

May 30, 2008

Dr. Richard Raymond  
Undersecretary for Food Safety  
United States Department of Agriculture  
Jamie L. Whitten Building  
1400 Independence Ave., SW  
Room 227E  
Washington, DC 20250

Dear Dr. Raymond:

The American Meat Institute (AMI) is committed to helping the industry provide safe and wholesome meat and poultry products to consumers and, to that end, working with the Food Safety and Inspection Service (FSIS or the agency) to ensure that the inspection system is as effective as it can be in protecting the public health.

In that regard, recalls of meat and poultry products affect the efficacy of the inspection system and undermine consumer confidence in meat and poultry products. Although the number of recalls of meat and poultry products has trended downward over the last several years, the number of raw beef recalls associated with *E. coli* O157:H7 (*E. coli*) increased in 2007. Recalls caused by the presence of *Listeria monocytogenes* (*Lm*) in product in commerce have declined over the past five years but still numbered nine in 2007.<sup>1</sup>

Significantly, many of the recalls, particularly those associated with *Lm*, could have been prevented if product tested by FSIS had not been used or did not enter commerce until negative test results were available. For *E. coli* 26 of the 49 recalls occurred when product tested positive after it left the control of the producing company and entered commerce.<sup>2</sup> For *Lm* related recalls the results are more startling. Almost all of those recalls occurred because test results were positive, but the producing company did not retain control of the product.

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<sup>1</sup> The two attached charts summarize FSIS requested recalls during the last five years.

<sup>2</sup> The remaining 23 recalls were affiliated with illness investigations and outbreaks.

AMI has long advocated as a best practice that companies retain control of sampled product to avoid a recall in the event the test result is positive. Indeed, in September 2005 AMI, along with several other organizations and with assistance and encouragement from FSIS, mailed to every small and very small federally inspected establishment a best practices document encouraging them to adopt a policy to control tested product until the results are known.

FSIS has, on occasion, considered implementing a policy that would prevent product from entering commerce if it has been sampled by the agency. AMI's board of directors recently discussed this issue and considered ways to assist the agency in reducing the number of recalls. To that end, the AMI board voted to support an agency policy that would require companies to hold or control product tested by FSIS until the test results are known. Specifically, AMI would support a agency policy that product tested by FSIS, subject to company lotting and control procedures, not be allowed to enter, or be used in product that would enter, commerce until the test results become available. Such a policy should not consist of agency retention of any FSIS tested product, but rather require a company to utilize its own, effective control measures that ensure the product is not used or distributed for sale before the test results are known.

We would be pleased to meet with you and agency officials to discuss this concept and how such a policy can be implemented in a manner that allows companies to operate efficiently while enhancing the agency's efforts to benefit public health.

Sincerely,

J. Patrick Boyle

Enclosures