Small/ Very Small Meat Processing Plants Stakeholder Meeting

Austin, Texas

2/12/2020

Notes

Host organizations
Joy Casnovsky - Sustainable Food Center

Rebecca Thistlethwaite- Niche Meat Processor Assistance Network (NMPAN), Oregon State University

Eric Deeble - National Sustainable Agriculture Coalition

Judith McGeary - Farm and Ranch Freedom Alliance

Texas Dept. of State Health Services (DSHS) Discussion (2-2:50pm):

James Dillon (Meat Safety Assurance) - 27 states with at least or equal to USDA regulatory constructs. Similar mandate to FSIS to ensure access to safe meat products - HACCP, animal welfare, and other concerns. Much of the regulatory rules are based on Federal statute CFR9 but with the exception that they only stay within the state of Texas. Primarily concerned with small processors. Large plants are where FSIS is active. TX maintains “at least equal to” but may not necessarily hew to the same process/procedures. Annual audits to the state inspection plan by FSIS ensures the ‘At Least Equal To’ programs and policies. State inspectors are of TX and understand and support TX farmers and businesses. Friendly and committed to the state of TX

Brian - Is there a Talmadge-Aiken program for small farms in TX?

James - Yes, but only for red meat. Not poultry yet.

Brian - We have a special relationship with our agency as a small plant in Georgia. Acts as a sounding board between small plants and USDA. State inspection helps through issues, rather than being confrontational. How can an agreeable process be set up to support this in other states? Helpful to get back to a small town feel?

Rebecca - why did you get rid of the poultry piece?

James - Only the 20K or under for the exempt poultry plants. Not compulsory on a state program to sample for Campy or Salmonella. There were some 'difficulties' associated with the administration of the program. The sampling program was very resource intensive - the Salmonella tests were much greater burden that for E. coli in red meat that the state was also doing.

Difficult to satisfy the requirements of FSIS on our program and provide the type of an inspection support that the establishments were looking for. Our program - from my perspective - was caught in the vise

On poultry, there was a state bill HB 410 that passed but it only helps plants that process <1000 birds/year. There is currently a rule change pending that will loosen things up for facilities that process <10K birds so they may go to a registration system rather than an inspection system. There is a moratorium on the inspection of the <10K bird facilities until they can get the rule finalized

Judith - Glad to hear that you are working on that. Our producers have been less concerned with the inspections, and more concerned with the up-front requirements. The infrastructure cost is the difficult piece. The way it's been communicated so far: in order to meet the requirements, you have to have a facility built to the federal CFR standards.

James - Infrastructure built to the CFR requirements may not be necessary but they must still be processed to the current sanitary standards

Judith - But if the sanitary standards require infrastructure?

Eric - Are we talking about the loading docks, durable improvements to things? Is this fixed improvements to a facility, or moveable equipment within a plant?

James - Multiple approaches to this issue. Judith is referring to the need to have a structure that is controllable and where sanitation can be addressed.

Brian v Judith - Washable/cleanable services conversation

James - 416 isn't mentioned in the standards but it has become the de facto standard for the facilities - rightly or wrongly implied - but that may change as the rule gets finalized

Rebecca - 20 minute warning - any other questions for the state folks or other issues

Judith - we had issues with inspectors, regulated entities (processors) are concerned about retaliation - if they get sideways with the state inspector - what is the process by which someone can raise a concern or make an appeal?

James- any regulatory activity (examples) are appealable. We have a 'chain of command' in our organization where, if an inspector views something as being non-compliance, that is appealable. If a satisfactory result isn't obtained, they can continue that appeal upward. My

expectation is that when non-compliances or anything like that (any regulatory issues) … no room for emotion in how my regulatory folks do their job. Something either meets req's or it does not. How we handle those situations - there is room for (particularly with State program) looking at how we work with an establishment. Can resolve a situation temporarily today, get back to work, and then resolve full-time down the road. As far as an issue w/ an inspector attitude, I would encourage that establishment owner to call me. This would not be a retributional activity.

