

UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

NATIONAL ADVISORY COMMITTEE ON MEAT AND POULTRY
INSPECTION

+ + + + +

SUBCOMMITTEE TWO

+ + + + +

DATA ISSUES

+ + + + +

TUESDAY,
NOVEMBER 15, 2005

+ + + + +

The breakout session convened in Room 327 of the Whitten Building, 12 Street and Jefferson Drive, Southwest, Washington, D.C., David Carpenter, Chair, presiding.

SUBCOMMITTEE MEMBERS PRESENT:

- DAVID CARPENTERChair
- GLADYS BAYSEMember
- SANDRA ESKINMember
- MICHAEL GOVROMember
- ANDREA GRONDAHLMember
- JOSEPH J. HARRISMember
- JILL HOLLINGSWORTHMember

FSIS STAFF PRESENT

- ISABEL ARRINGTON
- PHIL DERFLER
- LYNVEL JOHNSON
- BOBBY PALESANO
- BRYCE QUICK
- ROBERT TYNAN

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

ALSO PRESENT:

TONY CORBO Food and Water Watch

FELCIA NESTER Consultant to Food and Water Watch

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 P-R-O-C-E-E-D-I-N-G-S

2 3:57 a.m.

3 CHAIR CARPENTER: All right. Does everyone
4 have a set of the data questions. All right, Barbara
5 Masters told us that Phil would elaborate for us at
6 the outset, and Bobby would augment that wherever
7 possible or did you have a separate set of comments?

8 MR. PALESANO: No.

9 CHAIR CARPENTER: Okay. Sandra?

10 MEMBER ESKIN: Yes. What I was
11 particularly interested in is just before we deal with
12 the questions of what data would be useful, to quickly
13 remind us all what data FSIS currently collects and
14 then, I guess, if there's a distinction between the
15 data that is available to them -- there's data FSIS
16 itself generates, there's data that the plants
17 generate and so just give us an idea of what the
18 current data situation is under the system today.

19 MR. DERFLER: Okay. I'll start.

20 MEMBER ESKIN: Okay.

21 MR. DERFLER: Let's see, I mean we
22 obviously collect a wide range of data, "we" being the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Agency.

2 MEMBER ESKIN: Yes.

3 MR. DERFLER: And we're working very hard
4 to try and improve our data systems so that our
5 databases are integrated and that we can't be used --
6 we have a history of having stovepipe data.

7 MEMBER ESKIN: Right. I've heard that
8 before.

9 MR. DERFLER: Yes. And so what we're
10 trying to do is to now integrate our databases.

11 We're also trying to make our databases
12 searchable so that we can recover and figure out what
13 they should contain.

14 MEMBER ESKIN: And what's in each
15 stovepipe?

16 MR. DERFLER: Well, all right. We have the
17 NRS,

18 MEMBER ESKIN: Okay.

19 MR. DERFLER: The NR is one database. The
20 PBIS is what the database --

21 MEMBER ESKIN: Spell out.

22 MR. DERFLER: I'm sorry. Performance

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Based Inspection System.

2 MEMBER ESKIN: Okay.

3 MR. DERFLER: That is, and you may have to
4 help me on this, but essentially what it is it's a
5 work assignment systems --

6 MEMBER ESKIN: Right.

7 MR. DERFLER: That we currently have that
8 assigns the inspectors certain tasks that are to be
9 done each day.

10 MEMBER ESKIN: And part of that task is
11 data collection?

12 MR. DERFLER: Well, what they do is the
13 data that we collect. So for example --

14 MR. PALESANO: The outcome --

15 MR. DERFLER: The outcome.

16 MR. PALESANO:-- would be the data that's
17 collected from that.

18 MEMBER ESKIN: From the PBIS? So everyday
19 that Clay goes in he says this is what you're going to
20 do?

21 MR. PALESANO: If there's noncompliance,
22 then the NR that Phil mentioned, the noncompliance

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 record is generated when there's regulatory
2 noncompliance. So that data would also be captured by
3 us in the PBIS system so we could look at it and tell
4 if you owned an establishment, how many noncompliances
5 you had this week or today or whatever, as well as the
6 procedure codes that those noncompliance were
7 performed or found, when they were being performed.

8 MEMBER ESKIN: Okay. Back up a little
9 bit. Again, if we can describe it in terms of again
10 the specific type of information that is collected.
11 Thank you.

12 MR. DERFLER: All right. The inspector
13 gets an assignment on the particular day to do a
14 particular task.

15 MEMBER ESKIN: A task? Okay.

16 MR. DERFLER: Yes. Okay. Now at the end
17 of their time in the plant or at the end of the day,
18 whatever, they then report into the system what
19 they've done. Okay. That either if they've performed
20 the task that they were supposed to do and did not
21 find noncompliance, the system would show performed.

22 MEMBER ESKIN: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: Okay? And so we would know
2 that there was a task that would have been certain as
3 the procedure code was performed that day.

4 MEMBER ESKIN: Yes.

5 MR. DERFLER: If they found noncompliance,
6 then they would report a noncompliance report.

7 MEMBER ESKIN: But again, that is data, I
8 appreciate that. That's data that reflects the tasks
9 done by the inspector?

10 MR. DERFLER: But it would also reflect
11 what the adverse finding that the inspector had.

12 MEMBER ESKIN: Such as?

13 MR. DERFLER: They found --

14 MR. PALESANO: Okay. Let's just say that
15 I get the assignment sheet and it tells me to perform
16 a HACCP procedure code, a procedure.

17 MEMBER ESKIN: Okay.

18 MR. PALESANO: I got out. If I perform it
19 today and it's in compliance, I record it as
20 performed. So that goes into the database.

21 MEMBER GOVRO: Well, give us an example of
22 what that might be.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. PALESANO: Okay. That would be that I
2 would go to verify that the establishment is
3 monitoring their critical control point at the
4 frequency using the procedures specified in the HACCP
5 point.

6 MEMBER GOVRO: Okay.

7 MEMBER ESKIN: But that data that the
8 inspector collects doesn't go to the data that the
9 plant employee would derive in making that
10 determination?

11 MR. DERFLER: No, wait. You're asking what
12 data we collect?

13 MEMBER ESKIN: Yes. I started there. But
14 it's data about the performance -- data regarding the
15 tasks that the employee, the inspector did and that's
16 overseeing what it is that the plant is doing.

17 MR. PALESANO: Or verifying.

18 MEMBER ESKIN: Verifying. So that's one--

19 MEMBER HOLLINGSWORTH: Can I put that in
20 real layman's terms?

21 MEMBER ESKIN: Please do?

22 MEMBER HOLLINGSWORTH: My understanding --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. PALESANO: I'm sorry.

2 MEMBER HOLLINGSWORTH: That's okay. What
3 it is, it's a report of the deficiencies that were
4 found.

5 MEMBER ESKIN: Right.

6 MEMBER HOLLINGSWORTH: Give they do 20
7 things that day, they either found every one of those
8 20 items are in compliance --

9 MEMBER ESKIN: Have been done. Yes.

10 MEMBER HOLLINGSWORTH: -- or one or two of
11 them were out of compliance, there was a deficiency
12 and they report what the deficiency was.

13 MEMBER ESKIN: And that's data regarding--
14 again what the inspector did --

15 MEMBER HOLLINGSWORTH: Planned to perform.

16 MEMBER ESKIN: Right. And that's the
17 inspector, he or she is looking to see if plant did
18 what they were supposed to do? So that's one dataset.

19 MEMBER HOLLINGSWORTH: And that may or may
20 not be directly related to --

21 MEMBER ESKIN: I understand that. That's
22 what I'm trying to -- I want to know what the universe

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of data is right now, because that's the only way I
2 can the answer what do you need. So that's one set,
3 but there's more. What's in another stovepipe?

4 MEMBER GOVRO: Well, just maybe to clarify
5 in that, so you're saying this is assigned to the
6 inspector on a daily basis? They don't look at the
7 range of things everyday or they don't look at the
8 five most important things everyday? They just do
9 whichever ones they're told to do. And how do you
10 decide which ones they should look at?

11 MR. PALESANO: Well, I think what you're
12 asking is that we as an Agency have told the
13 inspection personnel that we wanted them to focus on
14 food safety procedures. And the example I gave you was
15 a HACCP procedure. The sanitation SOPs is another one
16 that we put into that same category.

17 Seventy percent of the procedures they
18 perform are to be food safety. The other 30 percent
19 are related to what we call other consumer protection,
20 which might be labeling or net weights or something
21 like that.

22 So we have them scheduled, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 inspection people can do procedures that are not
2 scheduled which they are unscheduled then, but they
3 can write them in. They can determine and they should
4 also perform those procedures at that same rate.
5 That's still part of that same dataset.

6 MR. DERFLER: Exactly. Another dataset
7 that we collect is the results of testing that we do.

8 MEMBER ESKIN: Right.

9 MR. DERFLER: Salmonella residue testing
10 that we do. Listeria testing that we do. We may do,
11 you know, ready to eat; there is testing that we do
12 and that's captured in what's called MARCUS.

13 MEMBER GOVRO: The what?

14 MR. DERFLER: MARCUS or -- just it's
15 captured in a database. We don't need to go into--

16 MEMBER ESKIN: And that all gets collected
17 in some central --

18 MR. DERFLER: Yes.

19 MEMBER ESKIN: I mean, it's obviously
20 relevant to what's going on in that particular plant.

21 MR. DERFLER: Right.

22 MEMBER ESKIN: But it's also --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: It's collected and it's -- I
2 mean, like the salmonella data is, you know, it's
3 reported to the plant.

4 MEMBER ESKIN: Okay.

5 MR. DERFLER: Okay.

6 MEMBER GOVRO: Was there any correlation
7 between NRs and sample collection?

8 MR. DERFLER: You could get an NR if you
9 have a positive for an adulterant.

10 MEMBER GOVRO: But if you observed
11 something that causes you to write an NR, do you think
12 sample?

13 MR. DERFLER: You could.

14 MEMBER GOVRO: But not necessarily?

15 MR. DERFLER: Not necessarily. And
16 depending on the -- you know, if there's -- if you see
17 an unsanitary food contact surface in a ready to eat,
18 it might be a good idea to sample. It wouldn't
19 necessarily -- it depends on the inspector and such
20 like that.

21 Do you know what other data are we
22 collecting?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. PALESANO: Let's see --

2 MEMBER GRONDAHL: Is there a -- in volume?

3 MR. DERFLER: Well, I mean there's the
4 data that we collect on OCP, on other consumer
5 protection.

6 MEMBER ESKIN: Right.

7 MR. DERFLER: So -- so --

8 MR. PALESANO: But that goes in PBIS
9 pretty well.

10 MR. DERFLER: Yes. That's part of the
11 PBIS.

12 MEMBER ESKIN: Okay. So again this --

13 MS. NESTER: Economic --

14 MR. DERFLER: It is still PBIS.

15 MEMBER ESKIN: Yes, that's OC.

16 MR. DERFLER: Yes. Yes. I mean, there is
17 some sampling that we do out of plant.

18 MEMBER ESKIN: Okay. Right.

19 MR. DERFLER: For example we have
20 compliance officers who would take retail samples for
21 E.coli 0157:H7.

22 MEMBER ESKIN: Right. Retail. On the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 retail level?

2 MR. DERFLER: Yes. Yes.

3 MR. PALESANO: EADR as well.

4 MR. DERFLER: Oh, yes. Okay. In
5 slaughter plants we collect data on the number of
6 animals that are slaughtered and if they're condemned,
7 the reasons that they're condemned.

