inspected products, meat, poultry, and eggs after they leave the plant and are in distribution channels.

This is a central point that I think Phil Derfler made earlier is that we are going to be focusing on food safety for federally inspected products in distribution channels. This is a new type of verification activity for FSIS inspectors. Currently our inspection forces focus on verifying in plant the food safety for inspected products and facilities.

We're also going to be collecting information, and this is a big part of our effort. We're going to be using this for several purposes. First we're going to collect information to help us develop a system for determining how to target our verification activities, based on food safety hazards that will be identified in distribution. Second, we're going to be collecting information to determine if we can link this information to the adequacy and the efficacy of in-plant HACCP plans.

Let me discuss these in a little bit more detail. What we're going to be doing with verification is focusing on food safety aspects of product during handling, transportation, and distribution. The 11 individuals that are in place will visit businesses not to make, as Phil said, traditional facility-focused inspections but to verify the safety of federally inspected products within these channels.

In a few moments I'm going to talk about a hazard ranking system that we propose to utilize that will serve as a basis for guiding our verification activities. We believe that a measured and methodical approach composed of determining food safety hazards and directed performance of inspection activities in distribution will aid us in making decisions regarding where, when, and how hazards can best be addressed through an out-of-plant approach to in-distribution to make determinations regarding compliance with food safety regulatory requirements.

We also intend to address other consumer protection concerns through verification activities in distribution, but food safety will remain our priority.

When we talk about what we're going to do, I mentioned information collection.

At this point in time we at FSIS are not aware of any systematic reviews that define what specific hazards are found in distribution channels and how the specific hazards can be weighed or ranked. Because of the scarcity of specific data, this project will involve determining through the use of a systematic method where the hazards most likely to affect food safety occur in this continuum.

We will be using the 11 in-distribution inspectors to collect information that can assist us in making these determinations. FSIS will explore using the Brian model, a method that's been published by Dr. Frank Brian and presented to the World Health Organization. This model has been specifically developed with foods of animal origin in mind. It takes into account differing factors and the factors that constitute hazards and it allows a ranking or a hazard coefficient to be attached to each of these particular parameters.

In this case, the parameters that we would be looking at ranking and evaluating would be: (a) the process

-- for example, grinding, frozen storage, or food service preparation; (b) the hazard posed by the specific type of firm or business involved; and (c) the hazard posed by the amount of product produced. When I talk about this last parameter, this would help us predict the impact on a population if there were a foodborne illness outbreak associated with a particular type of business.

All these factors are accumulated together and you can come up, using this method, with a hazard coefficient for a particular type of business. The use of this type of model can very effectively allow us to make determinations about where verification should occur and allow us to document our findings over time.

As we make these determinations, the in-distribution inspectors will use these guidelines that we have developed to determine where they should make verification visits. This activity will be directed through OPPDE in conjunction with field operations, the district managers, the circuit supervisors, and the in-distribution inspectors.

Another aspect of what we will be doing when we

are collecting information is to evaluate in plant HACCP programs. We envision that verification and distribution channels will allow us a way of providing more information and feedback on the adequacy and efficacy of in-plant HACCP plans in our inspected facilities.

As I said, we hope to be able to use this information in a continuous feedback so that we can supply our in-plant inspection personnel with information that we have gleaned through our in-distribution activities.

We plan to develop a system to be able to look at this information, although at this time we are not sure exactly what the system will look like as we are collecting information as the project will continue. But we will explore our options during the duration of this project to be able to -- of where we may be able to do this type of activity that Krista mentioned, the sampling of ground product for 0157:H7.

Phil mentioned listeria and shelf life. These are the kinds of things that we can make both verifications and collect information on in federally inspected product in distribution that can allow us to look at the efficacy and

adequacy of in-plant HACCP plans that are addressing hazards as they do not relate to in the plant but, as the regulation says, after the product has left the plant.

We talk about when -- Krista mentioned to you that the final phase of the initial training was completed in March of 2000. So we've had these 11 individuals out there for the past few months. We agree that we need to take a more focused approach and we have determined that that focused approach is going to be on food safety and federally inspected product -- verification of that food safety through the in-distribution continuum.

As Krista also mentioned, we will be doing ongoing and continuous evaluation throughout the term of this project. We have made a commitment to the process of exploration and analysis to determine the most effective approach to in-distribution as part of our overall farm-to-table food safety strategy.

