

WORC

Western Organization of Resource Councils

16 December 2009

Docket Clerk
U.S. Dept. of Agriculture
Food Safety and Inspection Service
Room 2-2127 George Washington Carver Center
5601 Sunnyside Ave.
Beltsville, MD 20705

**RE: Western Organization of Resource Council Comments in Docket No. FSIS-2008-0039:
Cooperative Inspection Program: Interstate Shipment of Meat and Poultry Products**

Dear USDA FSIS:

Western Organization of Resource Councils (WORC) appreciates the opportunity to submit comments under the extended time period for the above docket on state and federal cooperative inspection to allow interstate shipment of meat and poultry products.

WORC is a regional network of seven grassroots community organizations with 45 local chapters and 9,700 members, many of them engaged in livestock production. WORC members are working to build sustainable communities, strengthen local food systems, and challenge the institutions that threaten family farm agriculture.

WORC strongly supports Section 11015 of Title XI adopted in the 2008 Food, Conservation, and Energy Act, that provides for the cooperative inspection program for interstate shipment of meat and poultry products thereby lifting the prospects of competition and local economic development around livestock.

We offer our comments to ensure that this important reform adopted by Congress not be distorted by rulemaking in such a manner as to inhibit or discourage the introduction of locally and regionally produced meats into interstate commerce. Following are WORC's comments on the proposed rule:

Requiring that state inspection programs operate in a manner "the same as" FSIS is unnecessarily burdensome, will discourage state participation in the Cooperative Inspection Program, and is not needed in order to achieve food safety.

In this proposed rule, FSIS is mandating more than the statute requires. Congress could have said "the same as" in the statute, but did not do so. It said "in compliance with," which allows for a broader range of suitable procedures and tools appropriate to the scale, the technologies, the capacity and the unique circumstances of a given state and facility.

WORC believes that the use of the phrase “the same as” is going beyond Congressional intent in opening an avenue for state inspected meats to enter into interstate commerce.

Many state inspection programs have already adopted the federal regulations associated with the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA). FSIS evaluations have repeatedly shown that such programs can follow these regulations in a manner “at least equal to” FSIS, and thus “in compliance with” the acts, while operating in a manner that is not “the same as” FSIS due to their smaller staff size and other relevant administrative circumstances. WORC recommends that this aspect of the proposed rule be revised to allow more flexibility for state programs so long as they are in compliance with the FMIA and the PPIA.

It should be noted that the requirement that State inspection programs be “the same as” the inspection services provided under the Federal program would subject the States to a significantly stricter and less flexible standard than that imposed on meat packing and meat processing establishments in foreign countries. USDA currently allows meat produced in establishments in under-developed and developing countries to freely enter U.S. commerce provided their inspection programs are only “equivalent to” the inspection programs in the U.S.

While WORC does not support this “equivalent to” standard for foreign facilities and urges FSIS to strengthen its food inspection program standards for foreign products entering into U.S. commerce, there is no justification for discriminating against domestic establishments under the jurisdiction of State inspection programs by requiring them to meet far more rigid standards than those imposed on foreign establishments.

The proposed rule should protect establishments operating under a cooperative state meat inspection program from enforcement actions caused by contaminations that originate in upstream slaughtering facilities.

Under the proposed rule, fully compliant state inspected plants are potentially held liable for deficiencies inherent in the current USDA meat inspection system, which shields the slaughtering establishments from accountability for harmful enteric bacteria. Unless the proposed rule includes language to provide a safe harbor for non-slaughter, downstream processing plants against enforcement actions resulting from enteric bacterial contamination which can only originate in slaughtering facilities upstream; the effect will be to force these fully compliant state-inspected plants to transition to official Federal establishments under the proposed rule’s de-selection provisions at Sec. 332.10(b).

FSIS should look to states that have operated highly successful inspection programs as models as it adopts standards for a cooperative inspection program.

The recurrence of massive recalls in the U.S. cattle industry demonstrates that FSIS current approach to meat safety inspection is fundamentally unsound. The reliance of FSIS on the Hazard Analysis and Critical Control Points (HACCP) systems approach, which replaces direct inspection, oversight and enforcement with what amounts to an honor system, is not working.

This rulemaking represents a rare opportunity to encourage more involvement of states in addressing our food safety issues. In reviewing the proposed rule, FSIS should accord considerable weight to comments submitted by States with exemplary food safety inspection histories with State-inspected establishments that also have exemplary histories. WORC also recommends that FSIS accord the States reasonable discretion and flexibility under the proposed rule to encourage innovation and efficiencies in implementing cooperative inspection programs.

FSIS should undertake a thorough review of its HACCP plan requirements and other measures as applied to small and very small establishments to ensure that the agency is not raising unnecessary, inappropriate barriers to an increase in the number of smaller scale processing facilities.

Sections 332.12 and 381.522 of the Proposed Rule limit the purpose of 2008 Farm Bill transition grants provided to state agencies to reimbursement of the costs of selected establishments to train one individual in the seven HACCP principles for meat or poultry processing. The use of grants for training should not be so narrowly constrained and would harvest greater benefits by including listening sessions and workshops where appropriate approaches for streamlining these procedures in a manner suitable to very small facilities could result in effective food safety standards for different scales of processing.

WORC supports FSIS Technical Assistance for very small or certain small establishments.

In its recent publication, *Where's the Local Beef*, Food and Water Watch provided a number of sound recommendations for the technical assistance required under the 2008 Farm Bill directive to the Secretary to establish a technical assistance division in FSIS to coordinate with USDA initiatives to provide outreach, education and training to very small or certain small establishments, and to provide grants to appropriate state agencies to provide the same.

These recommendations include:

- The establishment of a USDA advisory committee on small plants. The committee should evaluate and recommend improvements in the USDA's small plant outreach program.
- The establishment of a USDA small plant ombudsman office within FSIS, with staff resources to answer questions from small plant operators.
- The production by FSIS of an annual report on the impact of agency directives, notices, and other policies on small plants (including an estimate of the amount of hours required for small plants to fulfill recordkeeping and expenses incurred to comply with new rules). This report should be open for public comment.

WORC supports reasonable measures to ensure state inspection programs operate at appropriate standards. However, the proposed rules are too narrow and inflexible to advance safe and wholesome locally and regionally produced meats into a competitive and robust marketplace.

Sincerely,

Mabel Dobbs, Livestock Team Chair, Western Organization of Resource Councils