8 MEMBER BAYSE: And what sort of data do
9 they put that in. Is that still under the --

10 MR. DERFLER: No, that's separate. That's
11 a separate data. As Bobby just said, it's called the
12 ADRS, Animal --

13 MEMBER ESKIN: Animal Disease Reporting--

14 MR. PALESANO: Yes, system or something.

15 MR. DERFLER: You want to do this?

16 MEMBER ESKIN: Okay. Somebody pick an
17 acronym. Let's see if we can figure out what it
18 means. MR. DERFLER: Yes.

19 MEMBER ESKIN: Okay. So we can come back
20 to --

21 MR. PALESANO: There's a little other,
22 couple of other things that we haven't mentioned that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the Agency also have. If we take an enforcement
2 action--

3 MEMBER ESKIN: Yes.

4 MR. PALESANO: -- obviously there is
5 enforcement information --

6 MEMBER ESKIN: Sure.

7 MR. PALESANO: -- an enforcement file or a
8 case file. That is kept in the district office. That
9 is probably a little bit different.

10 Another data, set of data that we have is
11 the EIAOs are out doing food safety assessments.

12 MEMBER ESKIN: Right.

13 MR. PALESANO: And those reports,
14 actually, are in separate databases as well.

15 MEMBER ESKIN: And, again, the enforcement
16 actions, you have that data available. You don't
17 necessarily have to collate it in anyway or do
18 anything with it? It's there --

19 MR. PALESANO: Yes. Typically that
20 relates to one specific --

21 MEMBER ESKIN: And is that true also with
22 the EIAO assessments, also again very --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. PALESANO: Well they, you know they
2 have individual reports for the establishment. I
3 believe that we have a folder set up for each where
4 those are put together. But because of the way the
5 reports are put together, it is one set of data that
6 is very difficult to analyze to try to extract any
7 information from.

8 MEMBER GOVRO: Do you record information
9 like line speed? I mean, could that be correlated --

10 MR. DERFLER: I mean line speed is limited
11 by regulation.

12 MEMBER GOVRO: Can it vary some, though?

13 MR. DERFLER: Only in human plants.

14 MEMBER ESKIN: Does the plant monitor it,
15 though?

16 MR. PALESANO: I think if we have a set
17 line speed, one of the verification procedures that we
18 have would be to verify that those line speeds are
19 being complied with. Again, that set of data that we
20 would collect on that procedure code would only
21 reflect whether or not there was compliance or
22 noncompliance with that procedure.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER GOVRO: Okay.

2 MEMBER ESKIN: Not if it were one second
3 off?

4 MR. PALESANO: Not the specific line
5 speed. Yes, that's correct.

6 MR. DERFLER: The other data that we
7 collect that's been pointed out by other people who
8 are here is we collect data on imports.

9 MEMBER ESKIN: Right.

10 MR. DERFLER: Okay. And there's an
11 additional database that we have in conjunction with
12 FDA on residue violations.

13 MEMBER HARRIS: What data do you collect
14 on imports?

15 MR. DERFLER: Tonnage coming in, the one
16 center problems. I mean, we have AIIS. We have
17 automated import inspection system, got that one. And
18 that one, I mean there is data that's -- it sort of
19 kicks out what lots we check, but it also kicks back
20 the number of the lots and stuff like that that's
21 coming in.

22 MEMBER HARRIS: As well as document any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 findings, any --

2 MR. DERFLER: Yes, that would go into that
3 system.

4 MEMBER HARRIS: Untoward findings, I
5 guess.

6 MR. DERFLER: Yes.

7 MEMBER HARRIS: I don't want to say
8 noncompliance, because that's sort of a different
9 thing, but --

10 MR. DERFLER: Well, for rejecting the lot
11 or something like that.

12 MEMBER ESKIN: Okay. So again, that's
13 FSIS. So what about the plants? Switching over from a
14 date, probably, or just like anything that you could
15 think of.

16 MR. DERFLER: Well, I don't know. I don't
17 know what they collect. I mean certainly to the
18 extent they're HACCP records in the data that they're
19 collecting in conjunction with HACCP we do have access
20 to.

21 MEMBER ESKIN: The individual inspector
22 can go and look at it?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: Yes.

2 MEMBER ESKIN: It's obviously not
3 submitted routinely to anybody?

4 MR. DERFLER: Right. No.

5 MEMBER ESKIN: Just --

6 MR. DERFLER: No. No, we have access to
7 look at the records.

8 MEMBER ESKIN: But currently FSIS doesn't
9 in any systematic way collate that across plant size
10 or -- it's just out there?

11 MR. DERFLER: Well, and depending on what
12 it is that we're interested in doing it would be
13 available there for the inspector to look at. I mean,
14 there are 01 -- sorry. 01 and 02 assignments how
15 people go and do their work. And one of the
16 assignments that they can get in PBIS in to go out and
17 check regularly to verify that the HACCP system is
18 working or something like that.

19 MEMBER ESKIN: And, again, theoretically
20 every plant is subjected to HACCP regulations keeps
21 these records.

22 MR. DERFLER: Yes. That's a requirement

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the HACCP.

2 MEMBER ESKIN: Right. And obviously the
3 inspector doesn't know that that's the case, assumes
4 it is, unless he or she actually inspects it.

5 MR. DERFLER: But they could be directed
6 through the assignment.

7 MEMBER ESKIN: Sure.

8 MR. DERFLER: Yes.

9 MEMBER ESKIN: And, again the inspector
10 doesn't make that determination. The determination is
11 made for him or her?

12 MR. DERFLER: Yes. Unless they're doing
13 an unscheduled task for some reason, right?

14 MR. PALESANO: How they perform the
15 procedure, the inspector makes that determination. So
16 if I'm going to verify the monitoring the requirement,
17 I can do it by looking at the records or I can go out
18 into the production area and watch the company perform
19 the monitoring procedure.

20 MEMBER ESKIN: Right.

21 MR. PALESANO: So in actuality they do
22 determine whether they look at the records today or go

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 out into the plant and do that.

2 MEMBER ESKIN: Right.

3 MEMBER HARRIS: Do they receive their
4 tasks, their procedure codes daily or weekly?

5 MR. DERFLER: Weekly.

6 MEMBER HARRIS: So they sort of got
7 sometime within that week they've got a list of things
8 they need to get done during that week or are they
9 told which day to which thing?

10 MR. PALESANO: I believe the assignment
11 schedule is issued weekly. But I believe the
12 procedures are scheduled on a daily basis.

13 MEMBER HOLLINGSWORTH: And, Phil, you
14 mentioned recall data, too?

15 MR. DERFLER: Right. Yes.

16 MEMBER HOLLINGSWORTH: Recall data?

17 MR. DERFLER: Yes, we do --

18 MEMBER ESKIN: Is collected by yourself,
19 by you?

20 MR. DERFLER: No, by us. Yes.

21 MEMBER ESKIN: What about consumer
22 complaints?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: Yes, I'm sorry. Yes, we do
2 have a consumer complaint monitoring system.

3 MEMBER ESKIN: Those are the complaints
4 that come into you?

5 MR. DERFLER: Yes.

6 MEMBER ESKIN: And the plant itself is
7 also supposed to collect any complaints that go
8 directly to it. Is that something that they keep?

9 MR. DERFLER: That is the single source
10 for consumer complaints.

11 MR. PALESANO: I believe there are certain
12 criteria though that actually is applied before it's
13 entered into the consumer complaint monitoring system.
14 So it is possible that a company could have a consumer
15 complaint without it being into the system. And I
16 don't remember the exact criteria, but --

17 MEMBER ESKIN: Is that voluntary, though?
18 Because I mean companies get hundreds of consumer
19 complaints.

20 MR. PALESANO: Yes.

21 MR. QUICK: You're referring to consumer
22 complaints that come the Agency.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ESKIN: Right. But I also asked
2 about ones that go to the plant, and what they're
3 saying is the plants, I think -- no. I don't think
4 they have any obligation --

5 MR. PALESANO: No obligation to keep track
6 of that.

7 MEMBER ESKIN: No? They keep that
8 themselves.

9 MEMBER HOLLINGSWORTH: But there's no
10 obligation if an inspector was tasked --

11 MR. PALESANO: I'm not even sure that we
12 would have access. Yes, most of the time we wouldn't
13 have.

14 MEMBER HARRIS: The example I can think of
15 is that some plants do reference their consumer
16 complaint files in their support for their HACCP
17 programs. In which case, then the inspector would
18 have --

19 MEMBER ESKIN: Has the authority.

20 MEMBER HARRIS: -- the authority to look
21 at that.

22 MEMBER HOLLINGSWORTH: Because they've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 made it part of their HACCP system?

2 MEMBER HARRIS: Correct. Yes.

3 MR. DERFLER: For example, the example I
4 would use that a lot of companies I've seen use is
5 that foreign material.

6 MEMBER ESKIN: Right.

7 MEMBER HARRIS: You know, we've concluded
8 this on our maintenance records and lack of consumer--
9 any consumer complaint about a foreign material in our
10 product over the last eight years, and we don't have
11 an issue with foreign material. That would be an
12 example then. They would need to have the consumer
13 complaint records to support that. But that's the
14 only time the Agency would be looking at that.

15 MR. DERFLER: There's also plant records
16 about how the product moves in commerce, the source of
17 the products, those sorts of things that we do have
18 access to.

19 MEMBER ESKIN: Again, the inspector could
20 look at it, that would be an appropriate sort of
21 record?

22 MR. DERFLER: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER HARRIS: Maybe something that would
2 be related to what we're tasked with on risk, all the
3 companies have to document the intended use or
4 independent consumer of the product. For example, if
5 you were doing products for a nursing home, that may
6 be different than if you were doing for --

7 MEMBER ESKIN: For school lunch.

8 MEMBER HARRIS: Well, our school lunch,
9 our the general retail consuming population, or you
10 know I almost said prisons, but you know.

11 MEMBER ESKIN: All right. So that's a
12 general overview of sort of what is out there right
13 now data wise.

14 Thank you.

15 MEMBER GOVRO: Another question, you
16 mentioned microtesting, listeria, E.coli that sort of
17 thing. How do you decide when to take samples and of
18 what products and with what frequency is it based on,
19 number of pounds produced? I mean, is it a certain
20 percentage of pounds produced? Is it a certain
21 percentage of products produced a shift or a week or a
22 month or is higher risk products more?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: It depends. I mean, I think
2 the answer is, I don't mean to be silly, but it really
3 depends. I mean, it depends on what's going on in the
4 plant. It depends -- I mean, like for example,
5 salmonella, I mean they just come around sometime in
6 the scheduling system. And, you know, we put limits
7 -- if they flunk us, they will get tested again. But
8 it's not really tied into the amount of product that
9 they're producing.