As was mentioned earlier by, I believe, Caroline and Phil both, where we will be conducting these activities is a pretty broad spectrum. There are a number of different types of businesses that we will be considering for

verification activity. Cold storage, warehouses, retail stores, salvage operators, brokers, institutions, restaurants, renderers, animal byproduct manufacturers -- I think you're all pretty much familiar at this point with the gamut of options that we have that we can explore.

How are we talking about doing some of these verifications and collecting information? After we determine who and where and when would perform these verifications, we also want to look at how those verifications would be performed. Our verification activities will be based upon, as Phil mentioned, performance standards, and those are performance standards that not only will be developed in the future but performance standards that currently exist in our regulations.

And we will also be looking at incorporating our HACCP systematic methodology for determining food safety and distribution, based on defined hazards as we have evaluated those and determined those, using the methodology that I have mentioned.

We could also focus on specific growth levels and

control of growth for targeted pathogens in respective processes that have been identified, as well as products, and the conditions that may lead to increased food safety hazards presented by that increased pathogenic growth.

Temperature abuse is one example and, I think, a common example that everyone is familiar with that may occur in distribution channels. Our inspectors will look at product to verify whether there are conditions that may render the product adulterated or misbranded. I think mishandling is another pretty common example of this.

We talk about the different types of verifications and at this point I know the issue came up about, what is it that the in-distribution inspector is going to be doing that's a little bit different.

I've tried to lay this out for you, based on information collection, being able to tie things back to the HACCP plan, but one of the things that we are absolutely committed to is having in-distribution inspectors take a proactive role. As I said, when you're looking at HACCP plans and doing feedback to the plant, that's a proactive role.

We also want them to be interactive. We've talked about the fact that we want to form cooperative agreements. We know we'll be dealing at the state, local and other federal level, so that we will have inspection personnel in distribution that will have a very active interactive role with other agencies.

And the third piece, as I mentioned, is information collection so that we can make methodical determinations about where, what we want to do with this project in the future.

Another aspect of how we want to go about in-distribution development is to work cooperatively with state, federal and local jurisdictions in order to use existing resources effectively and efficiently. The cooperative approach is one that we strongly believe in and we believe it will help assure effective oversight along the distribution continuum without necessarily overlapping resources.

We would like to use memorandums of understanding and cooperative agreements for this purpose. It is possible that in states where there's a well-functioning cooperative

relationship with FSIS -- Carol mentioned a number of states. We know we have other activities going on. If we have a functioning, cooperative relationship with FSIS, then FSIS may make determinations about a lesser need for a presence in those areas in distribution channels.

This we hope to be a large part of the information that we can gather during the project and part of the lines of communication that we can help become well established and well defined over time. These efforts we believe would be beneficial for federal, state, local jurisdictions, FSIS, consumers, and any other interested federal agencies.

So far as you've heard mentioned this morning we do have a project in place with Minnesota and we're working on developing a cooperative agreement. This project utilizes state inspection personnel and we are working on developing effective lines of communication so that our people within the state of Minnesota and Minnesota's people can work cooperatively to assure that without overlap we are all ensuring the safety of federally inspected product.

We believe that this is a model that can be used in other states to assure communication between FSIS,

compliance, and state and local inspections. We've also had discussions with Virginia and Alabama where, as you've heard Krista mention, three of our other IDI inspectors are located.

I know the question always comes up and so I'm going to answer it very forthrightly about enforcement actions and how we would handle violations. The in-distribution inspectors will be operating under the provisions of the meat and poultry acts and the associated regulations when making determinations on findings as a result of their verifications. Obviously, as part of our responsibility to assure safe product, if violations are found, action will be taken. In such cases compliance will be notified through the district office and a compliance officer will assume responsibility, as is the case today. This is also true in the case of suspected violations.

In all these cases, whether violations are found, whether suspected violations are found, or where ongoing verification activities are performed, all of this information will be continued to be fed back through headquarters to Office of Policy to make determinations and

evaluations, and also through field operations channels.

