

UNITED STATES DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

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USING DATA FROM OTHER SOURCES

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A CHARGE FROM FSIS: QUESTIONS FOR
CONSIDERATION IN BREAKOUT SESSIONS

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BLUE GROUP BREAKOUT

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April 30, 2007
10:45 a.m.

George Mason University
Arlington Campus
Room 245
3401 Fairfax Drive
Arlington, Virginia 22201

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MR. SKIP SEWARD

I-N-D-E-X

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

(10:45 a.m.)

MS. JOHNSON: I'm LaVonne Johnson. I'm with FSIS, the Office of Public Affairs. My role is to help you document, take notes as to what you want to report out on and to keep time.

Of course, your role is to express your view so it can be heard in the plenary session. One task you have to do this morning, it's still morning, is to designate a Chairperson, and I'll give you a minute to think about it, while we take care of a couple of other things.

We have a Court Reporter here. For the purpose of the Reporter, for the transcript, we need each of you to say your name and the company or association or organization you're with. We're going to start over here.

DR. BERNARD: Dane Bernard with Keystone Foods.

MS. SCOTT: Jenny Scott, GMA/FPA.

MR. SEWARD: Skip Seward, American Meat Institute.

1 MR. CLEMANS: Sid Clemans, Office of Budget
2 and Program Analysis, USDA, former site of the FSIS.

3 MR. PRETANIK: Steve Pretanik, National
4 Chicken Council.

5 MR. MEIGS: Randy Meigs (ph.) of --
6 Equipment for --

7 MR. JAMES: Jonathan James, Allen Family
8 Foods.

9 UNIDENTIFIED SPEAKER: I'm -- and I'm with
10 FSIS.

11 DR. BURGESS: Michelle Burgess, FSIS.

12 MS. JOHNSON: Okay. And one more thing
13 before you make a comment, I'd like you to mention
14 your name so we can document who said what.

15 So can I get a volunteer as a Chairperson, a
16 volunteer, the effort, to facilitate, to report out at
17 the end of less than one hour.

18 MR. PRETANIK: You did such a great job last
19 time.

20 MR. SEWARD: No, no, no, no.

21 MS. SCOTT: I've done it once. Skip's done
22 it once. I'd say it's the chicken folks who need to

1 do it.

2 UNIDENTIFIED SPEAKER: Well, son of a gun.

3 UNIDENTIFIED SPEAKER: Steve Pretanik is
4 nominated.

5 MS. SCOTT: Elected.

6 MR. PRETANIK: We're ready. Well, let's see
7 if we can cover each one of these questions. I know
8 in the last session I was in, there was some great
9 discussion but we really didn't have enough time and
10 it was a challenge to get all the questions in.

11 So with that, we're talking about third
12 party. At any rate, it's a good point. What do we
13 mean by third party? And also what type I think is
14 critical, what type of data are we really looking for
15 that would be beneficial?

16 And with that, I'd like to open it up.
17 Perhaps we might want to discuss what type of data and
18 who, where we would expect to get that data from
19 and --

20 MR. SEWARD: This is Skip Steward from the
21 American Meat Institute. I have a list of types of
22 data to answer question number 1. I can go through

1 that and see, if you want to. It's a long list. I
2 won't expect you to copy it all down. If you want,
3 I'd be happy to share this with Steve.

4 MR. PRETANIK: Okay.

5 MR. SEWARD: But we'll start with the short
6 list first. Audit scores came up both internal and
7 external. So that might be something worth
8 discussing. So internal and external audit scores.

9 We talked last week about production volume
10 data, annual estimates and 30-day projections as
11 possibilities.

12 If the plant is doing any statistical
13 process control in their establishment, that might be
14 helpful and that could be for pathogen testing or
15 pathogen indicator testing. That's helpful to
16 describe when a plant is or is not in control if you
17 will, and then you get to two different sets which are
18 similar. One is there was some discussion about
19 sharing the number of tests that were being done. So
20 a quantitative number, not necessarily the results,
21 but the number. I'm going 100 tests a week on my
22 product contact surfaces and so forth, and that could

1 be the number of pathogen tests in raw materials, the
2 number of pathogen tests in finished products, the
3 number of pathogen indicator tests on product contact
4 surfaces and the number of pathogen indicator tests on
5 non-product contact surfaces. And then you could also
6 share the results as a possibility of those
7 microbiological tests and it's essentially the same
8 thing. The pathogen tests in raw materials, pathogen
9 tests in finished products, pathogen indicator tests
10 on product contact surfaces and the pathogen indicator
11 tests on non-product contact surfaces.

