Consumer Federation of America

October 14, 2014

U. S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Ave, SW
Mailstop 3782, 8-163B
Washington DC 20250-3700

RE: Records to be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products [Docket No. FSIS-2009-0011]

Consumer Federation of America appreciates the opportunity to comment on the Food Safety and Inspection Service's proposed rule to require that all official establishments and retail stores that grind raw beef products for sale in commerce must keep records of all source materials that they use in the preparation of each lot of raw ground beef [Docket No. FSIS-2009-0011]. This amendment is necessary to improve the traceability of contaminated food, and will help protect consumers from being exposed to contaminated meat products.

Introduction
While the Food Safety and Inspection Service (FSIS) already investigates reports of consumer foodborne illness associated with FSIS-regulated meat products under the authority of the Federal Meat Inspection Act, the ability to effectively investigate these reports can be hindered by ineffective traceability systems. In particular, when retailers cannot identify the source of the contaminated meat, the FSIS investigation cannot quickly identify the source of the contamination and take steps to prevent additional illnesses. Further, in the event of a recall, retailers that cannot traceback the source of the contamination may be required to recall a much greater amount of product than if they were able to determine the supplier definitively.

A recent example demonstrates the necessity of maintaining adequate records in order to conduct timely and effective foodborne illness investigations and recalls. A 2011 outbreak of antibiotic resistant *Salmonella Typhimurium* linked to ground beef purchased from Maine-based grocery chain Hannaford sickened 20 persons with 8 hospitalizations.[1] FSIS investigators were ultimately unable to track down the source of the contaminated meat, due to the availability of only limited records at retail and "high risk practices" for grinding beef.[2] If investigations are hampered by inadequate recordkeeping, FSIS is unable to identify and remove affected product from the supply chain and consumers can remain at risk. The

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[1] Centers for Disease Control and Prevention, "Multistate Outbreak of Human Salmonella Typhimurium Infections Linked to Ground Bee - February 1, 2012 (FINAL update)" accessed September 26, 2014 via http://www.cdc.gov/salmonella/typhimurium-groundbeef/020112/index.html.
[2] Bridgers L, "USDA unlikely to trace salmonella source of Hannaford beef." *Portland Press-Herald*, January 28, 2012.

ability to better able to identify implicated product can lead to more targeted recalls which could benefit retailers and the meat industry in terms of reduced recall costs.

Mandatory recordkeeping is essential

Incomplete and nonexistent grinding records have impeded traceback activities during outbreak investigations, limiting FSIS' ability to identify implicated product and sources of contamination. As outlined in the proposed rule, when records were available and complete, FSIS was able to institute a recall of product from the supplying establishment in six of 11 investigations. When records were not available or incomplete, FSIS was only able to do so two of 17 times.

Despite FSIS guidance on the issue, it is clear that recordkeeping is inconsistent across the industry. According to the proposed rule, among the 22 investigations that took place in 2009 or earlier, only seven (32%) had complete records. Among the six investigations that took place after 2009, four had complete records and two had incomplete records. In 2013, FSIS investigated three outbreaks. In two investigations, no records had been kept, while in the third, complete records were available. Without the availability of such records, FSIS cannot conduct timely and effective traceback investigations to remove contaminated product from commerce.

Based on the results of several outbreak investigations that were hindered by poor recordkeeping, it is clear that the current voluntary approach has been insufficient to ensure accurate and adequate recordkeeping at retail stores and official establishments. FSIS has found that records currently kept by businesses vary in type and quality, and are often incomplete or inaccurate. Records may not contain sufficient detail needed by FSIS to conduct thorough traceback investigations. Specific information such as whether grinding equipment has been cleaned and sanitized is unavailable. Despite efforts by the Food Marketing Institute to encourage consistent recordkeeping across the industry,[3] consistency is still variable. As a result, mandatory recordkeeping requirements are needed. The proposed requirements would ensure more detailed records are available that provide FSIS with the necessary information to conduct effective traceback investigations.

CFA strongly supports proposed rule

CFA strongly supports the proposal that retail stores and official establishments be required to keep records which fully disclose: the names, points of contact, phone numbers, and establishment numbers of the establishments supplying materials to be used to prepare each lot of ground beef; all supplier lot numbers and production dates; the names of the supplied materials, including carryover; the amount of beef component used in each lot; the date and time each lot of raw ground beef is produced; and the date and time when grinding equipment and other food-contact surfaces are cleaned and sanitized. CFA further agrees that these recordkeeping requirements should apply when retail stores or official establishments grind raw beef products for an individual customer request, as the same information would be necessary in the event of a traceback investigation.

In addition, FSIS should consider the following changes to the proposed rule:
1. FSIS should also require retail stores and official establishments to keep records that disclose the name of the product on the retail label. This will help link the retail package to the batch ground and the source material, which will help facilitate traceback in the event of an investigation.

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[3] Food Marketing Institute, "Comprehensive Guide Meat Ground at Retail Recordkeeping and Sanitation - June 2013"

2. CFA supports the determination that supermarkets, grocery stores, meat markets, warehouse clubs and supercenters would all be subject to the final rule. FSIS should ensure that food cooperatives are subject to the rule as well. These types of establishments also grind their own beef[4][5][6] and should be covered under the rule.
3. As part of the final rule, FSIS should provide a sample grinding log form identifying all the required records that need to be kept. This could improve consistency of recordkeeping across the industry and could be particularly useful for small retail stores or establishments.

CFA appreciates the opportunity to provide comments to the agency on this important topic. We encourage FSIS to expeditiously consider the public comments and develop a final rule so that consumers can benefit from the improved traceback procedures that would stem from this rule.

Sincerely,

Chris Waldrop
Director, Food Policy Institute
Consumer Federation of America

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[4] Wheatsville Food Co-op (Austin Texas) website: "To begin, all of our ground beef is freshly produced on-site in small batches throughout the day and NEVER pre-ground somewhere at a processing plant." Accessed September 26, 2014 via: http://wheatsville.coop/news-and-events/news/not-the-same-old-grind
[5] Weavers Way Co-op (Philadelphia, PA) website: "We also grind our meat every day in-store." Accessed September 26, 2014 via: http://www.weaversway.coop/pages/meat-seafood-poultry
[6] PCC Natural Markets (Seattle, WA) website: "Each variety of meat is ground in-store for quality and freshness and is free of antibiotics, added hormones and growth stimulants." Accessed September 26, 2104 via: http://www.pccnaturalmarkets.com/products/meat/groundmeats.html