Judith - And if the processor is worried about going to the Circuit Inspector? What should they do then?

James - sometimes what occurs is over time, in the way that we approach inspection, with PHIS system there are more situations today where the reg/non-compliance is seen and documented through that system that may have been simply pointed out in the past. The intention of what a report is gets lost - it's a communication tool. There is not any penalty associated. This is my expectation of my inspectors' communication with owners. Over time, we have gone more toward documenting those experiences whenever they occur, as opposed to verbally during the inspection itself. Expectation is that inspectors do their job in a non-retributional, positive attitude manner. They should, in no case, make something up because they are mad at someone.

Louis - I second James' sentiment. This shouldn't be retributional. But sometimes people get crosswise and if there is a problem I know that I will hear about it.

Rebecca - Oregon State is doing a study about how FSIS provides guidance to small plants. Interested in learning about how state programs are transmitting guidance documents to their plants. Want to ensure that states are always up to date about guidelines.

James - Sure. FSIS will notice a change in policy with … and many states will just adopt those as is …. But Texas doesn't do it that way. They have an internal reviewer to make certain if the federal FSIS rule works to meet the needs of TX small business. Then we'll issue an MSA that is very similar or even the same to the federal … Allows us to tailor our approach. Available on the website. Compliance guide forthcoming is "Supplemental" - compliance with ongoing verification and looks at add'l ways that smaller plants can meet those requirements. Currently in review by FSIS. Believe this will be helpful for small plants in TX. NASMFS Directors.

Brian - is this a best practices document or a doc of your ideas?

James - it's a supplemental doc for an existing FSIS compliance guide. Mention that he gets audited too. Good way to approach a problematic issue. Sampling is an issue that small establishments have an issue with. Proud of the way our program has approached some of those requirements and tried to take into account the differences in production volumes. Looked at guidelines for frequency of sampling in state inspected plants - analysis of what is expected vs what would actually be inspected. Don't think it's fair that a plant that produces much less volume is inspected as many times as a plant that produces a much larger volume.

USDA FSIS Discussion:

3:00-3:20 Welcome, Policy Updates from FSIS -

Rebecca - welcome! This is a conversation not a lecture hence the roundtable format.

Eric - NSAC intro

Joy - Sustainable Food Center is an Austin based NGO that helps small farmers - mostly with direct market folks - welcome to everyone

Rebecca - NMPAN and NSAC have worked together to convene these events - maybe 8 so far - to assist niche meat processors in having a discussion with top FSIS officals.

Intros across the table

Mindy Brashears (Deputy Under Secretary for Food Safety, USDA FSIS) - Thanks to the Sustainable Food Center for hosting. Last month was her first anniversary at FSIS. She is happy to be back in Texas - no lines drawn. Want to hear the needs, open forum, ask questions. We want to focus on answering your questions and building relationships. We want to meet the needs of small and very small processors

Paul Kiecker (Deputy Administrator for USDA FSIS) - welcome. 32 years at FSIS. Started as food inspector, inspecting plants of all sizes. Familiar with what goes on in the plants; understands operations as well as the differences between small and larger plants. Need to know concerns so that we can start working on them. FSIS has made a commitment through participating in the Roundtables.

Rebecca - Loose agenda today. If you have a question that falls outside the agenda, feel free to bring it forward

-Status of Appendix A& B and other policy updates

Rachel Edelstein (Deputy Assistant Administrator, Office of Policy & Program Development, USDA FSIS) scoping of the FSIS OPPD role and that they - swine slaughter modernization in July was a big lift but was completed - with that came rules for all for all processors - most relevant is March 30, 2020 when swine inspection enteric pathogens for very small plants becomes effective.

October 28, 2019 new salmonella performance standards for beef. Comment period ended Jan 27, 2020. Proposed standards that would apply to establishments producing more than 50k lbs/day - focus is on large establishments.

For the lower than 50K lbs they will continue to monitor the STEC levels but not enforce them until rule is finalized.