I mentioned briefly earlier about other consumer protections. We are looking at a different approach to assuring other consumer protections in the distribution channels. And this will be a component that -- we'll address ways we can more effectively use our resources to look at other consumer protection in distribution. We believe that there are some activities that are currently being carried out in the plant that could be more effectively and/or efficiently carried out in distribution channels.

One of the examples that we use for this type of activity is nutrition-labeling audits. These now occur in the plant environment and we envision that this could more effectively occur in the distribution chain to allow us to gather this information.

I also mentioned evaluation, which is a big part of what we're going to be doing as part of this project. We really envision that we are going to continuously be collecting information and evaluating that information in order to focus our efforts for verification in the best way

that we can. The information gathered from these verifications will be evaluated by The Office of Policy to help further refine the focus of how, what, when, and where we will be performing verifications.

The evaluation function for each aspect of our information gathering is going to be based on the information that's gathered and will be adjusted on an ongoing basis. This is not going to be a static type of activity for us.

The evaluation results will consist of hazard determinations, the in-distribution inspectors' feedback, sampling results, and feedback from our cooperative agreements with our state and local partners. This information will be analyzed to determine the most effective ways to approach in-distribution and to determine what conclusions can be drawn about the effectiveness of in-plant HACCP plans and controlling food safety hazards after product has left the inspected facility.

In closing I just want to reiterate that we'll be looking at different approaches by gathering information, analyzing this information on an ongoing basis throughout

the project, and then making judgments about the most effective approach based on what we learned.

In all that we do, we're planning on taking a measured and methodical approach, focusing that, and using HACCP pathogen reduction principles in our verification. We expect that the results of our in-distribution activities will allow us to create a cycle that will feed back to the activities conducted in inspected plants as well as in distribution channels.

We plan to continue to communicate our thoughts regarding the information that we develop as a result of all these efforts, in future public meetings. Thank you.

MR. BILLY: Thank you very much, Mary. Are there any specific questions for Mary and the material she sent in?

MS. WHITE: Yeah, I'm Debra White with the Food Marketing Institute, and I have a question that relates to other consumer protections which follows up on something that Phil Derfler said as well. I was wondering if you could explain why the agency believes it's more effective to look at other consumer protection issues after the product

has left the plant and therefore there is no longer an opportunity to correct the issue.

You mentioned nutrition labeling. If we take as an example, say, a sausage that's packed at the plant that gets some sort of nutrition labeling, once its left the plant and goes into the distribution channel and into retail, if it's incorrectly labeled, it's sold to the consumer. The consumer then no longer has a remedy. Isn't it more effective to look at that issue before the product leaves the plant and gets to the consumer?

MS. CUTSHALL: I think there's sort of two answers to that question. The first is that, as I stressed, everything that we're going to be looking at we're going to be looking at in an evaluated format and we may find that that may not be the most effective way to do it.

But the other thing to keep in mind is, even though that is not a function for food safety, it also ties into our capability to look at what's happening in the inspected establishment and to make some determinations about maybe where we need to focus back in the inspected establishment.

MS. WHITE: But I guess I still don't understand why it would be more effective to do that in the distribution stream than it would be to take care of it before the product leaves the plant.

MS. CUTSHALL: I don't think any of us really know the answer to that question and that's why we'd like to explore it.

MS. WHITE: But you have no basis to believe it would be more effective, is that what you're saying?

MS. CUTSHALL: No, I say that we don't have any basis to make a determination one way or another and we'd like to explore that option.

MR. BILLY: Phil?

MR. DERFLER: This is Phil Derfler. The first thing I'd say is, like I said before, we have a proposal out there. We specifically raised this question as one that we're asking for comment on. I think we also discuss in there some various other scenarios about -- where we're looking at the possibility of, it might be better to use our resources closer to the consumer -- some of the net weight things that you might look at, for example. There's other

examples. But we're interested in your comments and the quickest way to do it right now is to provide them in the other consumer protection docket.

MS. WHITE: And that's what I had planned to comment, to the docket, so you'll definitely have our comments there, but I thought it was appropriate to bring up --

MR. DERFLER: No -- I'm not saying no.

MR. BILLY: Nancy?

MS. DONLEY: Nancy Donley from Stop! Just a question about these partnerships and then the -- any MOUs. Is there any financial or economic arrangement with state --with these partnerships? Will -- if they're using state resources -- will they be reimbursed in some way, shape, or form?

