

UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ADVISORY COMMITTEE ON
MEAT AND POULTRY INSPECTION

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SUBCOMMITTEE 1

FSIS BEST PRACTICES GUIDANCE FOR
CONTROLLING LISTERIA MONOCYTOGENES (Lm)
IN RETAIL DELICATESSENS

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TUESDAY
MARCH 29, 2016

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The Subcommittee met in the Auditorium,
355 E Street, S.W., Washington, D.C., at 1:38 p.m.,
Sherika Harvey, Chair, presiding.

MEMBERS PRESENT:

- BETSY BOOREN, North American Meat Institute
- SHERIKA HARVEY, Mississippi Department of
Agriculture
- SHERRI JENKINS, JBS, USA, LLC
- JOHN MARCY, University of Arkansas
- DUSTIN OEDEKOVEN, South Dakota Department of
Agriculture
- RANDALL PHEBUS, Kansas State University
- MANPREET SINGH, Purdue University

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

(1:38 p.m.)

MS. KELLER: So I think in the interest of time we'll go ahead and get started. It looks like everyone's more or less ready.

Okay. So, good afternoon. My name is Kaitlin Keller. I'm in the Outreach and Partnership Division within the FSIS Office of Outreach Employee Education and Training. And I'll be your moderator for the subcommittee this afternoon.

As moderator, as a reminder, my role is simply just to keep us on track and on time. So I'll periodically inform the group of the time, to ensure that you have answers to the charged questions by 4:30 p.m., when we reconvene with the full committee.

If need be I may interrupt discussion if we get off topic a little bit, just to bring us back to the questions at hand. So first, I want to make sure that we have a chairperson selected.

The chairperson will lead discussion

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1 and present the draft report to the full committee
2 tomorrow morning. Do we have a volunteer for
3 chairperson? Don't all jump at once.

4 MEMBER HARVEY: What is the charge
5 again?

6 MS. KELLER: Just leading discussion
7 this afternoon. And then presenting the draft
8 report tomorrow morning to the full committee for
9 discussion. And we can also have a second person
10 taking notes. That might help the chairperson as
11 well, to have somebody as a note taker, and someone
12 as the chair.

13 Okay. Ms. Harvey will be chairperson.
14 Thank you for volunteering. Can someone take
15 notes for her? Or would you like to take them
16 yourself, Ms. Harvey?

17 MEMBER BOOREN: I'll take notes.

18 MS. KELLER: Okay. Great.

19 (Off microphone comment.)

20 MS. KELLER: Okay. Thank you, Ms.
21 Booren. So again, we have just under three hours
22 for discussion. I'd like to encourage robust and

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1 respectful discussion today. But I do remind you
2 that we need to reach consensus in a limited amount
3 of time.

4 A couple of housekeeping reminders.
5 You've already been told where the restrooms are
6 by now. Please keep phones off or on vibrate.
7 Take breaks as you need to. And at 3 o'clock I'll
8 ask if you'd like to take a brief break as a group.

9 Also, please say your name and
10 affiliation, as you have been today, when speaking.
11 Again, public comment is permitted here. I don't
12 know that we'll have too many, but to better assist
13 the court reporter, please speak into the
14 microphone, and always state your name and
15 organization first.

16 And please also wait until others are
17 done speaking before you do. And for public
18 comment, please also raise your hand and be sure
19 that the chairperson addresses you before making
20 your comment. And state name and affiliation
21 first as well.

22 So I think with that out of the way I'll

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1 go ahead and let the chairperson take over to lead
2 discussion. You may want to relocate up here, just
3 so that you can make notes if you need to.

4 MEMBER HARVEY: I can lead from here.

5 MS. KELLER: That's fine too. Okay,
6 great. Thank you.

7 MEMBER HARVEY: Thank you. Okay.
8 Has everyone turned to the Subcommittee 1 charges
9 that we have, the questions at hand for this
10 committee? You'll find them towards the back,
11 before the guide for our Lm.

12 Okay. Hopefully everyone is there. I
13 believe we were all taking notes, and jotted down
14 some suggestions with this particular topic.
15 Number 1 asks, what are the committee's
16 recommendations for steps that FSIS should take to
17 ensure better Lm control at retail?

18 Part 2 of that question, should FSIS
19 consider additional outreach to retail stores?
20 Okay. And if we decide -- So, what form should the
21 outreach take to be most effective? And B, what
22 topics should the agency address? Okay.

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1 MEMBER OEDEKOVEN: Good afternoon.
2 Dustin Oedekoven, South Dakota Animal Industry
3 Board. Obviously I think Lm control at retail
4 appears to be, you know, an important topic, and
5 something that needs to be further developed.

6 But I think in our presentations one
7 thing that we heard, or maybe discovered was that
8 while materials have been developed, it appeared
9 that most of the retailers which were observed
10 during that pilot project were not fully aware of
11 the materials that the agency has put together to
12 date.

13 And certainly, under our state
14 inspection program in South Dakota we've just
15 recently provided those materials to our licensed
16 retail establishments.

17 And so, I guess it's my feeling at this
18 point that it may be premature to gauge whether or
19 not the current outreach has been truly effective.
20 And perhaps, you know, a more concerted effort in
21 getting current materials to retail establishments
22 might be a good first step.

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1 MEMBER HARVEY: Should we, I'm sorry,
2 should we, does anyone want to piggyback on his
3 comment, or address that? Or should we continue?
4 I want to consider everyone. All right. We will
5 continue. Sorry, Sherri, go ahead.

6 MEMBER JENKINS: Sherri Jenkins, JBS.
7 So, as part of the recommendation, if you will, I
8 think we need to think very robustly about
9 sanitation and sanitation guidance, and very
10 specific sanitation guidance.

11 I think when you break it down and look
12 at the pilot questions, what was alarming to me from
13 my standpoint was all of the sanitation questions
14 where sanitation practices didn't exist.

15 Let's see, like 25 percent of them
16 didn't have scrubbing listed as anything that they
17 would do. Does the deli have written procedures
18 for cleaning? And I believe, it's hard to see in
19 here, but I think 60 some percent was no. So no
20 written procedures.

21 And then of them, 25 percent of them
22 apparently didn't have any scrubbing listed. And

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1 then, are they sanitizing equipment every four
2 hours? I believe 31 percent was, said no. So I
3 think there's some key indicators there that's
4 telling me that there's a break.

5 And I don't know if it's just they don't
6 understand, or they don't have the knowledge of
7 what is required to write a robust cleaning
8 procedure or sanitation procedure, and how to
9 follow that, per se.

10 So, and I don't know if that has
11 anything to do with the fact, when you look at the
12 breakdown of what was followed, and what wasn't
13 followed by area, meaning either the large
14 retailers or the independents, or things of that
15 nature.

16 I don't know if that had any part of
17 that, or is limited resources. But I think what
18 the compliance guideline is sort of lacking, not
19 that that's a bad thing, but we could enhance I
20 think the examples in there for the sanitation and
21 the cleaning, and how to do that. And better write
22 something.

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1 I know that there's been lots of
2 information for smaller plants that FSIS has put
3 out there, that's been more detailed, better
4 examples, a little bit of thoroughness, whether it
5 be gastroparesis, OP, things of that nature. So
6 I think something along those guidelines to enhance
7 that would help a lot as well.

8 MEMBER HARVEY: I agree. Okay. Next
9 I think we have Dr. Singh, I believe.

10 MEMBER SINGH: Yes. Manpreet Singh
11 from Purdue University. One of the things when I
12 look at all, typically most of the training
13 procedures or outreach type of things, I don't know
14 how much FSIS is engaging local Department of
15 Health or for that matter, even university
16 extension or, your food safety specialists who are
17 available within the state to do such type of
18 outreach programs.

19 I know that quite a few times it could
20 become a little, I mean, it can be more cohesive
21 effort to be able to do such sort of trainings. I
22 just don't know if these have been included in that

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1 training or outreach, or if there's an opportunity
2 for partnerships to be built that way, so that
3 there's more reach with the retailers within
4 different states.

5 So I just wanted to put that out there
6 in the sense of maybe that's a question or a
7 comment. I don't know. But we want to have some
8 clarification on that.

9 MEMBER HARVEY: Okay. Would you like
10 for it to be a question or a comment?

11 MEMBER SINGH: I think it would be a
12 recommendation, I guess, would be to, you know,
13 partner with a local Department of Health and, you
14 know university extension systems, to be able to
15 deliver such trainings.

16 MEMBER HARVEY: I'm considering the
17 same. Okay.

18 MEMBER SINGH: Okay.

19 MEMBER HARVEY: Good job.

20 MS. KELLER: This is Kaitlin Keller,
21 FSIS. I just want to interrupt briefly to thank
22 Ms. Kristina Barlow and point out that she is here.

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1 So if you have questions and clarifications, you
2 can direct them to Ms. Barlow.

3 MEMBER HARVEY: That's true. Okay.
4 Would you like to address anything to her?

5 MEMBER SINGH: Sure, yes. This is
6 Manpreet Singh again. Just to clarify, is there
7 something like from the outreach that you have
8 developed materials to put out there for them, for
9 the retailer to see? But has there been
10 discussions of who to engage in developing such
11 programs, and delivering such type of programs, for
12 that matter?

13 MS. BARLOW: Well, we have had some
14 limited outreach, as I discussed earlier. But we
15 haven't worked on developing specific programs,
16 no. So I think that's a good suggestion.

17 So, I mean, I think there are some
18 industry guidelines, like the FMI guidelines, and
19 the ones that CFP have currently been working on.
20 That are due to be issued soon. That I think will
21 provide some of the information that you're
22 thinking about.

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1 But we've got to, that's something that
2 I think could use more work and collaboration. So
3 I think that's a really good suggestion.
4 Appreciate it.

5 MEMBER HARVEY: Thank you. And Dr.
6 Phebus, I believe you're next.

7 MEMBER PHEBUS: I guess this is kind of
8 going back to what Sherri from JBS mentioned.
9 First of all, I come from a family that has been
10 in the retail business my whole life. And so, I
11 have had the chance to see what goes on in the small
12 independent type scenario.

13 And when we're talking about referring
14 someone to the food code guidelines, or even a
15 document like this, it doesn't happen. They've
16 never heard of the food code. They don't know what
17 it is or who puts it out.

18 If we're going to have any impact at all
19 on reducing listeria risk, particularly with the
20 small or independent type groceries, but even I
21 think the chains, we need to have more precise type
22 information, as opposed to what I am reading in this

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1 guideline.

2 I mean, it's great to say, scrub a piece
3 of equipment. But unless you tell them where to
4 scrub, how to scrub, it doesn't get done, and how
5 to document it.

6 So, I guess as far as a recommendation
7 I think we do need to have better outreach materials
8 that are precise and to the point, and really
9 focuses on an untrained person, you know, it's not
10 scientifically educated bunch of people who are
11 doing this.

12 It's high school kids that are waiting
13 to get out a 7:00 p.m. to go to their date, or to
14 the ball game. That's who's doing the sanitation
15 in these delicatessens at that point in time.

16 MEMBER HARVEY: That's a good point.

17 (Off microphone comment.)

18 MEMBER HARVEY: I believe that too.

19 Go ahead.

20 MEMBER MARCY: John Marcy, University
21 of Arkansas. Granted I'm going to, you know, say
22 the same thing in general, that if we look at these

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1 guidelines it's a great academic, you know,
2 reference. It's, you know, all encompassing, you
3 know. You've got a lot of experience dealing with
4 manufacturers.

5 But these aren't manufacturers, you
6 know, they don't have the level of sanitation. I
7 think we have to get to the sanitation component.
8 And you're going to have to focus in on very
9 component, you know, they're not going to --

10 They'll probably look at this large,
11 what I consider a large document. And hopefully,
12 they may not know where it is in the food code, but
13 they actually should know the regulations in their
14 health jurisdiction that do apply to what they're
15 doing.

16 But where USA is, you know, looking at,
17 you know, 1,000 or so manufacturers that do deli
18 meats, you know, there's tens of thousands, maybe
19 over 100,000 delis out there slicing.

20 It's a whole different ball game that,
21 I'm not surprised they weren't aware of the
22 guidelines that are out there, or that, you know,

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1 they weren't following them. I think you've got,
2 I think all outreach is important.

3 But I think you've got to focus on a few
4 key things. And sanitation's probably one.
5 Because there's probably nothing harder to clean
6 than a slicer, you know. And it's dangerous. And
7 it's problematic, period, you know, it's tough.

8 MEMBER HARVEY: Dr. Marcy, do you have
9 any suggestions on how FSIS can do better with
10 outreach?

11 MEMBER MARCY: Well, you know, the
12 people who make slicers have good instruction of
13 how to clean them. There's a large warehouse
14 company that's not located in Arkansas that, I went
15 looking on my computer. I thought I had a graphic.

16 But in their training, you know, you can
17 click on a photo of their slicer. It will actually
18 come up with a graphical representation of the
19 sanitation operating procedures on how to clean
20 this. And that's the level you need to be for
21 operators.

22 I mean, it's got to be hands on. You

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1 got to show them, and maybe video. But, you know,
2 they're not going to read this in the text, you
3 know. It's got to be very, it's got to fit in with
4 who they are, like Randy said. These are people
5 who really may not care.

6 MEMBER HARVEY: Thank you. Great
7 suggestion. We'll go to Dr. Booren.

8 MEMBER BOOREN: Betsy Booren, the Meat
9 Institute. So, I'm going to add some stuff to what
10 John said. And then I've got a couple of questions
11 that I think are important for us to consider.

12 As a trade organization, as well as I'm
13 president of our research foundation, we have
14 funded quite a bit of work in the retail deli. And
15 we have retail members.

16 And so, I've spent a lot of time in the
17 last six years really addressing this issue, both
18 from a packer processor, and how does that impact
19 on the retail deli, particularly as the risk
20 assessments came out.

21 And I think one of the first things you
22 have to realize is, if you talk to a retailer,

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1 making the assumption that slicers can be cleaned
2 is something that we should consider.

3 Because as I've been told, you have
4 retailers that could have a million slicers that
5 they have to swap out if you make a guidance. There
6 are many small bodegas across, take New York City,
7 Chicago, here in D.C., that are buying used
8 slicers, that cannot be cleaned in a way that could
9 be described.

10 So I think as we talk about guidance we
11 need to be realistic about what's actually out
12 there, and how it can be cleaned, to be addressed.
13 Because these are real life issues.

14 I think as I look at this charge, and
15 I'm, this is how I think, so I'm going to just say
16 it. I'm looking at this as FSIS best practices for
17 controlling Lm in the retail delicatessen charge.

18 So while FSIS, we're focused on meat and
19 poultry and egg products, I look at this charge with
20 the work that had been done with the interagency
21 risk assessment with FDA, and I say, if we're
22 looking at Lm in the retail deli, we, as someone

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1 who sits on the subcommittee, need to think about
2 what else is going on in there.

3 And when you look at the data coming out
4 of Martin Wiedmann's lab, as well as things coming
5 out of Purdue, and Haley Oliver, and Matt
6 Stasiewicz at Illinois, and you look at what is
7 going on from their sequencing, and so forth, you
8 realize that Lm may not be the best organism to
9 improve listeriosis.

10 If listeriosis cases are going down,
11 and we haven't had a recall due to a human illness
12 since 2002 in meat and poultry, and I believe that's
13 still a record from a federally inspected facility.
14 There's been some state outbreaks. So what is
15 making people sick in the retail deli?

16 And I think as I look at this issue, and
17 we provide guidance for this control to retailers,
18 are we focusing on the right things? And I agree,
19 Sherri, with what you said, and Dustin, and
20 everyone. I think you cannot make the assumption
21 that what we know in the meat and poultry industry,
22 and how we've controlled Lm in our establishments

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1 is an automatic transfer to the retail environment.

2 I mean, the condensation questions, you
3 know, what FSIS has jurisdiction over, and what
4 they can look at it. I don't disagree with the idea
5 of sanitation records, temperature. We're doing
6 that already in many other aspects.

7 But if we're going to try to improve
8 public health on listeria, which is what I think
9 we're all trying to do here, how do we do that best?
10 And there are so many inputs. So, I like the idea
11 of talking about do we need basic sanitation
12 guidance?

13 Because we have lots of other inputs
14 coming into this facility that's just not the meat
15 product. What is it, 29 percent? Or is it 12
16 percent comes in on the wheels on the retail grocery
17 cart from the parking lot. I mean, how do we
18 control that? And so, how do we control that
19 within there?

20 And I think sanitation is a really good
21 step. But the idea of some of the, from an outreach
22 standpoint, I think your questions, Manpreet,

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1 about collaborating with public health
2 departments, and so forth.

3 They're the inspectors as well as FSIS,
4 and I think FDA. Even though I'm not an FDA
5 regulatory expert. Where are their roles, and how
6 does that work? I can't think of a better
7 opportunity for collaboration in this effort.

8 Because you all have regulated product.
9 They all have different public health missions that
10 overlap in the retail store, just like they would
11 in a restaurant. And so, that's where I struggle
12 with this. Because I think outreach is needed.

13 But from an inspection standpoint, what
14 kind of recommendations could I put out? I don't
15 quite have my head wrapped around this. Because
16 I think some of the stuff that was presented, while
17 really important, may not hit what they need to do
18 for reducing Lm illnesses.

19 Very important information. Need it.
20 But is it doing ultimately that public health
21 mission? And that's personally where I'm sort of
22 struggling with, from that standpoint.

