

UNITED STATES DEPARTMENT OF AGRICULTURE

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 USDA FOOD SAFETY FORUM :  
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Wednesday, November 8, 1995  
 Washington, D.C

A Food Safety Forum was held at the United States Department of Agriculture, 14th and Independence Avenues, S.W., Washington, D.C., 20250, beginning at 9:07 a.m., before Timothy Clark, a court reporter, with the following in attendance:

- DANIEL GLICKMAN, Secretary of Agriculture
- RICHARD ROMINGER, Deputy Sec. of Agriculture
- MICHAEL TAYLOR, Acting Under Secretary for Food Safety
- THOMAS BILLY, Assoc. Administrator
- KARL STAUBER, Under Secretary for Research, Educ. & Economics
- K. DARWIN MURRELL, Acting Assoc. Admin., Agr. Research Svc.

ATTENDEES

Dr. Mary Ewing	Terry Burkhardt
Heather Klinkhamer	Lee Jan
Bob Hahn	Mark Nestlen
Karin Bolte	Dick Gutting
Dwane Swinger	Edward Menning
Eric Juzenas	Dane Bernard
Roni Rudolph	Mary Gioglio
David Carney	Craig Reed
Barbara Sullivan	Paul Korody
Nancy Donley	Robert Garfield
Caroline Smith DeWaal	Marsha Echols
Roiner Mueller	Mike Donovan
Rosemay Mucklow	Joe Maas
Lou Gast	Jerold Mande
Carol Tucker Foreman	Steve Krut
Tom Devine	Richard Wood
Patrick Boyle	Jim Hodges
Stan Emerling	Ron Prucha
Dennis Johnson	Joe Pocius
Jones Bryan	George Beran
Joel Brandenberger	Lyle Vogel
Dr. Dan Parmer	Steve Pretanik
Gary Kushner	Michael Robach
Randy Day	Leon Russel
Sara Lilygren	Jim Lochner
	Beth Lautner

PROCEEDINGS

MR. GLICKMAN: I want to welcome everybody to this forum. I'm very happy that we have a wide spectrum of interests here to attend this forum and further assist the Department in our efforts to improve food safety and reform the meat and poultry inspection program. Today we have an opportunity to discuss and engage in a meaningful interaction on issues that go beyond HACCP and our previous HACCP issue focus meetings. So what we are genuinely interested in is your input and ideas on improving food safety and particularly as it may affect the need for legislative reform and other issues that are basically on the agenda.

Let me just make a couple of questions. We have a very ambitious agenda today, and I would ask that you try to avoid reading statements if you can. They can be submitted for the record. Summarizing statements and comments will allow us full participation and interaction to take place. We also want to go beyond the HACCP rulemaking, although the comment period is open until next Monday, largely because we figured that there may be points raised on HACCP here and we wanted people to have an opportunity to respond if those points were raised. So if you have additional ideas regarding HACCP you can submit them for the record, although that is not the prime purpose of this meeting.

Let me briefly review today's agenda. The morning's focus will be on legislative reform. We have listed some of the key issues that have been identified through your comments during the issuefocused meetings and our discussions. However, we want to hear what you believe the key issues are and discuss them. So during the discuss-

ions I've asked that the issues raised are written on the easels. Do we have an easel on each side? Okay. So it will give us a chance to see specifically what is going on here.

There is undoubtedly room for improvement in our meat and poultry inspection statutory framework, and we want your ideas on those types of improvements as well. So that should take us, basically, through the end of the morning and until the lunch hour.

This afternoon we will discuss how USDA can best improve food safety through use of its resources. Given our current budget restrictions, this is an important topic that we need your suggestions and to know how we can better address the problems and concerns. And that will occur basically, after lunch till mid-afternoon.

We will then discuss food safety research and education, again targeting how USDA can better work with each of your interests to improve in these areas. And we will have folks, including Karl Stauber who is your Under Secretary for Research, and Darwin Murrell who's the Acting Associate Administrator of the ARS, to come in and talk about a few things of what we're doing in that area and suggestions on what you think we ought to be doing.

We have an opportunity to reform and improve the system. Let's use today's forum as a foundation for that work. Each of us has a common goal which is improving food safety. We need to work together to more affectively achieve that goal.

So that's basically why we're here, and now I would like to ask Rich Rominger to make a few comments.

MR. ROMINGER: Thank you. I'd like to add my welcome to the Secretaries. We do have an important job ahead of us today and I think by working together that we can all improve the meat and poultry inspection system. As you heard the Secretary state, the Administration and the Department are committed to improving and reforming the inspection system through the completion of our HACCP rule-making effort, but also by addressing the additional issues that we want to discuss today. So we do have a great opportunity today and we need your input and your ideas and your creativity.

We've included legislative issues, regulatory issues, and administrative actions which are open to discussion. So we've also included as the Secretary just stated, the research issues, where we need your help in ensuring that we target resources to meet the food safety challenges of the future. So thank you all for coming and I look forward to hearing your ideas.

MR. GLICKMAN: And now I'd like to ask Mike Taylor to make a few comments.

MR. TAYLOR: Thank you, Mr. Secretary. I just would like to add my welcome to those -- the Secretary and Mr. Rominger, to all of you and my appreciation to all of you for joining us here today. We are embarked, as everybody in this room knows, on a course of very fundamental change in our meat and poultry program. It's changing and improving food safety by fundamentally changing and improving our program, and it's change that, as we discussed I think in a very productive way in September in the meetings that we held in this room on our HACCP rule-making.

It's change that goes well beyond the issues being addressed in that HACCP rule-making proceeding. It involves some fundamental changes in the regulatory paradigm that we operate under, so it's regulatory reform that involves institutional form, organizational change within the Food Safety Inspection Service, to make the best possible use of our resources. And there are a host of issues that have been raised and that deserve consideration regarding the statutory framework in which we operate.

And so we see today as just a very important opportunity as we are beginning down this pathway of fundamental change and working to complete our rule-making, to also get a broad set of perspectives on the broader issues, and begin the kind of discussion that I think would be necessary in order to resolve some of these very difficult and fundamental issues about how we run the program, how we use resources, and how we meet food safety obligations.

And so again, we're looking forward to a really productive discussion today and just looking forward to the input from this very impressive array of people with expertise on these issues. Thank you.

MR. GLICKMAN: I would just say that if you are making a comment, I would ask that you state your name and speak directly into the mike so everybody can hear you. Most of you know there are restrooms outside. A lot of you were here before, so I'm sure you found them. And there's a telephone down the hall if you need that.

I'd like to basically begin by opening up, and as you see, the first item is, Whether Legislative Reform of the Federal Meat and Poultry Products Inspection Acts are Needed. And I'd like to basically open it up there and

have people comment on that question. And as you raise issues, I'd like staff to put those down on there so that we can, to the extent possible, try to focus on the issues that are raised as they are raised, but I'm not going to be absolutely a stickler on that. I'd like as much as possible, give it some structure. But let's open it up and begin the comments right now.

(No response from audience.)

So that means nobody thinks any changes are needed? Yes, Stan?

MR. EMERLING: I didn't know I'd be starting it off. I'm Stanley Emerling and I'm representing the National Association of Meat Purveyors. Some of these items are things we have discussed in the past, but we feel strongly that there are some legislative reforms needed, and I'm just going to just mention them in sort of points.

We think it would be perhaps, a better system if everything like FSIS, FDA, CDC, and Fisheries were in a single agency. We think meat and poultry regulations should be harmonized, and that the emphasis should be at slaughter, where the problems begin. Require that State inspection be made subject to same as, rather than equal to, because in that way we would do away with the differences in some of the rhetoric that comes from trying to say whether State or Federal or Town or whatever.

We'd like to eliminate all exemptions from the Act, whatever they may be, whether they be retail, warehouse, food distribution, food service, central kitchens, custom slaughter, even production sources. Change the charter of Food Safety unions so to allow FSIS to shift its employees into compliance and monitoring conditions when and where they're needed, and require that the inspection force be properly qualified and trained, and that there be a system for removal of those employees who are either

incapable or confirmed to be unwilling to administer their authority properly.

And then we would like to see 24-hour, 7-day a week ability to function and to operate your plants as a plant feels its business needs require it, and without overtime. And we would also mandatorily like that all edible meat, poultry, game, exotic species all be amenable to the Food Safety Inspection Acts. That those programs no longer be voluntary.

MR. GLICKMAN: Okay, you had obviously, many issues there, but one issue is single-agency harmonization of regulations, as much as anything. One issue has to do with State inspection, what the substantive standards would be for State inspection, one has to do with relating to exemptions from the Act that currently exist, one has to do with the charter and activities of Food Safety unions and matters related thereto, one has to do with basically, 24-hour functioning of the food safety process, and the last one, all programs should be mandatory.

So those are issues that have been raised by Mr. Emerling. Any comments on that? Caroline?

MS. DeWAAL: Caroline Smith DeWaal with the Center for Science in the Public Interest. I'm really glad Stan started because I think it gets us right into the central debate. We do not oppose legislation, in fact, we have proposed legislation and it is filed in both the House and the Senate, and that is the Family Food Protection Act. And I want to talk on that for a few minutes, but I want to specifically address Stan's issues as well.

The Family Food Protection Act represents modest change. It give the Department new tools that it needs, both to ensure pathogen reduction by giving the Department mandates to actually regulate pathogens in food,



which it doesn't currently have, and also to give the Department specific enforcement tools which we believe are essential to enforcing HACCP. But the Family Food Protection Act does not interfere with the Department's implementation of HACCP, and that is critical to us.

I want to first state, there is broad base support for the Family Food Protection Act. You're going to hear from a lot of people today who support the Family Food Protection Act, but just for your information, these are petitions from our members. There are thousands of petitions here. We also have thousands of postcards which have been collected by the Safe Tables Our Priority coalition. These copies are for you, Mr. Secretary. We also have copies going to Senator Dole, to Speaker Gingrich, and to every member of Congress who we are talking to on these issues. These represent petitions from all over the country and there is very broad base support for this legislation.

Legislation that Stan Emerling talked about, the issues represent radical change. It represents rewriting the rules, rewriting the legislative mandates, and my concern for the Department is that it would be like trying to ride two horses at the same time. Not only is it bound to be uncomfortable, but they'll more than likely start taking off in two directions. You are on a horse already. You have a regulation which you are moving forward. It is a very important regulations and we have worked very closely with the Department as the Safe Tables Our Priority in the Safe Food Coalition, to make sure that that regulation is something we can believe in. That we think will actually improve the production and safety of meat and poultry.

There's no doubt that change is going to happen, and legislative change will likely be needed. The question right now is how to manage that change, both for people inside and outside of the Agency. Everyone supports change that would maximize public health protection and more efficiently use public resources. But how do we get from here to there? How do we make sure that public health and not budget concerns are driving that change?

One provision of the Family Food Protection Act would set up an Advisory Board to you, to the Secretary of Agriculture, to consult and make recommendations on how to manage that change once HACCP is implemented. The Advisory Board would consist of consumers, producers, processors, workers -- both private and public -- retailers, and anyone else who wants to participate. I mean, it really should be broad-based. But what it would do is provide a vehicle for you to make sure that the change that's going to come, that we all recognize is going to come, is managed both inside and outside the Agency, and that you have the full benefit of all the views of the parties.

We've been sitting in meetings now for over a month and, you know, it's probably been a valuable process. We've certainly heard a lot of views and many of us are now in discussions -- many of the interested groups are now in fairly regularly discussions on many of the issues here. But that process probably needs to continue. And I would really urge that if legislation is needed more than the very modest tools which the Family Food Protection Act gives, then before that legislation is developed, we join together as part of an Advisory Board and try to develop that.

And I will now move these petitions but they will be delivered for the record of this hearing. Thank you.

MR. GLICKMAN: Thank you. Yes, George?

MR. BERAN: Thank you. I'm George Beran. I'm with the Food Safety Program of American Veterinary Medical Association. We see in the present situation with respect to inspection revision, the important of institution of HACCP programs and of interaction of these HACCP programs in industry with the Inspection Service. And we do not see, at this time, the necessity for major new legislation. The development of HACCP program in food safety enhancement in slaughter and processing operations will not require that new legislation. I just reread the laws of 1967-1968 just this week.

The development of HACCP programs and their relationship to the USDA Inspection and Regulatory Services should be progressive in pilot project and wide adaptation which can be instituted within the present legislation. The changes in the Acts that may come about we feel, should be progressive and should be done at a time when we have had more experience with the development of HACCP without changing the present structure of the inspection system at this time.

