



Constituent Update

Protecting Public Health Through Food Safety and Food Defense

FSIS Posts Third Quarter *Salmonella* and *Campylobacter* Report

This week, the agency posted on its website the third quarterly progress report of calendar year (CY) 2011 on *Salmonella* testing of selected raw meat and poultry products.

This report provides preliminary data from July to September 2011 on all establishments eligible for *Salmonella* testing that have completed at least two sampling verification sets since June 2006.

As of September 2011, of all establishments in all product classes, 85 percent are in category 1, which illustrates no change from second quarter CY11.

From 163 broiler establishments, 1,564 samples were analyzed with an 8.2 percent positive rate, representing an increase from the 6.7 percent positive rate for second quarter CY11. This table lists percentages of broiler establishments by category as of September 2011.

Plant Category	Category 1	Category 2T	Category 2	Category 3
Percentage of Broiler Establishments	88	6	6	0

FSIS continues to post monthly the names of broiler establishments demonstrating variable or inconsistent process control. The agency highlights performance for the broiler class because of its negative impact on foodborne illness. Since April 2008, FSIS has been posting category 2 and category 3 broiler carcass establishment names. FSIS is not currently posting names

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Inspection Service

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Export Requirement Updates



The Library of Export Requirements has been updated to reflect changes in export requirements for the following countries:

Cuba
European Union
Japan
Mexico

Complete information can be found at www.fsis.usda.gov/Regulations_&_Policies/Export_Information/index.asp.

FSIS Constituent Update is prepared by the Congressional and Public Affairs Office.

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...Quarterly Report

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for turkey carcass establishments because this product class is meeting the criteria of at least 90 percent of all establishments in category 1 and no establishments in category 3.

FSIS will continue to post monthly the names of poultry establishments demonstrating variable or inconsistent process control. The complete report and program details are at www.fsis.usda.gov/Science/Quarterly_Salmonella_Results/index.asp.

Note: This is also the first quarter to include *Campylobacter* sampling results for young chicken and turkey carcasses. Look for additional information in future issues of the *Constituent Update*.

Supreme Court Unanimously Strikes Down California Law

California Law Ran Counter to FMIA, Court Rules

The Supreme Court rejected a California law on Monday that would have called for the immediate euthanization of non-ambulatory or downer livestock. In a unanimous ruling, the high court sided with the National Meat Association, which sought to block the California law on the grounds that it was overreaching and overstepped provisions in the Federal Meat Inspection Act.

In November 2011, the Supreme Court heard oral arguments to review a decision by the U.S. Court of Appeals for the Ninth Circuit regarding *National Meat Association v. Harris*, a lawsuit challenging a California law that bans the slaughter of non-ambulatory livestock of all species. The Ninth Circuit held that the California law is not preempted by federal law because it regulates only “the kind of animal that may be slaughtered,” and not the inspection or slaughtering process itself. In the Jan. 23, 2012, ruling, Justice Elena Kagan cited 21 U.S.C. 678. “Requirements within the scope of this [Act] which are in addition to, or different than those made under this [Act] may not be imposed by any State.”

Current federal law bans the slaughter of non-ambulatory cattle, but allows for other non-ambulatory species (i.e., swine, sheep, and goats) to receive a veterinary inspection and disposition to be eligible for slaughter.

Food Safety Tips for Weather-Affected Areas

Severe weather events can mean power outages, floods and other problems that can affect the safety of food. Knowing what to do before and after a weather event can help you reduce your risk of illness.

“Particularly during times of emergency, food safety can be a critical public health risk,” said FSIS Administrator Al Almanza. “In areas impacted by severe weather, the American public should be aware that information is readily available to help them protect their food supply.”

FSIS offers tips to keep food safe, even when the weather isn't. Check them out at www.fsis.usda.gov/Fact_Sheets/Emergency_Preparedness_Fact_Sheets/index.asp.

Learn about other basic food safety principles at http://www.fsis.usda.gov/News_&_Events/NR_012312_01/index.asp.