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1 And I think, quite frankly, I'd want on
2 the record, since I still have the mic, that
3 interagency risk assessment looked at food
4 samples, really looked at them. And the FDA side
5 never got analyzed.

6 The meat and poultry side got analyzed.
7 But the FDA side didn't get analyzed. And my
8 understanding, that was due to budget constraints
9 about four or five years ago.

10 So there is a lot of data out there that
11 perhaps on the risk of what's going on in the deli
12 that never fully got analyzed. And that could have
13 been useful here.

14 And I think one of the, quite frankly,
15 the recommendations I would want on other things,
16 or just a miscellaneous, is that that kind of
17 information would have been really helpful for us
18 to use, and would have been really helpful for FSIS
19 as you work in your partnerships with FDA in
20 developing guidance and recommendation for
21 retailers.

22 And it's a shame it never got analyzed

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1 the way it should have a couple of years ago. And
2 that was way more than you thought I was going to
3 say.

4 MEMBER HARVEY: Dr. Phebus.

5 MEMBER PHEBUS: One of the things I'll
6 put out, you know, as we look at controlling things,
7 and looking at the diversity of the people doing
8 slicing and sanitation, and all those things in the
9 delicatessen industry.

10 To me, if you're going to have any
11 success you have to have something built in that's
12 across the board, almost foolproof. Because you
13 know that there's going to be a lot of variability
14 in how well people do the other things.

15 So, one of the most powerful controls
16 of listeria is using secondary inhibitors in the
17 products. Is there a recommendation that could be
18 made that when people are buying product for
19 delicatessens, that the risk would be much less if
20 they would buy product that has antimicrobials,
21 citrates, lactates, and things in it, as opposed
22 to, you know, some of the ones that are all natural,

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1 and that sort of thing?

2 I don't think most of the companies
3 would, or most of the small grocers and things
4 understand at a level that they could cut their risk
5 if they looked at the product formulations that
6 they're using in their deli cases.

7 MEMBER HARVEY: Okay. Thank you.
8 Ms. Jenkins.

9 MEMBER JENKINS: Well, it's hard to
10 follow Betsy. But I will try. So, just I guess
11 two pieces. The first part I just wanted to add
12 to a little bit, when we talk about teaching them
13 sanitation and guidance, and outreach.

14 We also need to have a way to talk to
15 them about record keeping, which I know is an issue
16 on there, as well as verification of their process,
17 to some extent. And how they would go about doing
18 that, right.

19 Not really how the agency would do it.
20 Because when you talk about the multitude of
21 delicatessens out there, I just don't think that
22 that's humanly possible. And then the training of

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1 their employees and their staff.

2 So, I think FSIS is very small.
3 Establishment outreach that they've done has been
4 fairly successful, as well as the information that
5 they've put out there, and how they get it out to
6 the state agencies, if you will.

7 And they're working strongly with them
8 in the whole very small establishment world. So
9 I think maybe there's some learnings there, or some
10 parallels that, you know, that the guidance for an
11 outreach for the Lm and the delicatessens could
12 take to get things to that nature, once we figure
13 out what it is we need to get to them.

14 I think that's a possibility. So I
15 just wanted to state that. I have a question
16 though, I just, with Dr. Phebus. So, I'm not sure
17 how to phrase this question.

18 So, regardless of what we put in the
19 product, and how safe it is when it comes from the
20 federal establishment, which according to what
21 FSIS positive rate is, it's very, very low. It's
22 less than a half a percent, correct, from federal

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1 establishments?

2 Regardless of what happens there, all
3 it takes is the slicer being contaminated from the
4 day before. And it may not even be from error. It
5 could just be from poor cleaning.

6 So, I mean, yes, we can say that, you
7 know, they need to have antimicrobials in the
8 product, so to speak. But it's not really going
9 to matter to us in the end if it's not handled
10 properly in the delicatessen, right?

11 MEMBER HARVEY: You can answer.

12 MEMBER PHEBUS: Sherri, I thought, my
13 thoughts on that is --

14 MEMBER HARVEY: State your name,
15 please.

16 MEMBER PHEBUS: Oh, my name. Randy
17 Phebus, Kansas State University. My thoughts when
18 I made that statement is, I understand that, you
19 know, you're still likely or possibly going to have
20 contamination happen.

21 But when these consumers take this
22 sliced product in the bag home, and store it in

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1 their own refrigerators for five, seven, ten days,
2 then, you know, that in itself is going to be a huge
3 public health protection if you don't have
4 outgrowth even after it leaves the delicatessen
5 area and goes to the home.

6 Because at home we don't have good
7 temperature control. We don't have good shelf
8 life control. A lot of things can go bad there.
9 So if you've got a low level that gets put on from
10 a slicer, that can become the public health hazard
11 at the home. Just a thought.

12 MEMBER HARVEY: That's a great
13 thought. Can you help us? How much time do we
14 have? I want to make sure that we --

15 MS. KELLER: It's about 2:05 p.m. right
16 now.

17 MEMBER HARVEY: Okay. Thank you.
18 And I believe Dr. Marcy was next.

19 MEMBER MARCY: Thank you. John Marcy,
20 University of Arkansas. I'm going to take a
21 contrary approach to Dr. Phebus on the
22 antimicrobials. And I'm proud to do it.

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1 But, you know, when the categories of,
2 were established by FSIS on, you know,
3 interventions in deli products for listeria
4 control, you know, sanitation only was one of
5 those, you know, items

6 And there's some fairly significant
7 deli producers who choose that. Because none of
8 those antimicrobials lack a flavor component.
9 They all contribute to different flavors that, you
10 know, for the quality's sake, these companies have
11 decided they don't want those in their product.

12 And it's not just because they're all
13 natural, yada, yada, yada, you know. There's a lot
14 of those as well, you know. But, you know, even
15 her data, yes, it was 30 percent didn't have
16 antimicrobials, you know, which is not a small
17 number.

18 I would hate to say that you need to
19 require it. In fact, I think there's a problem
20 with saying, well, you should do this, because you
21 allow it, you know.

22 It's a whole class of products that's

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1 out there, and have been out there for years, and
2 really haven't had a problem that I'm aware of, you
3 know. It's not an issue to me.

4 I agree that there's a level of benefit.
5 But there's a trade off in the taste of the product.
6 You know, there again we get into the home
7 refrigerator. If you want to make an outreach
8 statement, tell them to clean their refrigerators
9 once in a while. Because, there's a problem with
10 home refrigerators.

11 (Off microphone comment.)

12 MEMBER MARCY: Yes.

13 MEMBER HARVEY: You done? You done,
14 Dr. Marcy?

15 MEMBER MARCY: I am.

16 MEMBER HARVEY: Okay. I felt like you
17 wanted to say something else, but maybe not.

18 MEMBER MARCY: I can go for days.

19 MEMBER HARVEY: I'll bet. Okay. I
20 believe Dr. Singh was next.

21 MEMBER SINGH: Thank you. Manpreet
22 Singh, Purdue University again. Just going back

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1 to the first comment of sanitation. I know that
2 for a fact data that has been coming out recently,
3 they have gone into so many delis and retails, done
4 sanitation, gone back and done samplings again, to
5 see that not only listeria is surviving in it, but
6 also it's a similar pattern, the same ones are
7 persisting through it.

8 So there's a different set of
9 information which is now coming out and saying that
10 the persistence of the same strain by doing the
11 fingerprinting. It's saying that it is not being
12 cleaned through sanitation.

13 So, I think the challenge is, how do we
14 develop effective guidelines, or effective videos,
15 or visuals to clean delis, or to clean equipment?
16 Because it's going to be -- Or sanitize equipment.
17 Because that is a bigger challenge.

18 And to clean, they have taken apart
19 equipment. They've cleaned equipment, sanitized
20 equipment. There's not only that. There's
21 facilities now, which are old. So we know. And
22 Dr. Phebus mentioned that earlier, drains, vents,

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1 whatever they are. I mean, all those older
2 facilities.

3 So, and being in an environment where
4 there's so many other commodities as well.
5 There's, I mean, aerosolizing, and everything. So
6 it's as much far beyond just sanitation is a very
7 simple statement to say, I think. But it's much
8 more to do instead.

9 MEMBER HARVEY: I agree that it's up to
10 this committee for us to take a stance on exactly
11 what we want to concentrate on here today. And I
12 think eventually we will need to get to that.

13 MEMBER SINGH: Right. This is
14 Manpreet Singh again, from Purdue. I agree with
15 that. But at the same time if you're going to make
16 a, we're going to take a stance, we need to look
17 at the data which is out there showing that does
18 sanitation really, truly eliminate the listeria
19 which was already present there? Or is it just
20 that we're doing it, but we're not tracking it
21 again?

22 MEMBER HARVEY: Okay.

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1 MEMBER BOOREN: Can I follow up with
2 what -- This is Betsy from, Booren, from the Meat
3 Institute. I think Manpreet's starting to get at
4 the heart of the issue here.

5 We have a very complex system of trying
6 to control pathogens. And I think you're starting
7 to separate out. I think you, if you're looking
8 to control, if I was going to walk into a retailer,
9 I would look at it in a couple of different ways.

10 And this is how when I talk to
11 retailers. You have your environment. You have
12 your environment immediately in the retail deli,
13 which is the floors, the drains, the hoses.

14 A lot of what we know about the meat and
15 poultry can be transferred. How you hang it. How
16 you hang the hoses, what pressure. All of that
17 makes sense.

18 But then you do have, and Manpreet, you
19 talked about it, the facilities. Addressing
20 guidance for non-porous niches, and so forth,
21 whether it's sinks, floors, walls, lights, drains.
22 Outside of tearing it down and building a new one,

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1 that becomes a huge challenge.

2 So as I look at this, and you talk about
3 recommendations for outreach, what are proper,
4 proper, I don't know what that means. But from a
5 sanitation standpoint, how do you, what are the top
6 three things you need to do to break down a slicer
7 and clean it?

8 What are, if you're going to sanitize,
9 or if you're going to monitor temperature from
10 refrigeration units that are there immediately in
11 the deli? What are the sinks, the walls, and so
12 forth?

13 Because I think a one size fits all
14 doesn't work here. Because the data's absolutely
15 right. We're seeing long term persistence in
16 floor drains, and perhaps in other places. I don't
17 think we're seeing it necessarily on the equipment,
18 like the deli slicers, and so, because they're
19 cleaned regularly.

20 But to me that's a different approach.
21 It's a very different approach. And so, I think
22 as we're putting recommendations in this we need

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1 to be thoughtful on that.

2 I think the other thing we have to
3 realize, to your point, Randy, is about inhibitors,
4 is that the equipment within that immediate retail
5 deli, and I'm talking like the case, the slicers,
6 the sinks, not the whole retail deli.

7 But what I'm, I think we're all truly
8 envisioning is just the meat and deli case. Is
9 that, you know, could a good recommendation be,
10 their slicing cheesers. What is that? They're
11 slicing cheese on the same slicer.

12 So, we need to be thoughtful I think in
13 recognizing that if you're saying a recommendation
14 like inhibitors, do we mean that for all food
15 products in the deli? Because an inhibitor in a
16 meat product, and one, and you don't have one in
17 a cheese slice, changes your risk dramatically.

18 So, I think as we're looking towards
19 guidance, could a recommendation be, if you have
20 one slicer that's used for all food products,
21 here's potential recommendations, versus a meat
22 only or a cheese only. And retail stores use a

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1 combination of that.

2 But I, you know, that's just a layer of
3 complexity in this. And I think meaningful
4 impacts from the meat and poultry standpoint would
5 be my, at least right now, my gut recommendation
6 would be, as we look at outreach and guidance for
7 those components that really we can control within
8 the meat and poultry side.

9 If you're going to do anything,
10 slicers, the cases, the temperatures, have
11 discussions about what we've talked about within
12 the food code, the sinks, and so forth.

13 I think you could do encouragement on
14 facility, this design, and further equipment
15 design. But we also need to be realistic that
16 buying a slicer is a huge capital investment.

17 And, you know, there are people that are
18 going to their big chains. And when they sell
19 their slicers, buying it for their small ones. But
20 we have to cover all that.

21 I think it may be worth also, FSIS
22 considering talking to some of the meat and poultry

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1 suppliers that are alternative 3, that have a huge
2 outreach program to the bodegas and the delis that
3 they service.

4 Some of these companies have very
5 specific recommendations and guidelines if you
6 sell their products in their stores, on how they
7 should be handled, sliced, and treated.

8 And I think because of that there is a
9 way of doing this for every type of product, and
10 addressing the risk. And I think that's it for
11 right now.

12 MEMBER HARVEY: I think you just gained
13 us another hour. Because those points need to be
14 addressed I think. So, good job. And I want to
15 state that I apologize if I'm mispronouncing
16 anyone's name, which has probably been just about
17 all of you since we started. Okay. And with that,
18 Dr. Phebus.

19 MEMBER PHEBUS: Betsy brought up a good
20 point. In these smaller operations they're using
21 these slicers to do a lot of different types of
22 product slice, ready to eat and not ready to eat.

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1 I've actually watched them slicing
2 country hams, especially during the Christmas
3 holidays, and wipe it off with a paper towel and
4 slice turkey roll.

5 And so, I think the bottom line is, from
6 an outreach standpoint these people don't
7 understand the difference of slicing a country ham
8 and following it up. I mean, that's part of the
9 outreach that needs to be done is, what are the
10 risks when you do this, versus this, you know.

11 If you're using the same slicer to do
12 that type of product there needs to be very careful
13 consideration of the recommendations for how to
14 clean that equipment between products, not just at
15 the end of the day.

16 MEMBER HARVEY: Ms. Jenkins.

17 MEMBER JENKINS: Sherri Jenkins, JBS.
18 So, would this be something encompassing best
19 practices, if you will, for operating procedures,
20 as well as sanitizing, cleaning nightly, and
21 throughout operations? And kind of things to
22 highlight.

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1 You know, what if you drop a full roast,
2 if you will, cooked roast beef on the floor, right?
3 That's a huge loss to a small delicatessen if they
4 have to throw away or discard that whole entire
5 roast if they just opened it.

6 And, you know, people are people, and
7 it's going to happen. So what do you do? What's
8 the best thing to do? So maybe, is it, I'm just
9 asking the question. Is it kind of like a total
10 document? Not just solely for this one piece of
11 sanitation and stuff, but encompassing operational
12 parameters, operational sanitation, everything
13 like that. Question for the group.

14 MEMBER HARVEY: I think that best
15 practices are taken too lightly. So I think we,
16 if we recommend anything it should be stricter than
17 that documentation.

18 MEMBER BOOREN: I think one of the
19 other things that we haven't, that I, it's not
20 limiting from our discussion or for our
21 recommendations. This is Betsy Booren from the
22 Meat Institute, is the worker safety aspect here.

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1 You know, when you're in a meat and
2 poultry establishment you see the personal
3 protective gear. When we're in sanitation it's
4 different personal protective gear.

5 When I'm in a retail store and, you
6 know, consumers like to see their product sliced.
7 And they, I think they physically like to see that,
8 and be served. And it's, I think sometimes they
9 believe it's fresher and safer, and so forth.

10 But when you look at the risk also from
11 the cleaning standpoint, and I don't disagree that
12 they need to clean and perhaps do more. But I think
13 we need to be aware of, as we're, if there are any
14 recommendations on sanitation, be very aware that
15 it's an open food environment.

16 We have some worker safety issues. You
17 know, taking apart a slicer, John, you're right,
18 it's not easy. And it's extremely dangerous. And
19 to do, and do it in a way where you don't slice or
20 hurt yourself in that environment.

21 And so, I don't think that that should
22 stop us from making recommendations. But from an

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1 implementation standpoint, having these, making
2 recommendations perhaps on antimicrobials that
3 could be, and this is just an example, be sprayed
4 on the slicer, or be sprayed in the deli case.

5 Those kind of contact surface times,
6 absorption times, exposure times, not only to the
7 food and the humans become very critical
8 discussions as you're selling product out the door.

9 And I'll be the first one to admit, I'm
10 not that smart on all of that. But when I look at
11 that, and I see an open environment like that, that
12 becomes to me a, you know, if you have an 18 year
13 old slicing deli meat, we need to be thoughtful.

14 I know the stores are going to be
15 worried about it. How do they do what we're going
16 to potentially recommend, and do it safely both for
17 the customer, but also for their employees?

18 MEMBER HARVEY: I think that is a great
19 point, when it comes to safety. However, we have
20 to really consider if we want to think within that
21 realm, or just stay where we're at, you know.
22 Because our concern is public health.

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1 (Off microphone comment.)

2 MEMBER HARVEY: Okay. So, should we
3 go ahead and sum this up question by question? Or
4 does anyone want to make any more points of
5 discussion?

6 MEMBER BOOREN: No. I think we should
7 start trying to -- I think when we start trying to
8 answer the questions we're going to come up with
9 more questions and comments, and discussion.

10 I mean, I think that's inevitably
11 what's happened in the past. And I think the
12 discussion's been good. There's a lot of points
13 to consider. So I'd say let's move forward.

14 MEMBER HARVEY: Okay. So, you have
15 everything? That was it? Okay. I know you did
16 yours, because you were very vocal in that
17 discussion. Okay. All right. Well, good job.
18 We can move on then. And we went over more topics.
19 That's correct.