In conjunction with the initiation of HACCP systems in industry, the level of changes in the inspection system should not exceed those which can be achieved within the present legislation. It is important that the food safety assurance and responsibilities of the present inspection system not be diminished during a period of trial and development of the new HACCP programs which are projected to increase safety assurance in additional areas in which the present system is insufficient. We would

like to see movement toward new legislation follow on the heels of institution of HACCP systems which can be within the present Acts and do it then in an orderly and group participatory fashion.

MR. GLICKMAN: Thank you. Yes, Ed?

MR. MENNING: Ed Menning, National Association of Federal Veterinarians. I would just like to comment that on Stan Emerling's issues that the National Association of Federal Veterinarians basically agrees with every one of them. Though I think the single Agency concept is probably beyond the abilities of what people are thinking of in changing the laws at this time, but it would be a very good idea. Emphasizing slaughter as you mentioned, is obviously needed, same as states would solve a lot of problems, eliminating all exemptions for species are very important, etcetera.

One point he made I would just like to stress a little bit, and that is properly trained inspection force. I think this is an issue that receives, other than from myself and a couple of others, very little lip service and it's one of the most major underlying problems that FSIS has had and has today. The inspection force is extremely poorly trained and not up-to-date, and how they're going to be expected to go into HACCP or any new scientifically credible program is beyond their abilities at the present time.

Over 30 percent, in fact about 35 percent according to FSIS, of their inspection force has never even received initial training at their training center, let alone, essentially none of them having scientific credentialing in universities. Furthermore, within the whole program there's even discussions, though

it's not part of a formal paper, to replace the scientifically-credentialed people with total uncredentialed scientific people in the program, and this, as far as we're concerned, is a total farce. So until there is some good training to the force, until there are persons who have adequate credentialing in sciences, be it microbiology, food technology, pathology, whatever it may be and where necessary, there is no way for the Agency to have counterpart interaction with the corporations, most of whom have highly credentialed people on their staffs running their programs, let alone planning for HACCP and many of them completed.

So the training is essential, and I am very sorry that few people even look at that. I'm even more sorry that Congress knocks out funds, specifically for needed training. But without that you cannot go forward.

MR. GLICKMAN: I'd make just one comment, and not so much of what you're saying, but looking at the legislative initiatives over the next 10 years, I think you do have to look at the likelihood that the budget stress will continue and worsen, so while I think that is unfortunate in areas of public health and safety, one might look at the options legislatively as to how you deal with that issue, if the traditional appropriations route is not as acceptable as it's been in the past. What other sources of revenues, funds, resources are available. I think that's something that probably ought to be addressed in the legislative initiative.

Dave?

MR. CARNEY: David Carney, National Joint Council, Food Inspection Locals. Yes, training is a big issue as far as the Food Inspectors, and I think right now it would be a prudent decision on your part, Mr. Secretary, to take a hard look at how the training is being executed right now. FSIS

has a contract with Texas A&M. With the funding and the budget right now, where there's no hiring, there's no promotions, and there's no training going on, there's still contract slots being paid to Texas A&M for no bodies showing up. So that money could be reallocated to other resources within this Agency. The training programs could be changed and better disseminated in the field instead of using Texas A&M as a headquarter for training.

But I'd like to move on while I do have the microphone, and talk about legislative issues. In a recent meeting with some folks on the hill, FSIS was criticized for not having a strategic plan or a definitive direction. but I think what Caroline Smith DeWaal has mentioned about the Family Food Protection Act would lay a good foundation for this Agency and the Department to get in a good direction. The Family Food Protection Act would lay a foundation, it would support data for change, for legislative changes, so the National Joint Council wants to go on record to say that we support the Family Food Protection Act. Thank you.

MR. GLICKMAN: Rosemary?

MS. MUCKLOW: Thank you for convening this meeting today because it's going to address, hopefully, some of the most critical issues that face us as an industry. The original Meat Inspection Act was written in the first decade of this century. It was substantially revised, as most people in this room know, in 1967. And laws, even though they may be good laws, and I happen to think that the Federal Meat Inspection Act as originally conceived and then amended, was a good law, can do with some updating. And so I think it is important that we look at updating what has been a very good law that has served consumers well for 90 years.

I think as part of that updating we need to look at defining the role of the Government in terms of what its responsibility is going to be under that law, and I think that's a very fundamental issue. Do we want a Federal Meat Inspector to look at every pound of meat, or are they there in a monitoring role, are they there in a compliance role? We have a lot of other laws protecting consumers in the United States. Is there a fundamental difference about meat and poultry, or should it more match some of the other essential elements of livelihood in the United States? And I think that's something that we really have to look at.

In our view, we need to seriously begin to address whether volume is the basis upon which this Agency moves, or whether it is risk. And if we're going to look at risk, at risk to consumers for defining the function of this law, then that needs to be a very thoughtful discussion, it needs to be one in which we bring the element of science into it, and there may be some decisions that need to be made that fit with the future funding of this kind of a program, given tight budget constraints that are going to be very different from what we're looking at today.

It's very difficult for us to address and we could talk all day about it, but it's something that we've got to come to grips with. I'm not sure that I can tell you precisely where we are today. I know I can't. And there will be a lot of other people in this room that couldn't. But we've got to deal with that risk issue. We've got to deal with the fact of risk in slaughter plants where plants that may slaughter market hogs or fed cattle, see a very different kind of animal, yet have some of the very best inspectors. And the plants that slaughter borderline animals, ones that have already served a useful life in the human food chain as dairy cows and come into

the slaughter, those plants are generally smaller plants and have a lesser grade inspector assigned to them.

We need to begin to look at that issue and talk about risk. What are we going to protect consumers on? We're going to put the veteran inspectors, the more qualified people, looking at the tougher animals. It's an issue that we've really got to come to grips with.

The other thing that gives me a lot of concern is, that we had a good program, it needs some updating, and there's a major effort underway with the mega reg, to do that kind of updating. Neither this Department nor the industry can have all the balls in the air at one time. It will cause chaos out there, and I think we need to think very seriously because there's a lot of unrest in the trenches. There's a lot of uncertainty. There are a lot of unfilled slots in this program that are seriously undermining the competence of the program. That's an issue that needs to be addressed. We need to staff some of the supervisory positions to make sure that things get done.

The other thing is, and there's been discussion here already this morning, about training. As we train for a science-based program, science is not regulatory science and industry science, it is science. And we'd better all agree what science is, and we'd better all have a standard under-  
standing and do some of that training together. It will iron out some of the bumps in the road that become contentious issues. I understand that the Government will want to go beyond that and give people regulatory training, but there isn't a regulatory science and an industry science, it's



science, and we need to come to that common denominator, we need to train together.

And we need the Department's involvement in the development of HACCP training. You shouldn't take some guys and sequester them in a room and train them and we'll train ours and then they can all meet on the bridge and have a big fight. That's not the way it needs to be done. We need to train together, and that training needs to be open to everybody. It's like computer development 25 years ago. You're developing an institutional understanding for what HACCP requirements are, and there are a lot of constituent parts to them that come from many scientific disciplines. and we need to do it together. And that needs to be stressed over and over again.

Thank you.

MR. GLICKMAN: Yes, Rich?

MR. ROMINGER: Rosemary, do you agree that HACCP is looking at the points of risk, and how is what you're talking about different from what HACCP would address?

MS. MUCKLOW: Yes. HACCP will address the points of risk, but we are not yet allocating the resources of this Agency based upon risk. There's been no step yet to allocate slaughter inspection based upon risk. We need to begin to bring that risk factor in. There are people in this room that are much smarter than I am, that can address that issue with you, and I'm sure that they're itching to get the microphone and I'd be happy to yield to them, because they know a lot more about this. I'm a political scientist. You've got some real scientists here that can address that issue much better than I can.

MR. GLICKMAN: Before I recognize Carol I just -- one of the things that struck me when you were talking is, one of the things we may ought to be looking at is how the Government and society addresses these kinds of programs that involve risk where the consumer or the user cannot control the factors. For example, how we regulate and inspect airplanes, how we regulate and inspect banks, things that folks cannot in themselves control the entire scenario with. You can use some good judgment and some diligence, but to a large extent it's outside your arena.

And maybe one of the things in talking about harmonization is not only harmonizing within the food industry itself, but looking sensibly at how we do other things in protecting consumers and other lines of work and experience, and there may be something to learn there as well. And that doesn't necessarily mean that, you know, the FAA does a better job than, let's say, the Food Safety and Inspection Service, but they may have developed techniques based on their experience that are relevant to what we do as well.

Carol?

MS. FOREMAN: Thank you. I'm Carol Tucker Foreman with the Safe Food Coalition and I would like to make a reference to the point you just made, Mr. Secretary, before I finish. In the interest of not coming with prepared remarks, you may get some that are a little scrambled in their order. But I want to challenge people to think outside the box. It's a trite phrase but it might be useful here. And you were just doing that. Let's look beyond the Meat Inspection Act, see how other similar kinds of regulatory issues have been handled successfully by the Government, and, you know, the National Academy of Sciences in 1985 made the comment

that one of the problems with meat and poultry inspection is that it was a closed society, that people viewed the industry as the peer group and that there wasn't much communication with the larger world of science outside. So clearly, that could be a big help here.

I think it's time to think of a new paradigm for legislation here, just as you are with the regulatory process. We might argue that we're going backwards into this by doing the regulations first, but hey, you know, whatever works fastest. The very first Meat Inspection Act in this country was not the Act of 1906, it was the Act of 1881. And it was passed for the specific purpose of assuring our foreign trading partners that they could import meat from this new and raucous country without their people getting sick. It did not apply to meat for domestic consumption, only that that was going to be exported. It was a couple of years before they extended it to the folks who eat in the United States.

The law then and even today, has been primarily oriented to protecting people from getting diseases that are passed to them by sick animals. I submit to you that 100 years ago that was a very, very important issue. I think it now must share the table with some other issues, those of chemical contamination, and certainly those where humans can become ill from the bacteria that animals carry with no ill effect on animal health. And it is that transfer to a human health-based program that the Department is trying to make and that we're struggling with here today, have been struggling with for months now.

If you want to think of it first as a human health program, you have to think a little differently than we have in the past. This is a Food Safety Forum. I wish that it were a forum on the human health issues involving

meat and poultry inspection because I think that that ought to be essential to every comment made here today. The goal of this program is to protect human health.

If you have a system as HACCP proposes, with performance standards, you can I believe, move away from many of the concerns that have been expressed here and will be expressed here about uneven inspection. Much of the complaint that arises, arises because each plant is viewed through the eyes of the inspector who's there. And maybe the inspector's corns hurt, maybe the plant manager had a fight with his spouse and so they have a fight and it get appealed up the line. If you've got a basic performance standard that plants have to meet, you regularize this process. I assure you, the FAA has performance standards for bolts on aircrafts and for how they're applied on the aircraft, and we can do that now in animal science. Probably wasn't possible when we started.

I'd like to hit just a couple of the other points here in your list. If you're going to have a HACCP system and performance standards that apply to all plants, I can't think of any reason why you shouldn't let State-inspected meat move in interstate commerce. I have to tell you that having worked with this program, I don't believe that State-inspected meat is as well-inspected as Federally-inspected meat. I don't think the meat that comes into this country from foreign countries meets the standards of meat processed in this country quite frequently. I think it's a myth that we tell each other, and if you ask somebody, how do know it's as good, the answer is, well, because we wouldn't allow it to be imported if their system weren't as good as our system. And you know, no college logic professor would accept that as an argument.

If you move to performance standards in something less than carcass-by-carcass continuous inspection over a period of time as HACCP's put into place, then you have to have a different set of penalties than the ones we have now, which are oriented to resolving some of the serious criminal violations that occurred in the industry and the kind of physical violence that sometimes arises from the constant presence of Federal personnel in a plant.

We have, for many years, urged that the Department have civil penalty authority. If you've got a performance standard and you don't meet it day in and day out, then seems to me, just like if I fail to put the quarters in the parking meter, I ought to have to pay a penalty for my failure to do so.

As I spoke at the last conference, so I won't belabor it today, I believe that obviously, there should be market incentives for improving meat and poultry inspections improving the healthfulness of the products. I don't know anywhere else in the Federal regulatory scheme where somebody gets a seal with inspection that goes to the ultimate consumer of the product that says, your Government vouches for this product, and certainly not one where you get a seal that says the Government vouches for the safety of this product when we know it has harmful bacteria on it. It seems to me that it would be much more productive to have a system of rewards so that those plants that, day in and day out go far beyond whatever the minimal performance standard established by the Government is, get to make the claim that their product goes beyond that.