10 MEMBER GOVRO: Well for me the difficulty
11 in attempting to answer this question is you want to
12 what you're doing to risk. And if you've got a
13 sampling system, you must have some method, I would
14 think, of deciding how you take samples. And if we
15 don't know what that is, then we can't advise you how
16 to change it.

17 MR. PALESANO: Well, one thing I might add
18 to that is is we are moving toward risk based
19 inspection, which does in fact take those factors,
20 some of those factors that you mentioned into
21 consideration. And we will probably do that
22 incrementally. We will do that. I believe we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 starting with LM. We're getting close to that. And
2 then obvious after we get that implemented, we will
3 move into testing of ground beef for 0157 using the
4 same type of methodology for your risk based system.

5 But, yes, to answer your question. Are we
6 there yet totally? No, but we do have -- the Agency
7 is working, policy is working with OPHS to establish
8 that risk based system to ensure that it is in fact
9 risk based.

10 MR. DERFLER: The concern, one of the
11 questions well what are the factors that we should be
12 looking at to decide when we should be testing it if
13 we're going to be testing on the basis of risk. I
14 mean, that is really the question that we're looking
15 at. Although what you said reminded me.

16 The plants have to do, slaughter plants,
17 generic E.coli testing.

18 MEMBER ESKIN: Right.

19 MR. DERFLER: And we have access to those
20 records as well.

21 MEMBER ESKIN: Well, again, as to any
22 testing that they do?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: Yes. No, I know. But
2 that's -- the generic E.coli is not a test?

3 MEMBER ESKIN: Right, it's just an
4 indicator.

5 MEMBER HARRIS: And it's a requirement?
6 They have to test for it.

7 MR. DERFLER: Right.

8 MEMBER ESKIN: Yes. No, I know that. And
9 the tests for salmonella.

10 MR. DERFLER: Yes. So I mean I think the
11 question is are there criteria that we should be
12 looking at for when we're doing our testing. Yes, we
13 are looking at that. We're trying to develop those.
14 But that would be useful if there's things that we
15 should be consider.

16 MEMBER ESKIN: Okay. Again, to understand
17 Mike's question. Your question was how do you
18 currently decide how, what, when you sample.

19 MEMBER GOVRO: Yes.

20 MEMBER ESKIN: And FSIS is sampling. And
21 you all said that that eventually go to risk but we
22 know we're supposed to help them get there. So, again,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 what is the methodology, what is the frequency, what
2 is the approach taken by inspectors when they're doing
3 their sampling?

4 MR. DERFLER: The inspector is usually
5 going to take the sample when they're directed to take
6 the sample because they've gotten their direction --

7 MEMBER ESKIN: How is that determined?

8 MR. PALESANO: OPHS sends that out and
9 depending on the type of products out, and I don't
10 know. I know like salmonella is like a set, you know
11 we'll schedule another set within 60 days, I believe,
12 or 90 days, something like that. If we're looking for
13 RTE products, at this time it's not based on the
14 factors that you set. But I don't really know the
15 frequency at which they are -- I know we instruct the
16 inspectors when they are directed to pull a sample to
17 actually pull the sample of the riskier products that
18 are produced in that establishment. And we have the
19 criteria for them laid out as to what they should
20 sample. I don't know the frequency.

21 MS. ARRINGTON: Yes. Some of them on the
22 salmonellas actually are random until they do --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER CARPENTER: You represent a
2 technical resource for the Committee?

3 MS. ARRINGTON: I'm sorry.

4 MR. DERFLER: Yes. Yes.

5 CHAIR CARPENTER: No, that's okay. I
6 mean, we want to catch --

7 MR. DERFLER: She's from the technical
8 service.

9 CHAIR CARPENTER: And you are, too, aren't
10 you? So these are names you haven't captured yet,
11 right? Well, if we want to be on the record.

12 MEMBER ESKIN: You just identify yourself
13 on the record is all.

14 CHAIR CARPENTER: No. Just identify.

15 MR. DERFLER: Isabel, identify yourself
16 and talk.

17 MS. ARRINGTON: Isabel Arrington.

18 MR. DERFLER: Sit here, Isabel.

19 MS. ARRINGTON: Isabel Arrington,
20 Technical Service Center, FSIS.

21 MR. DERFLER: No, it's fine. Go ahead.

22 CHAIR CARPENTER: No, it's important.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. ARRINGTON: Well, I think what Bobby
2 was saying it depends on what we're testing for.
3 We've got several different methods and we are doing
4 some that are based on the LM that's on the risk which
5 came out of the survey that was done to help determine
6 what that risk was.

7 And then like in the salmonella, it is --
8 it's random until they fail something and then --

9 MEMBER ESKIN: And then it kicks in?

10 MS. ARRINGTON: Yes. Then they're put
11 back into the hopper to be retested.

12 MR. DERFLER: So for listeria we've been
13 testing first the plants that are alternative three
14 and--

15 MEMBER ESKIN: Right.

16 MS. ARRINGTON: Yes. Right.

17 MR. DERFLER: So that's where we started
18 with that.

19 MEMBER HARRIS: Just a question about
20 maybe about an emerging data source through your
21 intensified verification testing. I assume that's
22 going to be generating data relative to environmental?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: We're looking at that as the
2 next step.

3 MEMBER HARRIS: So, I mean I know those
4 are being collected in emerging situations now.

5 MR. DERFLER: It started with the pilot
6 that was discussed today.

7 MEMBER HARRIS: Right.

8 MR. DERFLER: Where we're going out and
9 looking at the food contact surfaces or --

10 MEMBER ESKIN: For listeria.

11 MR. DERFLER: For listeria. Yes. It's
12 still all listeria. And then we're looking at how
13 could we do this for E.coli 15787. Although I mean I
14 would just say that the level of E.coli 15787 has been
15 driven down so much that may be -- I mean, that's one
16 of the challenges we're going to have to think about
17 how we design that testing.

18 CHAIR CARPENTER: Dr. Bayse, I know you
19 wanted to ask a question.

20 MEMBER BAYSE: Under the FSIS datasets
21 that you mentioned, one of the first things you said
22 was that all these need to be integrated. Is there any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 sense of what it would take to do this or it's just
2 not feasible right now?

3 MR. DERFLER: Well, it's supposed to be
4 feasible. I mean, it's a matter of --

5 MR. QUICK: Your question was how we
6 integrate all the stovepipes?

7 MEMBER BAYSE: Well, yes. If it's
8 possible.

9 MR. QUICK: Well, I think it's -- Bryce
10 Quick.

11 CHAIR CARPENTER: Okay. Thank you.

12 MR. QUICK: It's something that we're
13 grappling with as a management of the Agency. I mean,
14 we do have a number of stovepipes. You heard that as
15 he was discussing different datasets that we collect.
16 And OMB has given us the mandate under what they now
17 call enterprise architecture that we have to look at
18 these things and feed them into a single delivery
19 system, but yet our efforts there are -- by the
20 resources we have available to actually make these
21 conversions and make these datasets talk to one
22 another. But it is a very high priority to the Agency

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to get to a single delivery system where data that can
2 be analyzed in a real time and then responded to in
3 real time.

4 Does that answer your question?

5 MEMBER BAYSE: Not the way we might want
6 to hear it answered.

7 MR. QUICK: I wish we had your answer, I
8 really do.

9 MEMBER BAYSE: Oh, I realize. I mean, I
10 was going to ask about the funding, but I won't.

11 MR. QUICK: What's that?

12 MEMBER BAYSE: The funding.

13 MEMBER ESKIN: The funding to do that.

14 MEMBER BAYSE: The funding to do that,
15 figuring that it would take funding.

16 MR. QUICK: But you saw on the chart that
17 Barb and Dr. Raymond put up there that we consider the
18 data as the foundation for database system you really
19 are stymied if you don't have that.

20 CHAIR CARPENTER: Well, in this data
21 exercise I get the impression from Dr. Raymond that
22 the comments he made towards the end of our session,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there are 13 people who die everyday. He's got limited
2 resources. He wants to redeploy those resources to
3 minimizing the number of people who die from food born
4 illness everyday. And he wants this Subcommittee to
5 feed into the Committee where resources ought to be
6 redeployed to have an impact on lowering that number
7 13 on a daily basis to something around ten, or even
8 lower.

9 We know that the data are collected in, I
10 guess six or seven stovepipes. Mr. Quick said we're
11 not sure we can get them all talking to one another
12 real easily.

13 MR. QUICK: Well, we're working on how to
14 get there.

15 CHAIR CARPENTER: Working on.

16 MR. QUICK: We do have some resources, and
17 that is where we as a team are gearing resources. But
18 when we talk about redeploying resources, we're not
19 just talking about people.

20 MEMBER ESKIN: No.

21 MR. QUICK: We're saying what type of
22 system do we need that will give us that most

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 effective public health system that will bring those
2 numbers of deaths and illnesses down.

3 CHAIR CARPENTER: I guess our challenge is
4 do we know enough about what data to focus on to have
5 an impact that Dr. Raymond was talking about.

6 MR. QUICK: And I think that the charge,
7 if I heard them right, was take a big picture. I don't
8 think you need to get incredibly deep into the weeds,
9 but I do think you do need to give us -- what we're
10 looking for is advise on what should our focus be.
11 Should we look at the big picture of where our systems
12 are? I don't know. That doesn't help.

13 CHAIR CARPENTER: Ms. Eskin?

14 MEMBER ESKIN: I mean I guess there's
15 obviously look at the issue here. But we have two
16 sources of data basically, very simplistic. You've got
17 the data that FSIS itself collects and then there's
18 the data that the plant collects. So we can look at
19 each of those large groups and see is there more data
20 that FSIS or different data that FSIS should be
21 collecting, and is there -- as far as the size, that
22 raises the plant data, that raises a whole bunch of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 question. Because what data, again, does the plant
2 currently have. Should it be more easily accessible,
3 that is to say rather than having it just available to
4 an inspector if an inspector is charged with looking
5 at it, should it be submitted routine basis and is
6 there other data that should be collected?

7 I mean, we had one little discussion this
8 morning about this issue about data acquisition to
9 anticipate food born hazards. And there was a general
10 consensus, including the staff person who was dealing
11 with this, that they haven't gotten data that they
12 wanted -- you know how do you get this data under the
13 current system?

14 CHAIR CARPENTER: Jill Hollingsworth?

15 MEMBER ESKIN: Right.

16 MEMBER HOLLINGSWORTH: One of the things,
17 though, that going back to the point about 13 deaths a
18 day, I think that all the data that FSIS has and the
19 industry has is not going to answer or resolve those
20 questions or meet that goal if you can't link up why
21 those 13 deaths occur. What we need to know is -- I
22 mean, to me attribution data is far more important.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 You need to know if you want to stop those 13 people
2 from getting sick and dying, what happened and then
3 follow that information back to the Agency. And I
4 don't think you can identify what data the Agency
5 needs until you can sort out how are you going to get
6 from the human illness to what's happening in the
7 industry.