Also plan to propose new salmonella performance standards for pork cuts to be based on baseline sampling. Considering same performance evaluation approach as beef.

Also of note - all beef manufacturing for trimmings they do O157:H7 and generic E.coli but only 0157 for other types of product. However they plan to propose a new reg to track E.coli in all types of products.

Plans to eliminate some prescriptive regulations - reginfo.gov includes all plans. Plan to expand generic labeling as much as possible..

Working to finalize rules on eggs - using the same type of standard for meat and poultry and shift away from prescriptive rules now.

Guidance documents to help processors to deal with foreign material recalls - also open for comment so if the group has feedback it is being sought.

Appendix A&B - originally put out in 1999.

Multiple Q and A docs related to specific elements of A&B and with all the feedback OPPD plans to get the final regs - incorporating feedback by the end of 2020. Will include safe harbors from the 1999 rules with explanation of which can still be used. Will also include guidance and explanatory document to explain the rule. Will have +/- a year to update HACCP plans to meet the new rule and provide validation for alternative strategies.

How much time would there be to do a challenge study?

You should start looking into the challenge study. Ultimately, you will need to meet the guidelines.

Processor Question: have you considered dropping from beef chorizo from being considered as raw ground product, since it contains vinegar, cure, and antimicrobial - it's not the same as ground beef but I still have to meet the same standards.

Rachel - If the establishment has data that a product is really well cooked then they can use validated methods but we will have a followup conversation on chorizo in specific

Processor Question: What is the itinerary for the comment period on Salmonella? Are you open for industry to have more input around those guidelines? What are your next steps?

Rachel - the comment period closed so recently that I don't have an updated timeline.

Paul - If there is something out there that you have a concern with, you need to make sure that you get your concern in when we have a comment period that's open. Don't think that because you're small, that your comments don't matter! We went back and adjusted the regs because of the small/very small plant feedback. Don't see us opening up the comments for salmonella again.

Mindy - Don't be afraid to comment directly. You don't need to stand behind an association and we read every comment and they really matter. Please comment...

Processor Question: Any humane handling rule forthcoming?

FSIS as a group - Maybe in the next 6-8 months?

Rachel - next few months (this will be discussed later in agenda)

Processor Question: Expansion on generic labeling.

Processor Question: You have done a great job on modernization. Do you have any updates on modernization for the processing side?

Modernization is important for FSIS, we have it in our strat plan. Always looking for improvements.

3:20-3:50 Food Safety Assessment Issues and Questions

Rebecca - next topic is Food Safety Assessment

- What triggers a FSA?

Dr. Hany Sidrak (Deputy Assistant Administrator, Office of Field Operations, USDA FSIS) Public Health RE (Sec. 5100) - PHIS contains many data points that would trigger an FSA - positive sampling results, previous non compliance record related to safety, recalls, exceeding the Salmonella performance standards

- On average, how often do they occur?
    - How long does an FSA on average take?

Used to be 2-4 weeks long. Now it is around 5 production days

- How many FSIS people show up for an FSA?
- How are violations determined during an FSA?

We are regulating about 6,300 establishments across the country. About 1,060 PHREs and of that about 50% (500) also had FSAs undertaken. If there is an NR the whole thing goes to the regional inspector prior to any enforcement actions.

Look at micro results and how a plant is responding to them.

The EIAO is available to come out for an audit and you should probably have it done before there is a pending FSA. Don't wait until there is a pending action. Go outreach route first, don't wait for an inspection action.

Brian: have you implemented anything for districts to reach out to plants (outreach about this program)?

Dr. Hany Sidrak - Change to the EIAO program and now they are supposed to spend 30% of time conducting outreach starting last year. Want to reach out to 25% of the regulated plants each year. Outreach is a completely different function and we make that clear.

Processor Question: this sounds like a good idea in theory. I just went through an FSA last month. I'm under the impression through the numerous inspections that have come through my tiny plant, that FSIS has staffing issues, and that the EIAO's especially are very stretched. I don't want to be just another problem asking for somebody's time, if i'm just trying to establish my own safety zone before something triggers and I have an official investigation. Dr. Brashear wanted to increase staffing - how's that going?

