

UNITED STATES DEPARTMENT OF AGRICULTURE

IN RE:

NATIONAL ADVISORY COMMITTEE

ON MEAT AND POULTRY INSPECTION

Hearing held on the 23rd day of June, 2003

at 6:00 p.m.

Alexandria, Virginia

TRANSCRIPT OF PROCEEDINGS

BEFORE: Michael Govro

APPEARANCES:

Dr. David Carpenter
Ms. Sandra Eskin
Dr. Joseph J. Harris
Dr. Jill Hollingsworth
Jesse Majkowski
Dan Vitiello
Beth Krushinskie
Eric Penner
Ken Elane
Charley Danner

York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

P R O C E E D I N G S

June 23, 2003

MR. GOVRO: Let's go ahead and do introductions again. I'm Mike Govro. I'm the Subcommittee Chair for the Department of Agriculture.

DR. HOLLINGSWORTH: I'm Jill Hollingsworth with Food Marketing Institute who represent the retail grocery stores.

DR. HARRIS: I'm Joe Harris with Southwest meat Association.

MR. MAJKOWSKI: I'm Jesse Majkowski with the Food Safety Inspection Service.

DR. CARPENTER: I'm David Carpenter with SIU School of Medicine and food safety is important in our curriculum of the medical students.

MR. GOVRO: Let's go ahead and get everybody else. Dan?

MR. VITIELLO: Dan Vitiello, Food Security and Emergency Preparedness Office.

MR. GOVRO: And you're our scribe, right.

MS. KRUSHINSKIE: Beth Krushinskie, scribe.

MR. DANNER: Charley Danner, Office of Food Security.

MR. ELANE: Ken Elane, Office of Food Security.

MR. PENNER: Eric Penner, Office of Food Security.

MR. GOVRO: And, Sandra?

MS. ESKIN: Hi, Sandra Eskin.

MR. GOVRO: What I'd like to propose for the format of our meeting this evening is that we go through the questions. We have five, four or five?

MR. MAJKOWSKI: There's like 4 1/2.

MR. GOVRO: Okay, 4 1/2 and spend about ten minutes or so on each one discussing them so that we can come up with a bit of a consensus about how we'd like to answer them, and then each of the committee members take one of the questions and write up something that will go into our report, and after -- that'll take us through probably an hour and a half or so and then spend the last half hour if it takes that sort of fine tuning those responses for tomorrow's meeting and we should be out of here in two hours. Does that agree with everyone? Okay, it looks like our first question here is how can the agency improve food security awareness by the industry and I have a question I think I'll direct

to Jesse before we start on that because I'm a bit unclear. It sounds as if Lee Jan's comment today that these two documents have been taken out and personally reviewed one on one with each plant manager.

MR. MAJKOWSKI: That's true. That's correct and that was when it was initially put out and then the second time was when we went to this Liberty Shield and we started doing these food security inspection tabs, okay.

MR. GOVRO: Okay, so I guess the question is what exactly is the question and if the...

MR. MAJKOWSKI: Well, I guess the question was really directed that knowing that we've done that and all the activities we've taken on and that we've done within the agency and outside, is there something more that we should be doing in terms of materials, outreach.

MR. GOVRO: And the nature of my question is do you feel that the industry although they're obviously aware that there is something to be addressed or not have not addressed it fully. They've not taken it as seriously as they need to or...

MR. MAJKOWSKI: Well, I think the answer is that we don't know.

MR. GOVRO: Okay.

DR. CARPENTER: I mean in reality we just -- we don't know because we haven't gone out to survey.

MS. ESKIN: That was actually my follow up question is there any discussion about survey or even asking the Trade Association...

MR. DANNER: There is a survey...

COURT REPORTER: Could you come up to the table, please, to a microphone?

MR. DANNER: No, I'll let Jesse answer. Go ahead, Jesse.

MR. MAJKOWSKI: What's that?

MR. DANNER: We had a survey which but it's gotten like you said earlier, it's got to have clearance.

MR. MAJKOWSKI: Yeah, we...

MS. ESKIN: Oh, you mean the survey that you...

MR. MAJKOWSKI: We've got a survey that we were going to do but we really still have to get OMB clearance and that will take some time to get the...

MS. ESKIN: What about working with some of the trade associations and see if they can do that just

to get a sense if this document is...

MR. MAJKOWSKI: It's certainly a possibility to go the trade associations to get a sense of what the industry is aware of or what we could do.

MS. ESKIN: Right, it seems to me that there's really no answer to number one until we have some accurate sense of exactly what materials are out there, what the concerns are, what -- otherwise you may be missing the mark as to where you need to put your resources.

MR. GOVRO: Okay. Dan, is the half question sort of a follow up to this?

MR. VITIELLO: No, the very last two.

MR. GOVRO: Okay.

MS. ESKIN: Jesse, does the agency get -- there's been a lot of industry guidance generated by trade associations in the different industry sectors. I'm assuming that that information is available. Well, I know it's available to the government agencies. I don't know how much of that they followed up on. I know and obviously I'll just use this as an example. There was one done for processors and distribution and retail and we sent -- part of the problem is I don't think

everyone has got this all coordinated and Jesse knows this has been an ongoing thing with security that I think it lacks a lot of coordination from all the different players. We sent a copy of this one to USDA and one to FDA. My guess is 90 percent of the people at USDA would know about it.

MR. MAJKOWSKI: It's the first time I've seen it.

MS. ESKIN: Yeah, that's what I thought.

MR. MAJKOWSKI: I even know you.

MS. ESKIN: And you know me well.

MR. MAJKOWSKI: Yeah.

MS. ESKIN: But part of it is because everyone is sort of doing something on security. I think what a survey would probably show is that there's an awful lot of awareness and a lot of things being done, but the problem is no one has come up with a mechanism to bring all the right people to the table and say who's doing what and are there any gaps. Is there a place within the whole food sector where's there a gap and then we could fill that, but if there are places where distributors have something, transporters have something, retailers do, then those three people would

go together nicely. Likewise, processing plants, we know that FDA has two guidance documents for the foods they regulate. We know that USDA has one. I bet every single trade association in Washington has a guidance document.

MR. MAJKOWSKI: And the NFDA has put out one.

DR. HOLLINGSWORTH: NFDA has one. GMA has one. AMI has one. FMI has one. You know, I'm sure they all do. United Fresh Fruit and Vegetable sent me theirs the other day. Here's the one for growing fresh produce.

MR. MAJKOWSKI: And we're working on some food safety and security guidelines for transportation also so...

DR. HOLLINGSWORTH: So I guess my concern is not so much who's aware and what are they doing but how do we make sure that everyone knows what everyone else is doing, and how do we make all those pieces fit together?

DR. HARRIS: And we also see a significant number of customers dictating to processing companies here are the things we expect you have to in place so I would agree with Jill. I think we're just -- there's

tons of stuff out there and no real coordination.

MR. GOVRO: One of the things that I've noticed is that a lot of the private associations such as National Food Processors in our neck of the woods, Northwest Food Processors are doing quite a bit and they're doing it very privately. They don't want a record of it. They meet in closed rooms with no reporters and they talk about what they need to do.

MS. ESKIN: And that's because they're concerned about people panicking or...

MR. GOVRO: No, I think they're concerned about taking measures that then become transparent to the people they're trying to guard themselves against.

MS. ESKIN: Got it.

DR. HOLLINGSWORTH: And that has been a big ongoing concern I think with the industry. Early on it seemed like everybody was trying to gather information and I can remember one particular meeting where there was a number of industry people and they were sharing their security programs and what they were doing, and then that was released as a public report and they were mortified. It was like these are the very things, you know, the fact that we have video cameras on the salad

bar is not something everyone needs to know. I mean the reason we have that is for security purposes and likewise I understand the position that FDA and probably USDA is in that there has been a lot of work done, for example, with the Department of Defense on looking at vulnerabilities and weapons of mass destruction and which points could be used under what scenarios. You know, which ones are going to work in water and which ones aren't. Which ones work on food and which ones are air disseminated and there's been a lot of work done in that regard, but then it all gets classified and I'm sure you've been in some of those. I mean I was at a meeting once where there was a person from the Department of Home Land Security who said we know a whole lot about food and the vulnerability but we can't tell you.