Obviously, there should be a harmonization of Federal Meat and Poultry inspection. We got here through a long, tortuous process of them coming under the law at different times and in different ways, and good

manufacturing practices being adopted in some cases and not in others, I think you'd have a hard time explaining to anybody who buys these products at the stores, some of the differences in the laws.

Let me finish my remarks by saying that, in the best of all possible worlds we might have started out amending the law and then establishing a HACCP system. We haven't worked that way. It may not be a time to make major changes in the law right this minute, before we see what kinds of changes are required by the implementation of a HACCP system. We strongly support the Family Food Protection Act which would reorient all of the inspection system to a human health paradigm.

If it is impossible to move that law into effect right now, as Caroline Smith DeWaal pointed out, one way to at least move this forward would be to have a Secretarial or a Congressionally mandated Advisory committee to work with representatives from all the interested groups, to work together to see if we couldn't come to some agreement on some key elements of where a new inspection system might go, so that it doesn't get into Congress and either be thwarted completely or end up with some of those wonderful provisions in it that keep us all in Court for the next 25 years.

And as David Carney pointed out, a strategic plan for the Secretary could arise from this kind of Advisory Committee or might, in fact, be the first step in a strategic plan. So that we have more than one day where we're all going to say our little pieces here and then go off, where you might have some of these issues worked out so you could do that thing which is always irresistible to the Congress, having the oddest of

bedfellows go together saying, we all agree that this is the way we ought to go.

MR. GLICKMAN: Okay, way back in the corner. Mr. Maas? If you could speak in the mike, too, then I'll get over on this side.

MR. MAAS: Good morning. My name's Joe Maas. I have, what I consider to be a small meat processing company in Cincinnati, Ohio. The question is, is whether legislative reform in the Meat and Poultry Product Inspection Act is needed. I don't think there's really any question as to whether there's any needed or not. There's several reasons why, and primarily I guess this morning, we're discussing only food safety, we're not going to discuss the budgetary constraints or the financial reasons why it may need to be reformed as well.

First of all, one of the suggestions in the agenda was that -- the role of market incentives in improving food safety. Carol, I can tell you that I have incentives every day to improve my food safety. My incentive is that I'm then in business the next day. I can assure you that I lay awake every night concerning that something may happen, and would in fact, remove something that I've worked for my entire life, and for that matter, my entire family.

Within the HACCP program, I just read a recent article in Meat Processing Magazine, and Robert Buchanan commented in that article -- an FSIS employee -- that if we institute HACCP, there's several problems with HACCP. And one of the problems that he pointed out is that it doesn't deal with emerging pathogens. Of course, that's the thing that I lay awake about every night worrying about. So, you know, I do everything I possibly

can, I have the best of intentions, and then something happens that I simply was not aware of, and then I lose everything that I've worked for.

So the first thing is, the fact is there is a market incentive to improve food safety. I follow it every single day as well as, I tell my truck drivers not to hit school buses and so forth. All these things that I'm faced with on a daily basis that can ruin everything that I've worked for.

The second reason I think we need to reform the legislation is, technology has changed so much since 1960-whatever. The components that the machinery is made of today is much easier to clean, it's much more sanitary than what we had then. Refrigeration technology has come a long way since 1967, testing procedures, medicines used throughout the country. Technology has come a gigantic leap from 1967 to today, to where producing safe foods is much more -- I don't want to use the word plausible -- but producing safe foods today is much easier to do than it was in the middle-60's, so only because of the technology that has occurred between then and now.

The legislation should be changed such that it will allow the FSIS to utilize its resources to their fullest to guarantee safe foods being produced. I'll say this out loud. There's no doubt that what that means is, less than continuous inspection in areas where it's not needed, and continuous inspection where it is needed. Within the HACCP principles, the FSIS should look at critical control points and assess how much need there is to inspect that point, and if in fact, there's a point in the processing or whatever the case may be, or in slaughter or otherwise, then less resources should be allocated to that area.



The facts are that we currently have less than continuous inspection. I have, at my plant, less than continuous inspection. I have daily inspection -- I do have daily inspection which is mandated by law, but I do not have continuous inspection. I have an inspector for about four hours in the morning and about four hours in the afternoon, and whether he or she is there or not has little to do with the way that I run my plant.

With regards to allocating the resources, I can imagine that a great deal of resources will be needed to make these legislative changes. I don't think that the allocation of resources in mandating HACCP programs in meat plants, training inspectors, so forth and so on, with regards to HACCP, is good allocation. I can tell you that most of the people in this room already have HACCP programs in their plants. Larger industries -- I've seen numbers as high as 80 percent of the meat produced in this country is produced under HACCP plans. I have no problem with HACCP plans, I'm not saying they're bad at all.

I do not have a HACCP plan in my plant because I have what I consider to be, continuous improvement. I personally, myself, walk the floor. It's a small plant. I could stand in one processing room and see everything. I can touch most everything. I know the people working in the rooms. I know their families. I socialize with a lot of them, and we have a lot of discussion about what's going on, on a daily basis. I certainly would never want my hands tied sitting at a desk trying to mull over paperwork.

I can assure you, as I have in the past, that if HACCP is mandated I'll certainly follow that regulation just as I do the mountains of other regulations that land on me, and not just from USDA but from other governmental agencies as well. But quite frankly, in my plant I'll produce

paperwork for the inspector as will probably be the case in most small plants my size.

The last suggestion for the way to reform the legislation would be to have one legislation that covers all meat products -- animal proteins, call it what you like. To have different regulations covering different meat proteins, it's certainly not a scientific-based reasoning. All animal proteins are basically the same. They all carry about the same risk, for the most part. At this point in the game that's in fact true. In the past, beef may not have carried as much risk as poultry and -- well, I was going to say pork, but there hasn't been trichinian in this country for years -- but nowadays all three species would carry about the same risk.

Right now I do a bit of work with AMS. I do quite a bit of work obviously, with FSIS, and it's not as bad in FSIS to have different standards for different animal proteins as it is in AMS. But in AMS, you know, it's really odd. I produce some products that contain both poultry and beef, and I have to have, in many cases, two graders there because, you know, there's graders for chicken and there's graders for beef and the two never shall meet, kind of a thing. So that would be my third thing.

And so I just want to reiterate one more time that as I've stated in the past, I am responsible for the products that I produce. The USDA I wish -- I wish I could give the responsibility to the USDA but I simply cannot. The Justice System won't let me do that. However, I do think it's important that the USDA continue, not set up performance standards, 'cause that's what we currently have. We currently have performance standards. That's what in my opinion, the regulations currently are. And

the USDA should continue to carry these performance standards, to ensure that they're met in the plants.

If a meat processor of any kind cannot meet the performance standards, then actions will have to be taken. I don't like those guys out there any more -- I'm a consumer just the same as everybody else in this room is. But the important thing is, I want to point out that I carry the responsibility for the food safety for the products that I make and that I think that the USDA should use some of its resources to continue developing and testing new and better performance standards that might be put forth to the meat industry for them to follow.

Thank you very much.

MR. GLICKMAN: Thank you. I thought I saw a hand down at the end of the room? Okay, yes, Mr. Garfield?

MR. GARFIELD: I'm Robert Garfield with the American Frozen Food Institute. Mr. Secretary, I'd like to make a brief comment and then ask a couple of questions. We've heard I think, this morning -- I've heard at least -- three concepts that have been talked about over and over again: risk, resources, and training. I would say to you that I believe these three concepts are tied together and are not separate issues amongst themselves, and that legislation, no matter how it's crafted, should tie these three concepts together. Let me just say what I mean here.

In legislation that defines risks and looks at the highest risk products and focuses the attention on those highest risk products, allows you, allow the Agency, to free-up resources so that they can focus on those risks. Those resources that are freed up then allow the Agency to save money and dollars that can be used to train those individuals adequately to

meet the demands that you're trying to put together to address food safety issues. So I think they're very simple concepts but they need to be tied together in any legislative effort that the Agency or that Congress may try.

With that, let me just ask two questions of Under Secretary Taylor. I'd like to ask, first of all, what is his thinking on legislation, what's the Agency's thinking on legislation? And second of all, does USDA currently have the authority to implement HACCP and to redeploy inspectors on a needed basis? Thank you.

MR. TAYLOR: Let me deal with the last question first. I mean, we certainly have the authority to carry forward our HACCP rule-making. The issuing of redeploying inspectional resources within the statutory framework is a different and complicated issue. You know that we have certain mandates for providing carcass-by-carcass examination in slaughter plants and providing continuous -- which is understood to mean daily -- inspection in processing plants. The statutes, particular with respect to slaughter, don't specify the manner in which that examination is to be carried out and there's certainly flexibility to adjust the manner in which we carry that out.

We are in the midst of what we're calling a top-to-bottom review process, to look at among other things, the manner in which we carry out our inspectional rules within plants including slaughter plants. And we certainly envision it as part of our overall initiative to ensure that we're making the best use of our resources, to develop and test alternative models that would be faithful to the statutory mandate and very fundamentally important, faithful to the objectives of the statutory

mandate of carcass-by-carcass inspection, but that would enable us to make better use of the resources we have to carry out our whole food safety initiative which includes implementing HACCP and looking at stages of the food safety continuum beyond the plant -- transportation, retail, and so forth. So we do have some flexibility. And we're again, in the midst of a process to explore that and consider alternatives to the current modes of inspection.

On the issue of legislation, Chairman Gunderson gave us an opportunity to do some thinking earlier this spring about the legislative issues. He posed a series of, I think, 59 questions to many of the groups represented in this room, and put together a set of answers that attempted to capture our thinking, and I think it sort of remains where we are. I mean, we're very open to working with the Congress and with constituencies on the issues, you know, legislative reform.

I think there's certain principles that need to be observed, some of which have been discussed this morning. The bottom line is, legislation should improve food safety, and legislation should deal comprehensively with some of the issues addressed here involving the mandate for pathogen reduction, what is the appropriate mandate for inspection, where are the resources going to come from to support the program that we need to have in order to meet our food safety and consumer protection objectives, the issues of enforcement authority. So, I mean, we're very open to engaging in the right manner, in the right time, on legislation.

And I think the point that several people have made here this morning, I think certainly resonates well. I mean, we need to create a set of concepts and then perhaps legislation through a process, it would be very

inclusive and involve a lot of discussion with the groups represented around this table as well as other groups. It seems to me that's the way in which we might arrive at legislation that could be widely supported and actually passed.

I mean, my personal opinion is that we will not pass meaningful food safety legislation in a contested way, because the nature of the issues is such that inaction is going to be strongly preferred to action that involves enforcing something that doesn't meet the needs of the broad, you know, interests involved here.

MR. GLICKMAN: Let me go -- Nancy, Pat, and then Roni, and then we'll get around to everybody -- yes. I can't see people on this side. I'll get to you.

MS. DONLEY: Thank you. I'm Nancy Donley from Safe Tables Our Priority. I'm from Chicago. I'm also the President of the Friends of Alex chapter of STOP which is in Chicago. It's named after my son, Alex, who died two years ago from E. coli O157:H7 poisoning. I want to start out by saying first and foremost, thank you very much for having this particular forum. I wouldn't have missed it.

Of the 22 meetings related to HACCP and food safety within the last couple of months since the rule was published on February 2nd, I have personally attended eight of them in three different cities, and at considerable personal expense. This is not my job. It's -- I'm a real estate broker as some of you may know, and I think I need to get a Washington license so I can practice real estate while I'm here. I've also gotten to know a lot of people around this room quite well. I probably see

more of them than I do my husband these days. Maybe that will be good for our marriage in the long run. I'm not really sure.

I'm representing a lot of families here. Once again, I do want to say two -- and I don't have any prepared comments so I may indeed ramble -- there's three of us at this table sitting here who wish that three years ago this subject had come up and something had been done about it. Rainer Mueller to my left, Roni Rudolph to my right, and myself, we have all lost children to pathogens. In each of our three cases it was from pathogens in meat *E. coli* O157:H7.

Every day we sit here, every day that something doesn't get done, 10 people die from pathogens in meat and poultry alone. Every single day, 14,000 individuals get sick. We have a real problem. I know we all recognize that. I appreciate all the efforts that are being done. I just want to say, we've had some terrific discussion, we need to get into action. And I applaud the thoroughness of everything, of examining all the questions, but I would just really like to state that I'd love to see something get done.

