

SMA InfoMeat

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FSIS Reissues Notices Set to Expire

FSIS inspection related notices are time sensitive materials issued to provide instruction in support of food safety regulations. USDA's Food Safety and Inspection Service (FSIS) often reissues these notices before their expiration dates. Last week, the Agency issued Notice 77-08, "Instructions for Verification Sampling Programs for *E. coli* O157:H7 in Raw Products." This Notice reissues the content FSIS Notice 62-07 in its entirety. This notice responds to questions that have arisen concerning FSIS Notices 17-07 and 18-07 and provides new guidance to inspection program personnel on collecting samples of beef manufacturing trimmings and other raw ground beef and patty components for *Escherichia coli* (*E. coli*) O157:H7 testing. In addition, this notice provides new instructions for submitting samples to the laboratory for *E. coli* O157:H7 testing. FSIS intends to fully implement risk-based verification sampling and testing for *E. coli* O157:H7 in raw beef products. The Agency will be issuing to inspection program personnel the instructions necessary to fully implement this risk-based sampling and testing. Meanwhile, this FSIS Notice, which directs inspection program personnel to submit samples to the laboratory without waiting for the establishment to complete pre-shipment review, is a component of risk-based verification testing that the Agency is now implementing. The Agency also reissued the following Notices:

- FSIS Notice 76-08 - Policy for Movement of Product Between Custom Exempt Facilities
- FSIS Notice 78-08 - Scheduling Food Safety Assessments and Intensified Verification Testing
- FSIS Notice 79-08 - Multiple Follow-up Sampling after FSIS Positive *Escherichia coli* (*E. coli*) O157:H7 Results
- FSIS Notice 80-08 - Routine Sampling and Testing of Raw Ground Beef Components other than Trim and Imported Raw Ground Beef Components for *Escherichia coli* (*E. coli*) O157:H7

All reissued Notices will now expire on November 1, 2009, and can be viewed at www.fsis.usda.gov/regulations_&_policies/FSIS_Notices_Index/index.asp.

Plants Should Voluntarily Adopt a Food Defense Plan Now

FSIS has encouraged industry's voluntary adoption of food defense plans and has provided the tools, guidance, and outreach to assist in the effort. In August, FSIS surveyed federally inspected establishments for the third time to determine how many had a food defense plan in place. The survey revealed that participation by plants in the voluntary adoption of food defense plans has been sparse thus far. Only 41 percent of surveyed establishments had a food defense plan, an increase of only 14 percent from the 2006 baseline data. By size, 89 percent of large plants had a plan, followed by 58 percent of small plants, and only 21 percent of very small plants. Based on the most recent survey, FSIS plans to increase its outreach efforts to small and very small plants in the coming year, prior to implementing new rulemaking. The Agency hopes to achieve a 90 percent adoption rate across the industry. **SMA encourages all our members to devise a plan before a mandatory rule is issued.** If you do not have a food defense plan, FSIS has extensive resource materials available to get you started. Go to www.fsis.usda.gov/Food_Defense_&_Emergency_Response/Guidance_Materials/index.asp. This guide was developed in consultation with very small, small and large meat and poultry processors and provides an easy, practical and achievable three-step method for creating a food defense plan. It also provides links to other helpful resources. If you need further help, please contact the SMA office.

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FSIS Posts Meeting Transcripts

FSIS hosted two public meetings last month to address issues on Animal Raising Claims as well as Sampling and Testing Methodologies - Compliance Labeling. Transcripts for these meetings are now available on the Agency's website at www.fsis.usda.gov/News_&_Events/past_events/index.asp. Comments for both meetings must be received on or before November 14 and 17, respectively, through the Federal eRulemaking Portal at www.regulations.gov. Submissions may also be mailed to Docket Clerk, USDA - FSIS, 1400 Independence Avenue SW, Room 2534, South Building, Washington, DC 20250. All submissions received must reference the Food Safety and Inspection Service and include docket number FSIS-2008-0026 or FSIS-2008-0035.

APHIS Seeks Comments on Amendments to Animal Welfare Act

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is proposing to amend the Animal Welfare Act (AWA) regulations to add requirements for contingency planning and training of personnel by research facilities and by dealers, exhibitors, intermediate handlers and carriers. APHIS is proposing these requirements because it believes all licensees and registrants should develop a contingency plan for all animals regulated under the AWA in an effort to better prepare for potential disasters. This action would heighten the awareness of licensees and registrants regarding their responsibilities and help ensure a timely and appropriate response should an emergency or disaster occur. APHIS proposes that licensees and registrants develop contingency plans that:

- Identify situations the facility might experience that would trigger the need for a contingency plan.
- Outline specific tasks required to be carried out in response to the identified emergencies.
- Identify a chain of command and who (by name or by position title) will be responsible for fulfilling these tasks.
- Address how response and recovery will be handled in terms of materials, resources, and training needed.

The Department is also considering the development of a guidance document to provide examples of elements that may be included in contingency plans. Notice of this proposed rule is available at www.aphis.usda.gov/animal_welfare/downloads/stakeholders_update/APHIS-2006-0159-0001.pdf. Consideration will be given to comments received on or before December 22.



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POSITION AVAILABLE

Bobby Cox Companies, Inc. has an immediate opening for a full time **Quality Assurance/Food Safety Specialist** in Odessa/Midland, TX.