MS. ESKIN: Great.

MR. MAJKOWSKI: That's true.

MR. GOVRO: Jesse, you mentioned doing these inspections, these food security inspections. Has the agency been able to glean anything from that in terms of the state of readiness of the industry and gauge just from those how well the industry is taking to heart the

guidance?

MS. ESKIN: No, we haven't gone back out to the field and asked our district managers and our inspectors to give them some, you know, anecdotal information on what they found at this point.

MR. GOVRO: Well, what did the inspections consist of?

MR. MAJKOWSKI: Well, they basically had tests. If you look at the guidelines, you know, one good example would be, they looked at the ingredient room and did they have controls over the ingredient room, were boxes tampered with, does the plant have any controls on that. If the plant had hazardous materials, are the hazardous materials locked up and are they secure. And if they found that they weren't then they would have talked to the plant manager and said, you know, we recommend that, you know, that you secure these areas and so forth, but no report was made of that.

MR. GOVRO: How many of those inspections have been done?

MR. MAJKOWSKI: How many? All 6,500 plants we were in there doing tests at least a couple each shift, so there's like probably 100,000 inspection tasks that

have been done.

MR. GOVRO: Oh, so pretty comprehensive?

MR. MAJKOWSKI: Yeah, a pretty good number have been done and all that we recorded basically is that they did the test and that was because of the concern of generating a report and that report would become public.

DR. HOLLINGSWORTH: Jesse, are there security issues that FSIS came up or identified within those slaughter processing plants that were totally new? In other words, things that the industry was not already addressing I mean? Monitoring and tracking incoming chemical compounds already has to be done. Keeping the box room clean. Keeping labels under security. A lot of the things that are perceived as security issues are probably being done under safety or other regulatory issues. Were there new things that were identified that were so unique to security that they're seen as issues that we should focus on? I mean, it seems sometimes we're checking on things under the guides to security but they're already checked on for safety.

MS. ESKIN: Right, there's an overlap.

DR. HOLLINGSWORTH: Yes, a huge overlap.

MR. MAJKOWSKI: Or other security reasons also.

DR. HOLLINGSWORTH: Right.

MR. MAJKOWSKI: I'm not aware of any in the guidelines or anything that we've put out per se that would be vastly different when you look at those, you know, those guidelines. The only thing I would say is probably the background checks on employees and you get into a lot of rights issues and other things.

DR. HOLLINGSWORTH: Which you can't dictate anyway?

MR. MAJKOWSKI: We can't dictate anyway and...

MR. DANNER: We can do it now under...

DR. HOLLINGSWORTH: I thought that was identified today as one of the things that could not be done under the existing regs and that is requiring employee checks.

MR. DANNER: The Patriot Act has actually changed surprisingly...

COURT REPORTER: Can you please come to the table?

MR. DANNER: I'm sorry.

COURT REPORTER: I'm not picking you up back

there.

MR. DANNER: I'm sorry.

MR. MAJKOWSKI: The Patriot Act gave a lot of leeway on things but in terms of our specific rules that GAO set, I mean, what OIG -- not OIG. OGC, Office of General Council on that was that we didn't have the authority on the outside of the plant in matters with employees within the plant. That was -- they based their authorities on the sanitation provisions in the original acts that gave us really the legal authority to put forth some of those -- that we could regulate some of those items.

MS. ESKIN: Can I ask you a question regarding security issues pre 9/11? I mean I assume in some situations, I mean, there are protections or preventions or whatever guidelines in a plant against some sort of deliberate contamination whether it's checking labels, I mean, there are certain requirements that were in place before 2001.

MR. MAJKOWSKI: We didn't...

MS. ESKIN: I mean you didn't require them but plants often did? Sometimes did?

DR. HOLLINGSWORTH: Well, again, there's that

fine line between what was required for safety and what actually in retrospect could have been perceived as a safe or a security measure. I'm trying to think of a really good example of one. There are products that...

MR. MAJKOWSKI: Here's a good example.

DR. HOLLINGSWORTH: ...physical contamination. Throwing something into a grinder like glass.

MS. ESKIN: Right.

DR. HOLLINGSWORTH: That could be perceived as a security measure but it was already in place as a safety measure.

MR. MAJKOWSKI: Restriction of the movement of employees. We recommend that in our book or, you know. Well, you go to plants that are producing -- that have raw and ready to eat products the individuals are restricted, you know, in the raw area from moving so in essence, you know, that's there.

MS. ESKIN: And again in terms of incidence of deliberate contamination you mentioned in your presentation earlier I think about salad bar example. That's their retail contact. Have there been any I guess that may have been that we don't know about incidents in which processing, slaughter or whatever you

had...

MR. MAJKOWSKI: No, we've had tampering in that. I mean we've had people that throw nuts and bolts or glass into it.

MS. ESKIN: And they may do it because they're mad at their boss or their...

MR. MAJKOWSKI: Because it's generally that it's a disgruntled employee for whatever reason has thrown something in.

DR. HOLLINGSWORTH: A pesticide just recently.

MS. ESKIN: Was that a disgruntled employee?

MR. MAJKOWSKI: Yeah, a disgruntled employee.

MS. ESKIN: I mean that's been around forever and I assume the likelihood of that is probably...

MR. MAJKOWSKI: It's always there.

MS. ESKIN: Always there and maybe even greater than a, you know, a born terrorist or some terrorist cells here.

MR. MAJKOWSKI: Obviously.

MS. ESKIN: I know. I understand the whole thing is an issue of potential risk and perception and all that kind of stuff but it has happened before.

MR. MAJKOWSKI: The tampering has been.

MS. ESKIN: It's relevant.

DR. HOLLINGSWORTH: I guess just one that might help us as a group help you in answering these questions is that whether or not, and maybe this comes up more in the next question, but do you want to just look at within the confines of meat and poultry in a slaughter processing facilities and that's all? Because once you get into transportation, taking that product out to distribution warehouses, I mean, FSIS's authority goes beyond slaughter and processing.

MS. ESKIN: Technically.

DR. HOLLINGSWORTH: Technically. That is where 95 percent of your energy is. I guess my question in trying to answering these questions is do you only want it for the slaughter and processing of meat and poultry facilities or do you want to look at on the table?

MR. MAJKOWSKI: Most of our -- the vulnerabilities that we -- when we looked at them were in the confines of the plant. Transportation did not come up as a...

MS. ESKIN: By choice. That was your initial choice or you said...

MR. MAJKOWSKI: No, that was based on our risk assessors and the only one -- the only -- anything that was liquid or transported in tankers was vulnerable but that's only one product.

DR. HOLLINGSWORTH: Because I think that if you look at it from an agriculture standpoint there are those who will say the biggest vulnerability, if you look at the whole food chain, is back on the farm.

MS. ESKIN: On the farm, yeah. I mean you could fly over a flock and contaminate millions of acres or you could introduce avian influenza or some disease and even though foot and mouth disease is a safety issue it could totally devastate the food supply.

MR. MAJKOWSKI: We're looking within the confines of the plant.

DR. HOLLINGSWORTH: Okay.

MS. ESKIN: Well, who's going to look at that though?

MR. MAJKOWSKI: AFIS is looking on the farm. FDA is out there.

DR. HOLLINGSWORTH: USDA.

MR. MAJKOWSKI: USDA. Right, at another level, yeah. Then you have FDA with transportation and

retail sector, restaurants and so forth.