I have a set of -- a letter with several hundred signatures for you, Secretary Glickman. I will be leaving this with you. These are signed all by victims' families, of those personally impacted by pathogens in meat and poultry, specifically. Behind it we have some testimonials of those of us who want to tell our stories, and we'd like to share those with you. It's tough reading, real tough reading.

Legislative reform -- we at STOP very definitely want to go on record as supporting and endorsing the Family Food Protection Act. As Caroline Smith DeWaal so well described it, what it does is, it encompasses the

HACCP proposal and takes it one step further on either side. Going to the farm side and taking it all the way through to the table. And that there are responsibilities that go along through that continuum. And it takes the additional measure of the enforcement, which obviously is a very pertinent part of any sort of legislation or process that's going to work.

While we very much support HACCP, we want to make it very, very clear that carcass-by-carcass inspection must continue, particularly in the short run, that it is absolutely too premature to even consider dropping it at this point in time. HACCP is a verification process, it is something that I, in my heart and soul, think is going to be a very, very helpful -- it's going to contribute to a very definite decrease in food-borne illnesses in meat and poultry.

However, at this point -- and I've said this before and at the risk of sounding -- I'll say it again -- is, we support having Federally-inspected meat, not Federally-inspected paperwork. And that is what HACCP is. And we consumers want to know that an unbiased set of eyes, being our Government, is taking a look at the product. It is just too early and too premature once again, to even have -- this being a self-regulatory industry, we want the unbiased set of eyes looking at it.

Thank you.

MR. GLICKMAN: Thank you. Pat?

MR. BOYLE: Thank you, Mr. Secretary. I'm Patrick Boyle with the American Meat Institute. And I too want to thank you for convening this session today. I also want to comment briefly upon Nancy Donley's remarks. I first met Nancy about a year ago in Chicago and have since spent a number of occasions with her in sessions like this, but also



individually with her talking about this issue. I always find her participation in these sessions to be a compelling reason for more sessions like this and for us to try to find a way to make progress on this issue.

I have spent a lot of time over the last three years at the American Meat Institute with our elected leaders talking about what is the most practical and beneficial way to address legislative reform of our meat and poultry laws. And in fact, as I look around this room, at least in terms of the shape of the table and the number of participants, it closely resembles the Board of Directors of the American Meat Institute. And over the last three years through our extensive discussions, I must say that there are a number of different points of view within my homogenous leadership in AMI on what specifically should be included in the meat and poultry inspection law, and the recognizing that there are various points of view within the industry I represent, I have a great deal of respect for you here today trying to find consensus amongst a broader array of interested parties as we talk about this issue.

At AMI our discussions about legislative reform have led us to adopt four basic tenets for any legislative changes, and many of them have already been addressed by other speakers this morning. First, we too believe that competing proteins in the marketplace that raise comparable food safety concerns should be regulated from a single statute, and so the meat and poultry and seafood laws should be consolidated to a single statute that reflects our current concerns that those commodities raise in the marketplace. Whether that results in a single agency, that's an administrative issue that needs to be addressed down the road. But we

believe the statutory basis for regulating comparable proteins should flow from a single law.

Secondly, as many people have indicated today, it really should provide the regulatory agencies, be they two or three or a single agency, with enough discretion and flexibility to focus increasingly limited Federal resources on the areas of greatest risk, on an area of primary concern, food safety. We also believe that our experience over the last few years with food-borne illnesses, the emphasis that Carol Tucker Foreman mentioned in her remarks earlier today, that that emphasis leads us to believe that there is indeed an appropriate role for the regulatory agencies to play from the farm forward to the table.

Now, does that mean mandatory requirements at every stop? No, the American Meat Institute does not believe that necessarily means mandatory regulations on the farm or in the packing plants or the processing plants or in wholesale warehouses or retail stores or restaurants. But there seems to be a need to have greater coordination flowing from the Federal Government at all stages of production processing and distribution in our food system.

And then finally, we continue to believe that Federally-required programs should be paid for by the Federal Government. In many respects those four principles, if you will, are very similar to a number of the points that Stan Emerling mentioned at the outside of this session as he began the morning's discussion. I'm not sure that those four principles lend themselves to the description of being radical, as Caroline Smith DeWaal characterized the NAMP Proposal, and I'm not really sure that the Family Food Protection Act proposals lend themselves to a description of

being modest, but perhaps being termed radical might help my own self-image, so I'm not going to debate the merits of the labels.

But for the record, without getting into a lot of the details, AMI has a number of very specific concerns and reservations about many of the provisions in the Family Food Protection Act, and if we get to the point of debating that in greater detail, we'd be happy to articulate the rationale behind those concerns and points of objection.

Within my Board discussion, Mr. Secretary, having reached consensus on those four general principles, we actually could not come to a consensus on what I think is not only the major outstanding issue for the members of the American Meat Institute, but what I happen to also believe is the fundamental essential issue that any legislative initiative must come to grips with and that is, what is the appropriate role of the Federal Inspector?

Within the Department over time, recognizing that the existing law requires bird-by-bird and carcass-by-carcass inspection, within the Department over time, the Agency has interpreted that language in different ways, to allow them some greater degree of flexibility in allocating inspection resources to areas of greater risk. Processed meat products in this country are processed under continuous inspection, but that does not necessarily mean that every hour in every plant, that there is a Federal Inspector on-site. There's a Federal Inspector on duty, there's a Federal Inspector who's in the area who can come in the plant and does, randomly, routinely. But the law has been interpreted in that case to give the Agency some greater inspection flexibility.

That's not been the case in the vast majority of our slaughtering facilities in this country. And in many respects, the current statutory requirements and the current way it's being interpreted within the Agency, raises a lot of difficult budgetary issues and sets us up in many ways for not being able to fully transition to a HACCP-based system because we're still held to the current statutory bird-by-bird, carcass-by-carcass standard, and the current interpretation within the Agency.

Let me comment upon that interpretation. I have no difficulty with understanding the rationale of the Office of the General Counsel and the Agency leadership and the Secretary, in believing that under existing law, you do not feel you have the discretion to reduce or redeploy the current level of inspectors in our nation's beef and pork slaughtering plants. Legally I think you could make that interpretation, but logically I understand why you may not want to do that. At least unilaterally.

It goes back to what I believe is the fundamental issue here in legislative reform. What is the appropriate role of the inspector presence in our nation's meat and poultry plants? And that is a debate that I believe needs to be held in the Congress. We've held it extensively in the Board rooms of the American Meat Institute and we're continuing that here today in this public forum.

You mention other models of regulatory oversight. The airline industry, the banking industry. I think we need to look anew at different ways to ensure the safety and wholesomeness of our nation's meat and poultry supply. I'm not intimately familiar with airlines regulations, although it seems I spend half my life in those modes of transporta-

tion. But I don't believe that we have a flap-by-flap or an engine-by-engine standard that FAA adheres to in overseeing the airline industry. Similarly, we don't have an account-by-account inspection system for a banking industry.

In those two industries, to the best of my knowledge, the first primary responsibility for safety and accuracy, financial integrity, resides with the company or the financial institution. There is an oversight responsibility for the regulatory agencies which they initially perform the verification of procedures and paperwork. And I don't mean to suggest that an agency shouldn't look at airplanes and shouldn't go into banks and look at their reserves, or go into meat and poultry plants and look at the product.

But an appropriate verifying role of industry's primary accountability for integrity begins with the review of the paperwork, begins with the review of the procedure, and still allows the Agency the additional authority to go in where they see risks. Where an airlines does demonstrate a risk to the flying public, where there is some financial question of integrity and accountability in a specific banking institution, where there is a meat and poultry plant that is not is not adhering to standards of good manufacturing practices and Federal requirements. That allows the regulatory agency to allocate its resources in a way to focus upon those risks.

That flexibility is, in my opinion, presently missing under current law, and unless the public, interested parties like ourselves and the Congress, can come to some understanding of how we're going to allocate

those resources and shift away from looking at every bird and every carcass in a way that still retains the integrity and the assurances and the safety and wholesomeness of the product, I agree with Mr. Taylor, it is unlikely that Congress will take this on. And if we can't get beyond how we allocate inspection presence and inspection resources in plants, we will have another opportunity to convene in a similar session like this next year and in many following years. And I think the issues's too important for us to let this moment pass us by.

One other comment about HACCP training, and I believe Ed Menning mentioned it and I believe Rosemary Mucklow mentioned it as well. We happen to believe that training is essential, and the American Meat Institute is committed to training our industry employees. In fact in 1990 we established HACCP training as one of our Institute's priorities, and since that time, we have developed a fairly sophisticated HACCP training program, we have published a rather extensive HACCP training manual, we have developed and have available, complimentary training videos. We have trained about 2500 employees in our nation's plants over the last four years.

Interestingly enough, Mr. Secretary, in the first year or two as we embarked upon what we recognize as a decade-long effort, the largest single organization that participated in the first two years of AMI-sponsored HACCP training program was the Food Safety Inspection Service. And some comments have been made earlier today about knowing the need for training, but the benefits that can be derived about learning about HACCP and training together, and to the extent the Department is interested in pursuing that, AMI would be very happy to work with you and

pursue a joint training initiative as we move from the current inspection system to the implementation of the HACCP regulation.

MR. GLICKMAN: That's a good comment. I'm just looking at some of the statutes, inspection statutes. They're clearly written in a different era, and you know, it's one of the reasons why I think it is appropriate to examine that and try to do it in a way, obviously, that improves rather than decimates the public confidence that the system has worked.

But you know, just reading these statutes makes you -- for example, the issue of carcass-by-carcass based upon the fact that you have to have a post-mortem examination inspection of the carcasses and the parts thereof of all cattle, sheep, swine, goats, horses, mules, or other equines to be slaughtered -- I mean, that languaging is clearly not written for the 1990's. And the question is, what latitude does it give people? Was it smart, does it make sense anymore? I don't know, but I think that's one of the reasons why we've got to examine this.

The other point I would make to you is, is that -- I mentioned this in the beginning but, you can take the other side of my coin which is -- one side of the coin is, we'll have less Federal resources to spend. The other side of the coin is, maybe we shouldn't have less Federal resources to spend. Maybe we should be spending more in this area, and maybe public health issues require us to allocate funds from other areas of Government to spend. So maybe we shouldn't just accept that it's a foregone conclusion.

And the other point is, is that you know, you can argue these things until death do us part, but in airplanes and banks, industry pays more of the inspection and fees than it goes in meat. And I know that's a very sore

subject. So, I mean, I'm not arguing for that or against it. I'm just saying that, it's one of the reasons why, as Carol says, looking outside the box a little bit may cause us to, you know, re-examine what we do and how we pay for it, as well as looking at the language and trying to modernize it as well.

Let me take Roni and then I think Mr. Lochner down there -- I forgot where it was, but -- yeah, and then we'll keep going. Yes.

MS. RUDOLPH: Good afternoon or morning or whatever. I'm from California so I'm not real sure what it is.

MR. GLICKMAN: Is that because you're from California or --

MS. RUDOLPH: No, contrary to popular belief, people that come from California are not airheads, trust me. What do they call them, yahoos? I don't think so. I have been born and bred there and I assure you I'm quite - - I like to think that I'm a fairly intelligent person.

My name is Roni Rudolph. I'm one of the co-founders of Safe Tables Our priority. The national office was in San Diego, it's now in Chicago. I would say justly so because most of you know Nancy. This is my fifth trip to Washington and I carry a bottle of Visine with me regularly, and a lifetime supply of vitamin pills. But anyway, what I wanted to tell you was that I have, or had, a 6-year-old daughter who was the light of my life, and within eight days of consuming a cheeseburger at the well-known Jack-In-The-Box, west coast, Pacific Northwest outbreak, my daughter had the dubious honor of being the first child to die -- known child. That's the keyword here -- known child -- to die from the E. coli O157:H7 outbreak in 1992-93. I would give anything that she did not have that claim to fame, as they say.



I've made some notes here. I have a reputation of talking a lot so I'll try to keep it down, but I do want to hit on a few points. E. coli is a health, safety, quality-of-life issue. It should never, ever, be a cost-control issue. It should never, ever, be a partisan issue. My daughter belongs with me, she does not belong where she presently is, although I assure you that where she is now, she at least is not in pain anymore. My daughter, within eight days, was taken from me. Three heart attacks, hemorrhages, bloody diarrhea, kidney failure, flat brain waves, life support system. And her father had taken her to the fast food restaurant for a treat, not for a death sentence.