20 If the committee does not have any
21 recommendations on specific topics, that would not
22 apply to us. So, is everyone in agreeance to move

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1 on to number 3, or what? Because we -- Well, yes,
2 because we had specific topics, recommendations I
3 think went into all that, or what.

4 MEMBER HARVEY: Yes. That's how we did
5 it the last time.

6 MS. KELLER: Yes. This is Kaitlin
7 Keller, FSIS. You can go ahead and add notes if
8 you want there. Or you can start adding, you know,
9 paragraph answers. If you wanted to start that
10 now, it's up to you.

11 MEMBER HARVEY: We can still -- Well --

12 MEMBER BOOREN: Yes, I --

13 MEMBER HARVEY: Number 2.

14 MEMBER BOOREN: I'll just capture them
15 from up here [podium], because --

16 MEMBER HARVEY: Okay.

17 MEMBER BOOREN: -- quite frankly, you
18 trust me.

19 MEMBER HARVEY: Are there any comments
20 on number 2 while she's getting set up? Because
21 we identified so much.

22 MEMBER BOOREN: So let's --

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1 MEMBER HARVEY: I don't think that
2 question should really be here. Yes. You really
3 need to delete that. Dr. Marcy.

4 MEMBER MARCY: John Marcy, University
5 of Arkansas. In terms of that second one, on how
6 to get more information, you know, it actually kind
7 of came up in the, you know, there's going to be
8 more information hopefully through whole genome
9 sequencing that, you know, the attribution part may
10 reveal itself to us, that we're not there yet.

11 But, you know, I think it's time to wait
12 to see what happens with that technology. I think
13 we will get more answers. So other than that
14 recommendation, which actually, you know, you can
15 get rid of that question if you want to. I'm okay
16 with that.

17 But I think as far as where to get more
18 information, I think it will be through whole
19 genome sequencing.

20 MEMBER HARVEY: Okay. Sounds good.
21 Anyone else?

22 MEMBER BOOREN: Is that where you

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1 wanted it, under two?

2 MEMBER MARCY: Yes.

3 MEMBER BOOREN: Did I say it right?

4 MEMBER MARCY: Yes.

5 MEMBER BOOREN: Okay.

6 MEMBER HARVEY: Okay.

7 MEMBER BOOREN: All right. What topic
8 should -- Do you want me to just start filling in?

9 MEMBER HARVEY: Sure.

10 MEMBER BOOREN: So, what I think I
11 heard is, what topics should the agency address?
12 Sanitation. Sanitation, considerations given for
13 complexities, and no judgment on spelling.

14 MEMBER HARVEY: None whatsoever.

15 MEMBER BOOREN: Thank you. I mean,
16 you can judge me for everything else.
17 Consideration for complexities within retail
18 environment. There we go.

19 MEMBER HARVEY: Hey, Betsy, you put it

20 --

21 (Off microphone comment.)

22 MEMBER HARVEY: Yes.

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1 MEMBER BOOREN: No.

2 MEMBER HARVEY: That's it.
3 Environments and equipment.

4 MEMBER BOOREN: Which includes?

5 MEMBER HARVEY: Well --

6 MEMBER BOOREN: Includes equipment.
7 All of this can be edited.

8 MEMBER HARVEY: Personnel.

9 MEMBER BOOREN: Regional location?
10 Because that was one, I mean, quite frankly, one
11 of the things that I, when I look at this issue is,
12 someone who went to school in southern Texas, the
13 risk of retail stores in environmental, when the
14 doors open and shut, compared to where I grew up
15 in Michigan in the summer, changes just as it would
16 in the winter.

17 And so, I'm, I think as FSIS considers
18 that you may have different regional areas that
19 have different Lm risks, depending on where they're
20 located, just like they would with any other
21 aspect.

22 I don't know, I don't have good data on

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1 that. But I think if you were talking, that would
2 be something I would want to emphasize to consider
3 as you're working with your other federal partners
4 is, are there risks if it's in Mississippi versus
5 North or South Dakota? There might be some
6 regional risks that could drive safety in these
7 facilities.

8 MEMBER HARVEY: Understandable.

9 MEMBER BOOREN: All right.

10 MEMBER JENKINS: Betsy, this is
11 Sherri. I think another topic on there too would
12 be operational procedures. Whereas there's some
13 things that, you know, I think came up with the
14 folks that would be doing that stuff, and how they
15 should operate it.

16 Like, some of the things were don't, if
17 you have one slicer, this is how you should handle
18 cheese versus meat, or follow it, or how. I mean,
19 I think there's some key recommendations in that
20 that I think need to be thrown out there for
21 outreach as well. Not just the basic sanitation.
22 I think there should be --

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1 MEMBER HARVEY: Like more thorough
2 cleaning between products?

3 MEMBER JENKINS: Right. And so, how
4 would they do it, and why would that be of a concern,
5 right? Like, because, you know, we've discussed
6 briefly why cheese might be an issue, versus the
7 meat that follows, or ever the country ham, you
8 know, things of those nature.

9 I think if we're talking about outreach
10 we're talking about education, right, and
11 educating them on the whole would be important, is
12 the first step.

13 MEMBER HARVEY: Go ahead, Dr. Phebus.

14 MEMBER PHEBUS: Randy Phebus, Kansas
15 State University. One of the things I think we
16 probably need to point out, and maybe make
17 recommendations is, first of all, if we go back and
18 look at a lot of the big chain retailers, they've
19 got a delicatessen area, which is distinct from the
20 raw meat area, you know, in different shops.

21 Well, in a lot, in most of these small
22 independents they're doing ready to eat meat, and

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1 ground beef, and chicken, cutting up chickens all
2 in the same meat department. And I think there's
3 a huge difference in the level of risk that probably
4 exists in those two scenarios.

5 So if we can get some guidance, you
6 know, they don't know to separate based on
7 listeria. If we can give some guidance and insight
8 as to why this puts people at risk, then I think
9 we might get better payoff.

10 So, as we're putting those bullets up
11 there, the operational procedures, we could kind
12 of highlight that we understand that, you know,
13 these things happen in certain smaller type grocery
14 stores. And your risk is higher. And this is what
15 you need to do to lower that risk. You following
16 what I'm saying, Betsy, in your typing?

17 MEMBER BOOREN: Yes. I'm trying to
18 figure out a way of writing that that would be most
19 impactful for the agency.

20 We want an acknowledgment that risks
21 for different sized, whether it's independent or,
22 I'm going to use the FSIS vernacular, small and very

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1 small versus large. That there are different
2 risks. And that those considerations should be
3 considered when they're looking at guidance and
4 other type of activities. Is that what you're --

5 MEMBER PHEBUS: Yes. Something like
6 that.

7 MEMBER BOOREN: I'm just going to put
8 that down. Because I know what that means.

9 MEMBER PHEBUS: I guess the main point
10 of what I was saying is that if you've got a separate
11 and distinct operation that's a delicatessen,
12 versus if you're doing multiple things in the ready
13 to eat, those are much different levels of risk.

14 MEMBER BOOREN: Okay. I don't think
15 I've got it yet. But let's see if we can come up
16 with better language.

17 MEMBER SINGH: This is Manpreet Singh,
18 Purdue University. I think if I'm catching this
19 correctly is we're probably doing targeted
20 outreach. Right? Because we're going towards
21 "small" and very small, like Betsy mentioned, and
22 the large retailers.

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1 So maybe it could be something worded
2 in the sense of saying we're, you know, targeting,
3 or targeted outreach programs. And also saying
4 separation of product, right. Because you're
5 saying ready to eat in one side, and raw, not ready
6 to eat as a separate area. So that we're not
7 commingling those areas, so to speak.

8 MEMBER PHEBUS: Randy Phebus again. I
9 agree that we, that's kind of what we're doing. We
10 want to be careful because the data, we don't have
11 any data that would suggest that small do worse,
12 or have riskier product than large.

13 It's probably true. But we don't have
14 data. But I think if we could make the
15 distinction. Even if you're a large company, if
16 you're doing raw and ready to eat in the same
17 general environment, you're probably at a higher
18 risk than if you've got a delicatessen area that's
19 distinct and off to the other side of the store,
20 or something.

21 MEMBER HARVEY: Dr. Marcy.

22 MEMBER MARCY: Yes. Just to clarify.

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1 We're talking about raw. Now, there's a lot of
2 delis that have rotisserie chicken operations
3 either very close or, you know, collocated that,
4 you know, you see that often in large stores. I
5 mean, it's not a small operation event.

6 MEMBER HARVEY: I'm glad you pointed
7 that out. Because that was a great example from
8 the presentation earlier. That's true. Okay.
9 We'll let her get caught up.

10 MEMBER BOOREN: I put it as raw versus
11 RT separation. This is Betsy with the Meat
12 Institute. I think, Randy, to your point, what do
13 we know?

14 We know from just basic food handling
15 the ideas of keeping raw and cooked items separated
16 is probably, in my mind, from where I sit, the best
17 advice you could give. And I think we saw some of
18 where that product was, what was presented to us
19 where the product was laying.

20 I don't have any scientific data to
21 demonstrate otherwise. But to me those key
22 messages, and being reinforced are really

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1 important. And I will even take it a step farther.
2 Seeing who's in the room.

3 From a standpoint of it's not only
4 what's in the retail deli on that, but also working
5 with our partners at the state and FDA side to make
6 sure that that's happening behind the scenes.

7 Because what we're talking about is in
8 front of the store, what's facing the customers.
9 What happens behind the scenes is also very
10 important.

11 And so, I think a recommendation to
12 make, ensuring that as you're storing product, that
13 raw and ready to eat are being kept as separate as
14 possible, will help minimize and change a food
15 risk. Just my two cents.

16 MS. KELLER: This is Kaitlin Keller,
17 FSIS. I just want to let you know that it's 2:30
18 p.m. now. I think discussion's been really great
19 so far. And it was a good idea to start taking the
20 notes. And just continue on this way, I'll let you
21 know when it's 3 o'clock, if you want to take a break
22 then.

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1 MEMBER HARVEY: Okay. Thank you.

2 Betsy, can you minimize that page just a little?

3 MEMBER BOOREN: Yes, absolutely.

4 MEMBER HARVEY: I don't see number 1.

5 MEMBER BOOREN: Did you say enhance, or
6 move down?

7 MEMBER HARVEY: No, minimize it, so we
8 can see the whole page a little bit more.

9 MEMBER BOOREN: I can do that.

10 MEMBER HARVEY: Then go up.

11 MEMBER BOOREN: The challenge is that
12 then it becomes really small.

13 MEMBER HARVEY: Yes. Go up about 80.
14 It should go up to 80.

15 MEMBER BOOREN: Go up to A?

16 MEMBER HARVEY: Yes, click on them,
17 yes. Well, what's that, 80 plus? That's, just
18 continue doing what you're doing. That's fine.

19 MEMBER BOOREN: I was trying to,
20 looking back to my notes and seeing, trying to catch
21 what we said.

22 MEMBER HARVEY: Yes. And that's fine.

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1 While she's on number 1, 1A, we cover it so much.
2 But to make sure that we get all these great and
3 thoughtful ideas. I ask that you make sure that
4 she notates that up there if we don't get what you
5 said.

6 And while she's doing that we can go
7 ahead and look at three, and just be thinking of,
8 you know, jotting down some recommendations in our
9 heads.

10 MEMBER JENKINS: Hey, Betsy, this is
11 Sherri. On that one right where you're at, a
12 bullet point.

13 MEMBER BOOREN: Yes.

14 MEMBER JENKINS: Readily available.

15 MEMBER BOOREN: And readily available.

16 MEMBER HARVEY: Where is that?

17 MEMBER JENKINS: In addition to, yes,
18 readily.

19 MEMBER BOOREN: Okay.

20 MEMBER JENKINS: Because we want them
21 to understand it needs to be practical. Kind of
22 a KISS method. And then readily available, or

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1 easily available, or however you want to put that.
2 But somewhere they, I mean, to have it is one thing.
3 But they need to -- That it exists is one thing,
4 but to actually have it and use it --

5 MEMBER BOOREN: Yes.

6 MEMBER JENKINS: -- is what we want.

7 CDR TARRANT: Hi. I just wanted to --
8 This is Jeff Tarrant, FSIS. I wanted to bring one
9 thing that may be helpful to the committee, is that
10 we at FSIS for years have had relationships with
11 the small, very small meat, poultry, egg product
12 producers. And our outreach methods have kind of
13 centered around that.

14 As we move into retail operations, this
15 is kind of new beast for us. And I think we as an
16 agency are wrestling with how best to reach out to
17 them, whether it's through the state partners or
18 through agricultural extension agents.

19 Or in one of the cases where we did the
20 webinar, where we worked through the food safety
21 partners that work at, you know, large chains and
22 stuff. We're just looking at very, you know, get

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1 more ideas as to how can we better get this
2 information out.

3 Because as we know, I mean, FSIS hasn't
4 had a historical relationship with retail
5 operations. But it seems that we are moving more
6 and more into that. So we can take this, whatever
7 recommendations you have, and apply that to other
8 initiatives that we move into.

9 And part of it too, is that we, is that
10 agency, you know, we could look back at FDA and say,
11 well, we could just follow what FDA did. But I
12 think even FDA didn't have that intimate of a
13 relationship with the retail operations.

14 They had more of a relationship with the
15 state partners. And then the states usually got
16 more involved with what happened in their own
17 states. So again, we can use any recommendations
18 you got, okay.

19 MEMBER HARVEY: With that, I have a
20 question. Is there an ongoing discussion, or has
21 there been, has there been first of all? And if
22 so, a continuous sit down with FDA, I mean, for more

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1 parallels and just to be -- You're on the same page,
2 but on the same line? If you will take that?

3 MS. BARLOW: Well, we meet regularly
4 with our FDA partners. We have monthly
5 harmonization meetings with them where we discuss
6 these issues, as well as the food code, and issues
7 with the grinding logs.

8 And there's some, this is one among
9 several of the issues that we discuss with them.
10 But I think, and my hope is as we move forward that
11 we become more and more aligned on listeria issues.

12 Since there's been some outbreaks in
13 ice cream, and things like that, both of our
14 agencies I believe have made it a priority. I know
15 it is for FSIS. And then, I can't speak for FDA,
16 but we both have seen, you know, what happens with
17 listeria outbreaks occurring.

18 And that we agree that the deli area's
19 a good place to continue to collaborate. So I
20 think, you know, especially over the last one or
21 two years we've really strengthened our
22 relationship. And we hope to continue that.

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1 MEMBER HARVEY: Thank you. Dr.
2 Dustin.

3 MEMBER OEDEKOVEN: Thank you. Dustin
4 Oedekoven, South Dakota Animal Industry Board.
5 And just a follow-up to both of the previous
6 comments, from the perspective of a state meat
7 inspection program is that, yes, we do find in our
8 state some overlap between our state meat
9 inspection program and the retail activities that
10 are carried out by our state health department.

11 And those would, of course, correlate
12 with federal programs, both on FSIS and FDA side.
13 And we do, we're finding ourselves in some new
14 territory with whether it be grinding logs or, you
15 know, some of the Lm guidance that's come down.

16 Just where we fit with regard to FSIS
17 outreach and whether it's a guidance document, to
18 what level do we enforce parts of that? Or to what
19 level do the federal compliance officers, and we
20 have a cooperative compliance agreement to work
21 together on those issues too.

22 But I think what we're getting at here

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1 is overall there is a need for more collaboration.
2 Being on the same line, as was mentioned, across
3 state agencies, federal agencies, as was
4 mentioned.

5 And Dr. Singh, you know, with
6 extension, there's definitely room here before we
7 -- You know, I think one of the questions on here
8 is, should we make new requirements?

9 Should we, you know, I guess the point
10 I want to make is, before we get started with new
11 rules and new requirements for anybody, we should
12 pause to harmonize our efforts across both state
13 and federal agencies, and probably with some local
14 health departments as well.

15 MEMBER HARVEY: Thank you. Dr.
16 Phebus.

17 (Off microphone comment.)

18 MEMBER HARVEY: Okay. Tell you that.
19 Dr. Marcy.

20 MEMBER MARCY: Thank you. John Marcy,
21 University of Arkansas. To go with what Dustin was
22 saying, looking at collaboration. You know, the

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1 Conference of Food Protection meets every other
2 year.

3 And it's a very collaborative -- In fact
4 it's the essence, if I think of it, in terms of,
5 you know, very structured stakeholders coming
6 together to deliberate issues.

7 And then they still got to get whatever
8 they decide past the Assembly of Delegates, which
9 really is from the states. And if that passes that
10 hurdle, then it goes to FDA and USDA and CDC.

11 So, you know, Council 2 is an education
12 council that, you know, you have the opportunity
13 to develop an educational piece, to vet it through
14 CFP.

15 Or you can also take your questions to
16 CFP, and probably get a working committee, that it
17 will have both state and local regulators, plus
18 industry, plus academia involved. So you get a
19 much broader consensus in any component that you
20 want. It's not quick. But it is collaborative.

21 The other thing I was going to mention,
22 CBC does have an environmental services branch down

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1 in Atlanta that, if you look at the retail side they
2 have a lot of good educational material, good data
3 on the hazards that are in that retail space.

4 MEMBER HARVEY: Thank you. Betsy.

5 MEMBER BOOREN: Thank you. One of the
6 things I, the institute, with our research funders,
7 whether it's a foundation or with the BeefCheckoff,
8 just did a webinar. And it was, we're going to
9 start doing more of these.

