

National Advisory Committee on Meat and Poultry Inspection

Issue Paper for consideration by Sub-Committee

Applying the Mark of Inspection to Product Tested for an Adulterant

Issue:

Should FSIS delay a decision on granting the mark of inspection to product that has been tested for the presence of an adulterant until it has received the results of the testing?

Purpose:

In response to the discovery of a single cow in Washington state that was BSE positive, FSIS issued a Notice that announced it would not apply the mark of inspection to any animal carcass tested for BSE until after the results have been received. The FSIS Notice acted in accordance with section 4 and 6 of the Meat Inspection Act (21 USC 604 and 606) (see also 21 USC 455 for poultry). The Act states that carcasses and parts, and meat food products, are not to be marked “inspected and passed” unless found to be unadulterated.

FSIS is considering this Notice’s implications for the other food safety related testing that is done to verify that an establishment’s HACCP system is producing unadulterated product. This includes testing beef for *E. coli O157:H7*, testing ready-to-eat-products for *Listeria monocytogenes* and *Salmonella*, and testing carcasses for illegal drug residues.

Discussion:

FSIS currently makes the decision that product is unadulterated and eligible to be shipped in commerce after an establishment has completed its pre-shipment review of its HACCP records as required by 9 CFR 417.5(c), and they are found complete and indicate that all requirements are met. When the Agency samples products, it strongly encourages but does not presently require establishments to hold, and not ship into commerce lots that represent the samples. Products that are shipped by the establishment are subject to detention and seizure or voluntary recall when results of testing indicate that they are adulterated. Recent FSIS data indicate that approximately 40% of meat and poultry product recalls are triggered by positive results of routine FSIS sampling and testing.

Recalls are resource intensive and obviously costly in numerous ways to the industry and the Agency. Moreover, the Agency believes that a test-and-hold policy could prevent potentially adulterated products from moving into commerce and protect public health. This policy could also reduce the frequency of product recalls, an action that would save

the industry, and the Agency, considerable resources, and strengthen public health by reducing the amount of potential foodborne illness.

This subject was presented by the Agency at a public meeting held to discuss its recall process in December 2002. At that meeting differing viewpoints were expressed and some practical concerns and impacts on small establishments were raised.

Questions:

1. What is the sub-committee's view on this issue?
2. How would such a policy impact industry, particularly small and very small plants?
3. Are there ways that FSIS could mitigate those problems?

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