MS. CUTSHALL: At this time, no, we are not looking at a reimbursable relationship, although I certainly wouldn't want to speak for Mr. Billy and rule any options out.

MR. BILLY: Okay. Go ahead.

MR. HELMS: Marty Helms, North American Meat

Processors Association. You talked about identifying some hazards in distribution and I would encourage the agency to look back at the Research Triangle Institute report. I think that's a very valuable document, specifically as it relates to this issue, because it brought up a number of both retail food service concerns and potential hazards that existed. Which brings me to a point that in January, as we looked at the retail exemption in January, NAMP (phonetic) was --

and in our comments on retail exemption, you'll notice there too we refer to the RTI document.

We were a little concerned that a retail establishment, although it would be pass-through product, does not have the same control in selling the possibly food service and even giving them an opportunity to put together distribution to food service establishments from a retail grocery store chain as opposed to a federally inspected establishment.

On pass-through product, I understand that it's not quite the concern that it is with processed product until that product is returned to the retail grocery store.

I think that returns is a concern that needs to be addressed as we move forward. Thank you.

MR. BILLY: Okay. Thank you.

MR. SCHEIER: I have two questions actually. The first one, do you have any feeling at this point as to -- depending on what happens in the development of this program -- as to when this would actually start, when you would make the shift and this would -- in terms of personnel, when this program would get underway?

MS. CUTSHALL: Well, as I said, we have the 11 IDI inspectors out there now, so as far as we're concerned, the program is underway and we're continuing to explore options.

MR. DERFLER: I think, you know, we've just started and are looking at some of the concepts that we're talking about within the last couple of months with the decision to separate the two projects and so we intend to move these things as quickly as we can. But right now, we have in-distribution inspectors who are doing work that is similar to the work traditionally done by compliance officers.

MR. SCHEIER: So you're basically saying pretty

much that the program has started, that you're kind of going to ease into it or develop it and see how things go along and make changes when necessary -- those kinds of things?

MR. DERFLER: And as we develop the concepts that Mary talked about, yes, and we can get them out to the field.

MR. SCHEIER: Okay. The other question I wanted to ask -- I had wanted to ask you when you were up there, but I can ask you or Mary, it doesn't matter -- and it has to do with the way this program is set up vis-à-vis traditional inspection. The way that the states and counties and municipalities inspect, if you want to use that word, retail stores and groceries is very different from the way that USDA and state equal-to programs do it, for a number of obvious reasons, but one of the differences, obviously, is the frequency.

And I guess what I'm wondering is, in what you see in terms of the inspection being done under this program by inspectors instead of compliance people, is it going to be closer in terms of frequency to what states and counties and municipalities do, or would it be closer to the way

traditional inspection is carried out, or somewhere in the middle? Do you have any feel for that at all?

MR. DERFLER: I think the answer is, not at this point. I mean, part of it is how we do it. Part of the idea of what we're trying to work with Minnesota is, if they in the course of the work that they're doing discover problems with federally inspected product, then they're going to let us know about it and then we would do followup. So to the extent that that's a model that we follow in at least some jurisdictions, it's going to be in the kind of frequency that they do. To the extent that we have our in-distribution inspectors doing it, then it's going to be dependent on the number of inspectors we have, the nature of the task that we've defined for them -- those sort of things. So I think at this point it's hard to give you a definitive answer and it may well vary, depending on what we learn as we go through the project.

MR. SCHEIER: So it could be different locations, you could have different areas, you could be doing different frequency, different amount -- that sort of thing?

MR. DERFLER: But ultimately, the goal is to have

as efficient and effective program as possible.

MR. SCHEIER: Thank you.

MR. BILLY: Jill?

MS. HOLLINGSWORTH: Jill Hollingsworth, Food Marketing Institute. We were previously told, but I need to get this clarified since I know there has been some change in the thinking as this program has evolved, that there will be no total increase in the inspector workforce. That the in-distribution CSIs will come from the total pool of inspectors that you currently have. Is that still correct?

MR. BILLY: Uh-huh.