10 But what I thought was very interesting
11 is, this webinar topic was for validation
12 implementation. It was just, we had taken one of
13 our short courses.

14 But what struck me is, we had a webinar.
15 The number one question I got asked, was it
16 recorded? Because we'd like to watch it later.
17 And I think as we're talking here, one of the things
18 I think is important for FSIS is, you have to
19 disseminate this information across, that's part
20 of your mandate.

21 But I think the idea of having webinars,
22 and partnering with someone like myself as an

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1 institute, but also FMI, NGA, and offering free
2 webinars. We had 300 participants on a webinar.

3 And I bet you only a third of them were
4 my members, which if you think about from an
5 outreach standpoint, how do you engage with people
6 that don't belong to a trade organization? And how
7 do you get that?

8 And I think with retailers, every
9 opportunity, or within the retail environment,
10 every opportunity needs to be considered, from
11 partnering and engaging, and getting that
12 information out. Because we need to make sure it
13 does.

14 And this was an example. I mean, this
15 is, I wish we had thought of this sooner with some
16 of our other outreach. But I think with this
17 topic, with the importance of this, special
18 consideration should be given on --

19 If you're putting out these outreach
20 efforts, making sure that if they are webinars, not
21 just, of course, a PDF that you would download.
22 But thinking about it in ways that the retailers

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1 may be able to actually look at it and apply it
2 within their facilities.

3 And I think some of the guidance things
4 that we've talked about, whether it's the
5 sanitation, developing a video, or partnering to
6 show how you take apart a deli slicer, if that's
7 one, or how you don't clean a floor or a drain.

8 Putting it in words is one thing. But
9 having a video that could be downloaded, and
10 showing is another aspect. And I think that's
11 getting to your point. How do you have that
12 engagement?

13 I think you need to be, consider who
14 your audience is, and what's the most impactful.
15 And with today's technology it might be a short
16 YouTube video.

17 MEMBER HARVEY: That's a great idea.
18 I like that. As we know, we're all different types
19 of learners. But that visual training goes a long
20 way. Okay. I'm not sure if Dr. Phebus has, wants
21 his card up again or not.

22 (Off microphone comment.)

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1 MEMBER HARVEY: Okay. You're waiting
2 until she's done? Okay. Thank you. Well, did
3 you say break is 2:45 p.m.? Or what time did you
4 say, 3 o'clock?

5 MS. KELLER: I said 3:00 p.m. But if
6 this is a good time we can break --

7 MEMBER HARVEY: No, that's fine.

8 MS. KELLER: -- now. It's 2:45 p.m.

9 MEMBER HARVEY: I figure we'll finish
10 this, and then come back after break for number 3.

11 MEMBER BOOREN: Did we capture --

12 MEMBER HARVEY: Everyone in agreeance
13 with that?

14 MEMBER BOOREN: Did I capture
15 everything we talked about in A? Am I missing
16 anything? I'm looking through my notes. We had
17 a discussion about inhibitors. And I'm not sure
18 that would be more under B. But from an effective
19 outreach --

20 MEMBER HARVEY: I think you spoke more
21 on inhibitors more extensively than anyone else.

22 MEMBER BOOREN: But I don't think that

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1 falls under, from, under A.

2 MEMBER HARVEY: I didn't write it down,
3 what you said. So I don't know where it falls.
4 Let's see.

5 MEMBER BOOREN: And I guess the other
6 --

7 MEMBER PHEBUS: This --

8 MEMBER BOOREN: Oh, go ahead.

9 MEMBER PHEBUS: Oh, I'm sorry.
10 Relative to inhibitors, this is Randy Phebus. I
11 agree with what John, he was being contrary again.
12 But I think just have it in as a knowledge point,
13 or maybe a recommendation, that if you do buy these
14 types of products for your delicatessens you might
15 lower the risk.

16 And we understand that, you know,
17 sometimes we do impact flavor. But there's a lot
18 of research going on right now. As a matter of
19 fact, I'm doing some of it, on natural
20 antimicrobials that could be, you know, still be
21 listed as a natural type product that could give
22 you some additional listeria control without

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1 impacting the quality factor so much.

2 So, you know, that science is going to
3 evolve, hopefully. I think it would be nice to
4 have the note in there saying, you know, that if
5 you've got this, this, this, or this in the product,
6 that your risk might be lower.

7 MEMBER HARVEY: I think that's worthy
8 of looking into. Let's see what Dr. Marcy has to
9 say about that.

10 MEMBER MARCY: To be contrary again,
11 still, it may be so much as recommending to use one
12 with it, as saying that, you know, you may have a
13 higher risk, and need to pay more attention to what
14 you're doing if you don't have it.

15 MEMBER PHEBUS: That's what I was
16 trying to say.

17 MEMBER MARCY: Of course you were.

18 MS. BARLOW: This is Kristi Barlow
19 with FSIS. I'd just like to make a suggestion that
20 you include in your written comments some of the
21 discussion that you had about having specific
22 guidance on how to break down the slicers. Because

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1 I think that would be really useful to us to have.
2 So I appreciate that. And I think it would be good
3 to include.

4 MEMBER HARVEY: Dr. Singh, did she get
5 some of your points already?

6 MEMBER SINGH: Yes.

7 MEMBER HARVEY: Okay. You can go
8 ahead.

9 MEMBER SINGH: This is Manpreet Singh,
10 Purdue University. I think going back to the
11 outreach section, or outreach part of things, I
12 know we're having all the discussion on, you know,
13 the delivery method and development of all those,
14 information that needs to be out there.

15 One of the things which I know from
16 delivering information, or talking to people is,
17 or when you're doing these extension programs is
18 the consistency of the message that is being sent
19 across.

20 So, if we're going to have different
21 avenues of how things are going to be delivered,
22 it needs to be consistent information, and not

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1 having to confuse them any further than what it
2 already is, a complex matter to issue, to deal with.
3 So, I don't know if that's --

4 MEMBER HARVEY: Do you mean in relation
5 to the different agencies, instead of across the
6 board?

7 MEMBER SINGH: No. What I mean is,
8 consistency in the sense of the materials which are
9 being delivered.

10 MEMBER HARVEY: Delivered, okay.

11 MEMBER SINGH: I mean, there could be
12 different avenues, but the method has to be
13 consistent.

14 MEMBER HARVEY: Okay.

15 MEMBER SINGH: And it should not
16 confuse them more than they already are with that.

17 MEMBER HARVEY: Okay. Thank you.
18 I'll let her write that, and then I'll get back to
19 that.

20 MEMBER BOOREN: I'm writing this down.
21 I think I'm trying to, what I'm trying to, what you
22 want to do is that whatever we're recommending for

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1 outreach, we're also making the recommendation
2 that it's being consistently communicated, not
3 only to the stakeholders, but also to the other
4 agency, other public health and regulatory
5 agencies, so there's a consistent dissemination of
6 information.

7 MEMBER SINGH: Yes. So, you can have
8 your own iterations of that --

9 MEMBER BOOREN: Yes.

10 MEMBER SINGH: -- delivery. But at
11 the end of the day the message that needs to be put
12 across is a recommendation that we're going to have
13 for them.

14 MEMBER HARVEY: Okay. I think that's
15 good. Okay. Ms. Jenkins.

16 MEMBER JENKINS: Sherri Jenkins, JBS.
17 Betsy, if you get, my recommendation is to make the
18 inhibitors one its own bullet point. Pull it out,
19 not as an example under operations, but actually
20 its own bullet point, as something for them, food
21 for thought, something to look at.

22 MEMBER BOOREN: So, take this one here?

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1 MEMBER JENKINS: Yes. Just make it
2 its own bullet point.

3 MEMBER BOOREN: Like that?

4 MEMBER JENKINS: Yes.

5 MEMBER BOOREN: Got it. Okay. No, it
6 just, I think it dropped down to the next page.
7 We're working.

8 MEMBER HARVEY: Okay. Good. You're
9 doing great. Ms. Jenkins, are you like Dr. Phebus
10 now? Okay. Thank you. Okay. It helps me to
11 keep --- okay. Good.

12 MEMBER BOOREN: One of the things, and
13 this is a question to FSIS staff. Have you looked
14 at the current educational programs offered to
15 retailers? For instance, I know there are certain
16 companies, and I can give you names off the record.

17 But there are certain companies that
18 have a whole business towards that. And I think,
19 I'd be curious if that has followed your guidance.
20 Have you done any evaluation on those type of
21 educational programmings, versus the guidance that
22 you've developed? Are they in line?

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1 CDR TARRANT: To be honest, you know,
2 this whole --

3 MEMBER HARVEY: State your name.

4 CDR TARRANT: Oh, yes. Jeff Tarrant,
5 FSIS. Sorry about that. You know, this whole
6 relationship with the retailers is really new for
7 us. And we've spoken about the drill here that,
8 you know, we've had a history of other
9 relationships. But the retailers, no.

10 And so, we don't know really on the
11 retail level what they are training their folks.
12 I mean, my understanding, or my thoughts are that,
13 you know, when we talk about the chains, we talk
14 about Kroger's or various other places. They have
15 a much more robust food safety system in place.
16 And we have an easier way of reaching out to them.

17 But when it comes to the mom and pop
18 operations, or as we spoke about, some of these
19 ethnic groups in some of the cities where they're
20 getting, you know, older things, I would question
21 their training programs at that level. And we're
22 still trying to get our hands around this whole

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1 system here.

2 MEMBER BOOREN: I got another
3 question. It comes along the lines of this
4 intersection right now between, and I don't know
5 what they're calling it, retail delis in
6 convenience stores that are starting to emerge.
7 Would you anticipate anything that this committee
8 would move forward to be considered for that
9 environment as well?

10 I'm just trying to get a sense of, you
11 know, I would want this subgroup to put forth
12 recommendations that would be, it wouldn't pigeon
13 hole the agency. That you would have some
14 flexibility and allow that, as this develops in the
15 next couple of years to have the most flexibility.

16 So I think that would be helpful if
17 that's an avenue that you see the agency looking
18 to go down, or if you're just mainly going to stay
19 focused on primarily the unique retailers.

20 CDR TARRANT: Right now my
21 understanding is retailers --

22 MEMBER BOOREN: Okay.

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1 CDR TARRANT: -- is what we are, been
2 given the mandate to. So that could be grocery
3 stores and, I think, if I think back on my college
4 years, like a Wawa's convenience stores. They
5 used to have a deli there and stuff. So those are
6 the primary groups that we're trying to focus on
7 now.

8 MEMBER HARVEY: So, let me, I'm sorry,
9 clarify that. Just retail, convenience stores is
10 what you said?

11 CDR TARRANT: Yes.

12 MS. BARLOW: This is Kristi Barlow
13 from FSIS. Yes, our focus right now is on the
14 retail delis in the grocery stores, because that's
15 what we have the science for at the moment, with
16 the science that's been discussed that Haley Oliver
17 and Martin Wiedmann, and others have done in the
18 risk assessment.

19 And also, the concern is that the
20 consumers will take the product home and keep it
21 in their refrigerators for a while, which could
22 increase the listeria risk. Whereas, like for

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1 restaurants it's probably consumed right away.

2 And so, our focus is on the retail
3 delis. But I can't say that it's going to stay that
4 moving into the future. As we see new science or
5 new information come about, then we may change
6 that.

7 MEMBER HARVEY: Okay. Dr. Phebus, and
8 then Dr. Singh.

9 MEMBER PHEBUS: Getting to your point,
10 just, Randy Phebus, Kansas State. A lot of the mom
11 and pop independents, they get most of their
12 information from their supply warehouses.

13 So, for instance, it might be C.B.
14 Ragland & Company, or something like that. And
15 that's primarily where they get all of their
16 information.

17 And if we could maybe get some outreach
18 toward them that they would distribute to their
19 independent franchisees, I guess you would call
20 them, that would be one way of distributing the
21 information.

22 As opposed to a Kroger or a Costco, or

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1 something like that, that do it themselves. These
2 smaller groups get it from their supply warehouses.

3 MEMBER HARVEY: I agree. We should
4 consider every avenue, the extension offices. And
5 I don't think we should limit or cut off any entity
6 that deals with these particular places, with the
7 retail outlets. Dr. Singh.

8 MEMBER SINGH: Yes. This is Manpreet
9 Singh, Purdue University. Just a comment for
10 Betsy. When you mentioned encourage partnerships
11 and collaborations with other public health and
12 regulatory agencies for outreach programs, it
13 would also be, I meant even with institutions, like
14 land grant institutions for extension, and things
15 of that nature.

16 MEMBER HARVEY: What was the last thing
17 you said? What type of institutions?

18 MEMBER SINGH: Land grant
19 institutions.

20 MEMBER HARVEY: Land grant, okay.

21 MEMBER SINGH: Yes, for --

22 MEMBER HARVEY: Okay.

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1 MEMBER SINGH: -- extension and
2 outreach.

3 MEMBER HARVEY: Sounds good, yes.

4 MEMBER SINGH: Thank you. Okay. And
5 that, not that one, but the next bullet. Then
6 looking at consider. You mean consider and
7 engage? Or consider engagement with the
8 conference, and blah, blah, blah?

9 MEMBER SINGH: Yes.

10 MEMBER HARVEY: Okay.

11 MEMBER BOOREN: Conference for, sorry.

12 MEMBER HARVEY: Yes. Thank you.

13 MEMBER BOOREN: Yes.

14 MEMBER HARVEY: Okay.

15 MEMBER MARCY: John Marcy, University
16 of Arkansas. One other group that, I know we've
17 got a public comment here from AFDO, Association
18 of Food and Drug Officials.

19 But one of the other, you know, it's
20 not, it's, I won't call it a trade association. It
21 doesn't seem, it's the National Environmental
22 Health Association, which most of its members

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1 certainly are the state and local inspectors that,
2 you know, go into these places.

3 And, you know, even if they're not a
4 carrier of your message, they're a good source for
5 what are the parameters, you know, what are those
6 situations out there?

7 Because, yes, I think when Betsy's
8 talking about C stores, yes, I think there's gas
9 stations out there with deli slicers that don't
10 rise to the level of a C store. So I think there's
11 a whole plethora of very small operations.

12 MEMBER BOOREN: So what was the other
13 one? AFDA? Did I get that acronym right?

14 MEMBER MARCY: Yes, AFDO.

15 MEMBER BOOREN: A-F-D-A?

16 MEMBER MARCY: A-F-D-O.

17 MEMBER BOOREN: D-O. Thank you.

18 MEMBER MARCY: Association of Food and
19 Drug Officials. And NEHA is the National
20 Environmental Health Association.

21 MEMBER BOOREN: Yes. Awesome.

22 MEMBER HARVEY: Okay. Before we go to

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1 break, which I should have opened with this. I
2 really didn't know I would be chairing this
3 committee. But it is upon us, meaning FSIS, to
4 regulate.

5 And we can definitely disseminate
6 information. But I think that we should consider
7 all entities when it comes to informing consumers.
8 Because, as I mentioned, we are here to regulate.
9 We can't always, or necessarily teach.

10 For instance, I was speaking with Dr.
11 Dustin. I'm going to call you Dr. O if you don't
12 mind, because I can't get that. When it's as
13 simple as driving laws, traffic laws, or what have
14 you, those laws are put out there for us to follow.
15 It is not up to the Department of Transportation
16 to teach us those laws.

17 So, these retail outlets and plant
18 owners, and whomever really need to be responsible
19 to seek this information as well. So, it may be
20 we're not putting so much responsibility on FSIS,
21 even though we're here, to consult and to recommend
22 some things. But also, to these particular people

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1 to be able to care enough and get out there and get
2 the information.

3 Because it's going to take all of us to
4 disseminate this information anyway. So, I think
5 we should consider that when we break, and come back
6 as well.

7 MS. KELLER: Thank you. This is
8 Kaitlin Keller, FSIS. At this point it's 3
9 o'clock. So we're about halfway through. We'll
10 go ahead and take a short break. Please be back
11 by 3:10 p.m. if you can, so we can continue. Thank
12 you.

13 MEMBER BOOREN: And anyone can make
14 edits to this.

15 (Whereupon, the above-entitled matter
16 went off the record at 3:01 p.m. and resumed at 3:11
17 p.m.)

18 MS. KELLER: Kaitlin Keller, FSIS.
19 Let's go ahead and get started, please. Everyone
20 take your seats.

21 MEMBER HARVEY: Everyone take your
22 seat, please. Would everyone take your seat,

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1 please. Thank you. That's probably the loudest
2 I ever talked.

3 MEMBER BOOREN: If that's the loudest
4 you've ever been you can call meetings.

5 MS. KELLER: This is Kaitlin Keller,
6 FSIS again. Just to keep us on track I'd like to
7 suggest perhaps moving to Question 2 if you do have
8 a response to that and then maybe going back at the
9 end to review the thoughts and notes that you have
10 for Question 1.

11 MEMBER HARVEY: Actually, we've been
12 over two and as I have stated before we would go
13 into three if everyone is comfortable with that
14 after, since we are back from break.

15 MS. KELLER: Yes.

16 MEMBER HARVEY: But I do want to ask the
17 Committee if they will permit an FDA, we actually
18 have a representative here from FDA that would like
19 to comment on some things that were pointed out
20 earlier.

21 So if you would state your name and --
22 Please. I'm sorry, is everyone in agreement to

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1 that, permit her to do it?