MS. ESKIN: Right, so you may want...

DR. HOLLINGSWORTH: And the state, too.

MR. MAJKOWSKI: Yeah, we're really just drawing the box around the...

MR. GOVRO: I'd like to suggest though that what USDA needs to do is to look beyond that box a little bit and realize that if there is an event there are going to be a multitude of players to deal with. We've nibbled around the edges of this a little bit earlier in that you're going to need to be dealing with recall situations where you might need to employ a lot of people that you don't ordinarily utilize, state and local people, the FBI is going to be involved if it's a dual jurisdiction product. You're going to have FDA assisting and probably CDC involved and I would suggest that one of the best ways to raise awareness is to conduct exercises and perhaps even invite some industry players in to participate in the scenarios. Not as their own company but maybe the company or the president of ABC Corporation.

MR. GOVRO: Well, one of the suggestions here is really table top exercises involving industry?

DR. CARPENTER: Or table tops and most local agencies and one of the things I've done through out agency is give talks on conducting recalls, and it's been usually done to industry groups and I talk about what it's going to be like to conduct a recall and the logistics of conducting a recall, telephones, employees, product security, product retrieval, conducting business while you're doing the recall and talking about having a written recall plan, and they go, wow, you know, I never thought about all those things and they go back and they go to work on it. That's one of FDA's biggest goals has been recently is to get the industry more interested in having -- being prepared to conduct a recall and since 9/11 they have had much more interest, and so I think giving recall presentations with that emphasis would be another way to do it.

DR. CARPENTER: Jesse, when you talk about a plan to make sure that's the cure, how sure are you of the security of the raw product for instance in a ground wheat operation that comes from another plant? I mean from the time it leaves where those were, you know, were made into components that'll eventually get ground B, what if someone were to, you know, put lice in there or

something like that in transit, I mean, is that -- say he would sneak inside the gates of the plant that you've said we've got the fence around to make sure...

MR. MAJKOWSKI: I want to tell you that our risk assessors would say that is not a high risk on their list of vulnerabilities when they looked at it.

DR. HOLLINGSWORTH: Yeah, I mean, there's some other things that are used as guidance. Like I think one of the big things, I know we had a lot of briefings with transporters and truckers and one of the big things was, for example, if the truck breaks down never leave it. Never, ever, ever, ever leave the truck with food on it and, I mean, we've talked to that whole industry about giving cell phones to every single truck driver. They cannot be without a cell phone because they've been told they can never leave a vehicle, and so there has been some guidance. A lot of trucks are sealed now but again it's one of those issues where in some situations sealing trucks make a lot of sense. Like if you're shipping ground beef to a distribution center then sealing that truck when it goes from point A to point B makes sense, but then when that same ground beef is loaded on a truck by Kroger or Safeway to go to 50 of

their stores they can't...

MS. ESKIN: It's a pain in the neck.

DR. HOLLINGSWORTH: Yeah, they can't. They can't seal it and unseal it every stop. Who is going to be doing it for one thing so, you know, there's all kinds of where in the chain does the security -- where is the vulnerability and that's really the whole idea of those vulnerability exercises. Where is there a problem and then how do you fix it, but in some places they are not, I mean, if a company owns -- has their own truck drivers and they only go to four places then they don't necessarily have that as a vulnerability.

MR. MAJKOWSKI: It all depends how you define vulnerability.

DR. HOLLINGSWORTH: Right.

MR. MAJKOWSKI: If you look at it from the standpoint that we want to prevent it from a product or if you're looking at what could effect 10,000 people there's a vast difference. The difference in the vulnerabilities, and then if you couple that into to undermining the security of, I mean, the confidence in the food supply that leads you to a different set of vulnerabilities, so it...

DR. HARRIS: Exactly.

DR. HOLLINGSWORTH: The confidence issue we think is the biggest one.

MR. MAJKOWSKI: The confidence issue.

DR. HOLLINGSWORTH: You can bring the entire food industry to its knees just with a hoax.

MS. ESKIN: Right, and we've seen it happen. Not even a hoax. Just look at the alar situation ten years ago and...

DR. HOLLINGSWORTH: We've seen it happen.

MS. ESKIN: Yeah, and that had a huge impact.

DR. HARRIS: See, the ability to really impact large numbers of people by doing something to the food plant is pretty small, I mean, in terms of real -- doing real physical harm to a large number of people by doing something to the product at the plant and I think Jill is right that it's the whole confidence issue where you affect big numbers of people.

MR. GOVRO: I'm going to suggest that we move along to the second question at this time. We've got quite a bit here and I think we can consolidate that into a statement when we've finished, so let's go to the second question, should emphasize and engage industry

and consumer associations to assist in this effort and, yes.

DR. HOLLINGSWORTH: The only thing I would want to add here and I think it came up today, too, is that I think FSIS is in addition to engaging the industry groups and the consumer groups, it also needs to engage the other federal and state agencies.

MR. GOVRO: Yeah.

DR. HOLLINGSWORTH: I think without the other federal government agencies that have responsibility for food and the states then you're still missing huge parts of the puzzle.

MR. GOVRO: Absolutely.

MS. ESKIN: I guess I wanted to say something as a representative of a consumer group but someone who has been involved with food safety issues with other groups is there is a concern and has been that perhaps too much effort relative to the possibility is being focused on incidents of deliberate contamination, and less than should be is on the day to day incidents of flu born illness. Again, you've got a lot of resources or lots of different places and that's not to say this

isn't an issue and I think it is, but relative to the other issues we've been dealing with, again, no deliberate contamination and I think that -- and I know that many groups have gotten involved. AARP has not gotten involved, for example, in all the commenting on the various proposals that the FDA has put out relative to registration of establishments and all that kind of thing, and I think any group that's been focusing on that has also seen it can have a benefit whether it is - - it'll have an effect whether we're talking about deliberate contamination and non deliberate contamination. Perhaps if you want to get consumer and public health groups on board and understand that this is an issue, I think we can show that the protections that are being taken, the plans, the various tools that are being used apply across the board, I mean, it comes to like every time that I would think. I mean let's take a simple scenario. There's contamination in the processing plant. Let's say it's *E. coli*. Post 9/11 is it supposed to cross someone's mind in the plant? Is it supposed to cross the FSIS employees? Is it deliberate or not, I mean, is your response different in that scenario? Is it even possible that you'd be dealing

with this type of contaminant? They would use something else, a pesticide for example? I think that is a threshold issue for lots of groups. You know, people are out there whether it's victims groups like STOP or any other groups. Like AARP we've got people and there's thousands of incidents of flu-borne disease every year and we think that it's relative to the risk, important for us to focus on that piece rather than on the food security piece. You know if you want to respond to that.

MR. GOVRO: You know I think as public health agencies we are geared to do exactly the same thing in a non bio-terrorism event as in a bio-terrorism event. We're set up to diagnose illness, recall products and we have preventative measures in place for food safety and, you know, I look at this as sort of a teachable moment.

Anytime I've been in the field and had to do an illness investigation I have people's full attention because they're sweating bullets at that point. You know I would look at this as an opportunity to teach and focus people's attention on again going back to those recall workshops that we give. After we talk about how miserable their life is going to be if they have to

conduct a recall, not only do they go back and get ready to be able to conduct a recall but a lot of them come up and say this just makes me think of how important food safety is and I hammer the point to them in my talk. You know you need to think about doing everything you can to prevent food contamination.

MS. ESKIN: So your point is it's all -- security really isn't within the umbrella of food safety because it's the impact it has on the public health that you're ultimately focused on.

MR. GOVRO: Right.

MS. ESKIN: Where it comes from is relevant as to how you detect it and how you prevent it for the future.