12 So there's a long list, a relatively long
13 list I think of possibilities of types of data to
14 answer number 1.

15 MR. PRETANIK: Does anyone care to comment
16 or add to that? Dane.

17 DR. BERNARD: Dane Bernard, Keystone Foods.
18 To add to that, I think industry information data on
19 effectiveness of interventions and whatever
20 information is necessary for the risk assessment group
21 to perfect risk assessments especially, for example,
22 *Salmonella*, salmonellosis from poultry, attribution.

1 We had a meeting on attribution but at the same time a
2 good farm to table risk assessment would feed into
3 what Janell Kause discussed last time on exposure.
4 And some of the information relative to the
5 effectiveness of interventions and processing steps
6 beyond just what happens in the slaughter facility in
7 terms of the way poultry products get further
8 processed. I'm only using that as an example. This
9 would go across the board, but that's what I'm more
10 familiar with. Information on how things are
11 processed and the time expenditures they're exposed to
12 that would influence the quantity of pathogens in
13 finished product that consumers would actually be
14 exposed to.

15 MR. PRETANIK: So -- process.

16 DR. BERNARD: Yeah, but it would be beyond
17 the process floor. It would be through further
18 processing through shipping, storage and information
19 on actual preparation steps, everything that would
20 influence that exposure. You know, I wasn't at the
21 last meeting on volume but volume is being used as the
22 sum or the surrogate for exposure. In fact, it is

1 only a minor component when you begin to figure in the
2 entire risk mitigation or enhancement that goes on
3 between production and consumption. And I think
4 there's a lot of information there that industry can
5 provide to assist in that process so that we don't
6 have to make as many broad assumptions, that if you
7 know what the assumptions are or what the data gaps
8 are, we can fill in that data or help to fill in that
9 data. I think it's also supposed to be about risk-
10 based inspection.

11 MS. JOHNSON: Sid.

12 MR. CLEMANS: Speaking from the Government's
13 point of view, Sid Clemans, I'm curious. Would the
14 industry really be happy to provide all this data?
15 Because it's my impression that there's a certain
16 resistance there or maybe it's just that the
17 Government has asked for the wrong data and it's hit
18 a --

19 DR. BERNARD: Well, Dane Bernard again. We
20 can jump down to number 4 to barriers but, in fact,
21 yeah, there are some hurdles. There's some challenges
22 to us being completely open with the data and we can

1 get into that a little bit later. But in terms of I
2 think the processing steps, the transportation steps,
3 the entire food chain, validation and interventions,
4 that is not as sensitive as wanting to have my
5 pathogen testing data which I have and am willing to
6 share under certain conditions.

7 MR. CLEMANS: Okay. We can --

8 MR. PRETANIK: This is Steve Pretanik. A
9 question to Dane. The conditional information you
10 were referring to, do you see that as industry in
11 general or are you looking at it as individual plant
12 data?

13 DR. BERNARD: It would have to be -- well,
14 that's an interesting question. It would have to be
15 both actually. You're going to have to have some
16 aggregated individual data but for example, if you're
17 going to do heat treated, not fully cooked breast
18 portions, whole muscle portions, the steps that you go
19 through to process that, even though it's not fully
20 cooked, those will receive a heat treatment that will
21 significantly reduce surface contamination which is
22 where most of it is anyway. That will have an effect

1 on the risk profile of that product as it reaches the
2 consumer. So it is the information that can be
3 provided there in terms of time and temperatures and,
4 you know, trying to interpret that in terms of
5 pathogen reduction hasn't been a major focus but we
6 could get that. It's not difficult to get.