2 MS. KELLER: Yes.

3 MEMBER HARVEY: Okay, thank you.

4 MS. WILLIAMS: Thank you. Laurie
5 Williams, FDA CFSAN. So there was a question about
6 training requirements and the Food Code does have
7 a provision, and as you know the recommendations
8 until they are adopted by the State or Local
9 regulatory authority, so that there is a
10 requirement that there be a trained individual in
11 food safety and the Conference for Food Protection
12 actually manages the Standard by which the training
13 has to be attained.

14 So whereas it probably isn't specific
15 to the Lm Guidance, but because some of the Lm
16 Guidance from FSIS is based on the Food Code some
17 of the components in the training program would
18 address things like sanitation and being able to
19 recognize some problems, food safety problems, in
20 the facility.

21 Now this requirement in the Food Code
22 is for all food establishments as defined by the

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1 Food Code, so it would include the restaurants and
2 grocery stores and other institutions.

3 MEMBER HARVEY: Thank you for that.
4 Anyone, I don't know if we would be out of line to
5 ask her any questions if we needed to.

6 MS. KELLER: This is Kaitlin Keller,
7 FSIS. You can ask a question if you need to.

8 MEMBER HARVEY: Okay. I just know
9 that this is an FSIS event. I don't know. Anyone
10 have any questions for her? Thank you. Dr.
11 Phebus? Thank you.

12 MEMBER PHEBUS: As we think about the
13 Food Code, and maybe you can tell me your thoughts
14 on this, not every State adopts the Food Code or
15 uses the Food Code, is that correct?

16 MS. WILLIAMS: On our website we track
17 as best we can and we go back to I guess it's the
18 1999 Code and 50 of the 50 States have adopted some
19 form of the Food Code.

20 Now you are correct, they don't have to,
21 it's voluntary, it's recommendations until they
22 adopt it as their own regulation, and when they do,

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1 depending on the version, they might not adopt the
2 whole entire thing, they might take portions.

3 So your ascertainment is correct, it's
4 not a requirement to adopt it, it's voluntary.

5 MEMBER PHEBUS: Okay. But as far as
6 this relating to Number 3 I think the point is, yes,
7 I think it's a very valuable mechanism to get the
8 information in the guidance out, but we have to
9 understand that probably not all facilities would
10 be operating or knowledgeable of the Food Code if
11 I had to guess.

12 MS. WILLIAMS: Is that a question or a
13 statement?

14 MEMBER PHEBUS: It could be both.

15 MS. KELLER: Could you please state
16 your name again, just --

17 MEMBER PHEBUS: Randy Phebus.

18 MS. WILLIAMS: Laurie Williams, FDA
19 CFSAN. If it was a question I am going to say in
20 less than a week we are going to go to Boise, Idaho
21 for the Conference for Food Protection, the 2016
22 Biannual Conference, and as Dr. Marcy stated there

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1 is lots of collaboration and interaction with
2 stakeholders and the States do vote on the
3 recommendations from the councils prior to that
4 information being sent to FDA.

5 MEMBER HARVEY: Is it Laura or Gloria?

6 MS. WILLIAMS: Laurie, L-A-U-R-I-E,
7 Williams.

8 MEMBER HARVEY: Okay, so now knowing
9 that I'm just wondering how can FSIS just really
10 collaborate with the FDA if the FDA is not requiring
11 what FSIS, because as you said it's voluntary?

12 MS. WILLIAMS: Once the Food Code is
13 adopted by the States then it becomes their
14 regulation, and as I stated according to the
15 information on our website 50 of the 50 States have
16 adopted some form of the Food Code.

17 So some of the information that is in
18 the Food Code can be found in State and Local
19 regulations pertaining to food safety for food
20 establishments.

21 MEMBER HARVEY: But they don't have to
22 adopt it in its entirety?

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1 MS. WILLIAMS: It's not a requirement
2 to adopt it.

3 MEMBER HARVEY: Okay. Dr. O?

4 MEMBER OEDEKOVEN: Yes, thank you.
5 And, actually, that's what they call me at home,
6 too, so that's fine. Dr. O is fine, or Dustin.

7 Yes, I think what you are highlighting
8 there, too, is that it does vary a lot
9 State-by-State and FSIS is, correct me if I am
10 wrong, but there is not regulatory requirement for
11 retail establishments to register the license,
12 follow the guidance that's supplied or anything
13 like that either for listeria control, correct?

14 MS. BARLOW: Yes, that's correct,
15 you're right. Right now it is guidance. We do
16 have, specifically the retail grinding log
17 regulation that applies at retail so we can develop
18 regulations that do apply at retail.

19 Most of our regulations are focused on
20 the inspected establishments and I think, you know,
21 one, the question was about the Food Code and there
22 is value in getting information in the Food Code

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1 because it makes it more visible.

2 I think even if all the States don't
3 adopt it it's a way to make the information more
4 known to people. They at least see it there, so
5 they are more likely to be aware of it.

6 But there is other ways we can and do
7 work with FDA and as far as distributing,
8 disseminating information and then raising
9 awareness about specific risks.

10 So those are some of the other avenues
11 that we have talked about, about with them about
12 getting that information out there on things like
13 the antimicrobials where, you know, it could be a
14 business choice whether retailers adopt them.

15 As John was saying our own regulations
16 for inspected establishments gives several options
17 like on sanitation or using antimicrobials.

18 So that's a -- You know, getting that
19 information out there is something that we have
20 been working to try to increase that collaboration,
21 too.

22 MEMBER OEDEKOVEN: I think -- So

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1 there's a -- You'll see lots of variation in the
2 way States adopt the Food Code to some degree and
3 you'll see lots of different ways that States adopt
4 FSIS recommendations and take those out to retail
5 establishments.

6 Some States require licensing of retail
7 establishments, some of it's under a Health
8 Department, some of it's under a State Meat
9 Inspection Program, so I think it will be very
10 difficult to put a blanket recommendation together
11 at this time for anything other than, you know, a
12 charge to go, try to get a good, solid, consistent
13 message about control of things.

14 And it should be kept simple, you know,
15 as was mentioned, you know, breaking down the
16 equipment. I like the idea of what are the top
17 three things you can do.

18 I mean if you could identify, you know,
19 in a simple -- State, you know, three things that
20 would do more good than anything and I mean start
21 with that and go from there.

22 I think that would be good because of

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1 the wide variation in how these recommendations and
2 guidance are implemented.

3 MEMBER HARVEY: Okay. Yes?

4 MR. PUZO: Hi. I'm Dan Puzo, Director
5 of Outreach for FSIS. So I wanted to give you a
6 very brief and quick outline of what we are
7 currently doing so that you are not recommending
8 things we are already in the process of conducting
9 and maybe can advance the agenda for us as to what
10 we can do next.

11 But on this presentation alone we have
12 given it at least three or four times, one was we
13 did our first all 50 State call and had a record
14 participation.

15 We did a joint call with FMI and NGA and
16 Food Safety Professionals that also, there was over
17 100 lines in use, and every month we do two
18 webinars, one for the 27 State Directors that have
19 meat and poultry inspection programs, they heard
20 the presentation as did those who are ASA contact
21 and coordinators throughout the country at
22 university extension programs that are targeting

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1 working with small businesses, so there has been
2 a substantial amount of outreach to date.

3 What we are looking at next, going into
4 where you were talking about the small producer,
5 we are developing and building a relationship with
6 the City of Newark's Health Department and
7 quarterly their new Health Director has a meeting
8 with all retailers and restaurants in the City to
9 talk about various issues, and the attendance is
10 between 700 and 1400 people each time they hold one
11 of these meetings.

12 At the next one next month in April we
13 are going to attend and present this listeria
14 presentation as well and what we want to do using
15 this Newark model is eventually roll it out to where
16 the City of Newark helps us get in touch with
17 counties all over Northern New Jersey and we'll do
18 the same briefing for them, and we have also
19 enlisted Rutgers-Newark to do a Town Hall on FSIS
20 issues facing small producers.

21 So I wanted you to know that we are,
22 while we're not yet targeting gas stations who have

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1 deli slicers, we are getting to the small operator
2 and this office, the Office of Outreach and
3 Partnership, was created by the 2008 Farm Bill to
4 target and assist and help small businesses in this
5 industry and that was reissued in the 2014 Farm Bill
6 by Congress.

7 So I wanted to make you aware of all
8 that. And the reason we picked Northern New
9 Jersey, well a number of reasons, but according to
10 our data Northern New Jersey and New York City are
11 either the Number 1 or the Number 2 market in the
12 country for small plants, small and very small,
13 it's between them and Southern California.

14 Why those two places? Well, that's
15 where the people are. And you covered an issue
16 briefly about should the small producers have
17 different regulations even if they own one store
18 and one deli slicer and what we have come across
19 in the past we have had an ongoing relationship with
20 Slow Meat, you know, the offshoot of Slow Food,
21 movement that started in Italy.

22 Anyway, they have a lot of these

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1 high-end small producers that say well, you should
2 have a different set of rules for us than for
3 ConAgra.

4 Well, it doesn't work like that and to
5 this date we cannot have two sets of rules for the
6 same product, whether it's \$20 steak or a \$2 burger.

7 And, also, I wanted to let you know that
8 we do 18 exhibits around the country, from giant
9 shows such as Food Technologists, 15,000, to
10 regional events. Last week we were at the Ohio
11 Beef Council, or meeting, where there is a few
12 hundred.

13 And what we are doing is not only
14 targeting small producers, but the people that
15 consult with them and sell to them and are in
16 business with that segment of the market.

17 So we have a very aggressive outreach.
18 We also launched a number of years ago a newsletter
19 that comes out 12 times a year, it's a plain
20 language initiative taking on technical topics,
21 which will include this one, and putting it in
22 layman's terms and then the circulation is 7000.

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1 So in an average year we think the total
2 readership is, you know, well over 150,000 or more.
3 So we have a lot of things that we're working, and
4 then that we also have, of course, an online
5 presence that is growing and we are most, we are
6 certainly proud of the small plant help desk which
7 operates five days a week, 8:00 to 5:00.

8 We just received the Administrator's
9 Award for Customer Service in terms of outreach and
10 we are getting record call volume from small
11 producers.

12 In fact, last week was one of the
13 highest, we had 96 calls, and there is only three
14 people working on this desk, so you could imagine
15 30 calls plus a week and some of those go on for
16 an hour, people wanted to know how do they get into
17 the business, how do they solve a problem like this.

18
19 So we are aggressively going, to use a
20 PR term, grasstops and grassroots in terms of
21 trying to reach this market. And what we would
22 like from you all in addition to the great ideas

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1 we are seeing up there is to, how do we advance this?

2 Do we use -- And this maybe gets too
3 technical, but do we use things like animation or
4 virtual reality or how does the single operator get
5 information?

6 Is it from NAMI or FMI or local TV or
7 do they not get any at all? And the reason we went
8 to print when everybody is going electronic is we
9 did a survey on our universe of small plants, which
10 is about 7000, and they preferred it in print.

11 So these are not people like a lot of
12 us that are on the computer all day long researching
13 or reading. They are working, you know, in their
14 factories and their companies and sometimes they
15 prefer to read it in print.

16 So my overall point is we are one-on-one
17 in terms of help that exhibits we are macro in terms
18 of these large programs like AFDO, which Keith will
19 talk two minutes about, NEHA, Jeff goes every year,
20 FMI, NRA, the restaurants.

21 And I just wanted to add that so you have
22 some context that we are not starting from scratch

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1 but we have an infrastructure that's working and
2 working quite well.

3 MEMBER HARVEY: Thank you. And I also
4 would like to thank Ms. Williams for your insight
5 and being willing to answer those questions for us,
6 give us that information. Thank you.

7 MS. WILLIAMS: Thanks. Laurie
8 Williams, FDA. I just wanted to add one more
9 thing. We have a retail food protection website
10 at FDA and we link to the retail information that
11 FSIS has so our audiences can be aware of the
12 information that FSIS puts out regarding retail.

13 MEMBER HARVEY: Sounds great, thank
14 you. Okay, and you did have your card up, but okay.
15 Yes, Mr. Payne?

16 MR. PAYNE: Thank you, Ms. Harvey.
17 This is Keith Payne, Deputy Director of the
18 Outreach and Partnership Division, and I just want
19 to augment what Dan mentioned with our current
20 outreach efforts that are underway as a way to reach
21 out to all the States across the country and U.S.
22 Territories, States and Local level.

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1 We have been working with the
2 Association of Food and Drug Officials. I do serve
3 on the AFDO Advisory Board as a non-voting member,
4 as an advisor from the USDA. FDA has an advisor
5 on the Board as well, as well as the CDC.

6 But through AFDO we have put this issue
7 of listeria control before them and, of course,
8 it's on their front burner, if you will, and this
9 coming annual conference, which will be held in
10 June in Pittsburgh, will have Deputy Assistant
11 Administrator Pete Bridgeman from the Office of
12 Investigation, Enforcement and Audit to provide a
13 presentation on listeria control at the retail deli
14 level.

15 AFDO is also comprised of at least five
16 affiliate organizations across the country. It is
17 our intent, and we have been getting at least local
18 FSIS representation on these individual meeting
19 agendas to talk about listeria control at delis and
20 also take questions and recommendations.

21 This is a two-way street between the
22 Federal and the State and Local entities. And just

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1 so everyone is aware, especially at these local
2 AFDO affiliate meetings, there is a heavy presence
3 of retailers, grocers, folks from the industry in
4 attendance.

5 So it is a perfect way for us as an
6 agency to be contacting the affected stakeholders
7 most directly.

8 So I just wanted to let everyone know
9 on this Subcommittee what has been in the works thus
10 far with AFDO. It's not yet complete, it's still
11 ongoing, and it will continue much more in the
12 future.

13 With that said, you know, keep that in
14 mind, we'd like to see what further enhancements
15 we can do working with organizations such as AFDO.
16 Thank you.

17 MS. KELLER: This is Kaitlin Keller,
18 FSIS. Thank you, Mr. Payne and Mr. Puzo, for the
19 overview of our outreach.

20 I want to make sure that we still have
21 time to discuss Question Number 3, so unless there
22 are any questions we can go ahead and move forward.

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1 MEMBER HARVEY: Oh, yes, ma'am, we're
2 getting straight into it. Thank you, Mr. Puzo and
3 Mr. Payne.

4 Number 3, Should FSIS rely on
5 regulations, State personnel, the Food Code, or
6 some other means to affect these recommendations?

7 A) Should FSIS work with FDA and the
8 States to make changes to the Food Code requiring
9 sanitizing and temperature control records.

10 B) Should FSIS require certain actions
11 by retail stores. And Mr. Puzo also offered a
12 question to us, which we will get to that after
13 Number 3.

14 I did ask that we kind of go over some
15 suggestions in our head, so I'm hoping everyone did
16 that. I know Dr. Phebus that you have something.

17 MEMBER BOOREN: I'll start off here.

18 MEMBER HARVEY: Go ahead.

19 MEMBER BOOREN: If that would help get
20 the ball rolling.

21 MEMBER HARVEY: Yes.

22 MEMBER BOOREN: So the challenge of

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1 what we're coming up with based on the discussion
2 is the multi layers of regulation that occurs in
3 the retail deli, whether it's Food Code, FDA,
4 State, and FSIS.

5 When I look at this question and I think
6 of my members, which some of them are retailers,
7 FSIS can provide guidance which is not a
8 regulation.

9 They can do what they have done in
10 aspects of the grinding logs, which means if there
11 are specific meat and poultry and out-of-egg
12 products that are being processed in that there are
13 certain parameters which they can require that
14 these retail establishments, if they are producing
15 them, collect information on it.

16 And I think I would not be comfortable
17 for making recommendations on any regulatory
18 action, that we need to stay within the scope of
19 what FSIS can regulate on.

20 I think there is a lot of leeway within
21 that, but I think the continued work, and this group
22 for me, recognizing that we have about four

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1 different public health agencies in this
2 environment, that whatever we recommend has to be
3 science-based.

4 I have significant concerns when I look
5 at some of the guidance materials that I don't think
6 are based in sound science, that some of the
7 guidance issues that came out that from the risk
8 assessment don't have any real true basis for, and
9 I don't think that those -- It becomes challenging
10 to encourage those from regulation.

11 So as I look at this, you know, when we
12 get into the examples I think they start hitting
13 on some of those aspects of sanitation, temperature
14 control, and so forth, that could impact as they
15 are physically slicing or changing meat and poultry
16 products.

17 That is something to be considered, but
18 I feel like we have a very narrow window, and that's
19 just one panelists perspective here. We're a
20 group, we come to consensus, I recognize that, but
21 I wanted to raise that.

22 MEMBER HARVEY: Okay. And we

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1 appreciate your opinion. Dr. Marcy?

2 MEMBER MARCY: John Marcy, University
3 of Arkansas. Looking at the specifics of
4 requiring sanitizing and temperature control
5 records, it's unclear how often these would be
6 looked at, how long they would need to be kept, and
7 what their meaning would be in relation to the
8 actual product.

9 You know, the Food Code already looks
10 at the temperature control aspect, you know, that's
11 addressed already on a daily basis.

12 The sanitizing, you know, actually I
13 think that's also covered, whether they keep a
14 record of it or not.

15 You know, requiring that record and
16 validating, you know, whether it's working or not,
17 which would be a whole different ball game. They
18 could say we cleaned it every four hours, you have
19 no basis for knowing if they did or did not.