MR. GOVRO: Right, there's kind of two sides. There's prevention and there's response and talking about either one makes you think about the other one, and so as far as the question goes should we engage consumer and industry groups. Yes, I think USDA has done a lot of that already. I know, Jesse, you were in New Orleans in 2002 and talked to the thing that they put on and did go to our meeting and I think USDA needs to just continue to do more of that and find out -- find

ways to reach out and not just raise the awareness but raise the level of concern because we can get a benefit not only for food security but food safety as well.

MS. ESKIN: Well, again, I think that's what many people would respond to but not all. You've got a prevention, a detection and a response and like you've focused on the response. I guess the prevention whether it's deliberate or, you know, there's a set of steps to be taken to prevent deliberate contamination which may be different from some of the steps that one takes to prevent non deliberate contamination. Whether it's -- there's windows to make sure the equipment is cleaned and you just said there's ways to make sure the supply is coming in and there's not an ability to tamper. I guess the question then as far as detection, I mean, how do you -- you do just as much as you can possibly do to prevent but there's a possibility that something is going to get through whether it's deliberate or non deliberate. You know, what efforts can be put toward detection? That's a very broad question, right?

MR. MAJKOWSKI: Well, we are testing for some ten different agents of concern and ones that -- things that you wouldn't normally look for.

MS. ESKIN: Testing? I'm sorry, what?

MR. MAJKOWSKI: We're testing products.

MS. ESKIN: Products for?

MR. MAJKOWSKI: Agents.

MS. ESKIN: Both like pathogenic agents?

MR. MAJKOWSKI: Biological, chemical and so forth. Toxins. The whole realm. There's about ten or fifteen that we test for.

MS. ESKIN: And how did that testing dovetail with the other testing that FSIS does?

MR. MAJKOWSKI: Some -- it would overlap with some of the pathogen testing obviously but some of the toxins and chemicals would not.

MS. ESKIN: Right.

MR. MAJKOWSKI: So there's a difference.

MS. ESKIN: And again, it's the FSIS employees who do that?

MR. MAJKOWSKI: That's correct, yeah, and it's really -- it's the food safety samples that are normally being pulled everyday that, you know, ground beef is being pulled for O157:H7 and we're taking a portion of that sample and subjecting it to some additional testing.

MR. VITIELLO: Jesse, can I suggest something here, too?

MR. MAJKOWSKI: Sure.

MR. VITIELLO: We've also created new data systems with -- there's a thing called ElecNet where we're trying to get information that we're getting from the states and local food labs that is all going into a central data base so we could compare what the states are finding, what FDA is finding, what we're finding.

MS. ESKIN: Are you all testing the same thing?

MR. VITIELLO: No.

MR. MAJKOWSKI: But regulate different products.

MS. ESKIN: Right, I was going to say, I mean, if it's useful obviously...

MR. VITIELLO: Well, what you're trying to do is triangulate as to what...

MS. ESKIN: In other words, if FDA is finding ricin in products and we're finding ricin in products, that means something is going on out there.

MR. MAJKOWSKI: Actually if either of you find ricin in products there's something going on out there.

The last I heard it wasn't a naturally occurring substance.

DR. HOLLINGSWORTH: But I think it brings out a good point and that is with security one of the things that -- I think we see more and more work being done and that is to do data collection analysis of human health and that's where the public health component becomes involved and that is a lot of -- the potential terrorist weapons if you will could go undetected until you start seeing the outcome and, you know, in all these security things we go to over and over you hear the experts saying that most terrorists are looking for an immediate response. They don't want to introduce a substance that's going to make people sick a month from now or two months, so nobody knows they did it. They want credit for what they've done so they tend to look for the immediate impacting kinds of things, and that because of that one of the ways that we track potential acts of terrorism with the help of the public. There's a couple of new systems, we're not going to change it here, but there's a couple of new databases and systems that are being developed right now where they're actually tracking, for example, the over the counter sales of

certain drugs that reach our pharmacies. Because if there's a sudden spike, for example, on anti-diarrhea medications over the counter, you know, electrolytes that something is causing the population to suddenly that kind of an illness. They're tracking flu medications. If there's not flu outbreaks and there's suddenly a rise particularly when you give a city or geographic location of sales of over the counter cold medicines, then they start looking at those kinds of agents that cause flu like symptoms, so that whole system is actually in place to use the public health almost as a tool to monitor terrorist activities.

MR. GOVRO: Well, we have veered a little bit from the original question. Do we have anything more specific from the group on this question about engaging industry and consumer associations as far as how we might do that? I mean it really is a yes or no question but I think they're looking for a little more than that and I think we've provided that. Let's go on to number three then. Should the FSIS provide joint training for inspectors and industry?

DR. CARPENTER: Yes, but which joint training?

MS. ESKIN: Is there training going on right

now?

DR. HARRIS: Yes.

MS. ESKIN: And you all are training inspectors?

MR. MAJKOWSKI: We are training -- we have the Learning Corporation down in -- it's located outside of Texas that's put together some scenarios to train out district office people on what constitutes suspicious activities, how to recognize that and some table top exercises for them, and we're training other people to take that information down to the inspector level.

MS. ESKIN: So again, it's an outside company that's -- experts in this type of training?

MR. MAJKOWSKI: Right.

MS. ESKIN: We're training district officers and these officers are going to be training in the plant?

MR. MAJKOWSKI: Right. The first set of training they did, I mean, just to give you a sense is that one of the exercises we did is we sent everybody out into office buildings. One gentleman walked into IBM, walked into a boardroom meeting and was invited to sit down and listen and, you know, I mean, just looking

at, you know, to give them an idea of how easy it is to find out what's going in a federal plant or whatever, and it gave them different ways of looking -- searching the net to see what's going on, I mean, there's a lot of groups out there, animal rights groups or what not are planning demonstrations and are targeting certain facilities and to be aware of that and that sort. To make them more aware of food security and so we're going to bring that level down to the inspectors. Now, at those district office meetings we were inviting state and local health officials and county officials and law enforcement to them because the limited space couldn't include industry all the time and it's been a criticism I think of the agency when we did HAZMAT training and other training that we did it to ourselves and didn't include industry in that training. That's why we posed the question. Should we have a program at our district office level, you know, that encompasses industry as well as the agency and other agencies, state, local or federal agencies.

DR. CARPENTER: But it's doing training means that they're all together?

MR. MAJKOWSKI: Right, yeah.

MR. GOVRO: I don't see a down side to that unless there is information you don't want to be widely distributed publicly so you would have to address if there were such pieces of information you'd have to tailor your presentations.

MS. ESKIN: Do you have any sense of what's going on in companies? Currently I guess is there any - are there any efforts of certain trade associations to bring training into the plants? No sense of how it correlates with what FSIS is doing or is it consistent or...

DR. HOLLINGSWORTH: Well, there is and I'd say there's two levels. One is there is training by companies that is very in house. It's what we're going to do and it's where we're going to place our cameras. It's what kind of employee background checks. How are we going to decide who we hire and who we don't and those are very kind of personal issues that I think are done in house.

MS. ESKIN: Sure.

DR. HOLLINGSWORTH: But one of the things that I think would be of benefit to the agency is not just -- and perhaps the word training is what's kind of throwing

me. I think that if FSIS set up information sharing exercises it might go a longer way because there are some big corporations that have the resources and the where with all to bring in the best security teams imaginable. Into their plants and do assessments for them and help them set up the best programs. There's a lot of little companies that probably don't need that kind of sophistication but they can learn a lot from listening to what some of the bigger folks are doing, and it would seem to me that it would even be good for FSIS to have a clear sense of what the industry is doing. What's working and what they think. They're spending money on and it's having no impact so I would see it more as sessions where the industry or the agency could share experiences on what's working, what looks good, new technologies. There is so much new technology in this area it's incredible. Rapid tests. When they can be used and when they're not. What to do about the mail. I just think there is huge...

MR. MAJKOWSKI: So you're saying joint...

DR. HOLLINGSWORTH: Joint...