7 So that is going to affect the profile of
8 that product as it's presented to the consumer. So
9 it's not just what the whole burden is. It's what we
10 do with the parts and the whole scheme until the time
11 it gets to the consumer that actually is the main
12 factor in determining what the actual risk associated
13 with that product is. So I, you know, we probably
14 need somebody more familiar with the risk assessment
15 process than I to tell us what we need, but in the
16 farm to the table risk assessment, you've got to know
17 all the pathways and all the characteristics that go
18 into all the pathways so that you can actually
19 calculate the real risk on it.

20 MR. PRETANIK: Anybody else?

21 MS. SCOTT: This is Jenny Scott. I think
22 that pretty much captures the type of data that are

1 out there that could be shared with the Agency that
2 would be useful with respect to public health
3 protection.

4 MR. PRETANIK: In establishing the initial
5 risk --

6 MS. SCOTT: Well, this is Jenny. I see also
7 that this could, what we've discussed there can
8 capture some ongoing individual plant information that
9 could be used to determine how to best target
10 resources. For example, if a plant is doing massive
11 amounts of testing, then the Agency could adjust its
12 own testing or, you know, inspection resources based
13 on the results of those data.

14 MR. PRETANIK: If there's nothing to add to
15 number 1, let's move on to number 2. How can
16 stakeholders best assist the Agency improving
17 collection, validation, analysis and application of
18 data? It almost looks like, somehow with all the
19 stakeholders --

20 MS. SCOTT: I'm not sure I understand this
21 question.

22 MR. PRETANIK: I mean I'm not really clear

1 on it either. Can anybody help?

2 UNIDENTIFIED SPEAKER: This is -- of FSIS.
3 Basically the gist of that question is kind of like
4 what Michelle was talking to you all about, dealing
5 with the history on that stakeholder group that she
6 discussed. What was happening at Administrative
7 Procedure Act was that they were being given the
8 pesticide program which under the regulatory
9 authority -- and, you know, but they weren't moving
10 fast enough. So they said, okay, here are some
11 specific data gaps that we just don't have the
12 resources or we aren't able to fill. Can you help us
13 with this, and so they formed a stakeholder group of
14 industry, AGOs, different people on the scene, to look
15 at information under a voluntary program that was
16 submitted for review, collection review and then
17 continued use.

18 So this is what we're kind of trying to get
19 at here using that as an example. How can
20 stakeholders assist the Agency in improving,
21 collecting, validating, and analyzing the data? So in
22 other words, what kind of venues do you guys see as

1 being able to -- so whether it's -- I don't -- spoke
2 of but, you know, what other mechanisms are there that
3 you might know out there that we could do instead of
4 us just sitting back and asking -- what type of
5 information do you share now. How could we all get
6 together in improving that and all being in agreement
7 or --

8 DR. BERNARD: So you're saying --

9 UNIDENTIFIED SPEAKER: But what -- was
10 saying is that the information was being collected and
11 it wasn't being used appropriately and, you know,
12 we're starting to realize that. And so we're just
13 trying to get that dialogue started with stakeholders
14 on what kind of information would be appropriate.

15 One thing that comes to mind personally is,
16 and I don't know how you could assess this out would
17 be when a process doesn't work or when an intervention
18 wouldn't work. I would think that industry or other
19 people would want to know it so they're not all going
20 down that same road. It's just as important as what
21 Dr. -- in his work. That's what we're trying to do in
22 the Agency , is find out what things we have, how are

1 they being used, are they valid and to validate them,
2 streamlining all these -- did that help?

3 MR. SEWARD: This is Skip Seward, AMI. One
4 thing that, each one of those to me has a set of
5 criteria that go with the collection process and
6 validation process. So in my mind, when I read that,
7 one way the stakeholders could assist is they could be
8 involved in setting the criteria that define each one
9 of those four steps, if you will, that are listed
10 there, those processes. The criteria that would
11 define those processes really.

12 MS. SCOTT: This is Jenny Scott. Yeah, I
13 think that everybody can work together to define these
14 criteria for specific data, and there's a lot of data
15 that we're talking about here that industry will
16 perhaps share with the Agency under the right
17 conditions, but they're not going to make public.
18 This is information that needs to be protected because
19 it is confidential business information. But with
20 respect to doing validation studies, appropriate tests
21 for collecting data and analyzing data, what is a
22 successful approach, what is not a successful

1 approach, those are things that a stakeholder group
2 could get together and discuss.