Mindy - We are trending in the right direction on staffing. Can now direct hire from undergraduate programs into the UC programs. We also have more recruitment coming from the vet schools - 12 being onboarded now - but we have MANY vet inspectors nearing the age of retirement and we are doing all that we can to get ahead of the need to backfill those positions. Challenging but we're working on it.

Paul - if the concern is that you don't want to take the EIAO's from working somewhere else -- if you have a reason to have someone come take a look at the plant you have, let us know and we will figure out how to get someone out there. Do not be concerned - if there is something that you need, then reach out for it. If you have not made changes and have had many FSA's, probably not a reason to be concerned. If you are newer or have made changes to your plant, that might be a good time to ask someone to come out.

Mindy - we also have direct hire authority for inspectors and CSIs which makes bringing them onboard much faster than using the conventional hiring methods

Processor Comment: New inspector load with new (large) plants coming in this year.

Rebecca - ask for clarification around numbers of plants that had FSA and discrepancy between plant sizes and frequency of FSAs

Dr. Hany Sidrak - We hadn't broken it down by different establishments but the data is available.

Paul - We'll get back to you with the data.

Mindy - Probably more FSAs since there are more small/very small plants but uncertain about the proportionality

Rebecca - I know of a small plant that have 5 people for their FSA; a plant that kills less than 10 head/day

Dr. Hany Sidrak - that strikes me as unusual and would like to know more about this. What are the resources for that district and can they be shared with other districts (laughter)

Processor Comment: was not aware of Public Health Information System (PHIS) when they first started the plant. Want to encourage everyone to get enrolled on the PHIS system so that you have the ability to participate in responding to appeals to NRs or MI's and that you have access to those records and know what's being said, can comment, etc.

Mindy - if you are not using it, why?

Processor Responses:

- Tedious to register
- Lack of knowledge
- Not knowing how to do it

Processor Comment: We went through that process and I've had access to PHIS for about a year, but have not been able to do anything with it.

Dr. McKeen - call me. I will help you with it. One key piece: if you don't log in every 30 days, it will deactivate your account. It is hard for me to reactivate my account. Need two establishment administrators in case one gets logged out.

Brian - Why are the barriers to accessing the system so complicated and restrictive?

Mindy - gov't system/security response

Suggestion to visit website and look at instructional videos

3:50-4:15 Labeling Issues and Questions

Roz Murphy Jenkins (Director of Labeling and Program Delivery Staff, USDA FSIS) - Been with the FSIS in labeling for 30 years. Expanding generic labeling options - we need to go through the rulemaking process but wanting to go for more generics so that the number of labels that are submitted decrease by ⅓. There are 4 different types of of label submissions

Did not see a decrease due to the increase in new/novel labels that have been coming in. Expanding generic would be helpful to allow more spending time on reviewing labels. Turnaround time is 12-14 business days for reviewing labels. Have hired and trained 15 technical people that are reviewing labels. Label submission and approval system (LSAS) (web-based) is much quicker for submitting labels for approval. Also includes a generic wizard (online) which can guarantee that a label is a generic label.

Started bi-weekly constituent updates that provide tips for label submission, reducing back and forth during the submission process. Addresses questions regarding types of labels that can be submitted. Goal is to provide this approximately every 2 weeks.

Paul - Not sure if an expediter will really be useful as opposed to using the system

Roz - 12-14 days should be for a one-time review. We are trying to cut down on the back and forth. If you need to resubmit, the review process should not be more than 4 days. Questions about generic can be sent through askfsis

Carrie Balkom - Label should be sent back to the same reviewer, and that is not happening.

Brian Sapp - some small producers are submitting labels for multiple products. Efficiency would be found if one reviewer could look at labels for all products for one producer.