And industry would have you believe that if you would cook this meat, that this simply wouldn't have happened. Well, isn't that a little like taking the responsibility off of the individuals who process and manufacture our USDA 100 percent pure -- excuse me -- pure hamburger? I don't think what we pay for -- we put trust in people. I don't think what we purchase in stores is -- and I bow to the new USDA, and I bow to individuals like Joe at the end of the table here, and individuals who say that they want to see and they recognize, there needs to be change.

But I don't think what we pay for is USDA inspected fecal contamination. I think that if one was true to themselves that they would realize that that is a misrepresentation on any scale.

A few things -- before I get off on one of my fragmented tangents -- I want to touch on. I have listened to individuals around this table, some of them I know by name, many I recognize by appearance, some of you here I

don't know at all. But I'm going to make sure that if you don't remember my name, you'll remember what happened to my daughter and Nancy's son and Roiner's son, and the individuals, the many thousands of individuals -- the 20,000 people that we represent a year.

I listened to Rosemary Mucklow tell us that she felt that the consumers were protected. I beg to differ. I respect individuals that are of that view because I believe, or I would hope that they truly believe what they say, otherwise how could they possibly say this? But my daughter certainly is a prime example that she certainly was a consumer, and she most certainly was not protected. I think that it is embarrassing that, as the gentleman pointed out, that he read the meat reform of 1967 and he doesn't see why we need change. That's almost 40 years old. Excuse me.

In -- 1906 was the last meat reform that we had of any extent and point. That's 89 years ago. My goodness. Do you realize that there isn't one of us at this table that would be hired on today's technology for a vocational job anyplace? Would you go to a doctor, a lawyer, a plumber, or an electrician for turn-of-the-century technology in 1995? I think we'd all need a lobotomy, don't you? I wouldn't go. I'd take my changes with the local witchdoctor down the street, thank you very much.

I think that I've heard a lot this morning about risk, high risk. Quantifiable. I listened to the regulatory reform go through, or try to go through in July, and talked to myself a lot around the room because there was no one else except for my cat there to listen to me. I'm sorry, but I find it unconscionable that someone would say, if there's enough people

that are taken ill by the -- let's see, how can we put this -- I believe that it was more like -- Nancy, what was the word I used this morning?

E. coli, when it happens on more than just one individual should be looked upon as -- I'm sorry, my brain is totally baked. Well, I'll get past that. Anyway -- it's terrible, because it doesn't just happen to one person is what I'm trying to say. It happens -- it is a disease that is far-reaching, and if there's one single case in a community, you can bet your life that there's another 100 someplace around the corner disguising themselves as flu symptoms.

And so I guess what I'm saying here is that I'm hearing a lot about, well how many -- you know, we've got risk to small business -- and the point that I'm making, that if these people -- I know that I do interior design work, or I did when I had a life -- and this is very costly. Because all of us, we're not paid to come here. We're coming here because we are responsible. And I told my daughter she was going to be okay and she wasn't okay. So what kind of person would I be if I sat there and did a lot of wah-wah-wah and complaining?

I want to tell you, I was brought up in the sixties. I was brought up in a traditional family. Some of you have heard me speak before, you have heard this little sad story. Well, I will tell you that I was brought up in a traditional family. I always adjusted to the traditional point of view. I wasn't an activist then. Why in the world would I wait until I'm 40-something to become an activist? Well, I listened to Mr. Boyle down here tell me that he was referred to fondly as a radical and he wasn't so sure if Caroline's Family Food Protection Act, which I am definitely in favor of,

was modest. Well, I tell you what. I'm a modest radical and I'm proud of it.

I find it unconscionable that you're even considering that this shouldn't be a mandatory training and inspection program. Isn't that a little bit like somebody owning their own restaurant and then they can become the State Board Inspector? I think that's just amazing. Sniff, touch, and sight, when we live in 1995 and we have the tools of microbial testing? Out to lunch. This is not a cost control issue here. This is a quality of life issue. Someone stole my daughter of 80 years of her life.

Who do we hold accountable here? Certainly not Ms. Mucklow or Mr. Boyle or Nancy or me or her father who took her to the Jack-In-The-Box. Not even the kid who probably cooked the hamburger and was paying more attention to the short-skirted person who came in the front door as to how long he cooked the hamburger. If you don't have USDA-inspected people contamination of your hamburger, what difference does it make how long you cook the little sucker? It really appalls me the kind of mentality we're dealing with here.

Somebody was saying here -- where's my notes -- oh, yes. Overseeing the airlines, you know, and whether or not they could live up to the standards or the technology in that. Well, the difference between the meat industry and airlines or railroad industry, is that they have standard safeguards and yes indeed, accountability. Do you realize what happens every time we have one of these little planes bite the dust into a mountain? Do you suppose that they're going to have people just say, oh well. Well, I don't think so. They want to know what blew off over somebody's roof. They want to know why this happened.

They have to be accountable. I have to be accountable. I think you should be accountable. One way that we all can be accountable is to quit talking so much and get the job done. I've been here in February, I've been here in May. I would be here with my friend, my dear friend Nancy Donley every single time if I could. I have a 14-year-old son at home who wonders quite often, why it was his sister and not him, because he had the good fortune not to have eaten the same thing that Lauren did.

I am 48 years old. I waited until I was 40 years old to have my daughter. Do you suppose that I would have waited all that time to have a child that I was so excited about having, to have somebody poison her with a piece of hamburger that should have been a treat? I used to tell people that I could never become a vegetarian because I loved hamburgers. Well, guess what I don't eat anymore?

Get a grip here. Lauren's father was in Viet Nam during 1968. He was a Staff Sergeant in the Army Infantry in the Mekong Delta. Now you may say, what is this woman talking about? Well, I'll tell you what I'm talking about. All that counted was body count. That's all the news media cared about, was body count this and body count that. Well, guess what? I sat in my living room in July and I listened to the debate on the Regulatory Reform. And I'm a registered Republican, mind you, so you'd think that I would go the straight party ticket. Now, I am not lobbying. I don't give a frosty hoop in hell what anybody is as long as they have scruples.

But when I listen to people -- and I don't care who they are -- they could be Donald Duck for all I care -- tell the American public, those people who they are supposed to be there in representation of, that what they'll do the next time they have an epidemic -- there's the word I was

looking for -- an epidemic come up like the Pacific Northwest outbreak, that they will -- that they're against the Regulatory Reform but they will get together a committee and then with this committed they'll decide whether or not that the problem presents itself is quantifiable enough to fix.

Well, excuse me, but who are the individuals that set themselves up like God or somebody, and decide whether my child or your child -- because some day it is going to be some legislative person's child that gets sick like this and then we'll see how fast things happen. And I'm not saying that anybody intentionally wanted this to happen, but I am saying that it's time that they start listening to individuals who, like me, who as Rosemary and I may not agree on a lot of things, but I will agree with her on one thing and that is, that there are a lot of people in this room that know a whole lot more than I about the issues of meat processing and manufacturing. But I don't believe that they know anything more than I than integrity, dignity, responsibility, accountability.

I'm a very accountable person, otherwise it would be much easier than sitting here for the fifth time. My first time was in 1993, in September of 1993 when Howard Metzanbaum sponsored our Congressional Forum. And if you remember, he was in charge of the children's protection -- there's a formal name and if you'll forgive me, it escapes me right now. Anyway, I'm done for now. But I don't think -- and you'll forgive me the comparison of the body count in Viet Nam as the quantifiable portion here of how many children have to die before people decide whether our child should be quantifiable or not. My child was quantifiable.

She was a bright, beautiful, little red-headed child that used to talk about, if you asked her what she wanted to be when she got older she said, I want to be a Mom, an ice cream girl, and a teacher. Well, she made the ice cream girl, and she helped me prepare classes for some classes that I was teaching at the time, and she was a Mom to her little cat Sweetie, and that was it. Do you know that children, especially little girl children that are affected by E. coli on any kind of level, most always end up where they cannot have children? That's kind of an unjust fate, isn't it? And that's just the beginning.

I know a 17-year-old girl that was affected at the very same time Lauren was and she had five invasive, complicated operations within one-year's time. She's cut from here down to her - - past her naval area. And she has an artificial colostomy that is inside. It's an artificial intestinal area. She'll never have children. Her body looks like a roadmap. She's lost a ton of weight. She's most likely going to have to go under incredible transplants. But she's alive.

MR. GLICKMAN: Thank you. I think, Mr. Lochner.

MR. LOCHNER: Jim Lochner with IBP.

MR. GLICKMAN: I think after your remarks we'll take a break for about 10 minutes.

MR. LOCHNER: Okay. I'm going to hit a point, a couple of points, but the one that struck me most as we debate and have debated for a good number of sessions, inspection versus building safety into the process versus carcass-by-carcass. If we just change the words quality of food safety, we can use several phrases from the quality gurus, the Demings,

the Crosbys, and then make the statement that we cannot inspect food safety into the process. We must build it into the process.

However, when we get to carcass-by-carcass, in that debate we are not necessarily able to use a process of building it in, because we are inspecting abnormalities out. Thus, I don't believe that the carcass-by-carcass debate necessarily fits into that bit of philosophy. However, I think very philosophically, and reality is philosophy in this case -- or philosophy is reality, rather -- that we cannot inspect food safety in. We've got to build it into the processes. And that means we've got to change our processes.

If we go back and look at the regulations for years, they have not been targeted at interred pathogens, they've been targeted at sanitation which is a part of the process, they've been targeted at inspecting out the abnormalities. Inspection reform is a necessity. I don't personally care whether we do go at legislative reform or whether we take the opportunity and change the regulations. I just think we need to get there rapidly. We've been debating it way too long, and I think regulatory change can occur.

I think if we go back historically and look at the data, and I'm going to pick on several industries, but the key here is the data, the baseline data has shown high level of interred pathogens in poultry products, it's shown levels in red meat, but rather than determine what, in the process is contributing to it, we haven't changed any regulations. And I think the Agency, FSIS, needs to move rapidly to do that. They should have been doing it over the last several decades. Inspection does have a necessity. Inspectors do have a place in the plants. We're not going to wean the



industry out of having inspectional oversight in a really short period of years. That is going to take a period of time to do once we demonstrate that the processes have changed and we have built food safety back into the processes.

On the poultry issues, when we look at it, a merge is showing. There's numerous pieces of research out there. There are some that are contradictory, but there are more that say it increases the level of interred pathogens on a poultry product. The regulations don't require sanitation between each bird to prevent cross contamination, and there was a decision made in the 70's that was documented and reaffirmed in the 90's, that reprocessing with water produced an equivalent product from a microbiological standpoint. Yet if you go back and look at the data in the 70's, the incident rate of salmonella was five percent and in the '93 paper by the same author, the level was 58 percent positive salmonella.

Now, I think that should be a clue that maybe perhaps we may have to work at building safety into the process. That inspection did not and will not, as it was performed through the 60's, 70's, 80's and half of the 90's, focus on reducing interred pathogens. I maintain that if we persist and say that the status quo in the process, if we try to maintain the status quo in the process we will not improve. The only way to build safety in is to change the processes. And I believe that we're moving rapidly through that. Not as rapid as most of us would like, but technology -- it does sometimes take more than a couple of years, but I think we're close, with the advent of a number of technologies, particularly in the red meat processing, that will enhance food safety.

And my message here is very simple. That we can't sit back and generate data without taking action. We must let the data dictate where we're going to go and improve the overall process. And remember that you can't necessarily inspect food safety unless you go after and build a process to improve food safety.

MR. GLICKMAN: Okay, thank you. Why don't we take about a 10-minute break?

(Whereupon, a brief recess was taken.)

MR. GLICKMAN: We will continue on. I will do my best in recognition. I'm fallible, so I may not get everybody as -- but I see there's Mark, there's Eric, there's Tom -- is it Bryan? Okay, not Jones, but Bryan. Okay Mike, just hold your cards up and I think Mark is going to be first, but hold your cards up and we will do our best.

I just want to make one mention. I said this to Nancy Donley when I was there, and that is, is that I know the wheels of Government work slowly at times, and I say this to Roni and the families of those who have died. But the point is, is that your involvement is significant, is making a difference. It's one of the catalysts to move this issues along. Unfortunately, tragedies and disasters often are those catalysts in modern society. And you know, our goal is to do it and do it sensibly, and make sure we have the proper input. But I want you to know that it is making a difference. That is, your voice is being heard here, in the legislative halls, and wherever.

So, why don't we go -- Mark, go with you, and then we'll try to get it as -- next would be Eric after Mark and then Tom has been waiting -- Mr. Jones, we'll do it in that way, and then we'll keep going. Yes.