MR. MAJKOWSKI: ...information.

DR. HOLLINGSWORTH: But training. Right, not

training per se but rather information sharing so that everybody walks away having gained knowledge but not necessarily one person up there teaching everyone here's what you have to do.

MS. ESKIN: Right, and it seems that perhaps what FSIS is instructing its employees to look for may in fact be different, legitimately different than what, you know, A, B, C, D plants are all going to be different, and it seems that may not be the best route.

DR. HOLLINGSWORTH: I mean there's a big difference in a family owned company where, you know, five members of the family have the top five positions and they only have five people.

MS. ESKIN: Right, and they've got a processing plant and they've got a retail place in the plant and they...

DR. HOLLINGSWORTH: Yeah, versus, you know, the huge mega-corporations that, you know, sometimes aren't even sure which companies they own because they're buying and selling and merging and trading all the time. I think if you had that kind of sharing thing everybody would walk away with better information.

MS. KRUSHINSKIE: Do you remember the USDA

held the on farm food safety conference in...

MR. VITIELLO: St. Louis?

MS. KRUSHINSKIE: Something like that where there was some USDA people speaking...

MR. VITIELLO: We brought all the industry people in?

MS. KRUSHINSKIE: Right, and then you have a breakup which leads to the different industries on talking about coming back in. We have a presentation at the end on what they're, like, poultry producers were doing one and beef were doing one, et cetera.

MR. VITIELLO: Right.

MS. KRUSHINSKIE: For the conference.

MS. ESKIN: Are you saying that kind of thing?

MS. KRUSHINSKIE: Yeah, a four man and its very helpful and actually we had a lot of open exchange and discussion versus somebody's speech where nobody wants to talk.

DR. HOLLINGSWORTH: Right, especially in this kind of issue. I mean this isn't something where -- to me this is something where everybody wants to go to that meeting to come away with doing the right thing. I mean I don't think this is one of those the government is

going to twist the industry's arm into doing the right thing. I think this is a very different situation and, you know, I've been to those meetings where they start them off with revisiting the tape of September 11 and immediately everyone is just -- they're back on track and we'll do what we have to do. We're going to do what's right for the country and right for us.

MS. KRUSHINSKIE: It's an opportunity for the industry to also educate you and each other on what we are to do because we do a lot.

DR. HOLLINGSWORTH: I agree, yeah.

MS. KRUSHINSKIE: We're going to do a lot more than they do.

DR. HOLLINGSWORTH: Yeah, I think there's a lot that the industry had in place, I mean, from a retail perspective it's quite a difference because we have huge issues with shoplifting and lawsuits and, you know, customer injuries. I mean they have cameras out in parking lots. They have hours and hours of video they watch looking for trends and patterns. People who repeatedly come to the store and do suspicious things, you know, so there's a lot that the industry already has that can be shared with the agencies, and I don't think

they're hesitant to share it.

MS. KRUSHINSKIE: Do you want to use some kind of...

COURT REPORTER: Can you come up to the microphone and sit up here, please.

MS. KRUSHINSKIE: I'm not supposed to be speaking.

MR. GOVRO: Sure you are.

MS. KRUSHINSKIE: The only -- because it's a sensitive issue it might be something that you want to have pre-registration only and...

DR. HOLLINGSWORTH: No media.

MS. KRUSHINSKIE: Yeah, no media. Nobody. Just spontaneously showing up.

MR. GOVRO: One of my concerns is with the small companies. I think with the bigger companies, the bigger the company the more money they have to spend on this sort of thing and the more expert advice they get, and as you get down into the smaller companies I think probably rightfully so they consider the risk to them and to their customers to be less because they're just simply not as sexy a target as a big company, and nevertheless, I think it's good for small companies to

take some measures but when you're talking about a small company just run by a few family members they probably don't feel they have the need or the time to spend on it. I'm thinking out loud here but wondering if USDA couldn't provide some sort of consultation service with some of the money that's provided for security to put some experts on staff.

MR. MAJKOWSKI: Similarly like we did with very small and small.

MS. ESKIN: Exactly.

MR. MAJKOWSKI: That's a very good recommendation, yeah.

DR. HARRIS: Well, as an association that represents mostly small companies my average member has 50 employees probably, 50-60, have all sizes. I have one federally inspected establishment that has exactly two employees, the husband and the wife that own it. All the way up to I have big companies as well, and I know when we've had these discussions in meetings and we've even offered training programs. I had recruited several, you know, very well regarded experts, both from within the government, outside the government to deal with this whole food security thing. Most of these

companies when you talk to them about food security they sort of get this glazed look and say, you know, no one can even clearly define for me what the risks are let alone any concrete steps I should be taking to eliminate those risks. And you know I got about a zillion and one other things that are pressing me right now and it's so easy to put that on the back burner because they don't have an employee they can designate and say, all right, security guy, get this taken care of and that is a huge challenge for them to sort of get their hands around, and I don't know just to your last point, you know, maybe there is. This right here is a good tool that the agency has already put out and has disseminated to the industry. I don't know how well it's been -- I don't know how good the uptake has been on this document or how familiar they are with it but I know that, you know, these food security issues are ill defined enough to where a lot of small businesses just -- they just sort of throw their hands up and say, you know, I'm still trying to figure out my *Listeria* testing protocol and that's just too abstract to get my hands around.

MR. MAJKOWSKI: Should we revisit that in terms of the small and very small?

MS. KRUSHINSKIE: Everybody.

DR. HARRIS: Everybody, sure.

MS. KRUSHINSKIE: I don't remember actually seeing that previously because I've probably seen it but...

MR. MAJKOWSKI: One of the things we're doing for distributors we have a compliance program and it's a planned compliance program where we're going out -- traditionally go out and review distributors and looking at how they handle meat and poultry products in storage and warehouses. We're coming up with sort of a tri-fold one page brochure for them on tips for food security that our compliance officers when they do their reviews will give that to them along with their business cards if they have any questions.

MS. ESKIN: And you mentioned in your talk maybe on one of the power point things that maybe you've got ten issues or twelve issues, you know, product and employee, you know, all those different areas. Even simply as, you know, if you're a little -- a small plant, okay, here are the issues you need to think about. Their response may be significantly different than a larger plant or company but you still have to

think about all those factors.

MR. GOVRO: I'm wondering if the agency couldn't through these food security inspections identify companies through either some sort of a score or just simply anecdotally where a security is identified to be very poor, and then do some more intensive personal outreach either one on one or through some sort of training. Actually invite those people to or provide a consultant. Something where you -- where you've done the ones where you know you've got a problem and don't waste your time with the ones where there isn't a problem. If you've inspected 6,500 plants there should be some information and did write it down and understand why.

MR. MAJKOWSKI: It was a conscious decision when the Iraq war was looming. We decided not to do that at that point in time. You know had we had the luxury of time for, you know, a month or two to plan out what we were going to do and how we were going to do it, we may have done it differently.

DR. CARPENTER: This might be something, and off the wall suggestion, but ethics training, is that something that was ever considered for, you know, if

you're an employee and you see a close friend doing something apparently unethical it's incumbent upon you to come forward and overcome your own personal objections or whatever?

MR. MAJKOWSKI: Part of the training -- we've been doing some training in the inspection program and part of that, a segment of that is ethics training so that is getting out to all the industry and we actually funded under food security because it really went itself more to that and it was one way to get it sort of jumpstarted out there in the field.

DR. CARPENTER: Even more bizarre, psychological testing of potential employees?

DR. HOLLINGSWORTH: Actually some companies do that.

MS. ESKIN: Yeah, we have an outside consulting company who will do that for companies.

MR. GOVRO: I'm just thinking about how to do training effectively and one of you mentioned showing the 9/11 tape and another thing that I've seen that's been very effective at a number of seminars in Oregon is we've invited Bruce Bilmar and Bruce Clark from Bilmar & Clark, the attorneys that sue companies for...