Roz - If you have an approval for a cut then all other cuts can make the generic claim across the product class in the label. We don't get to the voluntary submissions very often. We just got to our animal raising claims and non-GMO/raised without GMOs done and hope that this will make it easier for folks to get generic approval

Carrie Balkom - Grass fed label claims are a mess. We'd really like to get some guidance on what can be done. Can we address the guidance?

Roz - Please come in and talk to us ahead of a label submission. Don't use the submission tool to conduct an experiment

Carrie Balkom - what about the product of the USA label? The cattlemen comments closed in January but our comments closed in 2018. What is the timeline for getting this done?

Rachel - our responses to the petitions would lay out our next steps.

Brian - we (US beef producers) are perishing waiting on decisions to be made.

Judith - a lot of my members sell direct to consumer. At least 90% of the consumers I talk to are not aware that "USA product" does not mean that the product was produced here. Same goes for "Grass Fed." Consumer understanding is severely lacking.

Roz - if you think this product is mislabeled, you can report it to us.

Carrie - provides examples of faulty labels

Brian - we are going through the right steps to get our labels approved. The fake labels that Carrie demonstrated are probably not doing that.

Roz - commitment to investigate those labels

Processor Question: any changes coming to "natural" or "no nitrate"

Roz- nothing on "natural" and a petition for the "uncured" or "no nitrate" coming from CSPI

Rachel - the comment period just ended for that

Mindy - listening to comments about "product of the USA" and assure action is being taken

Eric Deeble - much information comes through the submission process. Is there a proactive stance that you/FSIS/USDA can take that can take a more active approach?

Roz - we are putting additional information out there but we do not have a framework for proactive approach re: labeling

Processor Question: is there one technical article that would help educate about allergens - what constitutes an allergen?

Audience Qquestion: reduction in time for labeling backlog, is your goal now 12-14 days?

Roz - we are not at our 10-day goal.

4:30-5:00 Humane Handling Violations Questions and Issues

Dr. Hany - Humane violations are the reason for most of the plant suspensions. Highest category of the suspension is because of mis-stun. Very small establishments are also higher, proportionately speaking. Many categories within humane handling - facilities, how the animals are offloaded, water access, etc., typically no problems/compliance issues with these. Robust and systemic approach to humane handling. Inspectors of plant are expected to be familiar with whether the plant has a robust approach to humane handling or not. This usually comes at the last minute when there is a… if a plant has a robust approach, the agency considers a notice instead of a suspension action. Situations where intent of harming an animal is clear. Assessment of the inspection personnel must be made; will this suspension action result in prevention of inhumane treatment in the future? Also focus on considering the intent of inhumane handling. Discussion of the meaning of the word “immediate” in a mis-stun situation.

Rebecca - some processors say that if you have a robust, systematic humane handling plan, you are given a little bit more leeway (unspoken rule). How is that conveyed to the inspectors, and how do they interpret the leeway?

Hany - this is in our current policy. Plants with a robust, systematic humane handling plan would generally not receive a suspension for inhumane handling, particularly for human error like a mis-stun. If an employee does not have a history of mistreatment… we need to be on the same page about robust, systematic humane handling definition. E.g., we are seeing more use of CO2 for stunning. Opportunities to reach out and make sure we’re on the same page.

Brian Sapp - at what levels should programs be deemed as “robust” and who should be reviewing those at the agency level?

Hany - there is a degree of assessment but it gets in to taking action when you see something happen. Good discussion with DVMS when they come visit. Review history of effectiveness of categories when it comes to humane handling.

Brian Sapp - guidance about “robust” qualifications must be put in place

Paul - if you had an assessment and were deemed as “robust,” then you probably are. But if you have made changes or are new, this is a good time to reach out to district office at DVMS and have someone come look (same thing he said above)

Rebecca - is at possible to have a model “robust” plan on your website?

Dr. Hany - has more to do with what type of animals you are processing. Any kind of a movement could result in a mis-stun type of situation. Typically if there is an egregious situation, the plant will provide a response.

Processor Question: how many appeals have you seen on humane handling?