3 So I'm just wondering about this DAIG group.
4 You know, Carol said that the DAIG would interact with
5 stakeholders and they would provide feedback on Agency
6 data, the collection, validation, analysis and
7 application. This is sort of the same thing but it
8 would not apply just to Agency data but could also
9 apply to data that might be submitted to the Agency.

10 MR. MEIGS: I'd like to ask a question.
11 Randy Meigs. Can these groups be brought together
12 legally?

13 MS. SCOTT: This is Jenny Scott. There is
14 the Advisory Committees Act that we have to be brought
15 together with the restrictions in that regulation.

16 MR. MEIGS: -- collusion used.

17 UNIDENTIFIED SPEAKER: There are legal ways
18 of doing that but that would have to be looked at.
19 There might be limitations on it.

20 MR. MEIGS: Well, how do you all handle it?
21 Federal referee so to speak?

22 UNIDENTIFIED SPEAKER: I'm not sure what the

1 limitations are but this sort of thing is done, but
2 I'm not sure.

3 MS. SCOTT: This is Jenny Scott. As long as
4 it's not for setting prices and things like that, you
5 can get together.

6 DR. BURGESS: Yeah, this is Michelle
7 Burgess. We've been exploring the whole -- issue and
8 definitely there would be certain limitations on --
9 how you could bring groups together that are possibly
10 making recommendations that -- but if you're asking
11 individuals, there's certain criteria that is set up
12 by GSA. So it's certainly there and, of course, we
13 have been --

14 MR. PRETANIK: So this is really getting
15 into question 3. We're not done with question 2. My
16 sense when you jump in and disagree, the way I look at
17 question 2 is, that would be very limited and it would
18 be limited to actually defining the criteria and not
19 go beyond that, that would be used as far as how you
20 would validate and so forth. But I really don't see
21 it going beyond that. If anybody disagrees, that's --

22 MR. SEWARD: This is Skip Seward, AMI. I

1 would only add to that that another thing that the
2 stakeholder is like a trade association. Obviously we
3 can collect a lot of input from the membership
4 companies relative to the criteria and so forth in
5 advance of that and obviously play a role in
6 communication to meat and poultry establishments as
7 well. So there's a communication role both to gather
8 input and to communicate outward which would assist
9 the Agency in doing those things.

10 DR. BERNARD: Dan Bernard. One other minor
11 component here would be if you look back to the data
12 sources that we talked about earlier, we might be able
13 to inform the Agency on how each of those might best
14 be collected. So it's going back to the data sources
15 and determine who the sources are for those.

16 Also, just to share one anecdote that leads
17 into planning up front on the data collection, we have
18 a rather elegant electronic transfer of data and one
19 of our main problems in being able to track that data
20 is getting people who just fill out the sample form to
21 use the same descriptor. For example, if they take a
22 sample from a blender and they write it down blender,

1 and then the next person samples that same equipment
2 and says vacuum blender, I have two data points that I
3 can't connect. So a lot of planning has to go in up
4 front in terms of how you start your data collection,
5 what you identify things. Otherwise, the data that
6 you get in, you're not going to be able to use it, and
7 that's one of the problems with using the existing
8 data, is that it's collected in all kinds of ways.
9 It's designated in all kinds of ways and, you know,
10 those on call that want to say we'll use the data
11 we've got now, we've got a lot of retrofit to go back
12 and cleaning that up before you can use it. So to me
13 it's a go forward situation, where you decide the
14 system up front and go forward and collect data.

15 MR. SEWARD: This is Skip Seward. I was
16 thinking standardized format, helping to standardize a
17 format and terminology.

18 DR. BERNARD: And keep it to a minimum. If
19 you start adding, for example, three operation swaps,
20 that's where we run into our problems. Everything has
21 a different name to different people in different
22 parts of the country.