Food Safety Agencies to Hold Public Meeting to Discuss Foodborne Illness Attribution Estimates

FSIS, FDA and CDC are holding a public meeting to discuss federal efforts to enhance food safety strategies through improved use and characterization of foodborne illness source attribution. The meeting will be held in Washington, D.C., on Jan. 31 from 8:30 a.m. to 4 p.m.

Discussions will include federal approaches to food source attribution and outline efforts to develop harmonized food source attribution fractions to inform food safety strategies. The meeting will also be used to review a draft strategic plan developed by the Interagency Food Safety Analytics Collaboration, which was formed in 2011 to increase collaboration on analytic projects.

The meeting will be held at USDA's South Building, Jefferson Auditorium, 1400 Independence Ave., S.W., Washington, D.C. 20250. Non-USDA employees must enter through wing 5 on Independence Ave. and provide photo identification when entering the building.

For general information or to request special accommodations due to a disability, contact Juanita Yates, FDA's Center for Food Safety and Applied Nutrition, at (240) 402-1731, or Joan Lindenberger, FSIS, at (202) 720-6755.

Register for the 2012 Agricultural Outlook Forum

USDA is hosting the 2012 Agricultural Outlook Forum, *Moving Agriculture Forward: USDA – Growing, Innovating and Celebrating 150 Years*, Feb. 23-24, at the Crystal Gateway Marriott Hotel in Arlington, Va.

The forum features 30 breakout sessions, spotlighting a range of issues related to global food security, locally grown foods, fighting foodborne illnesses, sustainability and the farm income outlook for 2012.

To learn more and register for the Forum, visit www.usda.gov/oce/forum.

Register for Webinar on Nutrition Labeling Rule

FSIS is delaying the effective date of the final rule that will require nutrition labeling of the major cuts of single-ingredient, raw meat and poultry products and ground or chopped meat and poultry products. The original effective date of the final rule was Jan. 1, but is now delayed until March 1.

The new effective date will ensure that industry has adequate time to comply with the requirements of the final rule. The *Federal Register* notice announcing the delay was published on the FSIS website (www.fsis.usda.gov/Regulations_&Policies/Interim_&Final_Rules/index.asp).

To access the webinar, go to <https://connect16.uc.att.com/usda/meet/?ExEventID=85277207> and follow the on-screen instructions. For questions, contact Kristin Goodwin at (301) 504-0878 or kristin.goodwin@fsis.usda.gov.

Comment Period on Proposed Rule for Labeling Extended

FSIS proposed a rule on Dec. 5, 2011, that will allow establishments to label a broader range of products without first submitting the label to the agency for approval. The comment period, originally scheduled to close on Feb. 3, 2012, will now close on March 3, 2012.

The extension was granted to allow sufficient time for industry members to: (1) develop comments comprehensively addressing important proposed changes to the prior label approval system; and (2) assemble, analyze and submit data establishments have collected on their experience with the prior label approval system and generic labeling.

Individuals are invited to submit comments electronically through the Federal *eRulemaking* Portal at www.regulations.gov. Comments may also be mailed to USDA, FSIS, OPPD, RIMD, Docket Clearance Unit, Patriots Plaza III, 355 E St., S.W., Rm. 8-164, Washington, D.C. 20024-3221. All items submitted must include the docket number FSIS-2005-0016.

Webinar on Current Generic Labeling System

A webinar on FSIS' generic labeling system will be held on Feb. 14 at 2 p.m. ET. To access the webinar, go to <https://connect16.uc.att.com/usda/meet/?ExEventID=85277207> and follow the on-screen instructions. For questions, contact Kristin Goodwin at (301) 504-0878 or kristin.goodwin@fsis.usda.gov.

Regulatory Webinar Available on Recalls of Products With Undeclared Allergens

The agency will host a webinar on Feb. 7 to provide guidance on addressing a recent increase of products recalled because of undeclared allergens.

The discussion will focus on the steps that establishments can take to prevent the production of items containing undeclared allergens.

To access the webinar, go to <https://connect16.uc.att.com/usda/meet/?ExEventID=85277207> and follow the on-screen instructions. For questions, contact Kristin Goodwin at (301) 504-0878 or kristin.goodwin@fsis.usda.gov.