The QA position will also work with the 47 restaurants that we own. You have a unique opportunity to make a significant impact on the QA system and move these concepts to a new level. Competitive salary and full benefits package including 401k, paid vacation, education assistance program and credit union membership available. BS Degree in Food Science, Meat Science, Biology, or Nutrition. Required. Basic Understanding of HACCP, GMP, Microbiology/Lab Practices Required. QA experience preferred.

Contact: Susan Belmore, Corporate Recruiter
Phone: (432) 563-5233, Fax (432) 563-5236

Mark Your Calendars

- Nov 6-7 Beyond Basics: HACCP Plan Improvement Workshop - Texas A&M University, College Station, TX
- Dec 9-11 Developing and Implementing HACCP Plans for the Meat Industry - Texas A&M University, College Station, TX
- Jan 6-8 2009 Processed Meats Clinic - Texas A&M University, College Station, TX
- Feb 4-5 SMA Mid-Year Conference - Hyatt Regency North Dallas, Dallas, TX

Watch future issues of *InfoMeat* for details on these upcoming SMA events!

DHS Publishes No-Match Supplemental Final Rule

Last Tuesday, the Department of Homeland Security (DHS) published a supplemental final rule in the *Federal Register*, "Safe Harbor Procedures for Employers who receive a No-Match Letter" (73 Fed. Reg. 63843). DHS was forced to engage in further rulemaking after a California District Court issued a preliminary injunction last year preventing DHS from moving forward with a previously published version of the rule. In the new version, DHS attempts to address concerns raised by the court. Specifically, in the supplemental rule, DHS again asserts that it has statutory authority to issue the rule based on the agency's authority to enforce immigration laws. The no-match rule amends existing DHS rules implementing the employer sanctions law and specifically the definition of what constitutes "constructive knowledge." DHS also provides its justification for the changes, contending that there is a need to resolve ambiguity and confusion for employers regarding their obligations under the immigration laws if they receive a no-match rule and that the Social Security Administration's criteria for sending no-match letters helps focus on employers with the greatest reliance on undocumented workers. Although the court ruled that DHS lacked the statutory authority to make the type of statements included in the August 2007 rule that employers who follow the rule would not have engaged in unlawful discrimination under the anti-discrimination provisions of the immigration law, on October 23, 2008, the Department of Justice OSC issued a statement essentially taking the same position as DHS in the 2007 publication. The supplemental rule was final and effective as of October 28, although litigation remains ongoing, with the court's views as to whether this supplemental rule fully addresses the concerns raised unknown. To view the final rule online, go to www.dhs.gov/xlibrary/assets/ice_no_match_letter_finalrule.pdf. (AMI, 10/28/08)

Briefly . . .

Bellinger Honored by USMEF: SMA member John Bellinger will be presented with the U.S. Meat Export Federation's Distinguished Service Award for his career of service to the industry at the USMEF fall Strategic Planning Conference in Tucson, AZ this week. The CEO of Agri-West International, Bellinger has served in numerous leadership roles in the industry. He was USMEF chairman in 2006, has served on the Texas Beef Council and as chairman of the Southwest Meat Association and chairman and founder of the Houston Livestock Show Intercollegiate Meat Judging Contest. "John's foresight and ardent support for developing export markets for U.S. pork was instrumental in the industry achieving continuous export growth over the past 17 years," said Dan Halstrom, USMEF chairman. Bellinger also serves as chairman of the board for Food Safety Net Services, Ltd., which he and his wife, Gina, founded in 1995. It's an independent analytical food testing laboratory with five locations throughout the U.S. Established in 1991, USMEF's Distinguished Service Award recognizes outstanding leadership and contributions to the achievement of the Federation's export goals. Congratulations, John!

FSIS Adds Checklist to Directive 10,010.1: USDA's Food Safety and Inspection Service will move an important checklist on *E. coli* O157:H7 control in beef operations currently contained in Notice 65-07 into Directive 10,010.01, Microbiological Testing Program for *Escherichia coli* O157:H7 in Raw Ground Beef Products and Raw Ground Beef Components and Beef Patty Components. The checklist was set to expire November 1, so the agency is incorporating the checklist into the directive. For more information, click here: www.fsis.usda.gov/Regulations_&_Policies/10000_Series-Laboratory_Services/index.asp#Ecoli.

AMS Announces New Appointments: Agriculture Under Secretary for Marketing and Regulatory Programs Bruce Knight today announced the appointment of James E. Link as Administrator of the Agricultural Marketing Service (AMS), an agency within the USDA. "Jim Link's experience as a rancher, businessman and educator will be an asset in his new role at AMS, where he will help to market U.S. agricultural products in domestic and international markets," said Knight. "His background and service make Jim well suited to continue to enhance the economic opportunities available to U.S. agricultural producers." Link will direct several marketing programs that facilitate the efficient marketing of U.S. agricultural products and will be responsible for procuring commodities for the national school lunch and other federal food and nutrition programs. Prior to this appointment, he served as administrator of USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA) since 2005. Replacing Link at GIPSA is Terry Van Doren, AMS announced. "Terry brings a wealth of experience in farm policy and administration to the agency," said Knight. "Having served in several key roles at USDA since 2005, in addition to his experience on Capitol Hill, I am pleased that he will quickly assume his new responsibilities at GIPSA." He joined USDA in 2005 to work on research, education and economic policy issues and then worked as senior advisor to the under secretary for Marketing and Regulatory Programs. Both administrators assumed their new roles on Monday, November 3.