8 MEMBER ESKIN: Yes. To the food product.

9 MEMBER HOLLINGSWORTH: Because you can
10 say, oh we can do all kinds of microtesting and we can
11 have -- I mean, if you look at a true risk thing, you
12 need two things. One is how likely is something to
13 occur and what will be the outcome if it does occur?

14 MEMBER ESKIN: Right.

15 MEMBER HOLLINGSWORTH: I mean how many
16 people will be effected? Well you can work those
17 formulas pretty quickly and come up with data. But
18 unless the number 13 goes down, you really haven't
19 achieved your goal. And I think that was the point
20 that I was trying to make about what's your goal.
21 You've got to start from your goal and work backwards,
22 not --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ESKIN: Yes.

2 MEMBER HOLLINGSWORTH: Figure out we're
3 going to collect all this data and we're going to
4 synchronize it.

5 MEMBER ESKIN: Right.

6 MEMBER HOLLINGSWORTH: And you've still
7 got 13 people. You may have 15.

8 MEMBER ESKIN: Is the 13 identified or
9 estimated?

10 MR. DERFLER: But, Jill, but the question
11 I think that we're really trying to ask is how can we
12 most effectively use data so that we can get at -- I
13 mean, you started on it, but how do we use data so
14 that we could get at the source of the problem so that
15 we can identify it and make sure if we're going to
16 manipulate our resources on the basis of risk. How
17 would we know, how can we use data to make sure to
18 increase the likelihood that the places where we're
19 putting our resources are the ones where they're going
20 to have the greatest effect on reducing risk?

21 MEMBER ESKIN: But your issue is perhaps
22 that you may not even be getting the data that they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 need to make the connection.

2 MEMBER HOLLINGSWORTH: Right.

3 MEMBER ESKIN: That's what you're
4 suggesting. So it's even a different question.
5 There's data that FSIS doesn't collect, doesn't have
6 access to, maybe it's not out there right now that can
7 connect those deaths to products.

8 MEMBER HOLLINGSWORTH: Well, I mean,
9 there's all kinds of -- if you're collecting product
10 contact surface information for listeria
11 monocytogenes, but they're none pathogenic forms of
12 LM, have you used your resources wisely to collect
13 data that's going to make a difference?

14 So again, I understand your point, but I
15 think you have to really start working from what your
16 goal was back to what you need to get that.

17 MR. DERFLER: That's fine. I mean, that's
18 the question that we're really trying to wrestle with.

19 I mean, yes, if there's non-pathogen. But I'm -- the
20 question is what's the way we're going to try and use
21 risk as a factor in how we assign we resources, what
22 would be the best way to factor in data so that we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 going to be using it as effectively as we can?

2 MEMBER HOLLINGSWORTH: I think that's
3 probably going to require at least a year's worth of a
4 bunch of scientific minds coming together to do that.
5 I don't know that we can answer that question. I mean
6 does anyone feel they could answer that now?

7 MR. DERFLER: No, but that's the question
8 I think we're asking.

9 MEMBER HOLLINGSWORTH: Well, I think
10 that's why we focused on question number five is that
11 we just -- as much as we would like to, we just can't
12 answer that.

13 MR. DERFLER: Okay. Well if that's --

14 MEMBER HOLLINGSWORTH: Because there needs
15 to be a process I think.

16 MR. DERFLER: Well, maybe you can define
17 the process that we can use.

18 MEMBER HOLLINGSWORTH: And that's what we
19 did.

20 MEMBER ESKIN: That's what we did, yes,
21 earlier.

22 MEMBER GOVRO: And that's kind of what I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 was trying to get at with how do you sample, where do
2 you take samples. Attribution is very important. And
3 I think, you know, if people die from listeria in
4 ready-to-eat products, that's something we need to
5 know. If people die from E.coli and undercooked
6 ground beef, well we know people are going to
7 undercook ground beef, that's something else we need
8 to know. Which one of those is most risky and design
9 your sampling program to go after the product, and you
10 probably have a pretty good idea which products are
11 more risky than others. You've already decided that
12 for listeria it's -- you know, you need some hot dogs.
13 So, I mean, you know some of that stuff.

14 MR. DERFLER: And we are working with CDC
15 to try and get attribution information. You know
16 researches for the future. Recently we had a meeting
17 where they started getting into the attributions. So,
18 I mean, maybe -- I mean, maybe your recommendation
19 goes around attribution data or something. I mean,
20 I'm not going to write your recommendation. But I
21 think that's what we need help with.

22 MEMBER HARRIS: Maybe something this group

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 can address a little bit in terms of utilizing Agency
2 resources to get the right kind of data or the most
3 useful data. For example, thinking about attribution
4 data and the utilization of inspection resources to
5 test certain products for certain organisms, I would
6 contend that testing ready-to-eat products for
7 salmonella is probably not one of the more bang for
8 the buck kinds of testing, simply because it's fairly
9 rare that we're finding it. It could have been
10 probably found through the monitoring records for the
11 plant because it's usually, as was pointed out earlier
12 today, it's related to incomplete cooking or whatever.

13 So maybe those kinds of recommendation are things
14 that we could do.

15 To me if you're going to utilize testing
16 resources, you ought to be utilizing those resources
17 where you can have the most bang for the buck on
18 reduction in food born illness. So is that something
19 we feel comfortable in going toward?

20 MEMBER HOLLINGSWORTH: And maybe that's
21 the level of recommendation that we can make. I mean,
22 I don't think we can solve the specific issues.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER HARRIS: Right.

2 MEMBER HOLLINGSWORTH: But maybe if we
3 start answering the questions that -- you're right.
4 The resources isn't just shuffling inspectors around,
5 but it's what are they doing? What do you need them
6 to do, not necessarily do you put more in this plant
7 versus that plant or this size facility versus that.
8 When they're there, what are they going to do that's
9 going to have an impact?

10 MR. DERFLER: Okay. There's another way
11 to get -- what I was trying to do in the beginning. I
12 mean, we know that some companies in deciding what
13 other companies to buy from, they sort of look at an
14 array of data to -- like some of your members. Look
15 at an array of data to see the experience from the
16 company or something like that. And I would suggest
17 that that's kind of a risk analysis, in a way. You
18 know, I mean, what's going on in the suppliers.

19 I mean, are there insights that you could
20 give us from that as to how we might want to focus? I
21 mean, you may know what your members are reacting to
22 or something like that. I think those are the sorts

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of issues that could help us as well.

2 CHAIR CARPENTER: Well, look at some of
3 the questions that you posed?

4 By the way, does everyone have a copy of
5 the questions? I have more copies here.

6 MEMBER HARRIS: I have a question.
7 Performance history. Can you define that term?

8 MR. DERFLER: What's the of the compliance
9 history of the plant. That's one of the things that we
10 would be looking at.

11 MEMBER HARRIS: Okay. I want to know more
12 detail when you say performance history. I hope you're
13 not going to say you're going to count NRS is going to
14 be the extent of the performance history that you're
15 going to look at.

16 MR. DERFLER: No.

17 MEMBER HARRIS: Is there other ways that
18 you can look at that data?

19 MR. DERFLER: I mean, obviously, we're
20 looking around at ways to assess the performance
21 history. Because we think performance history is
22 important.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER HARRIS: I would agree with you,
2 actually, very much.

3 MR. DERFLER: If you have suggestions
4 about what's the most effective way of looking at
5 performance, what's going to provide the best insight
6 into how the plant is really doing. We're more than
7 open to that.

8 MEMBER HARRIS: Well, I guess where I was
9 headed is the data that you currently collect that you
10 could go into the PBIS system on NRs, you would have a
11 procedure code.

12 MR. DERFLER: Yes.

13 MEMBER HARRIS: And that would have to do
14 with an NR. And would you have anything beyond the
15 narrative that would indicate what the noncompliance
16 was or maybe the potential food safety implication of
17 the noncompliance? Or would you just have a procedure
18 code and the fact that there was a noncompliance?

19 MR. PALESANO: Presently that's all we
20 would have except in block 10 of the noncompliance
21 record where we describe the noncompliance.

22 MEMBER HARRIS: Okay. So that's not an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 easy one to get your hands -- because that a
2 narrative?

3 MR. PALESANO: Right. That is.

4 MEMBER HARRIS: That's where the inspector
5 describes what he saw or she saw and found. Okay.

6 MEMBER ESKIN: What the regulatory cite
7 found?

8 MR. DERFLER: The regulatory cite would
9 give you at least a ballpark, and that would be
10 elaborated on by the narrative. I mean, at some point
11 we're hoping these regulatory cites is a way to lead
12 us in narrative.

13 MEMBER HARRIS: The regulatory --

14 MR. DERFLER: Citation to the regulation
15 that's involved.

16 MEMBER HARRIS: Oh, oh, right. You said
17 regulatory site. I was saying what site?

18 MR. DERFLER: C-I-T-E.

19 MEMBER HARRIS: Yes, I've got you. I
20 follow you now.

21 Because I think what would be useful,
22 anytime we're talking about a risk based inspection is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 if there was some sort of an assessment with every NR
2 on, you know, how serious of a noncompliance is this.

3 You know, is this Dr. Raymond's five miles over the
4 speed limit or is this 30 miles over and driving
5 drunk?

6 MR. DERFLER: How would we do that?

7 MEMBER HARRIS: I don't know. If I had
8 that answer, I'd probably already have offered it.

9 MR. DERFLER: Well, but I mean --

10 MEMBER HARRIS: You know, actually the old
11 PDRs weren't a bad system where there was a series of
12 questions that an inspector asked himself and the
13 answers to those led to whether it was a major, minor
14 or a critical deficiency. And it was a fairly -- I
15 mean, what three questions? And you guys will
16 remember what they are probably. I blanked out on one
17 of them. But one of them I think was how likely was
18 this deficiency to lead to contaminated product. And
19 if the answer was likely, then they asked them, said
20 okay how likely was that to reach the consumer. And,
21 I don't know. You guys help me out here. There was --

22 MEMBER HOLLINGSWORTH: It was a decision

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 free kind of thing.

2 MEMBER HARRIS: So something like that to
3 me would be almost imperative. If you're really going
4 to get at risk, you need to know that about the
5 noncompliances.

6 MEMBER ESKIN: Again, you're looking at
7 number three here under one?

8 MEMBER HARRIS: Yes. Again, I'm sort of
9 talking about performance history.

10 MEMBER ESKIN: I wanted to ask about one
11 and two obviously are not plant specific. That's data
12 that is out there that looks -- again, the first one
13 being risks presented by the type of products. And
14 then significance of those risks.

15 In describing those, Bill, again, that
16 would be data that's out there that epidemiological --
17 I mean, there's no attribution data but there's data
18 out there that shows what happens if you eat a
19 contaminated product?

20 MR. DERFLER: Sure. I mean, there's data
21 in the literature and stuff like that.

22 MEMBER ESKIN: So that would have to be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 put into it. Right.

2 And, again, the significance of those
3 risks, obviously that goes to the severity of the
4 illness that will result. I guess we'd also have to
5 factor in, which is often the case with food born
6 illness, the impact on particular global populations,
7 right? Kids, older people?