MR. NESTLEN: Thank you, Mr. Secretary. I'm Mark Nestlen with the National Association of State Departments of Agriculture, and let me start by thanking you, Mr. Secretary for holding I think, what is one of the most important sessions that we've held through this process. It's very important to move forward with changing our meat and poultry inspection system, both from a regulatory standpoint as well as from a legislative standpoint, and hopefully today's sessions will help put some of those issues on the table, that the Administration will be able to review and move forward with, as well as other folks around the table.

In June of 1993 we began a process with our State Inspection Directors of looking at the change that was necessary from both a regulatory standpoint and a legislative standpoint, and have spent a great deal of time and resources in taking a very in-depth look at the process and how that process needs to be changed, in our opinion. To be based more on risk, to be something that does improve food safety and public health.

As many of you are aware, in August of this year we released what we referred to as draft legislation that was our attempt to start a stronger discussion on the changes needed from a legislative perspective, with regards to meat and poultry inspection. I think it's very important to note that we do not believe that the legislation that we put on the table for discussion purposes runs at cross-purposes with the moving forward of the mega reg. Frankly, we believe that it's complementary, and that when

you made changes in both the legislative structure as well as the regulatory structure, you will then achieve true reform in the meat and poultry inspection system, which will improve the safety of the American food supply.

I guess we've made the comparison of a building, that you cannot build a new building on a foundation that is not strong. And that foundation is the legislation basis under which those regulations are written, and to have the regulations work in the way they should, we need to change the foundation so that they HACCP Tower, if you will, has a foundation on which it can stand and move forward.

Many of the items that we have looked at or that we have in our draft legislation, have been talked about this morning. We combine under one single authority, the inspection for meat, poultry, and seafood. We think it's very important that you base the inspection for all flesh foods under one single authority. Now, that does not necessarily mean that it is one agency that does all of the work under that authority, but your overlaying umbrella lies with one single authority that then works, in hopefully what a lot people refer to as a seamless inspection system. We shouldn't sit here and argue about whether inspection by FDA is safer than that by FSIS or by State or that type of thing. What we should be doing is working to assure that they're all under the same standards, that those standards meet what the consumers expect, and that in fact, it does enhance our food safety.

And because of that we need to eliminate the exemptions that exist today under the meat and poultry inspection acts. Whether it's the exemptions for wholesale or retail, or whether it's the fact that we do not

inspect all of the species which we today are consuming. Yes, we eat different things today that we did in 1906. I guess Roni, that goes back to things change over a number of years. I don't think a lot of people probably ate ostrich, emews, and things of that nature when we first looked at inspection back in the early part of the century.

So it's essential that to base inspection on risk, which is what our underlying goal of what our legislation does, is that we do, in fact, make sure we inspect all species that are consumed, and that it is done under a single authority and that it is based on risk. And when we look at -- if you look at exemptions for wholesale or if you look at exemptions for retail, if meat and poultry products are being processed, there is as greater risk in that position as there is in a slaughter or processing plant.

And to inspect the product based on where it is processed, is wrong. Because that is not inspecting the product based on the risk which could move down the line to the consumer. So that's why it's important, in our opinion, to change that and eliminate those exemptions so that in fact, we do have a farm to table inspection system which will improve the overall safety of the food supply.

We had a, what I would contend is a very strong group of people, put this together. We had a task force of our people from the states who are out there on the front lines, as David, your folks are in the Federal, and they understand the things that are out there and the way things need to be made better. We take very serious, as elected and appointed public officials, our role in protecting the public health. My President is the Secretary from Wisconsin. He says in his opinion, as an appointed public official, pro-

tection of the public health is his number one calling. We take that serious and we hope that what we've placed on the table for necessary legislative changes, moves that process forward.

I'd like to yield just for a moment, to Dr. Lee Jan. He's Chairman of the Task Force that put this together. He's head of the Texas Meat Program that's under the Texas Department of Health, and he's a very knowledgeable individual that has been very valuable in putting together what we hope to be the basis of some things that can move through Congress.

Lee?

DR. JAN: Thank you. I really can't add too much to what Mark said. Our legislative package and proposal echoes, or is very much what was said by the first speaker this morning, Mr. Emerling. We're right in line with them. One of the things though, that we feel this legislative proposal -- and then we do believe we need some legislative change -- it allows the Secretary the flexibility to utilize the resources that currently legislation, at least in our opinion, doesn't allow him to do.

One of the things that came up today frequently, was carcass-by-carcass inspection and mostly saying yes, we can't get away from carcass-by-carcass inspection. Another speaker said, sniff, smell and touch is not good. You know, both of those -- carcass-by-carcass inspection we feel is necessary, but not necessarily to be done by the Government. In specific cases, in cases where a plant is receiving the animals, the live animals from a producer that has a production system -- we're not saying HACCP -- but a production system, a quality assurance production system that's documented verifiable and can be monitored and

where they're delivering only healthy, young animals that essentially are expected to be disease-free, we feel that tying up Government resources looking at these, lymph node by lymph node, is probably not in the best interest of public health. The animal still should be looked at carcass-by-carcass but that could be done by a plant official, and any that doesn't look to fit the norm, could be then looked at by a qualified individual and possibly a Government official.

But releasing some inspectors from looking at every lymph node of every animal that comes through a slaughter plant, we feel would allow use of those same resources in other areas, that are being completely overlooked today. As Mark mentioned, retail processing. Custom exemption, even though that's near and dear to many people's hearts, to turn the other way because only one family is going to eat that product, is probably not in the best interest of that particular family.

And back to the smell or touch, organoleptic sampling, that has to be a part of a science-based inspection system. You have to -- we believe that we need science-based inspection, we need microsampling, or chemical sampling, or whatever sampling that may be appropriate for the species and the time, in conjunction with organoleptic sampling, because you can't test out or you can't test everything. It's just not possible. So we use organoleptic for screening and some confirmation then, with some microsampling.

But those are the comments I'd like to make. Thank you.

MR. NESTLEN: Just, Mr. Secretary, to conclude, we will submit for the record, so the administration does have the actual bill language that we have prepared, we will submit that for the record and we look forward to

working with you and any other people who would like to sit down and talk with us on what we've done. Because what we have put forward is not something that we believe is a final product. We believe it was something that is a document that can proceed forward with the debate, that it is absolutely essential that the second session of this Congress pass legislation to reform meat and poultry inspection, and we look forward to working with you on it.

Thank you very much.

MR. GLICKMAN: Mark, we thank you and the organization for your help, very much. Let's see, we have Eric and then Tom and then Jones. That is your first name, Jones? Okay, I'm sorry I --.

MR. JUZENAS: Thank you, Mr. Secretary. Eric Juzenas, the American Public Health Association. We'd like to commend USDA on what we see is some very good movement towards more of a public health model for meat and poultry inspection. With that said, there are certainly areas where it can be strengthened, and some of those I think, have to come from legislative reform. The need and basis for all this is certainly to protect public health, that is the role of the Inspection Service. To do that we need to increase the scientific basis so we can move to health base standards for human pathogens and other harmful substances. We need to do this to both protect the general population, but also to protect vulnerable subgroups in the population.

We also need to be able to trace back outbreaks directly to the source. This helps develop more of a risk-based model by identifying process breakdowns that lead to particular outbreaks, and it also helps to increase the knowledge about disease outbreaks in general. For these reasons, the



American Public Health Association supports the Family Food and Protection Act.

One idea that we think is very positive about it is the concept of forming an Advisory Board that would bring groups together, just like we've done here through a series of meetings, and I think these conversations have been very helpful. That would help institutionalize the proceedings.

Lastly, I just wanted to comment on, I believe it was Mr. Boyle's comment that the Federal Government should pay for the increased inspection rules. I'm not so sure that they should. I think that part of this is reallocating the risk and placing the risk back with the producers rather than the consumers, and I think that is a cost of production. Thank you.

MR. GLICKMAN: Thank you. Tom?

MR. DEVINE: I'm Tom Devine. I'm with the Government Accountability Project. We're a whistleblower support organization. The remarks this morning on training I think, might be a good springboard for some legislative premises. Dr. Menning made the point that corporations have high qualified personnel running their programs, some who are more qualified than the inspectors on the floor. I don't think that's quite the point. FSIS too, has highly qualified staff running its program. Who could ask for more than Mike Taylor or Dr. Morris? These are very highly qualified people.

The point is, who is implementing the program in HACCP. And both corporate and both whistleblowers have told us of practices by the employees implementing the plant's programs that repeatedly occurs, such

as not washing their hands, using the cooler floor as a bathroom, not knowing English, not knowing the parts of a carcass, having an 80 percent turnover rate over the course of a year. We can't be comparing the people who run the programs with those who implement them, but we all know that the inspectors have long been seeking the training and science so that they can be the pioneers of the scientific revolution.

That gets to the point of joint training and consistent standards. We may have a consensus here this morning for a legislative and regulatory mandate for joint training. The question is, who is going to pay for it, and who is going to be the teacher and who's going to be the students? I think there's a very strong case to be made that the industry benefitting from this training should be the one that pays for it. And as Mr. Boyle has pointed out, they're already investing the money to do that, so I'm not sure how much of a new cost it would be.

I also was very interested when Mr. Boyle stated that Federal personnel were attending the AMI courses in HACCP. Now that is great for a voluntary HACCP program when it's extra credit. Of course, however, it can't work when HACCP is mandatory and it represents the law of the land, or a legally binding commitment. It wouldn't pass the laugh test if the industry that's responsible to obey the law is training the Government officials responsible to enforce it. We have a whole new world once HACCP becomes mandatory.

That brings me to two premises that I think are very important to keep in mind for all of us as we consider legislation, and the premises beyond training. The first is the freedom to defend the law. Even if plant employees are trained, they can be and are, fired at will, if they apply

their knowledge to obey food safety laws. The meat and poultry industry is going to have to accept the concept of whistleblower protection for employees to have the freedom to defend the law if they want us to trust them with law enforcement responsibilities.

Secondly, there must be the commitment to obey the law, no matter how knowledgeable someone is. In a White Paper that our organization is releasing tomorrow, one of the findings is very instructive, about the lack of commitment that has to be consistently available in the industry. I'll share with you the finding today.

Plant managers repeatedly argue with inspectors over the most basic standards of wholesomeness. Examples include fighting to allow some contamination because just a little won't hurt anyone. Contamination has included feces, grease, hydraulic oil, maggots, metal, floor residue, and rancid meat. One argued that ground meat, returned while on its way to a school lunch program, couldn't have fallen on the floor although it was mixed with cement, gravel and wood chips.

Another plant manager argued that the floor did not need to be rinsed with 180 degree sanitizing water after an employee urinated on it. Plant managers made comments such as, who cares? This product is going to New York. The bottom line is, until the industry can pass the trust test it would be irresponsible to consider legislation giving the flexibility or discretion for anything less than continuous, comprehensive, Federal inspection. Every carcass can be an important source of protein, or a public health hazard.

Ms. Mucklow, Rosemary, earlier stated that there's unrest in the trenches. I think it's also clear that there's unrest and even fear, in the

kitchen. And as long as that continues, both markets and consumers are going to be threatened. And until -- it's going to remain until corporate and Federal inspection programs are credible as human health protection programs. And unless that happens, it's the meat and poultry industry that's going to crash.

MR. GLICKMAN: Just curiously, is your study based -- do you in the study, indicate the methodologies used for the data that you've collected?

MR. DEVINE: Yes sir. It's based on affidavits and records from the Department of Agriculture. Many of them are publicly available and it's just a matter of digging. The affidavits are eyewitness accounts by your inspectors. And consistently, they were successful in enforcing the law with the points that are made in this study. But the law wouldn't have been enforced if they hadn't been there on the job.

MR. GLICKMAN: Let's see. Mr. Bryan?

MR. BRYAN: Yes, I'd like to make a few comments.

MR. GLICKMAN: I have Mr. -- after Mr. Bryan, Mr. Bernard, Mr. Korody, Mr. Wood, Mr. Kushner, Danielson, Donovan. Let's stop there for now.

MR. BRYAN: I'm Jones Bryan. I'm on the AVMA Food Safety Committee and I'm also State Veterinarian from South Carolina responsible for the State Meat Inspection Program there. And let me assure you that in our state the meat inspection program is a public health initiative. My personnel -- I have two DVM with master's in Public Health heading up my program. My next two people in line have master's in Food Technology in addition to being DVM's, and the next one is a master in Toxicology.

And as a matter of interest, we have had no food-borne illnesses identified as being a source from our State inspected plants in the 90's.