20 There is no follow-up, so you're, it's
21 requiring paperwork that, you know, it may be
22 meaningless.

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1 MEMBER HARVEY: I know before we broke
2 into Subcommittees and they were presenting this,
3 actually Ms. Barlow -- Is that your name, I'm sorry?

4 MS. BARLOW: Kristina.

5 MEMBER HARVEY: Okay. Okay, yes. One
6 of my suggestions was recordkeeping, and then I
7 thought well you can put anything down on papers,
8 so, yes, I'm with you on that, Dr. Marcy.

9 Oh, thank you for writing that. I was
10 going to --

11 MEMBER BOOREN: I think to me the
12 obvious answer when I look at this, absolutely FSIS
13 should be working with FDA and the States in how
14 Food Code is developed and how it's implemented.

15 There is too much of an overlap for FSIS
16 not to be engaged with that and quite honestly they
17 need to be.

18 So to me the answer is should they
19 continue to work, yes. Requiring sanitizing and
20 temperature controls, I think that's a different
21 discussion.

22 I don't know if those are the right

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1 parameters to be controlling to improve. Again,
2 it goes back to what I originally said, what is the
3 outcome here.

4 Is it improving, reducing listeriosis
5 illnesses for Americans, or is it reducing
6 listeriosis illnesses in meat and poultry
7 products? And to me not having that specified
8 changes the answer I would give.

9 MEMBER HARVEY: Okay. Sherika
10 Harvey. Definitely not in defense of the retail
11 stores or these managers and employees that are
12 supposed to be doing all this, and they need greater
13 responsibility.

14 However, they may be confused. There
15 is too much overlapping and at this point, of
16 course, it's too late to go back to the drawing
17 board.

18 So I think from this point on, as it's
19 been pointed out, there needs to be more
20 consistency across the board. If you don't get
21 anything else out of this Subcommittee, definitely
22 get that. Thank you. And, Dr. O?

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1 MEMBER OEDEKOVEN: Yes, thank you.
2 Dustin Oedekoven, South Dakota Animal Industry
3 Board. And, Betsy, I think you mentioned earlier
4 that it's been a long time since we had a listeria
5 recall in meat products and I just, you raised a
6 good delineation here recently about, you know,
7 controlling listeria in meat and poultry products
8 versus controlling listeriosis.

9 I just brought up the CDC's website on
10 listeria outbreaks and there is a dozen of them on
11 here from 2016 to 2011, none of them involving meat
12 products.

13 It's focused on a lot of other things,
14 some of which may also be a deli, and so there again
15 thinking about your retail deli folks that, you
16 know, they're not going to focus in on -- FSIS wants
17 us to control listeria in ready-to-eat meat, or
18 meat products.

19 FDA wants us to control listeria in
20 another, you know, they're not going to break this
21 up like we think about various agencies having
22 regulatory controls and processes.

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1 You know, they've got a job to do every
2 day and a lot of times it's, you know, the least
3 paid person who is going to be doing some of those
4 things.

5 So, you know, I think we -- In
6 controlling listeriosis nationwide I think we all
7 could be part of that solution, but, you know, we
8 can control this and meet all we want and I don't
9 know if we'll see a whole a lot of effect out of
10 this, you know what I'm saying.

11 So I just bring that up as a general
12 comment because it seems like a lot is being done
13 already, even though it's maybe not -- there could
14 be more to be done, but I'm not sure what measurable
15 effect we would see at this point.

16 So I guess to bring that to a point in
17 trying to answer a question for Number 3, I would
18 not be in favor at this point of making specific
19 changes to the Food Code specifically on meat and
20 listeria control.

21 MEMBER HARVEY: Dr. O, I think you got
22 pessimistic over break. Go ahead, yes?

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1 MEMBER BOOREN: Sherika, I know you've
2 got your -- Can I make a comment to Dustin's? So
3 if we can make a recommendation, hearing what you
4 just said and since it sort of tracks with what I
5 am saying, is it appropriate for this group to
6 consider recommending, I think what we put in the
7 previous couple pages is really good information.

8 I think it's really good outreach
9 information. I think if the Agency tackled that
10 you would have improvements. I don't know what
11 there measurably be, but I think it would
12 ultimately not only improve the risk of not
13 contracting listeriosis from the retail deli both
14 on an FDA product and an FSIS product.

15 I think you'd just raise, you would
16 raise everyone up. Is it worth us -- We keep
17 circling around the idea of all these groups, do
18 we make a formal recommendation that if , if you
19 want to improve the public health of listeriosis
20 in the retail deli that we need to encourage FSIS,
21 FDA, State personnel to get together and again look
22 at this from a whole inter-agency standpoint and

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1 say what are the three or four major considerations
2 that should be taken in the retail environment?

3 Because I think a lot of what was
4 suggested here, quite frankly, would work on the
5 FDA side as well, temperature control, air flow
6 control. Is that a recommendation that we should
7 be considering?

8 MEMBER HARVEY: Yes. I mean I think
9 maturity wise we should. Of course, there is
10 nothing wrong with saying alongside the codes this,
11 this, and this is recommended at this point.

12 I think we should definitely consider
13 that. I mean obviously there needs to be some
14 control of this issue and that's what we are here
15 to help with, so there's nothing wrong with that.

16 MEMBER OEDEKOVEN: Betsy, if I can just
17 maybe summarize what maybe both of us are saying
18 is maybe perhaps we need to look at a comprehensive
19 inter-agency plan as a whole rather than making a
20 specific recommendation to change the Food Code.
21 Would that be --

22 (Simultaneous speaking.)

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1 MEMBER HARVEY: That's right, and like
2 I said alongside the Code that exists.

3 MEMBER OEDEKOVEN: Yes.

4 MEMBER HARVEY: What do you think, Ms.
5 Jenkins?

6 MEMBER JENKINS: Sherri Jenkins, JBS.
7 I think that the recommendations should be that
8 those agencies get together and figure out exactly
9 what's supposed to be regulated and who's going to
10 do it, right.

11 Because it sounds like the States get
12 to adopt portions of, not full Food Code, so 1) if
13 they are the ones that are there locally enforcing
14 it they are the ones who will have to do that.

15 So there is a regulation out there, it
16 needs to be followed, it needs to be implemented,
17 it needs to be verified by whatever organization
18 it is, whether it be FSIS, FDA, or the State.

19 So I think somewhere those three
20 entities need to gather up and figure out what
21 exactly it is that the expectation needs to be,
22 whether it be for an FSIS meat item, if you will,

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1 or poultry, or an FDA cheese item per se.

2 Because I think a lot of the things we
3 are talking about as a whole will affect the bottom
4 line of that. So that was the one point I wanted
5 to say on there.

6 And then ultimately you can't really
7 enforce anything if there is no documents, if you
8 will, or no records of what they are doing, right.

9 So I bet you if you look in the Food Code
10 somewhere there is regulations of they need to
11 document what they are doing or record their
12 findings or something of that nature, I don't know.

13 I work under FSIS realm, so my heart
14 belongs to 9 CFR. So with that said I think
15 somewhere that is probably already stated so for
16 us to recommend FSIS be the one to do it I think
17 it goes to all three of those agencies to get
18 together and look at that.

19 MEMBER HARVEY: So you know that there
20 is plenty on this side to say you need to document
21 this and that, yes. Dr. Singh, would you like to

22 --

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1 (Off microphone comment.)

2 MEMBER HARVEY: You don't have
3 anything to say? Oh, okay.

4 MS. BARLOW: Could I respond to
5 Sherri's comment?

6 MEMBER HARVEY: You can and then we'll
7 get Dr. --

8 MS. BARLOW: Okay. This is Kristina
9 Barlow, FSIS. Laurie Williams from FDA can weigh
10 in, but right now the Food Code does not require
11 records be kept for either sanitation of the
12 slicers every four hours or for keeping the coolers
13 at 41 degrees or below, so that's not, the written
14 documentation is not currently a requirement of the
15 Food Code. Do you want to --

16 MEMBER HARVEY: Well can I ask a
17 question to that? Since it's so voluntary I mean
18 would it necessarily be required? It's not even
19 -- If it were in there or if you consider that now,
20 if FDA considers that will it technically be
21 required?

22 MS. WILLIAMS: Laurie Williams, FDA

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1 CFSAN. Kristina is correct there is no records
2 requirement. Again, they are recommendations
3 until the State or Local municipality adopts it as
4 their own and once they do that then that is the
5 law of the land.

6 So whereas we do make recommendations
7 about temperature control and cleaning and
8 sanitizing there are no record requirements. But,
9 again, once they adopt those provisions for the
10 cleaning and sanitizing that's the law.

11 MEMBER HARVEY: Dr. Marcy, and then
12 we'll have Dr. Phebus.

13 MEMBER MARCY: John Marcy, University
14 of Arkansas. Yes, I was going to say the same
15 thing, there is no requirement in the regulation
16 but that doesn't mean certain companies don't do
17 it, you know, but they're managing this.

18 You know, like most restaurants it's
19 the managers doing, that is monitoring their
20 situation on a daily basis if not hourly, and
21 without that level of -- The Food Code calls it
22 active managerial control.

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1 You know, without that level, you know,
2 they don't get inspected about every six months or
3 so, if that, and even if they find a violation in
4 the record what are you going to do.

5 You know, I really have no concept of
6 that one. So, you know, it really gets down to the,
7 you know, food safety culture, if you will. You
8 know, how are they going to manage at that level,
9 the brand protection.

10 You know, I don't think any retail
11 manager, you know, wants to have listeriosis, but,
12 you know, that's a hard a situation at the level.

13 You know, if we talk about the
14 sanitation, I think you're going to have to eat that
15 elephant one bite at a time, but I think sanitation
16 is probably your best one.

17 You know, it's hard for me to tell, but
18 I don't think, you know, keeping the records will
19 change the outcome because the sanitizing and the
20 cleanliness and the temperature control are
21 already in the regulation.

22 You either do it or you don't, but, you

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1 know, I think keeping a document of it may not
2 change that.

3 MEMBER PHEBUS: This is Randy Phebus.
4 That's the point I was going to make, John, is that
5 first of all I am not familiar enough with the Food
6 Code to know what's in there and what's not, so,
7 you know, I guess that would be the first step, is
8 does that Food Code cover everything that we would
9 want it to cover at this point.

10 If not, I think it should be updated,
11 you know, as far as since most people are kind of
12 using that as the foundation of the program, so I
13 think it ought to be looked at.

14 If it needs to be modified or updated
15 a little bit, do it, and then hopefully everybody
16 will adopt it. I don't see it becoming so much a
17 regulation just because you can't verify things,
18 you know.

19 MEMBER HARVEY: There is a lot in their
20 document. Ms. Jenkins?

21 (Off microphone comment.)

22 MEMBER HARVEY: Okay. All of those

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1 points have been taken. If we --

2 MEMBER BOOREN: Manpreet --

3 MEMBER HARVEY: Oh, Dr. Singh, now.

4 MEMBER SINGH: Manpreet Singh, Purdue
5 University. I just want to go back to, the comment
6 that Sherri made early was that, you know, it seems
7 like we need to have these agencies at least have
8 the information or have inter-agency
9 communication of what needs to be adopted before
10 we can even make any sort of that recommendation.

11 But going back to what Betsy said that
12 should they work together, absolutely they need to
13 work together, or they should work together, but
14 requiring documentation, I know that in our, in the
15 State of Indiana for sure we have adopted parts of
16 the Food Code where they are required to keep
17 records and that's a challenge, we're not being
18 able to track those records.

19 We're not being able to find sanitation
20 records or not being able to find, you know,
21 temperature control records, but they are -- The
22 Department of Health is the one which is enforcing

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1 that.

2 It's a challenging task for the
3 retailers to have if we were going to require them
4 to do that.

5 MEMBER HARVEY: I'm glad you brought
6 that up, Dr. Singh, because in my notes during the
7 presentation I wrote down the Department of Human
8 Services.

9 And there is -- I won't go on record
10 saying anything about the Department of Human
11 Services, but can someone from here with FSIS speak
12 to the relationship with the Department of Human
13 Services, if any, and what actually they are
14 charged to do?

15 I know it, but I think that subject is
16 coming up, so can someone speak to that?

17 MS. BARLOW: This is Kristina Barlow.
18 Since we are in the Department of Agriculture we
19 can't really comment on what the Department of
20 Human Services does.

21 MEMBER HARVEY: Well the reason I asked
22 that is because we are getting into the, it's been

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1 recommended over and over again that FSIS works
2 with FDA and who is in charge of seeing that that
3 Food Code is carried out with the FDA, and we know
4 who that is, correct?

5 MS. BARLOW: Well the FDA, it's my
6 understanding and I don't speak for the FDA either,
7 but that the FDA is responsible for developing the
8 Food Code through the converts of food protection
9 and that the State and Local health departments,
10 as Laurie was saying earlier, decide whether to
11 adopt that.

12 And then once it becomes regulation in
13 that State, Local, or Tribal area then the State
14 or Local is responsible for making sure that those
15 requirements are followed.

16 MEMBER HARVEY: And the hull of the
17 problem is it's bigger than FSIS.

18 MS. BARLOW: Yes.

19 MEMBER HARVEY: And that's just to put
20 it simply and nicely as I possibly can. It's not
21 all up and on FSIS to see that all of this is
22 implemented.

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1 So at this point I guess you can't go
2 back to the drawing board, but I'm like Dr. Singh,
3 I mean to make all these recommendations it's like,
4 you know -- Go ahead.

5 MEMBER SINGH: Sorry. This is
6 Manpreet Singh, Purdue University, again.
7 Another comment is depending on what State, like
8 in Indiana the Department of Health is the
9 regulatory agency for the State, some other States
10 the Department of Ag is the regulatory agency.

11 So depending on who is responsible for
12 implementation that could be a difference as well.
13 But I know that we are adopting the Food Code
14 through the Department of Health but there is still
15 gaps and challenges of how to monitor.

16 MEMBER HARVEY: Betsy?

17 MEMBER BOOREN: So I've been listening
18 to this and I'm trying to summarize sort of what
19 we have been talking about here and this is what
20 I came up with, and I'd be interested in your
21 thoughts because this is just a suggestion.

22 As we look at this, because of the

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1 complexity of how it's regulated, I like the
2 approach that was described how you are starting
3 to go out to Newark and you're starting at that
4 grassroots level.

5 And I'm wondering if it would be useful
6 from the Agency to have a recommendation like this
7 as we are putting forth a, if we decide to forth
8 this.

9 Now if we need to identify a certain
10 food safety, critical food safety data or
11 parameters is needed to be collected and verified
12 to ensure minimum food safety expectations are met.

13 But one of those key steps to doing that
14 would be analyzing Local and State requirements and
15 determining what is required for each, within each
16 State or principality.

17 I think what's so overwhelming to me,
18 personally, is this is a big issue. So how do we
19 start breaking it down in ways that we can make
20 measurable improvements and do you develop a
21 targeted focus?

22 So, for instance, if you have such align

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1 could you say we are going to work with Newark or
2 we're going to L.A. or we're going to the New York
3 City Department of Health to talk about these
4 issues, we develop a program there to better
5 understand is that your biggest market to focus on.

6 If you -- To me it's a way of looking
7 at certain areas and you raise sort of the minimum
8 requirements of what these three or four groups
9 decide within that area is.

10 And to me that becomes a targeted, it
11 becomes a focused approach for every agency versus
12 what sometimes it could be a scattershot. I don't
13 know if that's the right approach, I'm struggling
14 here.

15 I'm trying to go back to how we have
16 looked at other food safety issues within the Meat
17 and Poultry Industry and that's a lot of work, but
18 from a targeted focused standpoint is that a good
19 idea? I don't know.

20 So just something to consider. I mean
21 I don't know if that's what we were discussing,
22 that's how I interpreted it. And I can hit delete

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1 very quickly or highlight it, save it for later,
2 but know the idea that we will delete it in the final
3 thing.

4 I guess how I'm looking at is, as
5 someone who tries to come to consensus, I want to
6 make sure we give FSIS a recommendation that can
7 provide action for them to work within their agency
8 to fit their mission.

9 MEMBER HARVEY: Okay, so you said
10 establishments. Go ahead, Dr. O.

11 MEMBER OEDEKOVEN: Just a comment that
12 might counter this thought just a little bit is that
13 I think it's important to realize that State and
14 Local Governments are, you know, they are
15 responsible for carrying out these things at their
16 Local jurisdiction or their State jurisdiction,
17 and they do that.

18 Like we have mentioned, they may adopt
19 parts of the Food Code or the entirety of the Food
20 Code, sometimes it's the current one, sometimes
21 it's several years behind, but they do that in
22 response to the local needs that they have.

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1 And certainly I think each State or
2 Local jurisdiction has metrics to figure out what
3 are the concerns that they have in front of them
4 and how they move forward with that.

5 So I'm not saying that what you have up
6 there isn't, wouldn't be useful, but I think it's
7 almost the opposite approach, you know.

8 Instead of federal agencies, such as
9 FSIS, analyzing State and Local requirements and
10 determining what is required, the best
11 recommendations in which they clearly have
12 provided I think should be encouraged to be taken
13 by extension and Local and State agencies to be
14 carried out to the degree that they need to be in
15 those local areas. So does that make sense?