8 MR. DERFLER: As Jim pointed out before,
9 where they're likely to be consuming the product.
10 What's going to happen to the product before going and
11 after it enters the plant.

12 MEMBER HOLLINGSWORTH: I think, you know,
13 Sandra and I look at those two examples that I tend to
14 use is if you look at a canning operation.

15 MEMBER ESKIN: Yes.

16 MEMBER HOLLINGSWORTH: The odds of
17 something -- the risk of something going wrong in a
18 canning operation is pretty small. I mean, you think
19 of all the canned goods out there --

20 MEMBER ESKIN: Except for low acid, right.

21 MEMBER HOLLINGSWORTH: Well, wait, though.

22 MEMBER ESKIN: I'm sorry.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER HOLLINGSWORTH: The risk of
2 something going wrong in a canning operation is pretty
3 small. When something does go wrong --

4 MEMBER ESKIN: It's horrible.

5 MEMBER HOLLINGSWORTH: -- it's usually
6 really bad.

7 MEMBER ESKIN: Botulism, yes.

8 MEMBER HOLLINGSWORTH: So that's kind of
9 the -- and a large amount of product.

10 MEMBER ESKIN: Right. Sure.

11 MEMBER HOLLINGSWORTH: So those are kind
12 of the two ways of looking at that. How likely is it?

13 MEMBER ESKIN: Right.

14 MEMBER HOLLINGSWORTH: But if it did
15 occur, how bad would it be.

16 MEMBER ESKIN: And, again, looking also as
17 far as, you know, it gives us another way of looking
18 at it, too, is that it may effect a small number of
19 people, older, whatever, subpopulation relatively
20 small. It's not your average person. But, again,
21 when it happens, it's deadly in most cases.

22 MEMBER HOLLINGSWORTH: And, you know, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 think that's where the thing about volume tends to
2 come in. Is if there's a problem with an adulterated
3 food in a small facility, how many people will be
4 exposed versus if it happens in a big facility. And I
5 think that's why FSIS tends to look at volume of
6 product. How many people would tend to be exposed.

7 MEMBER ESKIN: There was concern
8 identified by the person who spoke -- the first person
9 in public comment --

10 MEMBER HARRIS: Greg Henry from Food
11 Products.

12 MEMBER ESKIN: -- for the Food Products
13 Associations. He said he was concerned about looking
14 at volume. Is that --

15 MEMBER HOLLINGSWORTH: Well, it's that I
16 think you can't look at it alone, but I don't think
17 you can look any one issue alone?

18 MEMBER ESKIN: Yes.

19 MR. DERFLER: I mean, what we know is that
20 the volume that a plant produces is not necessarily
21 associated with its size. There's some small plants
22 that produce a large amount of volume and --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ESKIN: It may be a really easy
2 cooking process, sure.

3 MEMBER HOLLINGSWORTH: Sure.

4 MS. ARRINGTON: That's the one he was
5 talking about. Don't exempt them just because they're
6 small volume.

7 MEMBER HOLLINGSWORTH: Right. And
8 sometimes it's sort of like a catch 22. A larger
9 facility may have the wherewithal to do a whole lot
10 more in the way of interventions and testing, and so
11 they may actually doing a whole lot more than a small
12 facility that's producing like a small specialty
13 product.

14 MEMBER ESKIN: Right. Right.

15 MEMBER HARRIS: And they're not doing a
16 lot of microtesting and things. But on the other
17 hand, the larger problem if they had a break in their
18 program could expose a larger population.

19 CHAIR CARPENTER: Felicia, did you want to
20 comment on that?

21 MS. NESTER: Yes. To tell you truthfully,
22 I'd like all sort of little caveats to so many of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 things. But I'll just talk about volume based at this
2 point.

3 First small versus large. I mean, if we're
4 talking about ground beef, the salmonella tests show
5 that the very small plants have always done much
6 better than the large plants. And the reason that the
7 large plants were exempt from testing is because they
8 have -- you know, the largest plants have triple
9 levels of interventions. But they obviously weren't
10 working, you know, because we've had these horribly
11 large recalls.

12 In terms of whether, you know, the extent
13 to which the Agency is not doing volume based on H7, I
14 just recently did a real approximation because the
15 data I have is not very good.

16 It looks like the Agency did a test, an H7
17 test at very small plants for about every 500,000
18 products, less than every 500,000 products. And at
19 large plants for about every 500 million -- so after
20 ConAgra occurred, the Agency said it was going to
21 start doing volume based testing on H7. But now Bobby
22 Palesano is saying that that's in the future, after we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 do listeria. So, I mean I was under the impression
2 that there's probably some other concern -- after
3 ConAgra, that we were doing volume based testing for
4 H7. But, you know, if it's still 500,000 pounds to
5 500 million is real disparate testing, right?

6 CHAIR CARPENTER: So that kind of comments
7 direct to point four in the question one, right? I
8 mean, that larger volume does not mean less testing
9 per pound. Is that practical?

10 MR. DERFLER: Well, I mean, where's the
11 risk and is risk the thing we should be looking at?

12 I mean -- okay.

13 MS. NESTER: Can I just make a couple of
14 more comments --

15 CHAIR CARPENTER: Okay.

16 MS. NESTER: -- with respect to what's
17 already been discussed?

18 Performance history, to whatever extent
19 you're going to look at the NRs, you need to know what
20 the NRs reflect. And if a plant is one of these
21 plants that's been on a patrol assignment where the
22 inspectors covering three patrols, 18 plants a day and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 basically is having a drive-by inspection, you know,
2 they're obviously going to have a real deficient
3 history of the NRs as opposed to a plant where you've
4 got an inspector in the plant all the time.

5 In the old PBIS system the Agency would
6 record why it didn't perform a test. So for instance,
7 if it were an inspection, if the inspector didn't look
8 at something because the plant wasn't performing that
9 product today, the inspector would code it and the
10 Agency had a tally of that.

11 The Agency also had a tally of how many
12 tests were not performed strictly because of vacancies
13 and inspectors not on the job. We don't have that
14 today and either the GAO or the IG or Congress, one of
15 them has said hey, why did you do away with that data
16 collection.

17 Oh, then in terms of what records does the
18 Agency have, you know we're talking about plant
19 records as if plant records are data that the Agency
20 has. The Agency doesn't have that data. The
21 inspector's allowed to look at the data in the plant.

22 But when it comes to -- if there's ever any sort of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 health question you're trying to trace back what
2 happened when, the Agency can't go and ask what
3 happened with all that data. The inspector doesn't
4 have it. They have to go back and ask the plant.

5 And in terms of the inspection task codes,
6 how unspecific the inspection task codes are. They
7 really are very ballpark.

8 When we wanted to know how often the
9 inspectors were checking to see if the plants were
10 getting mad cow tissue out of the -- possible
11 potential mad cow tissue out of the carcasses, the
12 Agency couldn't tell us whether the tasks in the PBIS
13 system had to do with that or whether they fetal
14 contamination or some other food safety hazard.
15 Because an 03J can either be mad cow tissue removal,
16 fetal contamination removal or something else. So the
17 Agency can't go back to its database and pull that
18 information out. It's a very broad brush system.

19 So you can't really do the kind of public
20 health correlations it seems that people at the table
21 are kind of assuming or desiring to do.

22 CHAIR CARPENTER: Well, that appears to be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 helpful in that the data that the Agency uses would be
2 in hand if it had greater specificity?

3 MR. DERFLER: Well, I mean, that's
4 certainly a recommendation that's been made in the
5 past by GAO. And we're taking steps to -- I mean,
6 OIG. And we're taking steps to enhance the
7 specificity of the data. But if that's what you all
8 want to recommend.

9 I mean, whatever you think is necessary
10 for us to help ensure that, you know, the inspection
11 that we do are going to be as effective in helping us
12 zero in on where public health risks are, or finding a
13 way to structure our inspection systems. That's
14 really what we're interested in.

15 CHAIR CARPENTER: Okay. I mean all these
16 comments, do they address all four bullet points under
17 deployment resources, data on the risk, data
18 significance of those risks, a particular plant's
19 performance? And does that refer to its adherence to
20 all HACCP rules, the part of plant performance?

21 MEMBER ESKIN: Sure.

22 MR. DERFLER: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR CARPENTER: And the approximate
2 volume, I don't know. A small plant deals with
3 500,000 pounds in analysis and a big plant deals with
4 5 million --

5 MS. NESTER: 500 million. I mean, is that
6 equitable? So it says what's the risk of enhancing or
7 increasing the test in a large plant?

8 MR. DERFLER: Or should we?

9 CHAIR CARPENTER: I mean are there any
10 ways of gathering data to correlate testing data to
11 monitoring data? And I'm asking that question out of
12 ignorance. You know, Dr. Masters said today, you
13 know, deli meat I think she said we found was the
14 cause of a food born illness because something wasn't
15 cooked properly. Well, if you monitor your probes or
16 oven temperatures or whatever, you'd know that that
17 batch was not properly processed. Is that
18 unreasonable.

19 MEMBER HOLLINGSWORTH: No, that's the --
20 approach. You don't look at the end product, you look
21 at the steps that are critical.

22 CHAIR CARPENTER: Right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER HOLLINGSWORTH: So you look at the
2 cooking step as opposed to testing all of the end
3 product. Now, you test some to validate, but --

4 MEMBER ESKIN: Right.

5 MEMBER HARRIS: That's a two day short
6 course.

7 MEMBER GOVRO: I have a question. Under
8 number four --

9 CHAIR CARPENTER: On data questions?

10 MEMBER GOVRO: Yes. Are there any
11 suggestions that you would have for us on how
12 inspection personnel can best use data in deciding
13 what inspection activities they will perform on a day-
14 to-day basis? And from what I heard Bobby say, those
15 tests are assigned. As you planning then to do less
16 assigning and allowing more freedom?

17 MR. DERFLER: Well, that would potentially
18 be incorporated in as we went into a more risk based
19 system, yes. We're looking at the possibility of
20 doing that.

21 MEMBER GOVRO: Okay.

22 MR. DERFLER: We'd like to do that if we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 can figure out how, what's the best way and still
2 ensure that we're going to have an effective system.

3 MEMBER HARRIS: It seems to me like we've
4 done a poor job of specifically addressing a lot of
5 these, but I think we've touched on a lot of them and
6 maybe have talked around some potential
7 recommendations.

8 For example, as I just flipping through
9 here on question number five, what data will enable
10 inspection personnel, district analysts and others to
11 support them to identify a plant trend that signals a
12 significant problem? You know, I think having some
13 measure of how significant is the food safety hazard
14 connected to noncompliance records is to me a
15 recommendation for the Agency that will address that.

16 I think that there has to be some sort of way of
17 documenting trends that are product safety related
18 versus trends that, you know, may be related to other
19 things, whether that be other consumer protection or
20 even, you know, basic sanitation versus HACCP
21 implementation versus, you know, SSOP that would give
22 us a better feel as a means of looking back to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Agency compliance history of a plant. Obviously, you
2 have a lot of other more objective measures. Things
3 like compliance to regulatory testing results.
4 Obviously, that's nice good hard data that's -- you
5 know, we know how much product you produced and how
6 many times you tested positive and that's a
7 measurement.