So we also have -- 100 percent of our inspectors have been through the training session in Texas, and not 35 percent not going. So to reiterate what Dr. Menning has said early, training -- we don't need to throw the baby and the bathtub along with it, out with the bath water. There are so many critical things that we have been doing that we can do better, and training and education -- and those words are not necessarily synonymous with me -- are critical areas of need and have been identified as areas of need in the Federal programs and in the State programs.

And at the State level, they are \$40 Million in State money spent today as a match on State-Federal programs. We currently don't have any Talmajacan plants, but we do have plants that we provide Federal inspection for, both the State inspector under State supervision and this property is shipped interstate. It's a matter of the same process at the same quality level. In the case of ours, I think it a better quality level is being practiced there, and we'd be happy to share with people some of our public health initiatives.

But I think you see right now that, is FSIS prepared to assume all of the Sate inspector's programs? Hawaii has just returned theirs to a Federal program, Florida is on the ropes with those programs. I think we at the State level, as we address this, we need the support from the Federal level for educational opportunities and so forth. To give you a symptom of what's happening now, I think you've seen the new HRDD training catalogue that just came out? The basic livestock slaughter inspection courses at Texas A&M have been reduced from six to two. Six last year to two this year. The livestock slaughter cross-training courses

have been reduced from six to two. The process food and quality courses have, by my count, been reduced from 10 to one.

And it's all right to fall in love with and get excited about HACCP. We see it as a very viable initiative. But let's take a hard look at where we are today, what is critical to our programs today as we grow into this new process. And I still don't understand how we continually thumb our noses at the training and education needs that are involved.

Thank you.

MR. GLICKMAN: Thank you. Let's see, Mr. Bernard? MR.

BERNARD: Thank you, Mr. Secretary. Dane Bernard, National Food Processors Association. I'd also like to echo my thanks for your willingness to bring people together for these kinds of discussions. I have a few items and I'll try to be brief.

Since we last met in the issue-focused meetings, we have held through the organization that I work for, four training courses in HACCP. We have people in the field conducting HACCP courses even as we're here today. We've been partnering with the American Meat Institute, with the National Meat Association, with the Southwestern Meat Association, and with any other group that is willing to partner for the purpose of training in HACCP.

A lot of the motivation for that is that the industry truly wants to get better, and for those folks who have so eloquently spoken about their losses, they are included in those courses in kind of a roundabout way. So a lot of the motivation is based on the desire certainly, to see what can be done to improve. And I would like to say that your efforts are not unrewarded. And things are getting better. I can't tell you whether we're

50 percent better today than we were a year ago, but we know we are getting better based on the feedback that we get.

And by the way, we are now in the second and third generation of these courses in terms of the people attending them. We have trained repeats from the same company. We're getting additional new companies, but we're also getting people from companies who have been there before. So we know that we're having some effect.

I'd like to echo the other comments on the need for training and the gentleman that just spoke, I'd like to echo his comments as well. HACCP training in and of itself is not the total answer. HACCP is only a management system. It depends on basic knowledge in slaughter techniques, sanitation, and would build on those basic knowledge areas and we put HACCP on top of that. So there's a need for the basic programs and we need, as we go down this road, not to forget that.

In the area of inspection reform, we've heard a couple of comments about seafood being wrapped in with meat and poultry. I would only like to remind the Secretary and the people here, that in terms of the seafood industry, this is a very sensitive time. The FDA's rule on seafood HACCP we expect out before the end of 1995 on the optimistic end. The FDA has put a great deal of effort, as has the seafood industry in crafting what we hope will be a good piece of regulation that will set the course for food safety in that particular industry.

And the implementation period, we don't know exactly what that is going to be. The proposed implementation period was a year, depending on FDA's assessment of the things that can be done before mandatory implementation. It may be somewhat longer than that, but certainly we

need to be sensitive to the activities in that area as we look at whether we need to change the legislation to bring all protein foods together. Right now it may not be in the best long-term interest.

I'd also like to note something that I brought up at the earlier issue-focused meeting, and that is a piece of legislation which has been on the books. It is the sanitary food transportation act of 1990. I misspoke at the earlier meeting and said 1993. Time does fly when we're having fun. But that particular Act has not received the kind of attention that it needs. It is unfunded. There is no regulatory structure to set up the enforcement criteria to carry out the intent of the Sanitary Food Transportation Act. The National Food Processors Association, along with a consortium of other industry groups including representatives of the transportation industry, have actively worked to get the modifications to make this work.

We feel that the regulatory responsibility for carrying out the mandates of that Act need to be with a food regulatory agency, FDA and USDA particularly, rather than the Department of Transportation which is encompassed in the original Act. In addition, the funding needs to be there to allow the regulatory process to go forward. Senator Gordon and Vice President Gore have been our chief contacts, but this particular piece does not seem to have the priority that we think it needs.

This particular piece of legislation would allow the food industry to have the tools it needs to help assure the safety of its foods in transportation, to allow us to determine that vehicles have been properly sanitized, that previous loads would not compromise the safety of the products that are loaded on transportation vehicles, and that proper



temperature control on temperature sensitive items could be maintained throughout shipping and transportation. So I would like to add that as a piece of possible legislation that needs to be addressed.

The role of inspectors has also been brought up. We have commented over and over that the role of inspectors has got to reflect what we are trying to do in HACCP. We've heard about we would like to have Government-inspected meat, not Government-inspected records. We've also heard references to performance standards. These items, inspecting of meat and performance standards, are not excluded by the HACCP concept.

HACCP can wrap around whatever inspectional oversight is necessary to make it work and performance criteria is a preferred word because we think a standard is a bright-line number that if you exceed it the food is bad, and if you are under that the food is good, neither of which is necessarily true. But HACCP can certainly wrap around the concept of performance criteria. It just depends on how that is used.

Thank you.

MR. GLICKMAN: Thank you. Mr. Korody?

MR. KORODY: Thank you, Mr. Secretary. My name is Paul Korody. I'm the Washington Rep for ConAgra. I understand from what Tom has said and from the break, that a number of the participants here today will participate in a press conference tomorrow, and one of the issues will be the question of whether or not carcass-by-carcass for the beef industry should continue. And Nancy, I want to say publicly to you, which I told you during the break, that as far as your concerns over continuous inspection, our subsidiary, Mundford, is very strongly for, and whatever the HACCP

environment, that there be continuous inspection on beef carcasses. That there be an antemortem inspector, and that there be pathology inspectors on the line, basically in the same configuration as there is today.

Now, whether or not for efficiencies purposes employees can help in the presentation with the Jakes and the Harts and all of that, you know, that's something to be debated. But as far as our druthers are, we see in the future, inspectors on the line in our beef plants doing carcass-by-carcass inspection. Moreso for the older animals, but the minimum of what we have today. And I hope -- I can't speak for the other companies but I can speak for Mundford. And HACCP can revolve around that, HACCP can do other things, but we're going to ask for inspectors to remain in our plants. We just don't think that anything else but that can happen.

I also want to mention to that part is that we appreciate USDA very promptly approving our petition for de-hairing, and this is a new process in which after killing, the animals would be put in a separate area and the hair, along with the feces, dirt and everything else, will be removed, and that after stabilization occurs of the carcass from the chemicals, all of which are household chemicals and all of which have already been approved for use by humans, that basically a hairless, fecesless, dirtless, basically sterile exterior carcass will be returned back to the slaughter floor to be opened and continued.

And hopefully that will go on-line in a test facility in the first quarter of next year, depending on the weather and as quickly as we can build this, and that hopefully USDA will allow it to go forward depending on the results. We think that will make a significant difference.

Somebody talked about training and implementation. One thing that we do support, and if there is legislation we hope it would be supported, Congressman Pat Roberts in the last Congress put in an Advisory Committee to the Secretary Bill. We supported it then, we support it now. We actually are one of the few people who probably got the two disks under WordPerfect of the proceedings of the last six meetings and we actually printed them out on our machine, much to my secretary's duress, and I have six notebooks and we actually are going through them and re-reading what we all said over six sessions, and if you have not done that, there's some very interesting stuff in their to refresh.

And we think that this process should continue, and an Advisory Committee to the Secretary, either by statute or by his own doing, we think would be very valuable. And we appreciate the opportunity to participate.

MR. GLICKMAN: Thank you. Ms. Lautner?

MS. LAUTNER: Thank you. Beth Lautner, National Pork Producers Council. And I too, would like to thank the Secretary and the Under Secretary for organizing these meetings. It's been very helpful to understand other people's viewpoints and raise points of your own. I'd like to start out by saying, a premise I think we need to all look at, how we can best accomplish food safety public health goals within each sector of the food chain, and I would agree with other speakers today that said that this may result in a paradigm shift, both for the Department and for the regulated food industry as well. And I have two points to make under that premise.

First is, as you know, pork is recognized as the other white meat by many consumers since it's nutritionally comparable to many cuts of poultry, but we're also regulated as a red meat under inspection regulations. And while we do have many economic issues that the red meat industries have raised about inequities in meat and poultry inspection, under this paradigm shift I guess we would urge the Department to look at food safety concerns as well when we're looking at meat and poultry inspection with regard to water weight gain and reprocessing. That there's safety issues there as well as economic issues that need to be addressed.

The second point I'd like to raise is that we are, as a producer group, very supportive of FSIS's current approach to the animal production segment. We see that considerable progress will be made in that section by facilitation and coordination by the Food Safety Inspection Service, and we have been working with them to develop a coordinated research agenda that will be addressed in the animal production segment. FSIS also will have a role in the technology transfer as this research becomes available.

And I would like to just note an example of how industry and Government agencies can work together. We will, with USDA and the Food and Drug Administration in March, be sponsoring a salmonella symposium that will be set to look at all the different components of salmonella on farms. We'll be looking at the environment, the animal, feed sources, diagnostics and intervention strategies, and we'll be developing breakout groups with all the researchers that are involved in this area to set a research agenda, so that as we move forward with Government dollars and industry dollars in this area, we'll have a coordinated approach.

We support the current approach of the FSIS on working with the animal production segments, and we would urge the Secretary to continue to find funding for FSIS to be a partner in animal production food safety. Thank you.

MR. GLICKMAN: Mr. Richard Wood?

MR. WOOD: I'm Richard Wood with Food Animal Concerns Trust and we support the implementation of the microbial testing and HACCP plans for slaughterhouses and processing plants, and we also welcome the USDA focus on extending HACCP from farm to table. We would like FSIS and the USDA though, to take one step further beyond what it's proposing to do, and I guess this is the appropriate table to do that at.

We believe that steps must be taken now to require some level of producer participation within HACCP. At a minimum, we feel the USDA should take steps to require that animals be tested for salmonella or for whatever the target pathogen that's identified, before shipment to processing. We feel that this basic requirement would benefit both processors and producers. This step would make it possible for plants to process non-contaminated animals first, with contaminated animals being processed at the end of the day and the effectiveness of this process was amply demonstrated by the PICU Study, a number of years ago now.

This requirement would encourage producers to employ HACCP controls on their farms. As has been pointed out, the quality assurance programs of industry lays out the necessary steps for producers to follow in implementing HACCP plans for their farms, and a lot of work is being done in that regard, but participation still is uneven. And so we feel that testing requirements would encourage producer participation.

We also feel it would create a level playing field among producers. As plants begin to require that producers employ HACCP principles, all producers would have to meet these basic requirements and would stand together at that point, then. So we would hope that as future steps are considered, that some measure of on-farm requirement in HACCP be a step that is taken. Thank you.

MR. GLICKMAN: Thank you. Mr. Kushner?

MR. KUSHNER: Thank you, Mr. Secretary. My name is Gary Kushner and would just like to take this opportunity briefly to respond to two issues that have been raised by a number of people during what has been a very informative session this morning. The first issue most recently by Tom Devine, involves the suggesting that some additional Federal law providing for specific whistleblower protection is necessary in order to ensure that meat and poultry employees do their jobs properly. That suggestion's been made before, and just as today, it's been made as an allegation, yet with no basis whatsoever. Indeed, there is probably no area of law to which companies are more sensitive, in that emerging area of law that's evolved quite a bit over the last several years, protecting employees, ensuring employee benefits, and prohibiting wrongful discharge.

There are already a number of State laws that would prohibit discharge of employees for, in some cases, specifically for reporting violations of the health or safety provisions of the laws, and there are other laws as well under which litigation could readily be brought and complaints can be brought. This is an area of law that companies are very, very sensitive to. It's an area of law in which they've all probably -- or many of them -- have been

embroiled in litigation, so I don't think there's any basis whatsoever, other than the allegation that somehow there's a need for some new, additional Federal law.