16 MEMBER BOOREN: Say it again, sorry.

17 MEMBER OEDEKOVEN: Okay. Well, yes --
18 No, that's all right. I think --

19 MEMBER BOOREN: You're saying have the
20 Local and State drive their specific needs?

21 MEMBER OEDEKOVEN: Yes. Yes, if we
22 can continue to get this information that's been

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1 developed and what we know from, you know, what's
2 been assembled to this point, and continue to
3 provide that and encourage States and Local
4 agencies to take that through their local area of
5 jurisdiction.

6 I think that's going to be more
7 effective than having a federal agency trying to
8 analyze State and Local requirements and figure out
9 if that's good or not, which I think is what you
10 have up there, right?

11 MEMBER BOOREN: Yes.

12 MEMBER OEDEKOVEN: It's hard to say
13 from an FSIS perspective whether the adoption of
14 the 2013 Food Code is doing any good in controlling
15 listeria in various States or localities. Is that
16 fair?

17 (Off microphone comment.)

18 MEMBER OEDEKOVEN: Well, you know, I
19 was just thinking back in my mind that you as the
20 Subcommittee, we don't, I don't want to squash
21 anyone's creativity in your thought process.

22 So when you are putting down some of

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1 these ideas here you can take, and going back to
2 what you are saying, actionable items that we as
3 the Agency can feasibly do, and the bigger picture
4 items, more holistic things, oh, and whether it's
5 collaboration with HHS and stuff like that. But,
6 again, I don't want to infringe on your, the
7 process. I hope that answered --

8 MEMBER HARVEY: Dr. Marcy?

9 MEMBER MARCY: John Marcy, University
10 of Arkansas. To highlight what Dustin was saying,
11 I think he's absolutely right in terms of, you know,
12 and I guess I probably have a lot more experience
13 with the CFP than most, going back 20 plus years,
14 but, you know, the CFSAN develops the model code
15 now every four years and the conference meets every
16 two and, you know, issues are brought forth to the
17 conference, three different councils, one on
18 regulatory, one on science and technology, and one
19 on education.

20 And those issues get, you know,
21 debated, if you will, and determined and then
22 whatever they come up with in council goes to some

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1 of their delegates, which really are State and
2 Local regulators that, you know, if they don't sign
3 off on it, you know, then it probably will not get
4 passed and will not -- It sends a message to FDA
5 that okay, this -- They actually get a voice. It's
6 a very deliberative process.

7 But also, you know, the FDA has regional
8 meetings, you know, in the districts to bring
9 information back from the States and Locals to
10 CFSAN on what's working.

11 I mean it's a very organic process, if
12 you will, that, you know, I'm thinking about what
13 you are talking about with Newark. If you're
14 looking to get documentation, if you want to get
15 recordkeeping, you know, it might be such that, you
16 know, we know that certain companies do it.

17 And your grinding log is a separate
18 entity from, you know, what we're talking about
19 here. I can understand the grinding log. Yes, I
20 think you'll have a lot of trouble with sanitation
21 and temperature control as far as getting valid,
22 you know, records.

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1 But if you look at some of the other,
2 you know, thought processes of brand protection or
3 what a prudent operator would do, you know, if they
4 have a problem they might want to have some records
5 in order to defend themselves.

6 So you might want to sell it as this
7 might help you, if you don't have the record you
8 can't prove you did it. So if you take that thought
9 process you might have more benefit to kind of
10 regulate it.

11 MEMBER BOOREN: I have a quick question
12 for the FSIS staff, trying to understand this.

13 When you are looking at this issue are
14 you analyzing State and Local -- Do you get a
15 summary of incidents coming out of retail stores,
16 regulatory actions or reported outbreak illnesses
17 outside of CDC, are you actually getting -- Is there
18 a way for you to capture information or do the
19 States submit that to you?

20 I'm trying to get to what -- No.
21 Dustin's shaking his head. I didn't think so, but
22 I'm trying to understand, you know, if you saw

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1 something, a cluster of something that was
2 happening in an area, I would assume the agency
3 would be approaching or brought in if it had to do
4 with meat and poultry products, but if there was
5 a cluster of something that may be circulating
6 around a retail store does the agency then get
7 involved with FDA or FSIS or CDC to better
8 understand what's going on?

9 Because to me if there was such an event
10 that would be the time to start looking at lessons
11 learned and figure out what's going on if there were
12 any indications.

13 Has something like that ever occurred
14 or does occur?

15 MS. BARLOW: This is Kristina Barlow,
16 FSIS. So I'm not part of the outbreak
17 investigations, so I'm not sure what our routine
18 process is for that, but I have been pulled in to
19 some situations that have dealt with retail and I
20 believe in that case the States contacted us to say
21 that, you know, they had specific illnesses that
22 they were investigating and they wanted to provide

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1 some advice.

2 I remember a recent situation where
3 they requested advice from us as well as Haley
4 Oliver on some specific retail risk factors and I
5 think we were looking mostly at the produce section
6 in those discussions.

7 So I mean I think we do get called in
8 on discussions like that, but we don't -- and we
9 do get contacted by CDC or the States on a
10 case-by-case basis, but we certainly aren't aware
11 of every single incident that it could occur.

12 MEMBER BOOREN: Or where I'm trying to
13 get to with this is the idea of when we have a major
14 recall.

15 I know the Meat and Poultry Industry
16 gets together and does sort of a case study, did
17 failure occur, was it preventable, was it not, and
18 I'm wondering if, you know, we're having this
19 discussion but do we truly know it was a failure
20 at retail or was it something else.

21 And I guess trying to collect that data
22 or have a better awareness if is it the temperature

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1 within the meat case, I don't know. That's where
2 I'm trying to go, is there a way that we can figure
3 out how to get to that data if it's there or set
4 up a process so you can get to that data when it's
5 there.

6 MEMBER HARVEY: Let's take just a few
7 more minutes on this and then we still need to sum
8 everything up before we conclude. And, also, I
9 still want to take into account Mr. Puzo's question
10 to us earlier. Dr. O?

11 MEMBER OEDEKOVEN: Well, Betsy, if I
12 can provide just a real brief summary, and others
13 who have more information on this let me know, but
14 just to answer your question, or to kind of fill
15 in gaps, there is a couple different things we're
16 talking about.

17 If you find Lm on a sample, a routine
18 sample that's collected during inspection or by the
19 plant, you know, that's handled in one category
20 separate from an actual food borne illness event
21 which would be reported through FoodNet, which is
22 a CDC-based reporting and there are several other

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1 food surveillance systems through CDC, those are
2 collected, and if there are clusters those are
3 investigated.

4 There again depending on the resources
5 at the State level and CDC has various involvement
6 in States and communities and those type of things.

7 So I think it's highly dependent on
8 where it occurs and to what degree it occurs and
9 how it is identified and whether or not there are
10 clusters.

11 And there is a lot of information
12 through, if you go to the FoodNet website and find
13 out, you know, you can look at different incidences
14 of food borne outbreaks.

15 When that occurs there is a lot of
16 effort directed toward that, and I am sure some
17 cooperation from FSIS at some point, too, at that
18 point, but it's different than the surveillance
19 stream of routine sample surveillance collection.

20 MS. KELLER: This is Kaitlin Keller,
21 FSIS. I just want to point out that we have about
22 25 minutes left at this time.

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1 MEMBER HARVEY: Thank you, Kaitlin.

2 (Off microphone comment.)

3 MEMBER HARVEY: Yes, as soon as we
4 finish Number 3. Okay, I'm trying to say if you
5 put all that under, A and B under three, Betsy --

6 MEMBER BOOREN: Yes.

7 MEMBER HARVEY: Of course, because we
8 all did agree on A. Okay, so we'll let you finish
9 that up. And the question that Mr. Puzo asked of
10 us is how does this the single operator get this
11 information? What suggestions should we offer?

12 He did point out that a lot of the
13 establishments prefer the written information as
14 opposed to going on the computer and having to look
15 things up and what have you.

16 I would assume that's because of
17 probably a limited experience with the computers
18 or having someone even that could do that for them.

19 So you think printed material is the
20 best way to disseminate that information or what,
21 or should there be required trainings set to have
22 to show up for or what have you?

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1 MEMBER BOOREN: So I tried to capture
2 that. We have an outreach accessible to all
3 audiences in the first statement and I put it down,
4 and we can add more, but I put it down here about
5 the hard copy written materials within webinars,
6 videos, and so forth, from a standpoint of I think
7 we, from a standpoint of where I saw it as we are
8 encouraging the agency to be as creative as
9 possible in any means possible to get the
10 information out to the appropriate audience,
11 whether it's a written copy or videos, you know,
12 or what not.

13 That's where I put it. I am happy to
14 move it down or add it as a separate question, but
15 it sort of to me fit where we had that flow.

16 MEMBER HARVEY: That just came with his
17 report, too. I knew that we addressed that
18 somewhat, but unless you want us to make it a
19 separate question.

20 MR. PUZO: Dan Puzo with FSIS. We'd
21 love to have your input either way, but the more
22 you can give us the better.

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1 MEMBER HARVEY: Okay. Well -- Sherika
2 Harvey. To me if the owner or manager, whomever,
3 is willing to take the information then I feel as
4 though it is up to the agency to disseminate that
5 information in whatever fashion that would be
6 available to them where they could implement that
7 information.

8 Because what's important is if they
9 care to even get the information and use it, to me,
10 so all of those suggestions up there, I mean it may
11 be where all the information is in each of those
12 forms and they just, however they can access it they
13 get that information that way.

14 MEMBER BOOREN: I have a quick question
15 for you. This is Betsy from the Meat Institute.

16 Have you heard from your State and Local
17 public health partners about what materials is that
18 they believe is best perceived in some of the --
19 Because they are the boots on the ground in many
20 of those.

21 Has there been discussions with them
22 about the best way for outreach with the agency?

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1 And if I missed that earlier I apologize.

2 MR. PAYNE: This is Keith Payne with
3 FSIS and we have heard from State and Local
4 officials, again, through the Association of Food
5 and Drug officials as one entity on what is needed.

6 And certain States that have the Rapid
7 Response Teams have inquired us as whom to contact,
8 whom to work with from FSIS, and just recently I
9 have helped make those connections between the FSIS
10 field folks as well as the respective State
11 contacts that have RRTs.

12 So that process is ongoing, that
13 dialogue is ongoing about what, in terms of what
14 the States are asking or what they are requesting
15 of us and it goes both ways. As I have mentioned
16 before it's a two-way street in terms of the
17 communication and the dialogue.

18 We have been working, I would say we've
19 made progress over the past several years in
20 actually having -- out there in the States where
21 they would actually, they didn't know whom to
22 contact in FSIS, now they at least have points of

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1 contact, there is dialogue going on.

2 I know that the Compliance and
3 Investigations Division has been very active in the
4 AFDO affiliate meetings. This is where they make
5 those connections with State and Local entities.

6 MEMBER BOOREN: Would a statement
7 saying the Committee strongly encourages continued
8 engagement with Local and State public health
9 agencies to better understand education needs for
10 retail be useful or is that more of a deterrent from
11 a staff standpoint?

12 MR. PAYNE: I think from our
13 perspective it's useful.

14 MR. PUZO: Dan Puzo, FSIS. Could you
15 repeat that?

16 MEMBER BOOREN: I just want to make
17 sure if there is any barriers that continued
18 engagement with such groups to better understand
19 what is needed to get that information out to
20 perhaps some of the smaller and more independent,
21 that you have the ability to go do that or have a
22 recommendation if you believe it's necessary to

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1 have such a recommendation that the Committee
2 considers giving it to.

3 MR. PUZO: Right. I think it is
4 important, and you said this somewhat earlier about
5 grassroots. We need to invest more in that and as
6 I described this quarterly meeting with
7 restaurateurs and food retailers in Newark, we
8 won't meet -- or we will engage more people in that
9 one hour meeting than we may do all year.

10 So we can't lose sight of grassroots.
11 I think though then there is the issue of working
12 with FDA, and that's a whole other question or
13 challenge.

14 But I think this is the first time we
15 as an agency have gone out to the Local, and I mean
16 Local not State, people and asked for their
17 assistance in reaching these unique operators.

18 CDR TARRANT: This is Jeff Tarrant.
19 I'm just trying to piggyback on one of your
20 questions earlier, is that when we have had
21 discussions with folks, I remember when I had some
22 conference calls with the folks from the National

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1 Environmental Health Association, when we as an
2 agency created what we called the "Trifold
3 Brochure," which was a condensed version of the
4 best practices guidance, we created it in English
5 and Spanish, they were overwhelmed with that.
6 They really loved that.

7 So I mean there seems to be the simpler,
8 you know, and the old KISS statement, the simpler
9 the more easily understandable is what they want.

10 You know, when we created the best
11 practices guidance, I think it's like 18 pages and
12 it's very comprehensive, but to the person on the
13 ground I think that's not something that they are
14 going to read or, you know, get much out of, but
15 that's why we, I think some of these ideas with our
16 videos or other ideas that could really get to the
17 actual operators would help us.

18 But we have had some conversations and
19 they seem to indicate that simpler is better.

20 MS. KELLER: This is Kaitlin Keller,
21 FSIS. We have just under 20 minutes. So I think
22 it's been helpful to hear more from FSIS staff, but

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1 I want to also make sure that the Subcommittee has
2 time to finish the recommendations and address the
3 questions at hand.

4 MEMBER HARVEY: We're there. We're
5 going to review.

6 MEMBER BOOREN: Do you want me to start
7 going through and seeing what we have down starting
8 at the top or are we still on three?

9 MEMBER HARVEY: Well first I wanted to
10 see if anyone has any comments. I was saying oh,
11 you can't really please everyone, that the
12 important thing is just to get the information out
13 there.

14 Definitely continue to do studies every
15 so often, but do whatever works and what is
16 receptive of the owners, for the owners and those
17 places. Yes?

18 MEMBER PHEBUS: So getting back to
19 Question Number 3, yes -- Randy Phebus, Kansas
20 State. Have we specifically answered the
21 questions that they asked, I mean yes or no?

22 I think that's probably what we need to

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1 do at this point is to come out with our
2 recommendation, yes, no, you should work to modify
3 the Food Code or whatever the question --

4 MEMBER HARVEY: Yes, that's part of our
5 review that's coming up.

6 MEMBER PHEBUS: Yes.

7 MEMBER HARVEY: I guess we're done with
8 that extra question there. In review can we have
9 our lovely secretary to go over the questions and
10 answers, please.

11 MEMBER BOOREN: Sure, I'll start up at
12 the top. Question A I'm going to let you guys move
13 along, read the question. It's the question about
14 what outreach is to be effective.

15 The main bullet is FSIS should ensure
16 that all information is consistently communicated
17 to public health and regulatory agencies,
18 retailers, and other allied stakeholders.

19 Sub-bullets underneath that, ensure
20 that guidance is being communicated to
21 stakeholders and implemented, encourage
22 partnerships and collaborations with other public

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1 health and regulatory agencies as well as other
2 allied stakeholders, consideration to be given
3 that any guidance and/or information provided
4 should be practical, easily understandable and
5 available to all audiences, consider continued
6 engagement with conference for food protection as
7 it provides consensus among government, industry,
8 and academic experts.

9 Outreach should be accessible to all
10 audiences and partner with stakeholders to
11 collaborate and assist with information
12 dissemination.

13 The Committee strongly encourages
14 continued engagement with Local and State public
15 health agencies and other allied stakeholders to
16 ensure better understanding, to better understand
17 the information and guidance needed to control
18 listeriosis in the retail deli, the idea that you
19 would figure out webinars, videos, seminars,
20 hard-written materials, et cetera.

21 That is what I have, what I think I have
22 captured from A. I think it needs some finessing,

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1 but those are the main points. Did I miss anything
2 or misrepresent what you were trying to say? Okay.

3 MEMBER HARVEY: Any comments or points
4 to be made? Dr. Phebus?

5 MEMBER PHEBUS: Is this the point where
6 we need to say something about the top three or top
7 four messages that we would suggest that they
8 develop and focus on as far as the foundation of
9 an outreach program?

10 I keep thinking back to the Ad Council,
11 clean, separate, cook, chill message, that's
12 something that can be hammered home time after time
13 across whatever situation.

14 Is that something that we should put in
15 as a bullet point to identify and the keep it simple
16 type thing and point out those three or four most
17 impactful things that can done?

18 MEMBER HARVEY: I think that's in B.

19 MEMBER PHEBUS: Okay.

20 MEMBER HARVEY: Yes.

21 MEMBER PHEBUS: Sorry.

22 MEMBER HARVEY: No, no, I think we need

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1 to know, like you said, get the top three that we
2 definitely want for sure and stress those.

3 MEMBER BOOREN: Okay, so going to B,
4 and, of course, we can always go back. What topics
5 should the agency address? And I've got these in
6 bullet form.

7 Sanitation, consideration given for
8 complexities within the retail environments, which
9 could include personnel, equipment, and regional
10 areas. Example, i.e. how to break down a retail
11 slicer.

12 Operational procedure outreach,
13 consideration given for complexities within retail
14 environment, equipment, personnel, and areas,
15 examples of ways that you could manage or mitigate
16 your risk.

17 FSIS regulated only slices versus FDA
18 regulated only slicers, if you decide proper
19 technique to monitor temperatures. Examples, to
20 collect verification data, and based on some of our
21 discussion that we just had we may want to remove
22 these, but I was trying to capture them, how to

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1 properly separate RTE versus non ready-to-eat
2 foods within, or, well let's use the right term,
3 raw or fresh, within retail establishments.