MS. ESKIN: That's motivating, right?

MR. GOVRO: Well, actually it's the most motivating thing you can imagine.

MS. ESKIN: Absolutely.

MR. GOVRO: These guys come in and basically just say we're a bunch of sharks and we're out here and if you screw up we're going to sue you to death and they show the tape of bringing in Kinard and what she went through and all of the stitches and tubes and how horrible her life is now and all the pills she takes and the organ replacement she's had and will have to have, and we've kicked off a lot of food safety workshops and presentations with them and both of them are fabulous speakers, courtroom characters, and when they're done everybody is ready to think real hard about food safety issues and I think part of the effectiveness and as Joe said we haven't defined well enough what the risk is and why people should be concerned with that. I think that's probably the first thing that needs to be done.

MS. ESKIN: But again, that gets kind of dicey, too, though because the risk assessors out there looking at the whole continuum of possible risks posed by the food supply. I would assume that, correct me if

I'm wrong, most risk assessors would say that your chance of being like for him, you know, having a deliberate -- having a non deliberate pathogen experience is far greater than of having terrorists taint food coming out it, so again, the problem is everybody is so alarmed about everything that they think that they're all equal but they're not.

MR. GOVRO: Well, I agree but I think we can -
- I think you can very easily mesh food security and food safety issues.

MS. ESKIN: And as long as whatever is being done there's not a duplication and there's a certain, you know, coordination.

MR. GOVRO: Any more on joint training?

DR. HARRIS: Well, what did we decide? We talked about information sharing.

MR. MAJKOWSKI: Well, I thought what I was hearing if I can summarize, what I took away from this is that we're really not talking about training. We're talking more about having information sharing sessions.

MS. ESKIN: Yes, pooling information.

MR. MAJKOWSKI: And not training and that's really the more appropriate question and how we should

go about doing that. Whether it would be some large meeting or a series of small meetings, we need to focus more on information sharing versus "training sessions."

MS. ESKIN: As long as what Mike said the smaller plants having whether it's consultants or some sort of resources for technology.

DR. HOLLINGSWORTH: Right.

MR. MAJKOWSKI: We captured this where it provides small companies it, yeah.

DR. HOLLINGSWORTH: Right, we find ways to take that information that you might get out of big meetings and sharing it with the little folks who don't come to these meetings.

MS. ESKIN: Not necessarily with problems but as much as it maybe goes into the next question of developing their own appropriate security system.

MR. VITIELLO: Somebody could say this.

MS. ESKIN: Oh no, I didn't say they didn't. I was just emphasizing that piece.

MR. GOVRO: Okay, let's go ahead and link these two questions together. Could FSIS mandate food security. Mandate that plants have a food security plan and if so should this apply to all plants or should some

be exempt. Anybody have any strong feelings about the first part of that question?

DR. HARRIS: If you want it to be resisted mandate it.

DR. HOLLINGSWORTH: Is this within the scope of your current regulatory authority and you're not talking about new legislation? You want to know based on what you can...

MR. MAJKOWSKI: What's within our current regulatory authority we could put out a proposal requiring plants to have a food security plan.

DR. HOLLINGSWORTH: Right.

MR. MAJKOWSKI: We could also...

DR. CARPENTER: That would resolve it from them not doing it voluntarily or the majority not doing it. Like Joe said mandate it and they'll resist it, right?

DR. HOLLINGSWORTH: Well, I guess two things strike me right away with this question. The one is the idea of is it really clear in everyone's mind what a food security plan would be if you mandated it. I think it would be so different for so many different companies and different circumstances that it's not -- we don't

have our hands around food security the way we do, say for safety, so I think it would be a little bit more difficult to even identify what would it be that you were mandating other than just a written plan and what would it contain, but I think there's another bigger issue here that I worry about and that is in any regulatory agency if you're going to mandate something you have to have a way of measuring it.

MS. ESKIN: Absolutely.

DR. HOLLINGSWORTH: And I don't know other than the mere fact that someone says, yes, we have a camera or, yes, we put up a new fence, how do you measure the effectiveness of a plan? I mean we were joking about this earlier but six months without a terroristic attack, it must be working. It's not like safety where we have ways of actually measuring numbers of illnesses and we have CDC data and food.net sites where we can track our success and see where we're doing well and where we're not and new pathogens emerging. I'm just not sure that this lends itself to that.

MR. MAJKOWSKI: I don't think you can measure it because I don't think whatever companies put into place they will never know that that deterred...

DR. HOLLINGSWORTH: That it worked.

MR. MAJKOWSKI: That it worked or that it deterred someone from...

DR. HOLLINGSWORTH: Right, you can't measure the success of it.

MR. MAJKOWSKI: No.

DR. HOLLINGSWORTH: And if you have a failure does that mean that a plan was bad? There's probably many things that even the best plan in the world can't stop.

MR. MAJKOWSKI: Right.

DR. HOLLINGSWORTH: Not on security.

MS. ESKIN: Right, but also FSIS's resources in this area if you're going to say we're going to mandate a food security plan or you're going to have it -- are you going to review it, are there going to be enforcement if it's not according to whatever the model is. I mean it does require a lot of resources that otherwise may be directed to other things. Just seems, you know, problematic.

DR. HARRIS: It's a very difficult thing and I agree with Jill. If you can't measure it, boy, it's, you know, and as I looked at his book I see things in,

you know, a system of positive identification. Well, we probably all agree for employees and that's probably a good thing. I think we'd all agree with that but I've got five employees. I probably know all their kids names on sight and, you know...

MS. ESKIN: Right, and you have them to dinner and...

DR. HARRIS: Exactly, and so, I mean, you know, I don't have to have a system. I just know them all. I don't have to have a written plan to know who those guys are and so that's where it just -- this is a difficult thing to put into concrete steps.

MR. GOVRO: Well, let me be bold and see if there's any resistance to suggesting that the answer to this question is no?

MS. ESKIN: No.

DR. HOLLINGSWORTH: Uh-hum.

DR. CARPENTER: Yeah, I'd agree with that and probably from the perspective of FSIS the best would be written documentation to show that you have contacted every plant to see. You have to be aware of this because you're ultimately thinking of Congress coming back and if something does happen, say, well, it's your

responsibility, did you tell them. Yeah, I did the best I could.

MS. ESKIN: And it also goes back to the discussion of the previous question, you know, where does it make the most sense. Focus. If there's things going on in plants and if emphasized we've done a lot of thinking about this and it's in the materials to get some sort of intersection between the two and share the information and provide them with materials that will be useful for anybody who wants to develop a plan.

DR. HARRIS: I think something like this is a perfect opportunity for government and industry to all row in the same direction and be seen as cooperators and get away from some of the antagonistic relationships that have existed over the years. Whereas, instead of being the regulatory agency that's imposing another mandate on me, here's a regulatory agency that's trying to help me out and do everything -- I can't imagine any company that really would consider it not in their best interest to deal with prevention of security issues. Short of being an accomplice.

MS. KRUSHINSKIE: And you know one of the threats that we probably are more imminent in our minds

when somebody is calling, the example you gave when somebody was calling around trying to get information, it's consumer activists and PETA. We're more afraid of them then we are of Iraq.

MS. ESKIN: OR just some deranged person who may or may not have an agenda against somebody.

MS. KRUSHINSKIE: And those are random.

MS. ESKIN: Those are very random but that's again a perhaps greater threat or likelihood than a terrorist or it seems like that.

MS. KRUSHINSKIE: On the record, PETA, a domestic terrorist group and I would appreciate your help with them seriously. I'm serious about that.

MS. ESKIN: Yeah, they are pretty bad.

MS. KRUSHINSKIE: They're domestic terrorists and we're there more -- when we've got somebody snooping around or taking photographs or on the property, we think PETA before think anybody else. We don't think of some Iranians coming in or whatever.