MS. HOLLINGSWORTH: So the workforce itself is not increasing? And one of the concerns that we have as retailers is that we're concerned about what appears, anyway, to be a shift from a prevention mode to a detection and reactionary mode. Verifying HACCP and safety of products when they're already in the hands of consumers is very stressful for us. We would like more assurances that the preventions are being enforced, that the HACCP programs at the point where the CCPs exist and the corrective actions are taken, that that is not diminished, that those

inspectors are not being taken away from that duty and put out looking for the problems after they occur.

That almost seems a reversal to the old way. And we would like to encourage the agency to, if anything, enhance and assure that the products leaving federal establishments are in fact produced under HACCP systems that have been verified and not get into this reactionary recalling product from the hands of consumers saying, oh, well, we just found out that the system wasn't working.

MR. DERFLER: This is Phil Derfler. What I was trying to say is that we are trying to go into a preventive mode and some of the work done by in-distribution inspectors would only enhance the work that's done in the plant. As we develop our communications channels between the in-distribution inspectors and the feedback back to the plant, the focus on the federal mark of inspection -- we believe that that's going to do exactly what you said and that it's ultimately going to enhance, throughout, the farm-to-table spectrum.

MR. BILLY: Jill, I'm a little puzzled with something you said, and maybe you could elaborate. I didn't

hear anything said this morning about doing inspections of product that's in the consumer's hands. I'm puzzled by that statement.

MS. HOLLINGSWORTH: Well, our concern is that by the time products are already into distribution in retail and restaurant, at least a large portion of that product will have already been sold, consumed. By the time test results come back, the product will have been distributed, and our concern is, we would like to have an assurance that the foods, when they come to a retail store, are already as safe as they can be.

Now, we're certainly not saying we don't accept our obligation, and we're not trying to shy away from inspection enforcement at retail. What we don't want to do is see a shift away from in-plant preventions, with reliance on detection after the product has already left. And there's no recourse for corrective action once the product is in distribution unless it can be recovered and returned.

MR. BILLY: Nancy?

MS. DONLEY: Nancy Donley from Stop! I agree with some of the comments that Jill has made, that we too share

the concern that we can't -- that the prevention area, that what takes place, the inspection that takes place in both the slaughter and processing levels can't be weakened through any change in shifting inspection into the in-distribution channels. So I think that the agency -- I urge the agency to be very, very careful and monitor closely that if anything seems to be shifting at the processing level, that adjustments be made immediately.

I just want to verify one other point, and that is that -- a comment that Bernie had made earlier -- is there going to be any -- first of all, FSIS in distribution and in retail is in no way, shape, or form going to replace anything that states are doing on their own, states and local. Am I correct in that?

MR. BILLY: Yes.

MS. DONLEY: Okay. So this is going to be just an enhancement of those programs, which I think is a very good thing because the state programs right now are very uneven programs so I like the idea very much of having some federal oversight in these areas.

And then lastly, is FSIS going to monitor somehow

that states then don't try to rely on the federal government to be able to use you as a fallback position and, when their budgets get cut, to necessarily cut these -- that's a concern of ours as well. There's got to be some sort of a monitoring of -- let's make sure that ultimately the public is best protected, that one isn't assuming, okay, I can rely this way or that way.

MR. BILLY: Very good points. Stan?

MR. EMMERLING: Stan Emmerling, representing North American Meat Processing Association. I just would also like to reinforce some of the prevention comments that were made by Jill Hollingsworth. It almost appears -- and though I support this in-distribution aspect that you're going on -- I think it's necessary and it's certainly part of the whole process -- it's almost cart before the horse because some of these problems are starting before it even reaches the slaughter floor -- in other words, on the farm, and we keep talking farm-to-table continuum and we haven't given up that concept, but we don't start with it and that's really the beginning. So the prevention aspects would minimize some of these things that you're trying to do on the in-

distribution. Those are more like Band-Aid approaches when the problem starts way before that.

With respect to some of the things in the in-distribution -- and I didn't hear any of that and I don't know whether you've thought about it, but are you contemplating more testing, like, for species or ingredients with this down, you know, on the in-distribution level, is that something that's going to be moved out of, say, in-plant testing further on down the line? How are you going to catch up with some of these things that you're trying to address if you're moving them out of the inspected establishments?

MR. DERFLER: This is Phil Derfler. We're going to do the best job that we can. I mean, what you're talking about is other consumer protections. To the extent that we take ground beef samples in distribution, we're going to look at species as well as the E. coli 0157:H7. I mean, we're going to try and develop a system that provides the best protection that it possibly can.