1 MR. PRETANIK: I agree. I think this is a
2 very critical element, you know, -- we really need to
3 have a standardized --

4 DR. BERNARD: Whole bird rinse for
5 *Salmonella* and that's fairly standard boilerplate.
6 You get beyond that and it goes downhill pretty quick
7 in terms of being able to be uniform in data
8 collection.

9 MR. PRETANIK: Does anybody have anything
10 they want to add to this?

11 DR. BERNARD: And your methodology and your
12 sampling programs and all that. Sample size and --

13 MR. PRETANIK: Let's move onto number 3, and
14 talk about that, mechanisms can be developed to bring
15 stakeholders together and share quality data. Task
16 force, third party repository, regularly scheduled
17 stakeholder meetings, other mechanisms.

18 Perhaps we ought to focus on what type of --
19 what role we would like to see this group play --
20 discuss how you're going to bring that together.
21 Depending what they do --

22 MS. SCOTT: This is Jenny Scott. The first

1 thing I would change in that is the sharing of quality
2 data. We don't want to share quality data. Quality
3 doesn't have an impact on public health per se. I
4 think it's food safety data that we're talking about
5 here.

6 MR. PRETANIK: Well, are they referring to
7 quality in that sense or are they talking about good
8 data, you know.

9 MR. CLEMANS: Yeah. I think they mean good
10 data.

11 MR. SEWARD: That's the way I interpret
12 that. That was my impression.

13 MS. SCOTT: So let's make it clear that
14 that's what we're responding to then.

15 MR. SEWARD: Is that your interpretation,
16 Michelle?

17 DR. BURGESS: That's exactly right. The
18 second question kind of leads into the third and we're
19 saying once the criteria has been -- acceptable,
20 useful, applicable data. Now how do we get that?

21 MR. PRETANIK: Does anybody want to comment
22 on this?

1 MS. SCOTT: This is Jenny Scott.

2 MR. PRETANIK: How do we want to do this?

3 MS. SCOTT: Well, it seems to me that the
4 mechanism is really dependent upon the data that are
5 being shared. For example, there will be a different
6 mechanism for sharing of plant specific pathogen
7 testing data as opposed to sharing particular
8 information for a risk assessment that would help them
9 understand the processes that industry uses. And when
10 we're talking about proprietary data, then having a
11 task force or stakeholder meetings isn't going to
12 work. A third party repository might work. So the
13 third party could blind the data and share it. But if
14 we're talking about data that would be used for an
15 individual establishment, to give them some credit
16 with respect to how they're going to be inspected,
17 under risk-based inspection, then a whole different
18 approach is needed.

19 DR. BERNARD: I don't think you can answer 3
20 without answering 4. Dan Bernard, Keystone Foods.
21 I'll just be honest speaking for my company. We're in
22 the poultry slaughter business among other things.

1 Unless my *Salmonella* data is held without being made
2 public, I have a very difficult problem sharing that
3 for the simple reason that there are people who will
4 do mischief with that data. It will have trade
5 implications for my products, and there are people
6 who, regardless of how good you are, if they want to
7 put a bull's eye on you, they can use your data to
8 make you sound bad even though relative to a
9 performance standard you may be performing excellent.
10 So I have a concern about public release without
11 restriction on such data. I have no problem with
12 using it in the construct that it will be used by the
13 Agency as an index of the performance of that plant as
14 long as it goes, you know, for. And I know that
15 that's going to be a stickler but for public release
16 of that data, once it's out there, I don't know what
17 someone may do with it, and we are very uncomfortable
18 with that, although we are very proud right now of our
19 performance in all areas. And I think anybody who
20 looked at our data would say that we're doing a great
21 job, but as good as we're doing, we're still very
22 uncomfortable with accessibility without discretion to

1 that kind of data.

2 And having said that, feeds back into 3 with
3 what kind of mechanisms can be developed to bring
4 stakeholders together? It depends on what kind of
5 data that that togetherness is expected to deal with.
6 Aggregated data is different than individual plant
7 data. Until that issue is somehow resolved, I think
8 we will probably be at an impasse in trying to
9 determine a mechanism.