I'd also like to address just briefly, the idea of enforcement because it's been suggested both as part of the Family Food and Protection Act, those who support it, and has been suggested as specifically civil penalties authority earlier today. The issues we've been talking about today never have, never will be, never have had anything to do with enforcement. The issue is inspection, the approach to inspection, the way inspection is implemented, not enforcement of the law.

There has never been, to my knowledge, any suggestion or any evidence that the Department of Agriculture has been unable to enforce its laws. In fact, the Department of Agriculture, as Carol Foreman pointed out this morning, in serious violations can and does, refer matters for criminal prosecution, that ultimately can lead to withdrawal of inspection from a company which puts a company out of business. But even for lesser violations, if you will, there is what I would consider to be, the functional equivalent of civil penalties imposed on meat and poultry plants on a daily basis. And that is, stopping lines, slowing lines, closing down plants, sometimes for interminable periods of time.

That is a penalty that is imposed on the site by the inspector, and believe me, that is something companies are very, very sensitive to. Already, there are disputes concerning the use of inspectors discretion in imposing some of these daily penalties. And if you think those disputes are significant now, just imagine the kind of disputes that would be

involved if all of a sudden there was some new authority to impose civil penalties.

There are other authorities that the Department of Agriculture already has that it doesn't use, and in fact, between the years of 1986 and 1992 when the law had been amended in a law that ultimately some said, the Department had even more authority that could have enabled the Department to close down plants for such things as some of the violations of law we've talked about today. Yet I don't even think the Department used that authority in the six years during which it had it.

So in short, I think that we really ought to, as we have for the most part this morning, be focusing on the best way to inspect product, the best way to produce product, to make sure it's safe and to make sure the system works, rather than thinking about some new provisions that will only give lawyers new things to argue about. I'm not totally against that, mind you, but I don't think that's necessary the most productive way to spend our times or energies.

Thank you very much.

MR. GLICKMAN: Thank you. Let's see, is it Mr. Danielson? Ms., I'm sorry.

MS. DANIELSON: Thank you, Mr. Secretary, Mr. Taylor, Mr. Rominger. I'm here this morning -- I'm Nancy Danielson. I'm with the National Farmers Union but I'm also representing the Montana Farmers Union. An issue that was raised briefly by Carol Tucker Foreman this morning was border inspection, and that's the issue that I'd like to bring up again at this time.



Briefly, we'd like to ask you to beef up border inspection. In fact, there's nothing that you could do that would make a bigger impression with our members. First of all, they would like to be sure, as a couple of the other speakers have mentioned this morning, that we're inspecting the meat, not the paperwork. The Government Accountability Project has done some excellent work in bringing witnesses to Washington, D.C. to talk about the fact that they were not allowed to inspect meat. They had to settle for inspecting paperwork. That certainly is not the standard that we should be holding imports to.

And the second thing that we would like you to do is reinstate the ban that was in effect from 1922 until 1992, which did not allow ground meat to come in to our country over the borders. This type of meat -- they don't have adequate inspection available for, and we would like to reinstate that ban. And like I say, any time we have a Farmers Union meeting and this issue comes up, it is a lot of agreement among the members that that's something that needs to happen. So we would certainly like to have your Administration be one that would be remembered for taking care of that very important problem.

Thank you.

MR. GLICKMAN: Thank you. Donaldson? Is there -- Donovan, okay.  
Excuse me.

MR. DONOVAN: Thank you, Mr. Secretary. I'm Mike Donovan with the Association of Technical and Supervisory Professionals. One thing I like to hear from you, Mr. Secretary, was that maybe we need to spending more money. We're in this paradigm that we've got to do more with less. And when you have -- the Defense Department doesn't want to claim that only

-- our budget doesn't even come up to one day of what that particular budget thing is, I mean, I think there is other money that can be switched around in Congress.

Right now the question is whether we need change in legislation. We are not following the mandates that we have in the law today, and that's continuous inspection. With the short staffs that we have out there we do not get to the processing plants on a daily basis. It's just not happening. We don't have the resources to, which has been an integral part of most business, of computers. I think we have it that we won't have computers to inspectors for another five years, where the whole inspection will have even a computer system out there for PBIS.

So ATSP is for change, and the problem is is that in the short term, like others have mentioned today, that the legislative change should not take place immediately, because part of what was the problem with the less than continuous sunset regulation -- law that came out, was that we tried to put too many things into what we were calling less than continuous inspection. We started a performance-based inspection system along with less than continuous inspection, and they got molded together and it was that less than continuous inspection failed because of that. If we go for legislative changes at this particular time, it could affect HACCP. I think we do need to see whether or not HACCP is going to be a viable option or not.

Down the road, I think we do need the legislation for farm to table for protection of the consumer. And what's also been mentioned is that we've had a change in industry since 1906 and since 1967. Not only are we using different animals that we didn't have before, such as the Ostrich and Rhea,

we also have companies that have incorporated where we now have more FDA products and USDA products in the same plant. I think that there should be a consolidated food inspection agency, and I think that's where the legislation should go, because right now you go into a plant, an inspector only has jurisdiction in only one part of that particular plant, and there's a lot of gray areas in those particular areas.

ATSP is for less than continuous inspection if it's done correctly. Risks should be involved that shouldn't come into play for budgetary reasons that you have less than continuous inspection. Plants must prove that they are worthy of having less than continuous inspection. We know we have some very small plants out there that are very clean. That gets on a plant-by-plant basis rather than just a product basis. And having less than continuous inspection should be a privilege, not a right.

On the training needs, we've heard a lot about training with industry. I think training with HACCP and USDA and the industry is a very good idea. However, I think inspection personnel also need to have further training in that in areas of investigative skills and deceptive practices. Because we do have companies out there, we are a regulatory agency, and we do have companies out there that aren't going to perform as -- we've encountered, through compliance -- with some plants killing cancerized cows and trying to sell deceptive products.

And on the basis of just going to a scientific-based inspection system, I think you also need the organoleptic system also. We've been talking a lot about scientific-based inspection and within the last month I've had a company call me and tell me that they should have their label because you can't scientifically take a lab analysis to find a particular

ingredient in a label, so that's why they should have it, and not because it wasn't in the product. So, I mean, you need both the organoleptic and scientific basis in that particular thing.

Thank you, Mr. Secretary.

MR. GLICKMAN: Let me just make a quick comment. One is, is that I asked the question, shouldn't we be spending more, but I'm realistic enough to believe that it is doubtful that Congress is going to give us a lot more money for additional inspectors. I don't want anybody to have any hope there that that's likely going to happen. It's likely not going to happen.

Now saying that, we have to have enough money to ensure that we maintain vigorous oversight inspection of our meat and poultry system. And we also have to recognize that we've got to adapt this system for a changing world that is based more on science than it was before. But you know, I wish that maybe everybody in the legislative branch shared by priorities, but I'm just not sure that's the way it's going to be.

So I don't want to hold out false hopes for people either. At the same time, we have to make sure that we get as much money as we can and we use it properly and, you know, that's obviously part of the debate that we're talking about here.

Dave?

MR. CARNEY: Mr. Donovan hit on a subject and you're talking about reallocation of resources. You know the Agency's undergone a review. In the field it's called the bottom to the top, but here in Washington they like to refer to it as the top to bottom. A section of that had to be in your office by the first of December, on reorganizational structure. Now, you

know, we have like a 13 percent vacancy rate in slaughter, we have around 1250 vacancies right now out in the field, and we're going to need resources.

So if the reorganizational structure has to be in your office by the first of December and we know things don't work too fast inside the beltway up here, when can we expect some type of response from your office on reorganizational structure so that we can start looking at dismantling some of these field structures so that we can better reallocate resources and get people on the lines so that we can go back and start protecting the consumers the way the laws were designed?

MR. GLICKMAN: Mike, do you have any comments?

MR. TAYLOR: I'm sure we'll review it expeditiously in the Secretary's Office as soon as we deliver it. I don't know, there's a review process, that Mr. Rominger will be seeing to it that it moves along.

MR. ROMINGER: We're going to move it expeditiously.

MR. TAYLOR: You nailed us down, Dave.

MR. CARNEY: We're still inside the beltway.

MR. GLICKMAN: Let's see, let's take a couple more. Mr. Menning -- is there somebody that hasn't spoken yet that wants to speak? Anybody here who has not -- okay, yes. You'll be our last one. Mr. Menning? Before lunch.

MR. MENNING: Thank you, Mr. Secretary. Just very briefly, which a number of persons would laugh at, since I've got the mike. I'm Ed Menning with National Association of Federal Veterinarians. I'd just like to emphasize four points that have been raised here.

One, the analogy made to the banking industry and to the airline industries. I would just remind you that with the banking industry, due to the decreased regulatory oversight, came the giant saving and loan debacle, then many banks, including BCCI and just recently Daiwa.

Second point, the small businessman from Cincinnati, Ohio, raised an extremely important point which has not been addressed before really, in these type hearings, and that is emerging diseases. And I don't count E. coli O15:H7 as that because it has emerged. But keeping up even with just library research if not actual research, things on arcobacters, neosporins, ursinias, and the other pathogens we know are in meat and have caused small number of disease. Canada meat inspection system does an excellent job of keeping up, not only with knowledge, but with actual laboratory research, as do many other countries. We never have and aren't even discussing it these days.

MR. GLICKMAN: Well, that's one of the reasons I would say that -- Dr. Stauber and others will be on right after lunch to talk about this specific issues.

MR. MENNING: Excellent. The third point is slaughter risk versus other risks along the line. Dr. Heidelbaugh and Howard Baumann, the fathers of HACCP, have always had -- the first critical control point in HACCP has always been the safety of your raw product. Pillsbury Corporation, even to this day, still tests all of their raw coconut from the Philippines, etcetera, for salmonella, even though they've only had two positive lots in 30 years. And slaughter is the initial critical control point for the raw product, be that the sanitation, the disease, the feces, whatever.

A final point. We are constantly talking here about a need for new laws, though I think Jim Lochner, which I would agree with again as frequently, raised the issue in there about what can be done under current. And we have been saying for at least 15 years, the increasing emphasis on microbiological needs, none of which came about until the E. coli outbreak. We have also been pushing for better sanitary criteria as far as oversight in plants, of hands -- hand-held implements, etcetera, etcetera.

Most of those things do not even require a change in regulation, let alone a change in the law. They could have been done, some now are started, and more could be done as we speak. And these needs to be looked at because you need a change in the scientific and public health philosophy of the people managing the program from top, to those at the bottom implementing the program, and I do not yet see much evidence that this has come about.

Thank you.

MR. GLICKMAN: Joe, we'll close with you before lunch.

MR. POCIUS: Thank you, Mr. Secretary. It's kind of a dubious spot to be stuck in, but I'll take it. I'm Joe Pocius with the National Turkey Federation, and I want to take the opportunity to go on record that NTF does tentatively support a Harmonized Inspection Act that's been mentioned here numbers of times during the morning. And in particular though, we would support if the regulations that arise from that Act continue to recognize appropriate differences between the species.

For instance, seafood HACCP is not going to look like meat and poultry HACCP. The enforcement of the Act may be with performance criteria, but that performance criteria will differ between the species. And so it

needs to be recognized that even if we do go to one Harmonize Act, differences between the species still has to be recognized. They are different.

Secondly, we agree that the inspection efforts should focus on risk, on real risk, as it's been mentioned here several times this morning as well. But those risks should be genuinely based on human health concerns, and we prefer not to see old arguments repackaged as human health concerns just for political correctness, and thrown into the Act.

Thirdly, on the issue of continuous inspection, we could tentatively, again, support bird-by-bird inspection by FSIS personnel, particularly in the short run as has been mentioned. However, in the long run, as we get used to a newer inspection system and HACCP, etcetera, it may be more effective and more efficient, that a bird-by-bird or continuous inspection be done with Agency-oversight, rather than directly by Agency personnel.

Now, that brings up the issue of training, and my last point. We do agree that training is necessary, as been mentioned earlier, and it's also important to have the opportunity for both industry and the Agency personnel to be trained at least by the same trainers and with the same training materials, if they're not in the same classes sitting down together. I think we all could recognize that there would be some advantages for everybody to be trained together in the same place. We could also recognize the arguments against that. But at the minimum, the same materials and the same trainers should be used.

Thank you.

MR. GLICKMAN: Okay. We don't we adjourn until 1:15?

(Whereupon, a luncheon recess was taken.)