MR. EMMERLING: Well, with respect to the E. coli, if you'd do that earlier it wouldn't be necessary to do it

later, which is the prevention aspect of it.

MR. BILLY: One other thing I would add is, we're sponsoring a national meeting in early September that focuses on animal-production food safety. It's being held in Kansas?

MR. DERFLER: St. Louis.

MR. BILLY: St. Louis. And it will be a description of all the efforts that we've been putting forth working cooperatively with the states and the producer organizations over the last several years. There have been significant gains in that area. They'll be highlighted, as well as where the current work is being done, including research. So I think you'll find general agreement here that there's room for improvement on the farm end. And we'll learn at that conference and there will be proceedings published from that, what progress has been made, how it's being applied, and more importantly, where the current work is being done. It is important that there be a balanced focus across the farm-to-table spectrum.

Now Cathy would like to make some comments.

MS. WOTECKI: Thank you, Tom. I wanted to reflect

both on the comments that Jill Hollingsworth made and also that Nancy Donley made about prevention and prevention of foodborne diseases. If I understood at least some of the premise of your assumption, Jill, it seemed to be that prevention should occur earlier in the system than at retail.

And if I understood part of the premise of your comment, Nancy, it was, does the agency have the resources to carry out additional responsibilities beyond the role that they now play in inspection in plants. And I wanted to talk a little bit about prevention and the antecedents for the approach that's being talked about now, because I think you're both raising very important questions.

If you go back to Phil Derfler's presentation, he has a quote from an Academy study in 1985 that we all look back to as being the antecedent to the current HACCP program. And it makes the point that the ideal inspection system will ensure adequate public protection measures throughout the food system, from animal production to the final sale of the food product.

The approach that the agency has built on that

actually has been a farm-to-table model because it also has had a very strong information and educational component to the public about their roles and responsibilities as well in protecting themselves.

But what we're talking about today is premised on not diminishing the agency's role and responsibilities in the areas where it traditionally has worked but also addressing conceptually not only its legal authorities but also the additional protections that, given the current resources, could be applied in distribution. And all of that is important for prevention. So I just wanted to make clear that we're not backing away from a historical role. We strongly believe that prevention begins at production and goes all the way through to the point of preparation that occurs either commercially or in the home. But what we can address and are specifically addressing today is this concept of adequate public protection throughout the inspection system.

MR. RUTGER: I'm Jim Rutger and I'm with the Minnesota Department of Agriculture. And I'm here to give a little bit of comment from the state's perspective.

We're very excited and we go on record as supporting the IDI program. It's been an exciting program, it's a good program. Farm to table is very important for the state of Minnesota. One thing I think that we all need to recognize here, though, is it's not one agency here. It takes all agencies with concurrent jurisdiction, from farm to table, to protect that.

It's a situation where, when we were going through the training with the IDI training, the state had a very large commitment to this. Indeed it was the state's dollars that sent three of our individuals to this training. It was state dollars that sent me here today. I'm here on behalf of the state of Minnesota to tell you that we are committed to this. We have a staff of 83 people at this Department of Agriculture in Minnesota, including a state equal-to program, a food inspection program, and a dairy inspection program.

We heard a lot of comments here today about uneven playing fields in some of the states and we recognize that that does occur. One thing for Minnesota -- and I can only speak for Minnesota but I have to assume that it is the

situation for many other states and local jurisdictions as well -- Minnesota has the food code in place. In fact, one of the things about our food code that differs from the federal code, the federal code says, compliance with law, and it's silent on what that law is.

Minnesota addresses five chapters of federal regulations that have been adopted by the state of Minnesota as its own regulations. Indeed, we enforce EPA, Food and Drug Administration, National Marine Fishery, and USDA regulations as our own. Our staff is trained by the USDA, by the FDA, and National Marine Fishery Service in HACCP. We have state statutes in place which address and connect us to the Food and the Drug and Cosmetic Act, the Wholesome Meat Act, and several other federal acts, including FIFRA and the Interstate Milk Shippers Act.