10 MR. JAMES: This is Jonathan James with
11 Allen Family Foods. We're also a poultry slaughter
12 facility, and I agree 100 percent with what you just
13 said. From our standpoint, if you could have a test
14 where you could take direct information from his tests
15 and say in category X, Y or Z, you're at this rate,
16 why is your product worse than the product next to us,
17 if this is made public on a plant-by-plant basis.

18 And then that conversation, the last part of
19 number 3, we're talking about quality data. If we're
20 talking about specifically a *Salmonella* issue, we're
21 talking about the quality of one sample of one bird
22 out of 200,000 per day. What data should really then

1 be shared here and what really does one bird out of
2 200,000 show you about the overall risk in the plant.
3 You know, there's too many barriers which is number 4
4 cross, before you can even try to bring anybody
5 together even to discuss this I believe.

6 MS. SCOTT: So maybe we should talk about
7 the barriers. This is Jenny Scott. And then come
8 back to 3 when we get through the barriers.

9 MR. PRETANIK: Well, with aggregate data,
10 FSIS has represented a concern that they have getting
11 into an aggregate compared to that of an --
12 individual. I don't think that would do anybody --
13 RBI, just sharing with FSIS as expressed here. Even
14 when we collect the data from -- and so forth in our
15 membership, we presented the aggregate data. We
16 didn't share the individual samples.

17 DR. BERNARD: And don't get me wrong. I
18 don't think there's a total unwillingness to share,
19 Dave Bernard, Keystone. We're very willing to share
20 the data, you know. We've spent a lot of money
21 improving our performance. We're proud of that. We
22 think that, you know, there's another part in 4 there

1 in terms of incentives. We feel that there should be
2 incentives for plants that perform in a superior way
3 in terms of being looked at differently, and I think
4 that's what risk-based inspection is all about, rather
5 than companies who have not spent the money or had a
6 higher mountain to climb or whatever. They're not
7 performing as well from a pathogen standpoint. We are
8 very willing to share the data in that context. The
9 reward, the concern is where that data goes and what
10 kind of restrictions are placed on it.

11 So we're very willing to share it, and I
12 think most of our industry colleagues, if not all of
13 our industry colleagues, are in that boat, that
14 they're willing to pull out the data on their own
15 testing programs, enhance their testing programs, to
16 prove that the right kind of job should be done, but
17 that we're also very worried about right now an
18 undefined situation in terms of use of that data.

19 MR. PRETANIK: Any other thoughts? We seem
20 to be going in a circle here. Back to number 3.

21 MR. CLEMANS: Well, that's at least good to
22 know.

1 MR. PRETANIK: We really haven't finished
2 with number 3. I guess what I -- it looks to me we
3 get into the discussion about aggregate data -- I may
4 not be the best one to deal with that. I don't know
5 how you can get into some of these areas and not get
6 into trouble unless you're --

7 DR. BERNARD: Dane Bernard, Keystone. And I
8 think, Steve, you're right. I think a lot of the
9 groundwork if you will should be taken up with the
10 Meat and Poultry Inspection Committee, and then walk
11 back and have a public meeting, not, you know, not to
12 come together and share data on good quality but to
13 determine what constitutes good quality data and what
14 are the expectations of all the stakeholders, you
15 know. Having talked with some of the other
16 constituents, I know there are concerns about cherry
17 picking in terms of the data that industry will
18 present. That's a legitimate concern. There are
19 concerns about the robustness of the data. There's
20 concerns about the efficiency of the labs that
21 generate the data. So there are a lot of questions
22 that need to be considered and I think should be

1 considered by the Inspection Committee and then some
2 ideas, some concepts brought back before stakeholders
3 in general.

4 MR. PRETANIK: Anybody else what to add to
5 that? Any other thoughts?

6 MR. JAMES: As we're talking about that --
7 this is Jonathan James again. What type of a makeover
8 would you propose? Are we talking about USDA, third
9 party and industry altogether or are we talking about
10 third party, present the USDA --

11 MR. PRETANIK: This is, we're talking about
12 the existing National Advisory Committee for Meat and
13 Poultry Inspection.