8 I guess I'm starting to think in terms of
9 at some point before this evening is over we've got to
10 have a report.

11 CHAIR CARPENTER: Yes, we do.

12 MEMBER HARRIS: And so we're having good
13 discussion here, but what are we going to come back to
14 the full Committee and ultimately to the Agency with?

15 CHAIR CARPENTER: I thought our charge was
16 once Phil elaborate on his presentation, to look at
17 each of these and to recommend what we could or could
18 not do. Do you all agree? I mean, is there a
19 consensus on that particular point? And in many
20 instances, I don't think we have the answers of what--
21 so we have recommend something that the Agency would
22 have to do to enhance the data in a particular area

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to allow for the pursuit of a goal that you've
2 outlined here. That's probably what it's going to
3 come down to.

4 MR. DERFLER: Fine. Whatever you think is
5 going to be most helpful to us.

6 MEMBER ESKIN: Or another body looking at
7 the issue that's more knowledgeable on the whole data
8 sets out there that could give the Agency some
9 guidance.

10 MR. TYNAN: Dr. Carpenter, if I might, I
11 think on the issue of paper we have two questions.
12 Question number one went to the other group and yours
13 was question number two, which was sort of a global
14 question. And I think if you could just look at that
15 global question and focus some of your recommendations
16 on --

17 MR. DERFLER: I just wanted to make sure
18 you had what I said as I went along.

19 MR. TYNAN: I think there are questions
20 that Phil has given you are things if time permits
21 that maybe you can go back and talk about them more
22 specific things of those questions. But I think if at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 least look at the global questions and see if you can
2 come up with some recommendations based on that, it
3 might help the deliberations, if you agree.

4 CHAIR CARPENTER: The global question
5 being number two?

6 MR. TYNAN: Yes.

7 MEMBER ESKIN: There's three parts.

8 CHAIR CARPENTER: What data would be
9 appropriate in design and implementing RBIS? How
10 should the Agency obtain the data? The Committee
11 aware of the type of data, industry data are used and
12 how do we assure its quality.

13 MR. TYNAN: That's a little bit more broad
14 brush question and maybe would be easier to deal with
15 for the purposes of the report.

16 CHAIR CARPENTER: Okay.

17 MR. TYNAN: Sandra, you don't agree?

18 MEMBER ESKIN: No, I don't necessarily
19 agree. I'm not sure --

20 MR. TYNAN: No, that's okay. I was just
21 offering that because it is, as they were pointing
22 out, getting a little bit late and you have the report

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 done.

2 MEMBER ESKIN: No, we don't.

3 MR. TYNAN: Well, maybe you don't.

4 MEMBER ESKIN: Maybe the report is
5 somebody else has to answer these questions, it's
6 outside of our confidence.

7 MEMBER HOLLINGSWORTH: I just kind of
8 quickly, there's over like 28 questions in here. So I
9 think it would be disservice to even put --

10 MEMBER ESKIN: Try.

11 MEMBER HOLLINGSWORTH: -- on a guise of
12 well we tried to answer these in the time and with the
13 amount of information we have to assess. I'm not even
14 sure we really answer number two, but we can try. But
15 I don't think it's necessarily wrong either if we go
16 back and say the scope and the magnitude of the issues
17 and the questions was beyond this Committee's --

18 MEMBER ESKIN: Confidence.

19 MEMBER HOLLINGSWORTH: -- ability given
20 the time and the information we had to look at and,
21 you know, our expertise. And that we refer this back
22 to --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: Can I just ask, though, if
2 you're going to say that --

3 MEMBER HOLLINGSWORTH: Yes.

4 MR. DERFLER: -- given the information
5 that you had to look at, so the question would be what
6 additional information would be helpful? I mean, if
7 it's going to help you to look at it, it may well help
8 us to look at it. And so if you could try, take a
9 shot and --

10 MEMBER HOLLINGSWORTH: Well, I think we
11 sort of did that in saying that, you know, we don't
12 know or have a clear understanding of what information
13 the Agency currently collects, how it uses it, how it
14 -- how that information impacts on the inspection
15 program as it currently exists.

16 So I think, you know, this was a pretty
17 good rundown, but it's kind of just a list of bullets
18 of all different pieces of data without a real clear
19 understanding of what does it all mean.

20 MR. DERFLER: Okay.

21 MEMBER HOLLINGSWORTH: How was it used,
22 who has access to it. And I think that way it could be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 sizeable task given how much -- I personally think if
2 you really have the time to study this you'd realize I
3 think the Agency collects a whole heck of a lot more
4 data than what you've covered. Tons of it. My
5 concern, which was one of my points downstairs, is
6 that it's not being used. I think FSIS has a wealth
7 information, but maybe not the analysts or the system
8 in place to use it and link it altogether.

9 MEMBER HARRIS: I would like to suggest
10 one of our recommendations should be that the Agency
11 does need to move forward as rapidly as possible at
12 integrating the -- I know the effort is already
13 underway, but I do think we would be remise if we
14 didn't encourage the continuation --

15 MEMBER HOLLINGSWORTH: Right.

16 MEMBER HARRIS: -- and the emphasis on
17 that effort to get the data in some sort of a form
18 that it is more useable for decision making. Because
19 there is so many -- as programs as developed, that
20 data just sort of sits in that little pot of data that
21 -- attached to that one particular regulatory program
22 and it's not integrated.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ESKIN: But again, Jill's asked
2 another question, too. You know, there's data that it
3 currently collects. Putting it together would be fine
4 but are we sure that that's data that would get us to
5 our desired goal --

6 MEMBER HOLLINGSWORTH: Right.

7 MEMBER ESKIN: -- which is a decrease in
8 illness. And, again, there may be other data that's
9 available right now to the Agency that would be more
10 useful. There may be data out there that isn't
11 collected that would.

12 Again, all those questions to me require a
13 very expert familiarity with process, all aspects of
14 the data and you'd really have to know how that data
15 can be manipulated. I use that in just a general
16 sense of compare and process in a way that's useable
17 as a control --

18 MEMBER HOLLINGSWORTH: Yes. Jim Denton may
19 be who made a comment, I read his -- I never thought
20 about this. But he was saying when you think about it
21 the inspection system and the data collection systems
22 were originally designed for controlling animal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 diseases. And in that respect the types of data
2 collection worked great. Every animal was examined.

3 MEMBER ESKIN: Yes.

4 MEMBER HOLLINGSWORTH: Anything that was
5 not health was recorded and reported. And there were
6 annual reports on how many condemnations there were
7 for what diseases. And in cases where there was an
8 emerging disease -- I mean, when we had -- well, I'm
9 really going back to my career here, but when we would
10 have rises in -- cell carcinoma, we went to ARS and
11 had research done, and we went to the drug companies
12 to see if it was a break in the vaccines. And that
13 data was used to try to fix an animal disease. I mean,
14 we've done it with TB and tons of diseases.

15 I think maybe the point -- and I didn't
16 catch it at first, maybe the point that Jim was making
17 is that we've tried to take that same system that
18 worked great for an animal disease and plugged into
19 public health, and it's not working. So there is
20 maybe a need for a whole new model. I don't know what
21 that is, not in the next five minutes. Maybe that's--
22 you know, I think it was a good point in retrospect

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 now that I'm thinking about what he said.

2 MEMBER GOVRO: We can congratulate him
3 tomorrow.

4 MR. DERFLER: We'll point that out to him.

5 MEMBER GOVRO: I have a question that's
6 related to specifically to answering question number
7 two. What data would be appropriate in designing and
8 implementing RBIS. Does the Agency currently when
9 there is a food born disease outbreak that is related
10 to an FSIS inspected product or a recall where an
11 adulterant has been found, does it then go back and
12 look at information about the production --

13 MR. DERFLER: Yes.

14 MEMBER GOVRO: You do? Like how clean was
15 the equipment that day, what observations were made?
16 Did they sample the product? What did we find,
17 etcetera, etcetera?

18 MR. DERFLER: Yes. And then we'll send in
19 what we now call an IIT, which is --

20 MEMBER ESKIN: Incident investigation--

21 MR. DERFLER: Yes. T, interdisciplinary
22 team to go in and look at the situation in the plant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and what might have contributed to the situation and
2 stuff like that.

3 MEMBER GOVRO: And is that done every time
4 or just a certain percentage of times or --

5 MR. DERFLER: Most of the times we'll just
6 send in -- but we'll send in an EIAO to look in
7 conjunction with -- if it's a really significant
8 recall or something like that. But we do -- we do
9 foresee the possibility. I mean, at one time we had
10 teams and we called -- whatever. We sent teams in and
11 we sort of got away from that as the EIAOs become
12 better trained, more experienced. We may send a
13 couple of EIAOs.

14 CHAIR CARPENTER: Are there still IIT
15 teams?

16 MR. DERFLER: Well, not --

17 CHAIR CARPENTER: Is that what you were
18 referring to?

19 MR. DERFLER: We don't send any -- but
20 yes, there's a survival event in appropriate
21 circumstances, yes.

22 CHAIR CARPENTER: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER GOVRO: And has there been an
2 attempt made then to pull the findings together to see
3 if there are any connections and how you might best
4 address those?

5 MS. ARRINGTON: We can see if there's a
6 regulatory action.

7 MR. DERFLER: Yes.

8 MEMBER GOVRO: Pardon me?

9 MS. ARRINGTON: See if there's a
10 regulatory action to be taken or an enforcement.

11 MR. DERFLER: You know, I mean, there
12 really hasn't been anything since ConAgra and then
13 Pilgrim's Pride after that in 2002 or 2003, whatever
14 that was, which was sort of the high point in the
15 recalls and the low point in our abilities. But, you
16 know, since then I mean with some of the things that
17 we've been doing -- but we're prepared to do that.
18 There hasn't been any situation --

19 MEMBER GOVRO: I'm just thinking about
20 interventions and what do you do with this information
21 once you get it when you've identified a risk, you
22 call it. Maybe there also may be other risk factors

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 associated that we could control.

2 MR. DERFLER: Yes. I mean somebody said
3 today that we are doing an analysis of EIAO reports to
4 try and see whether there's patterns or whether
5 there's anything there. And we're about to put out
6 guidance material on listeria which includes a review
7 of the EIAO reports in an effort on the part of the
8 analyst who did to see if there were any patterns or
9 see whether there was anything that we ought to be
10 paying attention to.

11 MEMBER GOVRO: Okay.

12 MEMBER HOLLINGSWORTH: Yes. I think it's
13 an excellent idea. If you do all this work, then what
14 were the lessons learned? And, you know, the one I
15 guess that I always think of is this whole issue of
16 how many times have listeria incidents or breaks in
17 listeria been associated with remodeling and
18 construction? I mean, we know that's come up all the
19 time, but has anyone really done a study on that and
20 said okay, so we found this link and now here's the
21 information that we're sharing with the industry so
22 they can all be made aware of it and recommendation.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I know you were asking about retail.
2 We've come up with a whole plan for how they have to
3 close off a department and seal it and everything if
4 they're going to work on air conditioner. Never work
5 on an air conditioner if you've got food there.