Dr. Hany - appeals number is small in comparison to suspensions. Not every appeal ended up being overruled. Some were ones where I supported the plant’s position. There cases where the NR is different from what the information is in the report.

Paul - regarding appeals, it can be as simple as picking up the phone and contacting frontline supervisor or district office. The system is set up for corrective action but if the report is faulty, do not wait to file an appeal. While usually the inspector makes the right call, there are times where the inspector is incorrect.

In the last ten year, 5 appeals in humane handling. Quick turn around from time of incident to receiving a letter. If a plant is down, appeal it immediately.

Processor Comment: Recently we have had situations and commend Agency from how quick the turnaround has been from time of incident to letter to response. In this situation, we were up and running in 5.5 hours. This was with action at the local level. Positive response time.

Paul- When a plant is down, our policy is that we take your appeal immediately.

Paul- Need to be thinking about these things prior. If you have an issue, here’s what we’re going to do next time. Lack of restraint and not taking action soon enough.Use the bigger ammo when you think you need to.

That is difficult.

Video is extremely helpful for appeals.

Dr. Hany- Inspectors are asked to leave the area. Can only judge on what they hear, not what they see.

Processor Question: IS there a time frame for when the revisions will be made to the directives on humane handling?

Paul - thought we were close to completing it but revisions or additions are still being made. Want the new directive to be a useful resource

Brian Sapp- This meeting was created around humane handling issues. For you to give us these concrete steps, has been very helpful.

Rebecca - do you see any improvements through the data?

Unanimous FSIS - yes

Dr. Hany- This fiscal year suspensions have been down, definitely.

Carrie Balkom - processing plants are highly depended upon in rural communities

Brian Sapp - if a plant is committing intentional egregious acts, it should be shut down. The term “egregious” should be reconsidered for certain situations

Paul- Hany and I have had a lot of conversations on that and we want to make sure we get it right. I think egregious does fit, not all the time, but in certain cases it fits.

Dr. Hany - example about missing one stun out of 365 days. Ask yourself - why was that one stun missed? Am I doing the right thing by suspending the plant’s operation?

Brian- If a processor mis-stuns on the first try and then tries again without checking the possibility of a stuck button, that’s egregious. That shows lack of intent more so than missing the first time.

5:15 – 6:00 p.m. Inspection Issues

- Concerns about regulatory consistency in applying the regulations and trainings

Dr. Hany - I recognize this is a challenge for the Agency because we have inspectors shifting roles. The issue of training is ongoing; we always look for ways to ensure that our inspectors are trained well. No inspector is assigned to conduct inspection w/out receiving proper training. We have classroom and onsite trainings. Inspectors are expected to fill in wherever they are needed, therefore, consolidated professional development. Regarding inconsistency, we have ongoing correlations with the supervisor (at least 2x/year). There are a lot of activities around trainings, but field operators may never say that they are 100% confident that there are no more training needs. We are rolling out a new swine inspection system and there is opportunity for vets to correlate on the condemnable conditions/ Of course this going across the board: import, export, not just slaughter.

Paul- We go through a lot of the same issues you do. Finding labor is tight, farm workers and inspectors. It takes a lot of work to get everybody on the same page in the same direction. I am not trying to make excuses. We have a budget, how many people can we hire on our budget,only so much money to spend on labor. FSIS spend a very high percentage on salaries and benefits for employees. Training, it would be ideal if everyone was 100% ready to go, but it's not going to happen with the budget. Haven't heard anyone bring this up yet, but in the past I've heard very small plants say they spend a lot of time training inspectors. Where we can make a change on this is you don't have to know everything going on on your first day, get to know the operation and then start asking questions.

Rebecca - along those lines: relief inspectors. Perhaps the relief inspectors should go with the same program that the regular inspector would, but I continue to hear from small plants that the relief inspectors are particularly challenging. Plants need to spend significant time explaining their processes - it's tedious.