14 MR. JAMES: We found -- we've formed one
15 ourselves as well, and interpret our own data --

16 MS. SCOTT: This is Jenny Scott. There are
17 actually two committees that could help in this when
18 you get to specific microbiological tests and the
19 appropriateness of those, and those could go to the
20 National Advisory Committee on Microbiological
21 Criteria for Foods.

22 UNIDENTIFIED SPEAKER: As well as methods,

1 sampling plans.

2 MS. SCOTT: Sampling plans, yes.

3 MR. SEWARD: This is Skip Seward, AMI. And
4 certainly the Advisory Committees are, you know,
5 qualified to do this but I worry about those as having
6 served on them is that they don't meet very frequently
7 and some of these things can take years before they
8 get resolved. So the speed at which that gets done
9 is, you know -- so I also think there's an opportunity
10 for the Agency to assemble people together to address
11 these from various stakeholder groups, and to at least
12 get a little bit faster turnaround time if FSIS was
13 to, like they did for an expert elicitation, that type
14 of thing, to get together a group of people. So that
15 would be my reservation about going to the Advisory
16 Committees even though it fits within their, it seems
17 like the type of things they do but to set criteria
18 and to get started on that, I'd personally like to
19 see, you know, potentially look at another option that
20 would be a little bit quicker than the Advisory
21 Committees.

22 MR. PRETANIK: Do you have any thoughts on

1 how that might be, Skip?

2 MR. SEWARD: Well, you know, it seems to me
3 that we could solicit volunteers from the different
4 stakeholder groups and say we're going to get together
5 and, you know, lock ourselves in a room for a day and
6 come up with something that people can comment on to
7 help define the criteria associated with these and at
8 least get something expedited first, and then that
9 could go to the committee for input or something. I
10 just think you'd get a little further along in a
11 faster manner. That's the best I can do. To me, it
12 doesn't seem like it would be that complicated to do.
13 You have essentially a public meeting, but with
14 selected participants with time for people to speak if
15 they wanted to have some input as well. It's just a
16 thought.

17 MS. SCOTT: This is Jenny Scott. I will
18 remind Skip that the National Advisory Committee, when
19 it meets is determined by the Agency. So they can
20 call them fairly quickly, and Skip was right. If the
21 Committee is given something that is reasonably
22 flushed out, they can finish quickly. In fact, they

1 did the baseline trim sampling thing in one session.
2 So having a public meeting that might outline some of
3 these things first and then have them go to the
4 Advisory Committees for further input and refinement
5 could work fairly quickly.

6 MR. PRETANIK: A joint session.

7 MS. SCOTT: Oh, my gosh.

8 MR. MEIGS: Let me ask a question. Randy
9 Meigs. I'm about half deaf, so I didn't hear half of
10 everything everybody said but we're talking about
11 coming together as a group to improve the collection
12 methodology of the validation process for the
13 collection of data? If that's true, what's being said
14 for the data that's been collected from the last
15 umpteen years?

16 DR. BERNARD: Dane Bernard again. My
17 personal view of the data that's already there, some
18 of it may be useful but there is likely so much
19 variability in the way it's collected that to use it
20 in any kind of a predicted manner is going to be very
21 difficult. Some of it, you know, some of the
22 verification data, for example, USDA verification data

1 is there. That's going to be looked at a lot. It's
2 not statistically based. It's not statistically
3 balanced, but it is a very robust database. It can
4 give you some indication. Beyond that, I don't know
5 what else is there that may be useful.

6 Again, my view is looking at going forward
7 and try to pick up what we can back here if possible,
8 but I think most of the effort should be put into
9 place to make sure that what comes in going forward is
10 used -- is more useful than what we've had in the
11 past. This is my personal view.

12 MR. PRETANIK: Anything else? If there's
13 nothing else to add, we'll move on.

14 MS. SCOTT: Maybe we should go back to the
15 barriers and incentives question. I'm not sure that
16 we talked too much about what could be incentives or
17 barriers. Dane gave us -- this is Jenny Scott. Dane
18 gave us some idea about some of the barriers with
19 respect to how the data might be misused and incentive
20 if -- as a superior plant, that plant is given some
21 sort of credit and consideration under risk-based
22 inspection and that's certainly a good incentive.