Minnesota has a real commitment here in this program and to this. The states have a role to play here, and it's a big role. It's the role -- one of communication, of partnership, of making a safe food product for all of our citizens. One thing where we differ, however, from USDA is that we feel that in those states that opt to take this

program, that have the resources and the commitment and the regulations in place, that we be allowed through cooperative agreements, memorandums of understanding, to go forward with this program and to carry it out.

Indeed, the citizens of this country and the citizens of Minnesota expect the best bang for the buck for the tax dollars out there. In those states that don't have those resources, we feel that USDA should commit their resources there and allow the states to do the work where we have the resources committed there.

Our staff holds numerous licenses which attest to our credentials. We hold several USDA licenses in egg inspection. We hold licenses in school lunch, state equal-to program. Many of our staff have commissions with the Food and Drug Administration. We have licensing with National Marine Fisheries to do lot inspection and HACCP inspection.

So at least in Minnesota you have an agency that vests the abilities of all three of the major federal food inspection agencies in one location. Indeed, our sister agency, with the Minnesota Department of Health and the

Minnesota Department of Agriculture, and our delegated agencies, where we delegate to the county and local authorities, require that they adopt our food code and, like I said, our food code references back to the Food, Drug, and Cosmetic Act. It goes back to the United States Code on food regulations. It goes back to title 9, title 7, title 50, title 40. Those are state regulations.

Mr. Derfler commented about cooperation, working together, and overlap of jurisdiction. Indeed, if we go into a food establishment and we find uninspected product or a misuse of a federal inspection seal, the state of Minnesota also feels that that's a violation. And through concurrent jurisdiction, it's not only a federal violation, it's a state violation.

We have a staff of 27 food inspectors, 8 equal-to meat inspectors, 20 dairy inspectors, a compliance staff of 5, and an assistant attorney general assigned to our agency to protect consumers in the state of Minnesota for food product. And so we take this very seriously and we honestly believe that, in those states that can make this level of commitment, that we be allowed to do a partnership and that

we take the resources that the USDA would extend in those states and utilize them where a state perhaps doesn't have the resources. In return we would ask that the USDA supply us with training, they'd supply us with insight, give us the support that we need to carry out our program so we get on an even playing field.

In addition to that, the Department of Agriculture has a full laboratory staff, including microbiological, chemical, food safety or food chemistry, and pesticide work that we're capable of doing. Our agronomy unit holds many accreditations with EPA on that. Our laboratory is certified by Food and Drug, certified by USDA, certified by EPA.

So many of the states are capable of doing this. Give us a chance to do it. Thank you.

MR. BILLY: And I would just add to that I think that what Jim has presented gives you a good sense of why Minnesota is one of the states we wanted to explore this in and work together because to the extent that we can take advantage of the kind of commitment and activities that you've just heard about, we can learn a lot from that in

terms of where we might fit in and how best to fashion a cooperative approach. So it's recognizing what Minnesota is bringing to the table that is part of the motivation for us to carry out part of this project in that state as well as in several other states. Who's next? Yes, please.

MS. KRISTIN: Hi, I'm Charlotte Kristin from the Center for Science in the Public Interest. We certainly want to applaud the efforts of Minnesota and other states who are working so hard to ensure food safety within their states. However, sadly that's not the norm.

Caroline Smith DeWaal earlier in this meeting mentioned our "Dine at Your own Risk" study. That looked at 45 state, county, and local jurisdictions and looked at their food inspection and food code activities. The food code recommends that restaurants be inspected twice a year. And when we talked to those 45 jurisdictions, we found that 67 percent of them, two thirds, thought that they met or exceeded the food code recommendations. Unfortunately, when we actually verified their data, we found that less than half of them did. So while states believe that they're doing a good job and they're trying to do a good job, they

don't have the resources or the ability to fulfill that commitment.

In addition, when you look at the FDA's record on inspections, the average inspection of an FDA plant is once every eight to ten years. In fact, the high risk plants are only inspected annually. Therefore, CSPI fully supports this plan and thinks that there is a definite need for USDA to be pursuing this. Thanks.

MR. BILLY: Thank you. Bernie?

MR. SCHEIER: I wanted to make more of a brief comment than a question at this point. I wanted to say to Nancy and people from the consumer groups that we certainly, I'm with the American Association of Meat Processors, we certainly don't advocate weakening inspection at the in-plant level. But we do think that increasing scrutiny at other levels, including prior to that, on the farm, and after that, in distribution, is a good idea. At AAMP we've had a long-standing position, and which we've made the agency aware of many times, of supporting inspection of food and meat and poultry products where the risk exists.