6 But I think that's kind of a lesson
7 learned that we've passed along. And I think to
8 Mike's point, you know there's probably lots of
9 lessons learned that maybe not everybody is hearing or
10 saying, wow, I should be looking at that, I could be
11 in that same place.

12 MR. DERFLER: Well, I mean, the report you
13 did for us in June, I mean we've talked about the five
14 or six factors.

15 MEMBER HOLLINGSWORTH: Right.

16 MR. DERFLER: I mean, that's helpful.

17 MEMBER HOLLINGSWORTH: Yes.

18 MR. DERFLER: That is helpful. So
19 whatever you can give us, we'll pay attention to.

20 CHAIR CARPENTER: So isn't LM pursuing a
21 risk based inspection kind of thing? I mean isn't
22 that the rudiments of an RBIS is using LM?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: The question is what more
2 should we be doing, what are we missing, what would
3 you suggest?

4 CHAIR CARPENTER: So to answer number two,
5 I mean should we as a Subcommittee say we should look
6 at the data that accrues with using listeria and
7 extrapolate the better portions of that to expanding
8 the RBIS?

9 MEMBER ESKIN: I don't think that will
10 work.

11 CHAIR CARPENTER: But aren't those data
12 that could be extrapolatable?

13 MR. DERFLER: I don't know.

14 CHAIR CARPENTER: I don't know either.

15 MEMBER ESKIN: Back to the same examples.

16 CHAIR CARPENTER: And then Part A how
17 should the Agency obtain data, are we ready to
18 recommend what Joe recommended, continued effort to
19 distill the data in the stovepipes that would give the
20 Agency a better feel for what all those data mean that
21 are currently in separate programs within the Agency?

22 MEMBER GOVRO: Well, that's definitely

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 one. I think the other one we talked about was getting
2 more specific data.

3 MEMBER ESKIN: Attribution data you mean?

4 MEMBER GOVRO: Well, not attribution. But
5 we were having a discussion about --

6 MEMBER ESKIN: Oh, in the FSIS data when
7 they were doing the reports and such --

8 MEMBER GOVRO: Right. You couldn't be
9 tell between BSE and E.coli.

10 MEMBER ESKIN: Yes.

11 MEMBER GOVRO: Define that.

12 CHAIR CARPENTER: Okay. And I think,
13 Phil, you said you were working on that to --

14 MR. DERFLER: We will.

15 CHAIR CARPENTER: -- the greater
16 specificity.

17 And if we look at the B part of this
18 global question, I have to plead I certainly don't
19 know --

20 MEMBER ESKIN: I mean I don't know.

21 CHAIR CARPENTER: Is the Committee aware
22 of the type of data establishment that the customers

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have emerging -- identifying emerging problems in
2 their operation? How can FSIS get to these data? I
3 mean, it would be a matter of regulation, requiring
4 the establishment to share the data. Is there any
5 other option?

6 Joe, would all your members literally send
7 these data in?

8 MEMBER ESKIN: Oh, sure.

9 MEMBER HARRIS: Not on your life.

10 MEMBER GOVRO: I think the answer to B is
11 no.

12 CHAIR CARPENTER: I flat out agree, Mike.

13 MEMBER ESKIN: No. We don't represent
14 companies that are -- well, I should say that. Not
15 all of us deal with companies that produce product.

16 CHAIR CARPENTER: And if industry data--

17 MR. DERFLER: Some, but he's not telling.

18 MEMBER HARRIS: Just had to bite my tongue
19 on some of this.

20 CHAIR CARPENTER: And that's the way the
21 industry is regulated now. Thank you very much.

22 And so point C is probably mute until

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there is some mechanism that industry can share the
2 data and quality.

3 MEMBER HARRIS: I guess, back to your
4 question, my members would respond to you that the
5 Agency already has access to that data if they want
6 it. All they got to do is come look at it. You know,
7 that what be their responses. It is available.

8 MEMBER ESKIN: Right, to look at though?
9 Right?

10 MEMBER HARRIS: They're not going to --
11 you know, I don't think that they're too keen on the
12 idea of submitting it on a regular basis.

13 CHAIR CARPENTER: Yes. Yes.

14 MEMBER ESKIN: But again, Joe, the
15 inspector can come in and look at it.

16 MEMBER HARRIS: He can.

17 MEMBER ESKIN: He can't copy it. right? I
18 mean, there's no systematic way for the Agency to
19 accumulate the data.

20 MEMBER HARRIS: I'll let Phil address
21 whether or not they can copy it, because they can.
22 The bottom line is they can copy it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ESKIN: Yes, but clearly, you would
2 agree it's less efficient from the Agency's point of
3 view. It would be more efficient if some data, if
4 plants were required to submit data, that is clearly
5 more efficient from the Agency's point of view. It's
6 not a thing to say that an inspector can look at it if
7 the inspector wants to. Those are two different
8 things. You're not going to answer me. That's fine.

9 MEMBER HARRIS: No, I'm not. I'm just
10 sort of trying to think of where to get my hands
11 around it.

12 I mean, I guess the short answer is
13 they've never been asked.

14 MEMBER ESKIN: Asked by -- to look at it,
15 the inspector --

16 MEMBER HARRIS: No. They've never been
17 asked to submit data.

18 MEMBER ESKIN: Yes.

19 MR. DERFLER: Well, I mean, there's
20 reasons not to ask them to submit data.

21 MEMBER HARRIS: Yes.

22 MR. DERFLER: The Paperwork Reduction Act

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and stuff like that.

2 MEMBER ESKIN: Right.

3 MR. DERFLER: So we can copy data if we
4 have access to it.

5 MEMBER ESKIN: Yes. You have to have an
6 inspector go into every plant --

7 MR. DERFLER: And we do.

8 MEMBER ESKIN: No, no, no, no. I know
9 that. I know they are, but they're not sitting there
10 in all, in every single plant they're in copying data.

11 MR. DERFLER: Right.

12 MEMBER HARRIS: Again, we're still faced
13 with the same question, which data is relevant to
14 improving public health, you know.

15 MEMBER ESKIN: We can't --

16 MEMBER HARRIS: We're right back to that
17 question every time we talk about this is you know,
18 okay, so I can submit all of my SSOP data --

19 MEMBER ESKIN: Right.

20 MEMBER HARRIS: -- on how many sanitation
21 noncompliances or deviations I found on my own. Well,
22 does that improve public health? I don't know.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ESKIN: No, I don't either. And
2 that's -- we get back to the issue of experts on
3 public health are the ones that need to be answering
4 these questions.

5 MR. TYNAN: Robert Tynan for the record.

6 But I heard two recommendations earlier.
7 And basically one of the recommendations had to do to
8 get current data the Agency has in some type of format
9 where we're not in the stovepipe, but it's in better
10 format that decisions can be made from.

11 And I think the second recommendation,
12 maybe this gets to your issue, Joe, is that we need to
13 decide what data we actually need --

14 MEMBER ESKIN: Right.

15 MR. TYNAN: -- that's going to improve
16 food safety or public health. Is that a fair
17 statement, Sandra?

18 MEMBER ESKIN: Yes. And then back to your
19 first point. I think Jill was saying, you know, it's
20 all well and good if we even go through the exercise
21 of taking the data that we have and integrating it.
22 But we don't know how much of that data integrated or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 not integrated actually has a public health
2 implication.

3 MR. TYNAN: So if we did number one and
4 perhaps number two and we could point to data that was
5 necessary for food safety and public health, would
6 that then -- I guess is there something on that
7 recommendation that we could say about the industry
8 being perhaps more willing if asked to provide data in
9 those areas where there would be an improvement to
10 public health?

11 MEMBER HARRIS: Well, I don't think this
12 Committee can say what the industry is more or less
13 willing to do.

14 MEMBER ESKIN: And we, again, haven't
15 answered that threshold question.

16 MEMBER HARRIS: I mean, I only speak for a
17 handful of companies. I mean --

18 MR. TYNAN: No, no, no. But I'm simply
19 saying that it would be perhaps the recommendation
20 that we could approach the industry or something along
21 those lines with those kind of --

22 MEMBER HARRIS: I think it would rather

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 see us build something in there that we would like to
2 see also the Agency take a, back to what Jill said,
3 take a look at -- putting a hard look to exactly what
4 all data is actually already available.

5 MR. TYNAN: Okay.

6 MEMBER HARRIS: And she suggested that
7 based on her experience she thinks there might be
8 quite a bit of data that we didn't even mention today.

9 And I don't know whether there is or whether there
10 isn't. But we don't know what else the Agency needs if
11 we don't even know what they have.

12 MR. TYNAN: Okay. Is it data that's
13 available in the universe or data that the Food Safety
14 and Inspection Service has available?

15 CHAIR CARPENTER: That FSIS has.

16 MR. TYNAN: Okay.

17 MEMBER ESKIN: But, again, we have that
18 initial question. The first question is what data
19 that's in the universe would have public health
20 implications.

21 MR. TYNAN: So the recommendation then is
22 to --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ESKIN: That has to be identified
2 by some expert, some way or other. Some expert
3 process or whatever to first identify the data that
4 does have public health implication. And two, once
5 that's identified, to figure out if it's data that
6 FSIS currently has and maybe needs to be reformatted
7 or rewhatever. And if it's not data, does the plant
8 have it. There's all those questions that flow from
9 that first threshold determination.

10 CHAIR CARPENTER: So identifying public
11 health data in the universe.

12 MR. TYNAN: Right. Where there's a
13 significant impact, is that correct?

14 MEMBER ESKIN: Well, whatever the language
15 that the group would agree on or however it was
16 phrased before. That would public health impact.

17 MR. TYNAN: And then question two is does
18 that FSIS have it in its universe. You know, I guess
19 the third recommendation is then perhaps would be
20 getting the systems to speak more together so that
21 they're not stovepiped --

22 CHAIR CARPENTER: That was definitely our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 recommendation.

2 MR. TYNAN: So that we can access that
3 data --

4 MEMBER ESKIN: Well, that goes to that
5 question. I like the stovepipes.

6 MEMBER GOVRO: We use silos.

7 MEMBER ESKIN: Silos are better? Yes,
8 let's say there are five silos of data that FSIS
9 currently has, maybe only two of those five silos have
10 public health impact. And maybe there's another silo
11 that needs to be created that also does. And then
12 tying all those together.

13 MR. TYNAN: Okay.

14 MEMBER ESKIN: Does that make sense?

15 CHAIR CARPENTER: Yes.

16 MR. TYNAN: So it's in the universe and
17 not in the universe?

18 MEMBER GOVRO: In any event that creates a
19 silo effect.

20 MR. DERFLER: What about industry data?

21 MEMBER ESKIN: What about it?

22 MR. DERFLER: Is there data that we can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 get from industry that would be helpful? Is there
2 things that we should be looking for?

3 MEMBER ESKIN: We're back to the same
4 issue. We don't know that until we identify what the
5 data experts tell us. Okay, this information --

6 MR. DERFLER: Okay. Well, if you could
7 make that explicit probably be more helpful.

8 MEMBER ESKIN: Yes. That was the first
9 thing I think.

10 MR. DERFLER: Okay.

11 MR. TYNAN: I'm sorry. I didn't catch it.

12 MEMBER HARRIS: If we could identify
13 specifically what data would be useful from a public
14 health standpoint, then perhaps the Agency or this
15 Committee be in a better position to ask for that
16 data.