1 Reduced inspection would be an incentive,
2 correct?

3 UNIDENTIFIED SPEAKER: Yes, it would.

4 DR. BERNARD: Well, I would call it
5 adjustments --

6 MS. SCOTT: Adjustment, yeah.

7 DR. BERNARD: -- adjustments in inspection.

8 MS. SCOTT: The types of activities that are
9 conducted at a facility.

10 DR. BERNARD: For example, certain things
11 that are now in the hands of Agency inspectors could
12 be taken over by industry inspectors with oversight by
13 the Agency to streamline things.

14 MS. SCOTT: Good. Good.

15 DR. BERNARD: We're not saying that. That's
16 a no no.

17 MS. SCOTT: That works.

18 MR. CLEMANS: You would rather take on that
19 burden than have the Government --

20 DR. BERNARD: If it were also coupled with
21 certain other incentives, and that would get into
22 classification defects and the way things are

1 responded to. There are ways of I think making this a
2 sufficient incentive to make plants and companies to
3 want to move in this direction. But it would only be
4 if the data were adequate to say that this plant is
5 doing a good job. It wouldn't be just --

6 MR. CLEMANS: Or where you come out being
7 done with that? Where does the plant come out when
8 something just -- it all hits the fan and it's
9 terrible?

10 DR. BERNARD: Well, you don't get the
11 benefit.

12 MR. CLEMANS: But I mean just -- but aren't
13 there bad days or bad weeks or something where --

14 DR. BERNARD: You know, you've got to take
15 some kind of a -- Dane Bernard. You have to take some
16 time period. I mean it can't be day to day. It's got
17 to be a time block, whatever that happens to be over
18 three months or an averaging over that amount of time.

19 MR. PRETANIK: He's talking about, you know,
20 process control, so that you maintain -- if you get a
21 glitch, that doesn't necessarily mean the process is
22 out of control --

1 MR. CLEMANS: It averages out.

2 MR. PRETANIK: We have a timeframe, and it
3 would be for specific activities certainly, and that
4 might be an inducement to become a more efficient
5 operation, and maybe some activities may be done
6 better again -- perhaps the way the product is tested
7 may not -- for example somebody -- boneless, skinless
8 chicken breast, if you have feathers on it, the
9 consumer is not going to buy that product. So you may
10 not need to spend as much time looking for the
11 feathers as --

12 MR. CLEMANS: I understand.

13 MS. SCOTT: I've got a couple barriers.
14 This is Jenny Scott. One barrier would be the
15 potential that industry data is released through FOIA
16 or some other means, and another barrier would be that
17 the industry data would be used by the inspection
18 force to generate additional NRs, other adverse
19 consequences against the plant.

20 MS. JOHNSON: What was that?

21 MS. SCOTT: Industry data being used by the
22 inspectors to generate additional NRs.

1 MR. CLEMANS: There's the collusion or
2 antitrust concern, data driven concern, to be dealt
3 with through an understanding by the Advisory
4 Committee and whatever --

5 MR. JAMES: Another barrier, this is
6 Jonathan James, may be the, not education as in
7 household or college or anything like that, but just
8 the understanding of -- information -- it depends on
9 who it's going to be released to and what the barrier
10 is, how it is interpreted.

11 MS. SCOTT: So misinterpretation of the
12 data.

13 MR. PRETANIK: Any others? Any other
14 questions you want to revisit?

15 (No response.)

16 MS. JOHNSON: Okay. You've got about seven
17 minutes to get your act together to present this.

18 MR. PRETANIK: Okay. Thank you much.

19 (Whereupon, at 11:37 a.m., the meeting was
20 concluded.)

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C E R T I F I C A T E

This is to certify that the attached proceedings
in the matter of:

USING DATA FROM OTHER SOURCES

A CHARGE FROM FSIS: QUESTIONS FOR
CONSIDERATION IN BREAKOUT SESSIONS

BLUE GROUP BREAKOUT

Arlington, Virginia

April 30, 2007

were held as herein appears, and that this is the
original transcription thereof for the files of the
United States Department of Agriculture, Food Safety
and Inspection Service.

Dominico Quattrociochi, Reporter
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