And there are situations that exist today where

products are being processed in retail and grocery at various levels, pretty much the same thing that's being done in plant. And the risks are virtually the same. And yet the inspection is not. And so our feeling about this is that this is a good idea generally.

We'll be interested in more specifics about it, but we really support this initiative the agency is taking because inspection has to happen where the risks exist. And if there are risks -- for example, if things can happen to products once they leave the plant, at the retail or at the restaurant level, then there needs to be some examination there so that those things can be dealt with. Thank you.

MR. BILLY: Thanks, Bernie. Yes.

MR. SAUNDERS: Doug Saunders with the Association of Food and Drug Officials. First off I would like to thank FSIS for conducting this public meeting today. I think there has been a significant amount of misinformation floating around with respect to the IDI project as well as other items and I think this public meeting will go a long way towards dispelling that misinformation.

AFDO does strongly encourage continued efforts to

eliminate any duplication or overlap not only between states and federal agencies but also between states and local government agencies and any other overlap that might exist.

Additionally we strongly encourage the continued efforts to efficiently utilize all of the available resources that are out there with respect to food safety and to the development of effective partnerships or cooperative agreements between states and local governments, between states and federal government. And we look forward to continuing an effective relationship with FSIS towards development of a truly seamless food safety system.

MR. BILLY: Thanks, Doug. Yes. Okay, Jill?

MS. HOLLINGSWORTH: Tom, if I'm correct in understanding -- there was a report that was published along with a *Federal Register* announcement and it was on your Web site. It was a report on the in-distribution inspection pilot, the November document.

And today's information is certainly appreciated because it's much clearer for us, but it is somewhat different from what's in here. And it's my understanding this has been taken off the Web site now. I certainly

couldn't find it anymore as of this week, so I'm assuming it's been taken off. But when we filed comments back in March of `99 it was based on that information. Will there be a new opportunity to comment on the new approach that you're taking, because we're not sure that our comments are actually as relevant or accurate on the old system as they would be on this one, and we'd like a comment on this new system also.

MR. BILLY: The answer is yes. Phil?

MR. DERFLER: We intend to provide a comment period with every public meeting that we have. Now, I don't remember the specifics of the notice, whether we actually said that. We certainly -- that's our intention. We always do that and we meant to do that here.

MS. HOLLINGSWORTH: Okay. Good. Thank you.

FEMALE VOICE: Will there be a new proposal sort of like the written report that was provided before or are the presentations and what you've handed out going to be the extent of what the agency has?

MR. DERFLER: The presentations represent what we have so far. But we're working on it.

MR. BILLY: Other comments or questions? Okay, let me provide a brief wrap-up. First I'd like to thank all of you for being here and participating. Those that have provided comment or suggestions we welcome them, and as we stated several times, we do listen and we factor into our thinking the thoughts and other information that you share with us. I'd like to reiterate the importance of addressing food safety in distribution and repeat the quote that Phil Derfler used on one of his slides from the National Academy of Sciences l985 report on the scientific basis of the meat and poultry inspection program, which was that, "An ideal meat and poultry inspection system will ensure that adequate public protection measures are located throughout the food system, from animal production to the final sale of the food product." In terms of the next steps, we intend to use the information that we've been provided from you today, your thoughts and suggestions, as we go through this project, including development of the performance standards that were referred to earlier.

We also plan to continue the effort working with Minnesota and other states and local authorities in terms of

developing new kinds of MOUs or cooperative agreements as we learn how or most appropriately to approach that kind of partnering. We also plan to continue the public process. As we mentioned, there will be an opportunity for public input and we plan to have further public meetings as we learn more and build on the work that we're doing.

I believe the discussions here today have been good discussions and hopefully cleared up some misunderstandings and created a better general understanding of our current thinking. And we think this kind of dialogue is important as we move forward and we plan to continue it in the future. So thanks everyone for coming.

(Whereupon, at 11:45 a.m., the meeting was concluded.)

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June 2000 In-Distribution Public Meeting
Name of Hearing or Event

N/A
Docket No.

Washington, DC
Place of Hearing

June 9, 2000
Date of Hearing

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