17 MEMBER ESKIN: Right. And that's --

18 MR. TYNAN: That's what I was getting to
19 earlier.

20 MEMBER ESKIN: But that first issue is I
21 think there is a consensus here that we sitting around
22 the table can't make that first determination. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 would recommend that whatever process it is, that the
2 experts on the issues dealing with public health in
3 this context would be the ones who could identify the
4 data that is relevant. That's the first thing that
5 needs to be done.

6 CHAIR CARPENTER: So I've got four
7 recommendations.

8 MEMBER ESKIN: Okay.

9 CHAIR CARPENTER: One of them is to
10 identify the public health data in the universe that
11 would be important.

12 MEMBER ESKIN: Someone has to do it.

13 CHAIR CARPENTER: Someone has to do it.

14 MEMBER ESKIN: Not us, right.

15 CHAIR CARPENTER: Right. FSIS has to
16 identify, right, the appropriate resource or
17 resources, they have to be enlisted to identify.
18 Okay.

19 MEMBER ESKIN: Whatever.

20 CHAIR CARPENTER: The second one is to
21 examine the current data held by FSIS in silos and to
22 identify which silos have public health relevant data.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ESKIN: Identify data and number
2 one is currently collected by FSIS.

3 CHAIR CARPENTER: Okay.

4 MEMBER ESKIN: Right?

5 CHAIR CARPENTER: And the third one is
6 Mike's recommendation to give greater specificity to
7 the reports coming from inspectors in the field to
8 identify what in fact are involved in NRS or something
9 like that.

10 And the fourth one is how do we work
11 collaboratively with industry to request the data that
12 they have that would augment --

13 MEMBER ESKIN: That may be part of number
14 one.

15 CHAIR CARPENTER: May be part of number
16 one.

17 Do we have consensus? Any members?

18 MEMBER HARRIS: I'll ask the question
19 because I know, Phil, that you've work with some of
20 this over the years and I know Dan as well. My memory
21 is vague on this. There have been times in the past,
22 if I recall, that the Agency did come to the industry

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and ask for data.

2 MR. DERFLER: Yes.

3 MEMBER HARRIS: And as I recall the
4 industry came forward with the requested data, did
5 they not? So I think there's a track record there
6 that there is some willingness at times --

7 MR. DERFLER: I mean, there's been
8 willingness expressed. There's been caveats that come
9 with it and stuff like that, concerns about
10 confidentiality.

11 I mean, one of the big issues is are you
12 going to regulatory action against us on the basis of
13 the data.

14 MEMBER HARRIS: In other words, if you're
15 going to hang me, don't ask to borrow my rope.

16 MR. DERFLER: Right. Or are there ways to
17 aggregate the data so that we can get the information
18 that we're looking for without --

19 MEMBER GOVRO: And maybe just a caveat on
20 number four. I think it would be important to
21 determine on any piece of data whether or not it could
22 be collected in a fashion that was useful, was it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 consistent, was it accurate, was it dependable.

2 If you're asking plants how many pounds of
3 product -- of a particular product do you put out each
4 year, you could probably depend on those numbers
5 fairly well. If you ask them how many times they
6 cleaned the whatever, you may not get an accurate
7 answer because it might tend incriminate one. So
8 there's going to be different levels of dependability.

9 CHAIR CARPENTER: To the greatest extent
10 possible, accuracy, consistency and reliability.
11 Okay.

12 MEMBER ESKIN: In an attempt to simply not
13 complicate, I know number one is identify the data.
14 Number two is examining what FSIS data -- what data
15 FSIS has.

16 I guess rather than having a third point,
17 I would make two subpoints to number two. Again, FSIS
18 existing data, how much of that is the type of data --
19 you can tell I'm a lawyer, right? The type of data
20 there is. The first issue is of the data that FSIS
21 has that relevant to public health, I wanted to get to
22 the silo issue. Is it aggregated or is it available

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in a form that's useful.

2 And then the second issue would go to --
3 let me see, just a second. The NR question. In other
4 words, FSIS has data out there. Number one, we've got
5 it in all these stovepipes. Is there a way to
6 aggregate it or to process it that it's useful. And
7 two, some of the data that's collect by FSIS isn't
8 specific enough in our issue. Is there a way to
9 improve the data collection process to make it more
10 useful.

11 I'm sorry, David. Was that
12 understandable?

13 CHAIR CARPENTER: So it just combines two
14 and three?

15 MEMBER ESKIN: Yes, I think you can.

16 CHAIR CARPENTER: FSIS data, examination
17 of --

18 MEMBER ESKIN: It all goes to the data
19 that's collected.

20 CHAIR CARPENTER: Okay. Comments? Yes?

21 MS. NESTER: Well, I was thinking should
22 you, this Committee should be really, really specific

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that you are asking for specific data from FSIS.
2 Because I think if you ask FSIS what data does FSIS I
3 have, they're going to give you vague answers and you
4 know, at the next meeting, it's just going to be
5 unusable again. So I mean I'm not a scientist, but I
6 think you should come up with the specific things you
7 want to know.

8 Specifically what the data is, what does
9 it represent, when is it collected, how often is it
10 collected, what triggers it being collected; I mean
11 all of those things. If you just give them an open
12 question about what data do you have, I don't think
13 you're going to get anything you can really work with.

14 And it's one thing to say you have
15 salmonella data. It's another thing to say you have
16 salmonella data from plants that's generally a year
17 old. You know, that in most plants if you pulled the
18 salmonella data, it would be a year old.

19 MR. QUICK: Yes. But this Committee is
20 not asking for those data. The Committee is
21 recommending that these are the kinds of data that
22 will enhance the revolution of a risk based inspection

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 system.

2 MS. NESTER: But I've been saying in order
3 to make more further recommendations, better
4 recommendation you need to know specifically from FSIS
5 where their starting point is.

6 MR. QUICK: That may come out of it
7 eventually, but I don't think we're at that point now.
8 Am I not understanding this correctly?

9 MR. DERFLER: The Committee asking for an
10 assessment of where we are with data. Is that what
11 you're saying?

12 MS. NESTER: I thought that that's one of
13 the things that Jill asked for.

14 MR. QUICK: That could certainly be a
15 recommendation.

16 MS. NESTER: To get a specific --

17 MR. QUICK: Data of where we are.

18 MR. DERFLER: Right.

19 MR. DERFLER: Well, I don't know that -- I
20 mean, the Committee might suggest that we figure out
21 where we are.

22 MR. QUICK: That's what I mean.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. DERFLER: Yes. Yes.

2 MR. QUICK: And we can go back to this.

3 MEMBER HARRIS: A state of the data report
4 even.

5 MR. QUICK: Right.

6 CHAIR CARPENTER: A state of the data
7 report?

8 MS. NESTER: And one other recommendation,
9 the business about the NRs and what do the NRS
10 reflect. I mean, I think it's important to know in
11 what percentage of the plants are all of the
12 inspection tasks being performed. So do the
13 compliance results on the NRs reflect what's happening
14 in the plants or is there such a vacancy and shortage
15 problem that these NRs are not reflecting what's going
16 on in the plants. I mean, if that's the case, then if
17 you're ever going to use NRs to deal with plant
18 performance, the Agency is going to have to do
19 something to upgrade what NRs mean.

20 CHAIR CARPENTER: But once the
21 recommendations are forwarded to FSIS, as they pursue
22 then in what every degree, they will determine those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 issues that you just outlined. Like, you know, we
2 can't do this because we have a high vacancy rate or--

3 MS. NESTER: They will determine what?

4 CHAIR CARPENTER: That all of the
5 recommendations for generate data are not being able
6 to be pursued because of resource constraints.

7 MS. NESTER: No. I would doubt that the --
8 from my own experience, it would surprise me if the
9 Agency admitted our data is not good enough to make a
10 recommendation. It doesn't seem like it's ever stopped
11 them in the past from making reports on what the state
12 of salmonella is in this country. I mean, Barn
13 Kowalcyk has criticized the Agency reports on its
14 salmonella results numerous times. The Agency has
15 repeatedly used NR reports to make statements. That's
16 what I'm saying, you know. Even the NAS criticized
17 the Agency for proceeding without specifically
18 articulating the limitations.

19 MR. DERFLER: But I guess then the point
20 of this is to help us with having to go through our
21 data, not you know condemn us.

22 MS. NESTER: It's not that --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. QUICK: I think that they're pretty up
2 front that our basis is have a lot of room for
3 improvement.

4 MS. NESTER: But --

5 MR. QUICK: That's the whole purpose of
6 this discussion.

7 MS. NESTER: But how can these people help
8 you fix it if they don't see what the specific
9 problems are?

10 MR. DERFLER: I mean, I think they should
11 make the best recommendations they can on the basis of
12 what they know and we'll go forward on the basis of
13 that.

14 CHAIR CARPENTER: Right. That's what we
15 have to.

16 MR. DERFLER: Yes.

17 CHAIR CARPENTER: Make the best
18 recommendations based on what we've been presented
19 with. If additional data come to the fore in pursuing
20 those recommendations, then that will become evident
21 in the subsequent meeting. I think you agree?

22 Okay. Come out with three

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 recommendations, two has two parts to it. And I think
2 Yvonne and I can hack through what she has over there
3 and get it back in the morning.

4 MEMBER ESKIN: Great.

5 CHAIR CARPENTER: We'll have time tomorrow
6 morning, Robert?

7 MR. TYNAN: Yes, we're going to allow for
8 time so if you have a report, yes, to fashion your
9 report the way you want it.

10 CHAIR CARPENTER: Okay.

11 MR. TYNAN: We'll present it and of course
12 it goes through the plenary session again.

13 MEMBER ESKIN: Right.

14 CHAIR CARPENTER: Okay. How much time do
15 we have to review it and then to edit it, if
16 necessary.

17 MR. TYNAN: Yes, if you want.

18 CHAIR CARPENTER: We will have that time?

19 MR. TYNAN: Yes.

20 CHAIR CARPENTER: Okay.

21 MR. TYNAN: Well, we certainly would have
22 at least an hour if you want.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ESKIN: Okay.

2 CHAIR CARPENTER: Okay. The Subcommittee
3 would embrace that hour at least period of time in
4 order to do that.

5 MR. TYNAN: Having said that, it's in the
6 morning. You say an hour isn't going to do, you need
7 to say so and we'll adjust accordingly.

8 CHAIR CARPENTER: Okay. All right.

9 Very good, Committee members. Yvonne can
10 now put it in a way that we can look at it tomorrow
11 morning.

12 I appreciate your input.

13 MEMBER ESKIN: Some of us have
14 Blackberries and some of us have access to -- would it
15 be possible once you all get a draft to send it to
16 whoever wants to look at it tonight.

17 CHAIR CARPENTER: Is that possible,
18 Robert?

19 (Whereupon, at 5:30 p.m. the Subcommittee
20 was adjourned.)

21

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701