4 Develop examples on how a retailer
5 could reduce risk, i.e. inhibitors adaption of
6 certain sanitation procedures.

7 And then, Randy, I had your size versus
8 independents as well as RTE activities. I think
9 we've captured that up above, I think that's
10 involved there.

11 But that's what we have for B, those
12 main points. And there is a question over here.

13 MS. WILLIAMS: So just under the
14 examples to make it clear that when you are talking
15 about the FDA regulated and FSIS regulated you're
16 talking about product and not slicers?

17 MEMBER BOOREN: Vernacular is
18 important. Is the group comfortable with that, is
19 that wrong? I'm wondering, Randy, if we can delete
20 this one, is that captured above? Or if it's not
21 how do we need to rewrite that?

22 MEMBER HARVEY: We do have another

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1 bullet on there.

2 MEMBER BOOREN: Yes. No, that was
3 just me hitting return.

4 MEMBER HARVEY: All right.

5 MEMBER BOOREN: I mean --

6 MEMBER PHEBUS: The bullet as
7 currently written is pretty ambiguous, so I think
8 we would need to get more specifics or more clarity
9 in there if we were going to leave it.

10 MEMBER BOOREN: And do you have
11 clarification?

12 MEMBER PHEBUS: I'm trying to think
13 about that, Betsy, yes.

14 MEMBER BOOREN: Okay.

15 MEMBER OEDEKOVEN: Dustin Oedekoven.
16 I suppose you could get into State, locally
17 regulated slicers. I mean there are a lot of them
18 that are under, you know, a State regulation,
19 whether it's the Department of Health, State Meat
20 Inspection where FSIS isn't going to stop by or FDA
21 isn't going to stop by. So I --

22 (Off microphone comment.)

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1 MEMBER OEDEKOVEN: Yes, yes, yes, meat
2 product versus --

3 MEMBER BOOREN: What was the
4 suggestion?

5 MEMBER OEDEKOVEN: Sorry. I am
6 agreeing, can you hear that? The suggestion was
7 to indicate meat slicers versus some other food
8 product slicer.

9 MEMBER BOOREN: Do we get that though
10 up here?

11 MEMBER OEDEKOVEN: Oh, up above, yes.

12 (Off microphone comment)

13 MEMBER OEDEKOVEN: Right.

14 MEMBER BOOREN: See, what I'm
15 wondering, and this is as we sort of worked through
16 and synthesized all this, did we capture that in
17 these bullets, some of the concerns that we
18 discussed?

19 MEMBER HARVEY: I think it may need to
20 be a little more specific.

21 MEMBER BOOREN: Okay.

22 MEMBER OEDEKOVEN: Yes.

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1 MEMBER PHEBUS: This is Randy Phebus.
2 Again, what you've got highlighted to me needs to
3 be a sub-bullet under the developing examples as
4 opposed to a main bullet itself.

5 MEMBER BOOREN: Got it.

6 MEMBER PHEBUS: There you go.

7 MEMBER BOOREN: I think what I meant
8 here was ultimately what became the second bullet.

9 MEMBER PHEBUS: Again, we're talking
10 about this being a guidance document to reduce risk
11 and so I think if we say something along the lines
12 that if you are a delicatessen or a restaurant owner
13 or a supermarket owner and you don't have that
14 natural separation, you have a separate deli
15 versus, you know, a normal meat department type
16 situation, then you should do this, this, and this
17 to improve listeria control.

18 Do you understand what I am trying to
19 say there?

20 MEMBER BOOREN: Yes, I do.

21 MEMBER PHEBUS: Yes.

22 MEMBER BOOREN: I'm trying to figure

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1 out how to communicate it. Or do we go back to what
2 you say and put something -- I don't want to lose
3 this. But to put continue to, the four tenants of
4 cool, cook thoroughly, separate, and I forgot the
5 fourth one.

6 MEMBER HARVEY: Clean.

7 MEMBER BOOREN: Clean. I mean those
8 four basic core tenants of the food safety messages
9 of the Be Food Safe or whatever, to make sure that
10 those are addressed within their establishments?

11 MEMBER PHEBUS: Yes, but those four
12 don't really apply so much to listeria growth in
13 chilled deli products. That's more for --

14 MEMBER BOOREN: Randy, can I give you
15 some homework?

16 MEMBER HARVEY: We only have a few
17 minutes.

18 MEMBER BOOREN: Yes. I was going to
19 say if you can come up with language, I think I would
20 be comfortable as a subgroup if you could develop
21 language and we could share or meet with it tomorrow
22 morning before we go to the group that we if you

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1 have, want to finesse it for inclusion I would be
2 comfortable with that.

3 MEMBER PHEBUS: Okay.

4 MS. KELLER: This is Kaitlin Keller,
5 FSIS. We are getting down to the wire so if you,
6 this is just to remind you that this is draft for
7 discussion tomorrow, so if you wanted to leave a
8 placeholder in and continue that discussion
9 tomorrow that's something that you can do.

10 MEMBER HARVEY: Dr. Singh, are you
11 offering suggestions on that or some extra, because
12 I don't think we can do extra at this point?

13 MEMBER SINGH: It was not extra, it was
14 on that highlighted text. It says size versus
15 independent and then you say RTE activities, so I
16 think we capture that in the examples up there where
17 we say how to properly separate RTE and raw/fresh
18 foods, that's one part of it.

19 So I think that second bullet, I don't
20 know if we need that in that highlighted text, raw
21 versus RTE separation because this is, we already
22 mentioned that up there.

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1 (Off microphone comment.)

2 MEMBER SINGH: Right.

3 MEMBER BOOREN: It's okay. No, no,
4 no, that was more to remind us what we were saying.

5 MEMBER HARVEY: That's kind of -- Oh,
6 okay.

7 MEMBER BOOREN: So delete that?

8 MEMBER SINGH: I think we will delete
9 that because the fourth bullet for the example says
10 that same thing.

11 But then in that highlighted text it
12 probably needs to be, I don't know if you want to
13 say a size, you want to say a large versus
14 independent retailers or something like that where
15 it says -- I don't know how you're going to term
16 it for the terminology there.

17 MEMBER PHEBUS: Well the problem is you
18 have large independents and small independents, so
19 the size versus independents is in this case --

20 MEMBER SINGH: Yes.

21 MEMBER HARVEY: Yes.

22 MEMBER BOOREN: Okay. So we are going

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1 to go on to the next one. I apologize. The next
2 point, if the Committee doesn't have any
3 recommendations on specific topics does it have
4 recommendations how to get the information.

5 The two points we talked about,
6 considering the advancement of emerging
7 technologies and how it contributes to risk,
8 attribution and risk, i.e. whole genome
9 sequencing, and then continued engagement with
10 public health regulatory agencies, industry, and
11 allied stakeholders to identify emerging issues.

12 Did that capture everything we
13 discussed? Do we need to add more or take it out?

14 MEMBER HARVEY: Anyone else have
15 anything? Okay.

16 MEMBER BOOREN: I think what I want to
17 leave the Agency with from a Committee
18 recommendation from my perspective is that the
19 Agency has the encouragement as issues emerge to
20 make sure that they identifying them in a timely
21 fashion, whether it's with Local, State, or
22 wherever, that's where I sort of saw the last bullet

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1 coming from.

2 You just don't know what's going to
3 happen until it happens and then we need to make
4 sure that you have the ability to react.

5 The next question is the infamous
6 Number 3 which I think from a nice standpoint we
7 said yes, but I don't know if we came to agreement
8 on this part.

9 (Off microphone comment.)

10 MEMBER BOOREN: Yes. So what I took
11 from our discussion when we were discussing this
12 question was somewhat what we have written down
13 here below it in bold, but if you want to address
14 the questions we can do that.

15 MEMBER HARVEY: I think we should just
16 say yes and that they should keep records, but as
17 Dr. O has pointed out time and time again it is still
18 up to the State and Local entities to make sure that
19 they are doing that, so I'll say yes and yes.

20 MEMBER BOOREN: I struggle with,
21 personally I struggle with the idea of keeping
22 records if we can't give better ideas of what those

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1 records should be.

2 MEMBER HARVEY: But it specifically
3 asks about sanitizing and temperature control.

4 MEMBER BOOREN: But I'm not sure if,
5 quite frankly, in the retailer are those the right
6 type of records that should be asked to be required?

7 MEMBER HARVEY: Well that would
8 actually go somewhere else though, so --

9 MEMBER BOOREN: Because to me A isn't
10 a yes or no question per se, but that's just one
11 perspective. I wouldn't be comfortable. What I
12 am saying is I wouldn't be comfortable saying yes
13 to that question as a Committee Member.

14 MEMBER SINGH: I agree with that. I
15 only -- I think the first part of it is definitely
16 a yes, but the second part of it is where I struggle
17 with saying yes to that question.

18 I don't think requiring sanitizing and
19 temperature control records are the only things to
20 look at.

21 MEMBER HARVEY: That is why they asked
22 us for more on topics, but this question

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1 specifically asks about sanitizing and temperature
2 control.

3 I mean obviously we have offered other
4 suggestions as far as topics and things to look
5 into, but, however, we need to just specifically
6 address this question, or we can come back to it
7 tomorrow, we can sleep on it. Dr. O?

8 MEMBER OEDEKOVEN: I certainly, and
9 like I have said before, I think Lm control is
10 important. I think we really need to take it
11 seriously.

12 But changing Food Code and regulations
13 and making additional requirements of any entity
14 without carefully weighing the cost and benefits
15 of it and what do we get for what we're doing I think
16 is -- I mean I think we have a difficult time with
17 the information we have today to say yes.

18 I certainly think more needs to be done
19 in the way of education and outreach and making sure
20 everybody understands the risks and consequences
21 associated with Lm.

22 I don't want anybody to -- I mean I think

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1 that's an important concept, but it's hard to say
2 now that we need to do something when we really
3 don't understand what would be the outcome of
4 making new rules, are we really going to -- I mean
5 we're down to the percentages of, you know, what
6 percentage of increased benefit will we get and
7 what will that cost.

8 I think there is a tradeoff there that
9 we don't understand just yet, so we're going to have
10 a hard time saying we need to make new rules now.

11 MEMBER HARVEY: Yes, I kind of did put
12 it in two questions, I apologize for that. Of
13 course, we all did agree FSIS should work with FDA,
14 maybe that should have been a question in itself
15 and then ask should changes be made to the Food
16 Code.

17 And like I said it's too late for that
18 at this point, so --

19 MEMBER BOOREN: Listening to that, is
20 it worth putting a clarifying statement from, the
21 Subcommittee recommends to the Full Committee
22 saying we struggled to answer this question, here

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1 is why, and then put --

2 MEMBER HARVEY: Yes.

3 MEMBER BOOREN: What I think we kept
4 circling around was at least the first bullet or
5 so on the other one. I don't know if that's the
6 right language, but I think if we don't feel
7 comfortable from a Subcommittee recommending
8 answering that question, or at least why we didn't
9 answer the question for tomorrow's discussion, I
10 think that would be meaningful maybe to the Full
11 Committee.

12 And if not that's fine, I'm just trying
13 to figure out a way of addressing if we don't answer
14 it why we didn't.

15 MEMBER HARVEY: We will answer it. We
16 will actually do it tomorrow as well. We're like
17 running over time and I believe you have something
18 to tell us, right?

19 MS. KELLER: We are just about at time.
20 If you would like to go over, I know there is still
21 a second part of that question, so if you want to
22 maybe --

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1 MEMBER HARVEY: Well I think we should
2 just address it as a whole. I guess everyone want
3 to conclude it tomorrow? Is that the other group
4 out there or what, I don't know?

5 MEMBER OEDEKOVEN: How much time do we
6 have tomorrow?

7 MS. WILLIAMS: Natasha Williams, FSIS.
8 We should have about an hour, but we want to make
9 sure that we have the exact Subcommittee report
10 down and we'll give everyone a copy and then as a
11 --

12 MEMBER BOOREN: So a point of
13 clarification, do we --

14 MS. WILLIAMS: I think what you said
15 earlier is a good suggestion.

16 MEMBER HARVEY: That statement, that's
17 what I was about to say.

18 MEMBER BOOREN: Okay. Is that
19 something that -- I'd be comfortable with that, but
20 I don't know about the rest of you. Yes?

21 MEMBER HARVEY: At this point I think
22 that's the only thing that -- Are you all in

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1 agreement with that? Dr. O and Ms. Jenkins?

2 MEMBER OEDEKOVEN: Yes.

3 MEMBER HARVEY: No?

4 MEMBER BOOREN: Clearly, I don't know
5 how to spell listeriosis and I'm consistently
6 inconsistent in that. The Subcommittee does or the
7 Full Committee?

8 MEMBER HARVEY: The Full Committee.

9 MEMBER BOOREN: Okay. Okay, so this
10 is what I wrote, and edit away. The Subcommittee
11 was unable to answer the question submitted. The
12 Subcommittee strongly believes the prevention of
13 listeriosis in the retail deli is critically
14 important.

15 The Subcommittee strongly believes
16 that FSIS should continue to work with FDA and
17 States to prevent listeriosis attributable to the
18 retail deli.

19 The Subcommittee at this time does not
20 have enough data and information to make a
21 recommendation and whether sanitizing or
22 temperature control records are appropriate to

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1 change within the Food Code.

2 Therefore, the Committee recommends
3 that a comprehensive inter-agency plan to modify
4 Food Code to reduce listeriosis in retail
5 establishments, specifically identify generally
6 who is in charge of what, how it will be regulated
7 to measurably improve public health due to
8 listeriosis, can the agencies come to a consensus
9 on critical factors that should be controlled at
10 retail to prevent listeriosis, and identify if
11 certain food safety data or parameters is needed
12 to be collected and verified to ensure minimum food
13 safety expectations are met.

14 And then I don't know what we want to
15 do with the highlighted, if it's worth just
16 deleting. I mean we sort of circled around that
17 discussion and I don't think point A captured
18 really what was going on.

19 MEMBER OEDEKOVEN: Betsy, this is
20 Dustin Oedekoven again. You know, I think a
21 fundamental question that would help us evaluate
22 this, that maybe either FSIS or FDA could answer,

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1 if not today, but maybe for us tomorrow, is what
2 is the incidents of listeriosis that may be
3 attributed to deli meats?

4 I mean what is the annual case rate of
5 listeria that is attributed to deli meats? I don't
6 know that we've got that, and that would be of
7 interest in knowing that, you know, before we
8 proceed with analyzing State and Local
9 requirements.

10 MEMBER HARVEY: The thing is as Natasha
11 pointed out, we need to have a draft, so --

12 MS. BARLOW: This is Kristina Barlow.
13 I don't have that information right now, but I might
14 be able to get it tomorrow.

15 MEMBER BOOREN: I think it's in the
16 risk assessments.

17 MS. BARLOW: Yes.

18 MEMBER BOOREN: I mean it's in your NL,
19 so your public health analysis of what is coming.

20 MS. BARLOW: Yes.

21 MEMBER BOOREN: But I think also what
22 you are trying to get at is what is from meat and

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1 poultry read-to-eat products versus what is sliced
2 at retail, and we've got the 83 percent estimate,
3 that is probably the best case, and that came out
4 in, what, 2010, 2009?

5 MS. BARLOW: Yes, 2010.

6 MEMBER BOOREN: 2010.

7 MEMBER OEDEKOVEN: But so 83 percent of
8 the cases, but how many cases is that? You know,
9 what is the incidents of illness versus what is the,
10 you know, to get it broken down to of those that
11 are due to deli meats 83 percent -- or due to meats,
12 sliced meats, 83 percent are due to those in the
13 retail sector versus the inspected, but what really
14 is the incidents or the number of cases that occurs?

15 MEMBER BOOREN: Actual versus
16 estimated, is that what you are looking for?

17 MEMBER OEDEKOVEN: Well, yes, what are
18 the actual number of cases. Eighty-three percent
19 could be based on three --

20 MEMBER BOOREN: Five.

21 MEMBER OEDEKOVEN: -- or four cases,
22 yes.

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1 MEMBER BOOREN: One hundred.

2 MEMBER OEDEKOVEN: Right.

3 MEMBER BOOREN: Yes.

4 MS. KELLER: This is Kaitlin Keller,
5 FSIS. We can look into that information with Ms.
6 Barlow tomorrow, but we do need to wrap up now on
7 this last piece of the draft.

8 MEMBER BOOREN: Do we want to delete
9 the highlighted? I am comfortable deleting with
10 it, because --

11 MEMBER OEDEKOVEN: I think it probably
12 would be -- Yes.

13 MEMBER BOOREN: And I hope someone from
14 FSIS can fix listeriosis throughout the document
15 for me because clearly I am consistently
16 inconsistent. Okay.

17 MEMBER HARVEY: Okay. Well, thank
18 you, you did a great job.

19 MEMBER BOOREN: You guys did all the
20 hard work.

21 MEMBER HARVEY: Yes, great job.

22 MS. KELLER: This is Kaitlin Keller

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1 again, FSIS. I just want to thank you all. I just
2 want to confirm that we have consensus at this point
3 within the Subcommittee.

4 MEMBER HARVEY: And thank you for
5 having enough faith in me to Chair this Committee.

6 MS. KELLER: You did a great job and it
7 was a great discussion everyone.

8 MEMBER HARVEY: Thank you.

9 (Whereupon, the above-entitled matter
10 went off the record at 4:39 p.m.)

11