

Specific Product Considerations Involving International Trade

I. Objective of Proposal

The objective of the Pathogen Reduction/HACCP proposed rule is to take a comprehensive approach to improving the safety of meat and poultry products while recognizing International agreements.

II. Description of Comments

Many commenters identified individual situations involving imported and exported products that they believe were potentially threatened or undermined by certain requirements in the proposed rule.

Commenters involved in the export of meat and poultry products raised objections to the proposed antimicrobial treatment requirements. They stated that European Union (EU) countries would not accept product treated with antimicrobial agents and that Canada would not accept product treated with chlorine at the levels required in the proposal. They recommended that FSIS accept Codex Alimentarius standards in lieu of those in the proposed rule. Commenters also explained that the proposed exemption for exported product was insufficient to address the realities of slaughter operations which make separation of domestic and export product impractical.

Questions were also raised about the requirements for foreign plants exporting meat and poultry product to the U.S. Commenters inquired if all foreign plants exporting products to the U.S. would be required to have HACCP systems, and if so, how would FSIS ensure compliance. Some commenters asked for clarification of "equivalent standards" language. They were concerned that domestic producers would be at an economic disadvantage if foreign competitors did not have to implement HACCP to sell product in the U.S.

III. FSIS' Current Thinking on Issues Raised by Comments

After reviewing the comments relating to specific product considerations, FSIS is examining how it can provide the regulatory flexibility needed to adequately address the concerns noted above, meet the requirements of international agreements and still achieve its food safety and public health objectives.

Export Issues: The EU member states and Canada are the only countries, to our knowledge, which restrict the use of antimicrobials on meat and poultry carcasses.

Plants producing meat and poultry for export to the EU or Canada can choose to treat carcasses with hot water, which is currently recognized by FSIS, the EU and Canada as an acceptable antimicrobial treatment when applied at 165°F for at least 10 seconds. Use of this particular treatment would also preclude the need to segregate product.

FSIS is also considering alternative approaches for achieving the same objective sought from antimicrobial treatments. Please refer to the previously distributed paper entitled "Antimicrobial Treatments in Slaughter Plants." These alternatives, such as microbial performance standards, were discussed during earlier sessions of the public meetings. However, FSIS recognizes that during consideration of these approaches, the issues related to trade must be addressed.

Import Issues: As a signatory to the NAFTA and GATT agreements, the United States has agreed to permit the importation of meat and poultry products from countries which operate inspection systems judged to be equivalent to that of the United States.

The FSIS current thinking is that countries importing meat and poultry product to the United States would need to: 1) adopt performance standards which achieve levels equivalent to those of the United States, (e.g., microbial targets, chemical tolerances, economic adulterant limits (e.g., excess moisture), esthetic defect limits (e.g., organ remnants), and 2) insure that process control systems equivalent to HACCP are utilized in the plants in order to meet U.S. performance standards and other regulatory requirements.

FSIS is currently engaged in the process of developing criteria which it will use to determine if foreign plants engaged in export to the United States are utilizing process control systems equivalent to HACCP. FSIS recognized that societal, cultural, economic and other conditions are not exactly the same in foreign countries as those in the United States and that effective process control systems may vary from country to country.

Officials from some countries have proposed that their plant's current systems of process control which rely heavily on government intervention, control, and oversight are the most cost-effective way for their society and will result in product in full compliance with U.S. standards. Officials from other countries indicate they plan to require plants to use process control systems virtually identical to those being proposed by FSIS. As FSIS moves to establish appropriate criteria for judging equivalency, it will consider the various aspects of these alternative methods of assuring process control as compared to HACCP.

In summary, the current FSIS thinking revolves around 1) establishment of objective, science-based performance standards and 2) evidence that systems of control equivalent to those used in the United States are in place to insure

compliance with the standards. Again, FSIS recognizes that during the consideration of these approaches, the issues related to trade must be addressed.