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USDA Solicits Comments on Proposed Rule for Downer Cattle

On August 27, USDA announced a proposed rule to amend the federal meat inspection regulations to initiate a complete ban on the slaughter of cattle that become non-ambulatory after initial inspection by FSIS inspection program personnel. This proposed rule follows the May 20 announcement by Secretary of Agriculture Ed Schafer to remove the provision that states that FSIS inspection program personnel can determine the disposition of cattle that become non-ambulatory disabled after they have passed ante-mortem, before slaughter, inspection on a case-by-case basis. "To maintain consumer confidence in the food supply, eliminate further misunderstanding of the rule and, ultimately, to make a positive impact on the humane handling of cattle, I believe it is sound policy to simplify this matter by initiating a complete ban on the slaughter of downer cattle," said Schafer. Under this proposed rule, all cattle that become non-ambulatory disabled from an acute injury any time after ante-mortem inspection and prior to slaughter, will no longer be eligible to proceed for slaughter. These cattle will be condemned and properly disposed. Establishments will be required to notify FSIS personnel when cattle become disabled after passing ante-mortem inspection. Comments on this proposed rule must be received on or before September 29. Comments can be sent to FSIS.RegulationsComments@usda.gov or submitted through the Federal eRulemaking Portal at www.regulations.gov. All submissions received must reference the Food Safety and Inspection Service and include the docket number FSIS-2008-0022.

FSIS Issues Interim Final Rule on Label Approval for COOL

Last week, USDA's Food Safety and Inspection Service (FSIS) issued an interim final rule amending its regulations to provide that, to receive approval by FSIS, any label for a meat or poultry product that is a covered commodity, as defined by the Agricultural Marketing Service (AMS) interim final rule on country of origin labeling (COOL), must comply with that interim final rule. AMS issued an interim final rule addressing mandatory COOL on August 1, 2008, and covers muscle cuts of beef (including veal), lamb, chicken, goat and pork and fresh ground meats; perishable agricultural commodities (fresh and frozen fruits and vegetables); peanuts; pecans, ginseng and macadamia nuts, as required by the 2002 and 2008 Farm Bills. FSIS is amending its regulations to provide that the addition of a COOL statement on labels for meat and poultry product covered commodities that are to be sold by retailers and that comply with the AMS' interim final rule will be generically approved. Currently, Federal meat and poultry product inspection regulations require COOL statements on the labels of immediate containers for imported products. The FSIS interim final rule will be effective on September 30, 2008. To allow time for covered commodities that are already in the chain of commerce to clear the system, the requirements of this rule will not apply to covered commodities produced or packaged before that date. Any meat or poultry commodity that is an ingredient in a processed food item is excluded from mandatory COOL, such as meatloaf, breaded chicken tenders or sausage. FSIS is not amending its labeling policies for non-covered commodities. AMS' interim final regulations prescribe specific criteria for a covered commodity to bear a "United States country of origin" declaration and also contain provisions for labeling covered commodities of foreign origin, meat products from multiple origins, ground meat products, as well as commingled covered commodities. Comments will be accepted through September 29, 2008 by mail or via the Federal eRulemaking Portal at www.regulations.gov and must identify FSIS and the docket number FSIS-2008-0027.

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USDA Wins Creekstone Appeal

On Friday, a U.S. Court of Appeals panel ruled that USDA may prevent meatpackers from testing slaughter cattle for bovine spongiform encephalopathy (BSE). Creekstone Farms Premium Beef of Arkansas City, KS filed suit in March 2006, to gain access to BSE kits. The company wanted to test every animal processed at its plant to assure its foreign buyers that their meat was BSE-free. Most countries banned U.S. beef after the first BSE case was discovered in 2003, although restricted trade has resumed. In a 25-page ruling, Appellate Judges Karen Henderson and Judith Rogers said USDA has authority under the 1913 Virus-Serum-Toxin Act to prevent the sale of BSE test kits to meatpackers. USDA interprets the law to control products for “prevention, diagnosis, management or care of diseases of animals.” David Sentelle, chief judge of the District of Columbia appeals circuit, dissented from the decision saying USDA “exceeds the bounds of reasonableness” for a law enacted to prevent the sale of ineffective animal medicine. USDA allows BSE test kits to be sold only to approved laboratories, saying the tests should not be used as a marketing tool and the cattle that comprise the bulk of the meat supply are too young to be tested reliably. Creekstone argued the 1913 law could not be invoked to prevent use of products like “rapid test” kits for mad cow disease and the kits were not a “treatment” for livestock.