Follow Us On Twitter

Find food safety information for at-risk people, along with tips and resources to keep consumers and other interested groups informed of the latest agency news and events. Follow FSIS on Twitter at www.twitter.com/USDAFoodSafety.

Also Tweet en Español

The FSIS Spanish language Twitter feed keeps consumers and other interested communities informed of the latest agency news and events and provides useful food safety tips.

Follow FSIS' Spanish Twitter account at www.twitter.com/usdafoodsafes.

Visit USDA's Blog

Every day, the USDA Blog shares something new about its expansive mission. The blog provides a rich and diverse look at the work within the department, spanning the nation—and even the world—and highlights the breadth of USDA programs and the role they play in the lives of every American.

Go to <http://blogs.usda.gov/> and see what's happening within the agency and across the department.

Regulatory Cooperation Council and Beyond the Border

The U.S. - Canada Regulatory Cooperation Council (RCC) will hold an outreach event in Washington, D.C., on Jan. 30-31, 2012, to offer an opportunity for interested stakeholders to learn more about the Council and to provide valuable input into work plans being developed. The event will be held at both the U.S. Chamber of Commerce Office and the Department of Commerce.

The RCC was established Feb. 4, 2011, by President Barack Obama and Canadian Prime Minister Stephen Harper as a way to promote economic growth and to stimulate job creation. Additionally, the RCC seeks to increase regulatory transparency and coordination. Consequently, on Dec. 7, the RCC released a Joint Action Plan on Regulatory Cooperation as well as an inter-related Joint Action Plan on the Beyond the Border Initiative (BtB). Information about the BtB initiative may be found at www.whitehouse.gov/sites/default/files/us-canada_btbt_action_plan3.pdf.

In order to implement initiatives identified in the RCC and BtB Joint Action Plans, bilateral working groups, led by senior officials from regulatory agencies, have developed work plans with objectives, deliverables and milestones for tangible progress within the RCC's 2-year mandate. These work plans are now available at www.trade.gov/rcc and comments may be submitted to RCC-BTB@one.usda.gov after the meeting until Feb. 7, 2012.

To register for the stakeholder events on Jan. 30-31, or for further information about the RCC, visit www.trade.gov/rcc. Should you not be able to attend the event, alternative options to provide feedback will be made available.

Additional information about the RCC and BtB can be accessed via the link to the following White House fact sheet: www.whitehouse.gov/the-press-office/2011/12/07/fact-sheet-us-canada-beyond-border-and-regulatory-cooperation-council-in. Questions, comments and concerns relative to the RCC/BtB initiatives and the stakeholder meetings can be addressed to RCC-BTB@one.usda.gov. For those unable to attend the stakeholder meetings in Washington, D.C., on Jan. 30-31, they may submit comments to this same address for review and consideration.

Get Answers at *AskFSIS*

AskFSIS is a web-based technology and policy question-and-answer forum on topics such as exporting, labeling, inspection, programs and procedures.

In addition, *AskFSIS* offers Really Simple Syndication (RSS) feeds that link back to the Q&As. To view recently posted topics, visit <http://askfsis.custhelp.com/>.

Carcass Wash Cabinets

http://askfsis.custhelp.com/app/answers/detail/a_id/1722

PHIS Product Volumes

http://askfsis.custhelp.com/app/answers/detail/a_id/1723

FSIS Policy Updates

FSIS issues notices and directives to protect public health. The following policy updates were recently issued:

Notice 06-12, *Raw Product Destined for Ready-to-Eat Product Excluded from Salmonella Testing*

Notice 07-12, *Intensified Verification Testing and For Cause Food Safety Assessments in Response to Ready-to-Eat Testing Results*

All notices and directives are available at www.fsis.usda.gov/Regulations_&_Policies/index.asp.

Updates on FSIS Testing for *E. coli*

Weekly updates for the agency's raw beef *E. coli* sampling program are posted to the FSIS website.

For comparative previous and current year results, go to www.fsis.usda.gov/Science/Ground_Beef_E.coli_Testing_Results/index.asp.