Dr. Hany - we have had a lot of success in innovative ways to train our inspectors. E.g., we have a specific help button that can lead a caller directly to the policy answer that they need. The hits on the help button are continuing to grow. Experimenting with different training and TA techniques. I have seen varying levels of success with relief inspectors.

Processor Comment: I feel that means like I have to learn every new inspector's preferences and they all focus on something different. I have a rotation of four inspectors in the Houston area.

Dr. Hany - we are investigating the pros and cons to the rotation system. We understand there are issues with the system and we are in the process of addressing this. It's not happening everywhere; looking for consistency in how we are dealing with rotations.

Rotations in all major metro areas.

Rebecca - other inspector issues/challenges/comments?

Processor Comment: On PHIS when we have a relief, if the relief inspector submits a noncompliance, our response is not listed in PHIS. It still looks open, but the relief inspector hasn't closed it in the system.

Talk to the FLS, they are not clicking "Finalize"

Processor Comment: It's been really good for us to have a rotation sometimes. It's been helpful for us to get better because each inspector brings a different perspective and skillset with them. We have seen that there is often a specific item that they want to focus on.

Rebecca- I know we have a couple poultry plants here. Anything you want to share on testing or sampling?

Processor Comment: I just went through an FSA because I am in category 3. My regulation required to take is not taken into consideration. Big question mark. There is stress from FSIS that they are going to increase their science-based base and response. If my data is not valid, why am I doing it? E.g., if I pull a positive on Salmonella on the same day that … I started failing and made corrective actions (tightening antimicrobial, tightening procedures, portioning correctly, exposure times) this did not change and I find myself in Cat. 3 with EIO) -- Bottom line: I have data that shows I should not be in Category 3. All along I had not gotten positives. When FSIS is finding positives.

Mindy - aren't you concerned about your own testing then?

Mindy- SO are you saying your FSIS is continuing to detect positives, but you aren't concerned

Processor Comment: My data doesn't play into any of your decisions. There's no quantitative values assigned to the testing, it's just it's there or it's not. Passing my LMIS tests and all of a sudden I'm hitting a positive, then a negative the next week, then a positive the next week.

Dr. Hany - I understand frustration. The answer is not always in the plant, because the Salmonella is coming with the birds. Attacking the Salmonella issue has to be on multiple levels. The reason it takes so long is because of the 52-week review.

Processor Comment: I have no problem with the regulation or the FSA. I am required to do sampling to prove process control, but FSIS relies solely on their own testing and ignores my data. The more data you have, the bigger the picture you can understand. Why is my data not just as valid? How can my plant with the same procedure, and just like that I'm hitting multiple positives. The new testing can detect on much smaller levels, and can detect deactivated DNA. Are we headed toward zero tolerance, where this would be declared an adulterant?

Paul - we have a petition right now that is asking us to do that. If we don't start figuring out how we are going to control Salmonella, we don't need to have a discussion about categories. If we don't bring Salmonella down, that is probably where we are heading. The bottom line for your plant is that we didn't find anything there that has significant impact on product; you ended up with a minor __ we don't have an issue with that, but we are not going to use the plant data to determine what category you're in. That is not the idea behind us using our testing. If you are taking the exact same sample, and we are getting different results, I think you need to have a discussion with the lab and see if they are using the same methods that we are using.

Rebecca - he is not unique. We have another plant suffering the same issue.

Judith - what you just said about having Salmonella under control - this is consistent with what i am hearing from wholesale producers. We need to be looking at plants where there is substantial contamination. My understanding is this test is picking up on incredibly low levels of Salmonella. Huge investment on detecting… having small plants put this much money into the testing themselves, but then be told that the testing is not good enough (Paul says he didn't say this) ...dealing with your testing that is picking up things that may not be harmful for human health… can we work on testing process

Processor Comment" I had a similar question, why do my test come back negative and yours come back positive and then when I do a culture test it comes back less than 1 and yours comes back positive. I don't care what your test says, my test is the one that counts for my plant validation. We show over the course of time that even though your test is very very sensitive in picking up. Is the detection level the infection level? When we get in the situation of "we'll try xyz". We have just over 1,000 sq ft and we've done all we can do intervention wise and still kick off positives, is that enough? Will you be satisfied if that's all we can do?