MS. ESKIN: So what can you do in that kind of scenario?

MS. KRUSHINSKIE: We call the police. We call 911.

MS. ESKIN: For trespassing.

MS. KRUSHINSKIE: Trespassing.

MR. MAJKOWSKI: Just to put this in a real perspective. In Great Britain people are arrested for producing ricin. Those people were counting sandwiches that were being made by companies that were going to the military. It was probably one of the most direct pieces of information we have on targeting food and I can tell you that the information that they got out of the caves out of Afghanistan that food is a target.

MS. KRUSHINSKIE: Sure. I think part of the reason that the industry kind of -- it's kind of this herd mentality where you think there's so many people they could target that it's unlikely to be you which may not be realistic but that's kind of what we think. It's hard to -- but we know animal activist, animal rights activists in particular are very active in the country for sure. But I think -- I agree that we would like to -- it's in all of our best interests to be secure so I don't really think we should mandate it all but it could be voluntary.

MR. MAJKOWSKI: And just for a little history, we had one plant out in the Midwest that was threatened

with product that was in there. There was some threats that it was tainted with HIV infected blood and we shut that plant down until we tested product and so forth. One of the requirements for them to open up was to have a security plan in place and a couple other things just for some background information.

DR. HOLLINGSWORTH: And again, I think though that the problem that I find the most challenging I think with some security plans is that they can't deal with the host and again we get back to this issue of, I forgot the term you used. It was a consumer confidence where even the HIV thing, I mean, a lot of people believed that that was just a hoax, but even if you had the best security plan in the world if somebody says I was in the meat cooler and I threw blood on a bunch of carcasses and that blood is HIV positive, first of all, from a public health standpoint it's not a threat but it's just so frightening to the general public. Nobody is going to get HIV but that's okay. It was scary but more so even if you have a security plan the problem I think you run into is how do you stop someone from claiming that they have done something. You may have a system that says, you know what, we have a video camera

in our cooler. We watched the tapes. It never happened. It could never have happened but the person has said it and again you're plotting with hoaxes and we get them in retail a lot. I'm amazed at how many hoaxes they get in retail.

MS. ESKIN: And what's the response? I mean it's not to close the store or anything.

DR. HOLLINGSWORTH: They're all turned over to the FBI. Every one of them turned over to the FBI immediately and most of the time -- and all that the FBI understands that most stores or even if we know the manufacturer of the product that's supposed to be tampered with, they will say either 24 hours you tell us it's not a problem or we've got to recall it. We can't keep selling and distributing a product that, in fact, maybe this time they were telling the truth.

MS. ESKIN: Right.

DR. HOLLINGSWORTH: And the FBI truly understands that and they're fabulous at coming back and saying there's no basis or we're not going to act on this one or, I mean, they will tell us what to do. It's not just the FBI but the federal agencies, too. I mean we also let them know whose ever product it is and if

it's FDA or USDA. This incident has come up and the FBI is looking into it and let us know what you want.

MR. MAJKOWSKI: The only other suggestion I've heard on this idea of security plans and this was thrown out at a meeting I was. I forget where but was to allow people if people had some sort of -- some company had some sort of food security plan in effect that we looked at it and they would be able to sort of capitalize on that on their labeling or other way that they market their products, and they were suggesting it be a voluntary program.

MS. KRUSHINSKIE: Make it an affirmative claim, you know, we have a, you know...

MS. KRUSHINSKIE: DOD is requiring vendors to have a food security plan now. Now for their products.

MS. ESKIN: They're not sold to the general public. They're sold to...

MR. MAJKOWSKI: No, but McDonald's has humane handling, antibiotics and security will probably be next.

DR. HOLLINGSWORTH: Okay.

MS. KRUSHINSKIE: KFC, Kentucky Fried Chicken has already approached us about food security and what

we do if a plant went down in a certain region, you know. I think it was really in Newcastle and how would we divert product so we could still supply them so we had some of these discussions with them already, but the problem when you get into labeling it's so much competition and it's divisive rather than...

MS. ESKIN: Oh, from the consumer point of view, I mean, you've got issues and opinions to substantiate. What does it mean? It's apparently misleading.

DR. HOLLINGSWORTH: Yeah, I think there are a lot of food industry has sort of this, well, I was going to say unspoken and unwritten, but that's not true. In many cases it's very vocally presented. There are some areas where for an extraordinarily competitive industry there are some things that are not competitive and most of the time you will hear I would say 99 percent of the industry say we don't compete our food safety. We don't compete our security. We all have to have safe food, secure food. If one company doesn't it brings the whole industry down and they've seen that time and time again. You have a product that goes under for a safety or security reason and everyone who has that commodity

suffers equally. Also, I think a lot of the companies from a more legal standpoint have realized that if you're going to make a claim that my food is safer or my food is more secure, it's darn near impossible to stand behind that claim.

MS. KRUSHINSKIE: Tyson Foods did a big advertising campaign not too long ago if you give your daughter the moon, buy her Tyson Chicken. Do you remember seeing that?

MS. ESKIN: Yes, no hormones and no steroids.

MS. KRUSHINSKIE: Well, they haven't been approved for poultry but they're saying this. Everybody is calling can I get a statement because this customer wants to know. We don't have hormones and steroids in our product so that was accepted. Yeah, and it was very negative for the entire poultry industry for Tyson to have done that.

MS. ESKIN: I've only seen I think one ad. It might have been a farm that dealt with I guess when the rinses first came out. It said 99 percent of pathogen free.

MS. KRUSHINSKIE: Well, we had companies that were eradicating saying that their products are safer

and, yeah, but even that you'll notice how careful they even deal with that issue.

MS. ESKIN: That's the lawyers.

DR. HOLLINGSWORTH: So I guess to get back to your question, Jesse, I guess, I don't know, I would be reluctant to encourage the industry to use security as an incentive for having a better product because I don't think anyone should be without it. Just like when you say should some be exempt, I don't think it's a question of being exempt. It's one size doesn't fit all. Some companies need things that others need but it's kind of like saying can anyone be exempt from safety. Can anyone be exempt from security and the answer is no. Do they all need the same thing to get there?

MS. ESKIN: No, absolutely not.

MS. KRUSHINSKIE: Like small airports and large airports.

MR. MAJKOWSKI: The last question was really geared towards the amount of resources that you have are very limited. Should you focus and try to cover the waterfront or should you focus on the ones where the most damage could occur?

MS. KRUSHINSKIE: Hopefully you can focus on

areas that your risk assessments show are more likely to be targeted than others. Whatever that is. If it's transportation or if it's...

MR. MAJKOWSKI: That's another way to word that question is to focus the food security efforts on the vulnerable areas.

MS. KRUSHINSKIE: Based on expert knowledge.

MR. MAJKOWSKI: Versus all the other areas that we deal with.

MS. ESKIN: You mean like certain products, certain types of...

MR. MAJKOWSKI: Certain products.

DR. HOLLINGSWORTH: I mean I think some people would argue that anti may be more important. When you're looking at safety versus security anti-mortem [ph] may be more important for security than it is for safety.

MS. ESKIN: Back to the motivation that that's where you can perhaps introduce...

DR. HOLLINGSWORTH: Well, the idea of that agent that there might be an animal disease is affecting hundreds of thousands of animals in many different locations that on post-mortem you might miss but on

anti-mortem you'd catch it. Food safety stuff you're not going to see an anti-mortem so they're more post-mortem issues for sources of contamination. Again, that's just an example. I don't think it's just anti-mortem and post-mortem. I think the point I was trying to make is that you look at where are your security efforts going to most likely address the biggest vulnerability.

MS. KRUSHINSKIE: Based on risk assessments?

DR. HOLLINGSWORTH: Yeah, you're right.