FSIS Posts Domestic Beef Trimmings Report

For the Beef Trimmings Baseline Study, FSIS collected beef trim and subprimal samples from establishments operating under federal inspection from December 2005 to January 2007. All component samples were products that were available for use in the production of raw ground beef. Under this program, samples were analyzed to estimate the percent positive and levels of *Salmonella*, generic *Escherichia coli*, Aerobic Plate Count, *Enterobacteriaceae*, total coliforms and *Escherichia coli* O157:H7. The sampling frame included 250 establishments that slaughtered steers/heifers, cows/bulls and calves under federal inspection and produced trim for use in raw ground beef production. Two sets of trim samples were collected at each sampling event. One set was analyzed at FSIS’ field services laboratories for the presence and levels of *E. coli* O157:H7. The other set was analyzed at a contract laboratory for the presence and levels of the other listed bacterial targets. FSIS published this report on its website to provide an overview of this baseline study and the microbiological data results derived from domestic beef trimmings sampled during December 2005 through January 2007. To review this report, visit www.fsis.usda.gov/PDF/Baseline_Data_Domestic_Beef_Trimmings.pdf.

FSIS Issues Notice on FSAs Related to Control of *Salmonella*

Today USDA’s Food Safety and Inspection Service (FSIS) issued Notice 56-08, “Conducting Food Safety Assessments Related to the Control of *Salmonella*.” This Notice reissues the content of Notice 47-07 in its entirety. The notice addresses Food Safety Assessments (FSAs) conducted to analyze an establishment’s control of *Salmonella*. FSAs generally assess all aspects of an establishment’s food safety system (see FSIS Directive 5100.1). This notice provides specified methodologies that Food Safety and Inspection Service (FSIS) personnel are to use when evaluating control of *Salmonella* in poultry slaughter operations. Some strains of *Salmonella* have been particularly associated with human illnesses. Therefore, control of this pathogen is necessary to ensure the safety of poultry. Enforcement, Investigations, and Analysis Officers (EIAOs) are to assess whether poultry slaughter establishments have designed their food safety systems to control, and thereby minimize, the presence of *Salmonella*, paying particular attention to how an establishment that is either in Category 2 or Category 3 is ensuring the control of *Salmonella*. The Notice also outlines how EIAOs should prepare the FSA report and instructions on how to recommend enforcement actions. The Notice is available at www.fsis.usda.gov/OPPDE/rdad/FSISNotices/56-08.pdf.



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Register now for “Developing and Implementing HACCP Plans for the Meat Industry,” September 16-18, 2008 at Texas A&M University.

Hosted by SMA and the TAMU Department of Animal Science, this course provides hands-on training in developing a HACCP program for all types of slaughter and processing facilities.

Registration forms are available on our website or by contacting the SMA office. Sign up today!

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Ray Kimbrell is pleased to be returning to SMA to offer consulting and inspection services for food protection, extending shelf life, employee training, labor and chemical cost control, and recall prevention. He has over 40 years experience turning sanitation into profits for the food industry, and offers reasonable rates.

Call Ray to see how he can help your company!

Briefly . . .

FSIS to Host Regulatory Education Workshop in NJ: As part of FSIS' ongoing initiative to enhance outreach to small and very small plants, the Agency will host a regulatory education workshop on September 4 in New Jersey. The workshop will cover a variety of topics and prerequisite programs, including hazard analysis and critical control points, sanitation performance standards, sanitation standard operating procedures, rules of practice, food defense strategies as well as *E. coli* O157:H7 related workshops and notices. The regulatory workshop will be held at the Renaissance Newark Airport Hotel, 1000 Spring Street, Elizabeth, New Jersey from 6:30 to 8:30 PM. To register by phone, call 800-336-3747. Online registration forms and information about upcoming sessions can be found at www.fsis.usda.gov/News_&_Events/Outreach_Sessions_SVS_Plants/index.asp.

Kusak Wins State Fair Food Contest: Fried food has always been a staple at the State Fair of Texas since the Fletchers introduced the first “corny dog” back in 1942, and for the past several years, the Big Tex Choice Awards has honored the most innovative and tasty of fried fare. SMA member Glen Kusak of Yoakum Packing Company took top honors for best taste with his “Chicken Fried Bacon” this year. Glen has been a fair vendor of smoked turkey legs and meats for the past 12 years, but this was his first entry into the annual food contest. “Everything in Texas is chicken fried and bacon makes everything better, so we thought we’d put the two together,” Glen told *The Dallas Morning News*. The event featured some of the new creations available at this year’s fair, which runs from September 26 to October 19 in Dallas. A fried banana split, a mash of gooey banana and honey peanut butter balls wrapped in fried dough and topped with caramel, chocolate and powdered sugar won the most creative prize. Congratulations, Glen!

Russia Delists 19 US Poultry Suppliers: Russian federal food quality watchdog Rosselkhoznadzor announced Friday it would strike 19 U.S. suppliers from the list of approved poultry suppliers to Russia as of September 1 for not meeting Russian food safety requirements. It didn’t name the individual suppliers to be struck off the list. Rosselkhoznadzor also said it had requested additional information from the USDA’s FSIS, and was expecting to receive it within the month. A timely response from FSIS would enable Rosselkhoznadzor to avoid limiting poultry export to Russia by suppliers belonging to Tyson Foods Inc., Peco Foods, and Equity Group.