

PolicyPennings by Dr. Daryll E. Ray

## Legislators overlook serious flaw in USDA's HACCP food-safety system-while promoting its adoption by FDA

The presence of salmonella in peanut butter this last winter prompted calls for a number of solutions to the inspection failure, including one for the United States Department of Agriculture (USDA) to take over all food inspection and another for the Food and Drug Administration (FDA) to adopt the USDA Food Inspection Service's Hazard Analysis and Critical Control Point (HACCP) method of inspection.

As House Agriculture Committee Chair Collin Peterson said, "We have jurisdiction over meat and catfish. FDA has jurisdiction over everything else. We're not perfect, but our track record is a helluva lot better at USDA than it is at FDA."

After the Jack in the Box E. coli outbreak in 1993, the USDA decided to move to the HACCP system of inspection. Based on the idea that the plant operator knows the plant better than the USDA, the responsibility for designing an inspection system was turned over to each individual plant.

According to John Munsell, Manager, Foundation for Accountability in Regulatory Enforcement (FARE), when USDA "officials initially described HACCP to the industry in the mid-90's, the agency made the following enticing promises:

- "Under HACCP, the agency will implement a 'Hands Off' role in meat inspection.
- "Under HACCP, the agency will no longer police the industry, but the industry will police itself.
- "Under HACCP, the agency will disband its previous command and control authority.
- "Under HACCP, each plant will write its own HACCP Plan, and the agency cannot tell plants what must be in their HACCP Plans."

As a result, the plant operator was required to identify potential hazards and the critical points in the process where those hazards could come into play. The plan would then identify procedures that would be used to minimize the hazard risk at those control points. The plant would be responsible for the implementation of the plan.

As a result, the inspector was no longer responsible for what was happening on the plant floor: that was left to company personnel. The new role of the inspector was to make sure that plant personnel were carrying out their duties in a manner consistent with the HACCP plan. In many cases this amounted to making sure that all of the paper work was in the proper order.

As Dr. Phil would say, "How's that working out for you?"

To understand the numbers, one has to under-

stand the nature of E. coli bacteria. Munsell writes, "E. coli and Salmonella are 'enteric' bacteria, which by definition means they originate within animals' intestines, and by extension, on manure-covered hides. Slaughter facilities have intestines and manure-covered hides on their premises, which is where enteric bacteria are inadvertently transferred onto carcasses. The vast majority of destination facilities where meat is shipped do not have intestines or hides on their premises. They include retail meat markets, USDA and state-inspected further processing plants, and HRI accounts such as restaurants, nursing homes, hospitals, and schools."

When a downline processor who has no slaughter facility discovers E. coli bacteria in its beef trimmings or ground beef, it is because the cuts provided by the slaughter house were contaminated.

With this in mind, so far in 2009 there have been 8 E. coli recalls totaling over 1.5 million pounds of beef. In 2008 the total number of E. coli recalls was 21, covering 35 million pounds of beef. In 2006 there were 8 recalls at downline plants where the source of the E. coli was never identified.

How does this happen? According to Munsell, "FSIS allows slaughter facilities to ship intact cuts of meat into commerce which are surface-contaminated with E. coli 0157:H7. Reasoning: the agency claims that E. coli 0157:H7 is NOT an adulterant when found on surfaces of intact meat." Furthermore, if contamination is discovered at a downstream plant, trace back documentation to the source of the surface-contaminated meat is not required.

If the intact cuts of meat are cooked as steaks and roasts, the external temperature is above 160 degrees and kills the E. coli.

It is when the intact cuts of beef are ground that the surface contaminated E. coli is mixed into the interior of the meat that a serious problem arises. If the contaminated ground beef is not cooked to an internal temperature of 160 degrees, at which point it is very dry tasting, the E. coli is not killed. To avoid liability, the slaughter plants label the boxed beef that they sell "Not Intended for Grinding," knowing full well that much of it is ground into hamburger by smaller plants.

Munsell writes that at a 2008 conference entitled "Prevention of E. coli 0157:H7 for Further Beef Processors" Dr. Richard Raymond, then the USDA Under Secretary in charge of meat inspection, "stated

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that the [USDA] opened 24 packages of vacuum packaged boxed beef items and tested them for the presence of E. coli. Shockingly, 8 [one-third] of the packages tested positive for E. coli."

To answer the question we raised, the HACCP program is not working out very well as currently administered. It allows boxed beef cuts that are contaminated with E. coli to leave the slaughter facility and create problems for further processors and, ultimately, consumers.

It seems it would be unwise for the FDA to adopt the HACCP program for its inspections without some serious revision that holds the raw ingredient plants accountable for making sure that no contaminated product leaves their premises. It is also important that the source of each contamination be identified and

eliminated at the raw ingredient plant level.

That would leave further processing plants responsible for keeping the product safe and pathogen free during their operation. If an enteric bacterium is discovered at a further processing plant, the source slaughter plant should be identified immediately, steps should be taken to identify all possible contaminated products for recall, and the source of the contamination should be eliminated.

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