MS. KRUSHINSKIE: And expert opinion from people in those areas would be better than just plant size.

MR. GOVRO: Well, I did get from the group originally that the consensus on these two questions was no. I sense that perhaps people with information or with inside information feel that there's more that needs to be done just in talking about the information from them and so forth, and I hate to dismiss this out of hand but really I think the question that or the answer that I'm hearing from the group is that mandating would not be the most effective way to achieve the goal.

MS. ESKIN: No.

MR. GOVRO: At least in my feeling at this time and I think that's probably of what was expressed here earlier that maybe we don't have our hands around this as well as we need to before we go ahead with any kind of regulations or anything like that, so should we say, no, not at this time?

MS. ESKIN: This is for question four and five?

MR. GOVRO: Yes.

MS. ESKIN: Yeah.

MR. GOVRO: I think if the agency wants to move in the direction of mandating something like that I would need to -- as someone who spent 21 years doing inspections in the field, not in USDA plants but other types of plants, that the difficulty is coming up with something that you could actually enforce and that works so that you can define those hurdles that I see to mandating something useful. And being more useful than just working through these other means.

DR. HOLLINGSWORTH: Right, and I think considering a flat no I think in partly what I think I heard Joe say was that if the question should FSIS mandate that plants have a food security plan, maybe the

answer should be that food security lends itself more to a cooperative collaborative approach than a regulatory approach, that it cannot necessarily be assumed that security can be regulated and managed by safety because, a) we don't have tools to measure success; b) it is not one size fits all and, c) the vulnerability is varied from plant to plant and product and product. We could identify this list of things that I think make it clear that we're not just saying it's not important and don't mandate it.

MR. GOVRO: Right.

DR. HOLLINGSWORTH: We're saying it doesn't fit that mold.

MS. ESKIN: Did you say earlier today or raise the issue of back into the regulatory mode for a just a minute, that this should be perhaps assumed in HACCP, some of these issues? You didn't intentionally endorse that but you sort of threw that out as a...

MR. GOVRO: It was just a question as to whether or not the agency had the authority to consider food security simply as another hazard that could be addressed through a hazard plan and when someone from the agency at a facility said, you know, there's really

a food security risk here, you should address it in your HACCP plan. Could they do that? That was merely a question.

DR. HOLLINGSWORTH: Well, what's the thing that FDA is using rather than HACCP? The risk thing...

MS. ESKIN: Another acronym?

DR. HOLLINGSWORTH: Yeah.

MR. MAJKOWSKI: ORM.

MR. GOVRO: Operational Risk Management.

DR. HOLLINGSWORTH: Operational Risk Management which is sort of a quasi-HACCP and actually what FDA did was they looked at trying to use passive through HACCP in a security scenario and they were having trouble making it fit, and so they went to this other program that was simply developed by the Department of Defense called Operational Risk Management where you actually do sort of a grid and you look at how great is -- what would be the outcome if this happened and how likely is it to happen and you just do a chart, and those things that could have a total outcome and are likely to happen where you'd put all your focus, and those things that would have a terrible outcome but they're so unlikely you don't put your energy there.

Likewise, something that could happen but it's really not going to hurt anyone or it's going to impact maybe a small handful of people and not be a big national issue, they kind of chart them out that way. It's not a bad approach.

MS. ESKIN: Except it may not address some of the concerns of the food industry that even a relatively minor threat may be blown out of proportion and result in a certain amount of lack of confidence in the food supply.

DR. HOLLINGSWORTH: Right, and ORM does not work for hoaxes.

MS. ESKIN: Yeah, I mean, it's not the hoaxes but people don't understand because of the co-complex reason that this isn't really a threat. That this is...

DR. HOLLINGSWORTH: Right, like foot and mouth disease is not a threat anymore.

MS. ESKIN: Right, again our people, you know, throwing out their apples and giving their kids Twinkies when in fact that's worse.

DR. HOLLINGSWORTH: Right.

MR. GOVRO: Well, I would suggest at this point since it's quarter after seven that we spend the

next 20-30 minutes each taking one of these and putting our thoughts on paper or screen as the case may be, and anybody have a yen to work on any particular question?

DR. HARRIS: I'll take the last one.

MR. GOVRO: Okay.

DR. HOLLINGSWORTH: Being new to this process I guess I'm not sure I'm understanding exactly what we're supposed to do. Obviously all the information we've shared has been captured both on the flip charts and I guess on the computer?

MR. GOVRO: Right.

DR. HOLLINGSWORTH: So what is it you want us to actually do with this?

MR. GOVRO: Well, I'm not sure exactly what you -- did you just capture these?

MR. PENNER: Yes, essentially.

MR. GOVRO: Okay, I think we should produce an answer to each question essentially based on what we've written down.

DR. HOLLINGSWORTH: Okay.

MR. GOVRO: And...

MS. ESKIN: I'll do two.

MR. GOVRO: Okay. I'd be happy to do number

one unless you'd like that, Jill?

DR. HOLLINGSWORTH: No, I'll do four I guess.

MR. GOVRO: Actually, well, four and five are we looking at those as the same? There's four questions.

DR. HARRIS: I think they're sort of all together.

MR. GOVRO: So that leaves -- Sandra, you've taken two so that leaves one and three.

DR. HOLLINGSWORTH: Oh, I'd rather do three, that's easier.

MR. GOVRO: Okay.

DR. CARPENTER: Do you want to work with me or someone else?

DR. HOLLINGSWORTH: That's not sufficient.

DR. CARPENTER: Yeah.

MR. GOVRO: Okay.

DR. CARPENTER: What is expected tomorrow? What happens with all this?

MS. ESKIN: It's basically from previous experience each committee presents their answers to the questions basically. They're short answers meant ultimately to give guidance to the agency that has asked

of our input. You know someone here drafts it but we all wordsmith it and sometimes but barely in my experience it's only been one round of this do we get any significant revisions from the group as a whole.

MR. GOVRO: It's happened before but we'll take -- I think they give us about 45 minutes for our sub-committee report and I'll just take each of the documents that we've produced to answer these questions and read them and probably share some of our thoughts about how we came to those conclusions.

DR. HOLLINGSWORTH: So you want us to just give a very -- two to three sentence type of answer to these?

MR. GOVRO: Or more, you know, as much as feel is appropriate based on what was said and, you know, if you can condense it that far that's great. You know we have some time here yet. I see Joe's already working on it.

MS. ESKIN: Joe, we didn't say go yet.

DR. HARRIS: Just an over achiever.

DR. HOLLINGSWORTH: Which one are you doing?

MS. ESKIN: He's doing five.

MR. GOVRO: He's doing four and five.

DR. HOLLINGSWORTH: Okay, and I'm doing three.

MR. GOVRO: You're doing three and Sandra is doing two and we're going to work on one.

DR. HARRIS: Well, see the reason I wanted four and five because Jill did such a great job of expressing that a while ago I memorized what she said so I can just jot everything down.

MR. GOVRO: It might be recommended two written or typed pages so I guess we'd be looking at a half page per answer approximately.

MR. GOVRO: Okay, so that gives you...

MR. DANNER: You need to refer to your notes because we could print it out.

DR. HARRIS: You know that would be great because I've been looking at these sheets and...

COURT REPORTER: You're kind of breaking up into groups now?

MR. GOVRO: Yes.

COURT REPORTER: So we're going to go off the record?

MR. GOVRO: Yes, we're going to. I appreciate it. I think we did a good job. Thank you.

[End of Proceedings]

CERTIFICATE OF REPORTER, TRANSCRIBER AND PROOFREADER

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Poultry Inspection

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Date:

Judith I. Nusbaum, Transcriber
York Stenographic Services, Inc.

Date:

Sarah Mowrer, Proofreader
York Stenographic Services, Inc.

Date:

Brad Weirich, Reporter
York Stenographic Services, Inc.

York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077