"Is the detection level equal to the infection level"

Rachel - if you look at our instructions, you will see that you won't get an NR just for not meeting the requirements

Processor Comment" It's terrifying because you don't know what is coming next. '

Judith - we have three poultry processing facilities in this state. If we lose these facilities, there is no local poultry in this state. In the absence of levels of salmonella that make people die, how are these small processors and farmers affected?

Processor Comment: I understand you're concerned on a national level about food safety. Let's look at risk assessment...it would take my plant four years of production to do the volume to do what the Sanderson plant does in a day. I made deliveries to my customers of chicken that I slaughtered yesterday. If I made my customers sick, I would know about it and I would be out of business. We're all on the same page. If they declare Salmonella an adulterant, I would be out of business. Everything that is a health hazard for the public, is a hazard to me as a producer for my birds. I understand that my ultimate concern as a processor should be that I provide healthy food. We do our best to produce food that is far superior as far as the grow-out to the industry because we realize the bacterial load that is going into those plants cannot be controlled when it's off the charts. Now that antibiotics are really restricted -esp for small people- any issues would need to be faced all the way to the end of the process. I don't expect anyone up there or anywhere in this room to know what's going to happen. But I have a feeling that this is coming down the road. As a country that provides millions of pounds of poultry to the world, how are we going to deal with this? When I'm 65 years old and this happens, I guess I'll go find a job at Walmart.

Rebecca- So maybe to wrap this up. Is there any forward thinking or movement in light of the fact it will probably become an adulterant in the future, to help producers get ahead of the issue?

Paul - unsure of what you're asking for. Whether we are signing off that Salmonella will become an adulterant down the road?

Processor Comment - just a status of the discussion at your level? What is coming down Legislative/legally? What is happening now?

Paul - we are having discussions with the petition and are in the process of deciding how to respond

Petition: that certain strains of Salmonella be considered unsafe

Audience Comment: Is it more realistic to say, what causes disease at a certain threshold?

Rachel - In the past there was not a clear-cut threshold. At this point we are not saying it's an adulterant. We are just assessing if you have process control.

Processor Comment: Small plants are trying to address it. A lot of the interventions are for big plants and we want to find alternatives that fit small plants. The small plants get together and share and think oh we're close and this works for us. We take chances by bringing in birds for other people. We have over 50 family farms that we serve in the Texas area.

Paul - there is no one up here that's questioning if you're trying to do a good job. But we are not going to go backwards now on salmonella. We would have quite a media response if we did that.

2020 Illness goals set by CDC and FSIS. Somewhere along the line we are looking at a lot of things. Not just the plants, but also educating the consumer. Use ground beef for example, on one weekend all of these people want to eat ground beef that isn't cooked correctly and gets E. Coli contamination. A significant number of people who did something wrong, didn't cook it long enough, cross contamination. Not just Category 3 people. We aren't just focused on one point. We are in the business of getting the number down and making sure people are in regulation. If you are getting a positive and you've never gotten a positive, you need to go back and talk to your lab.

Rebecca - Any parting thoughts or something that inspired you today? Something you will take back to DC?

Roz - we will be conducting webinars on the guidance documents and will continue to do that with generics. .

Dr. Hany - thank you for listening. It's hard to sit and take all of that. Appreciate your feedback. Every time we go back to D.C., we follow up on every issue that you bring up and try to address them. Some are more complex than others.

FSIS Officials in Attendance

Dr. Mindy Brashears, Deputy Under Secretary

Paul Kiecker, Deputy Administrator

Dr. Hany Sidrak, OFO

Rachel Edelstein, OPPD

Rosalyn Murphy-Jenkins, Labeling

Dr. Jennifer McKean, District Manager- Dallas (Jennifer.mckean@usda.gov)

Dr. Samuel Dragoi, Deputy District Manager- Dallas