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DEPARTMENT OF AGRICULTURE

In the Matter of:

ADVISORY COMMITTEE ON MEAT AND
POULTRY INSPECTION

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UNITED STATES DEPARTMENT OF AGRICULTURE

ADVISORY COMMITTEE ON MEAT AND POULTRY INSPECTION

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The Sheraton-Palace Hotel
Comstock Room
639 Market Street
San Francisco, California

Friday, July 30, 1982

Volume II

The above-entitled matter came on for public hearing at the hour of 9:00 o'clock a.m.

BEFORE:

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(Appearances continued)

APPEARANCES, continued

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I N D E X

P R O C E E D I N G S

(Volume II) (9:00 a.m.)

DR. HOUSTON: Yesterday we were able to move through the agenda on schedule and make all of the presentations and cover the subjects that intended.

As we indicated yesterday, what we would like to do today, as we have in the past, is to again go through the agenda and provide the opportunity for each member of the Committee to make their views known on that particular subject.

As in times in the past, colloquy will ensue between members of the Committee. I do not intend to cut off any conversation; I want everyone to have a full opportunity to make their views known and to enter into discussions with other members of the Committee as they see necessary. Therefore, to a large extent, the length of today's meeting will be determined by the amount of interest you have in these particular areas.

The first subject on the agenda is the Margarine Standard. I will now open that item up for discussion for the members, if indeed there are any comments that any of you wish to make.

DISCUSSION ON THE MARGARINE STANDARD

DR. BRICKENKAMP: I have a question about margarine using animal fat, which is a question of clarification. I should have asked it yesterday. There is a type of product on the marketplace which consumers recognize as margarine, but it's

not because it has lower fat content -- often called "spread" or something like that.

Does anyone in industry using animal fat also produce this similar material?

MR. HIBBERT: Yes. We do have some animal products that are labeled as spread in that same kind of situation.

DR. BRICKENKAMP: How do the food standards apply to these products?

MR. HIBBERT: Those are products that are outside the standard.

DR. BRICKENKAMP: Therefore, they can, for example, enrich it with vitamin E and so on and so forth?

MR. HIBBERT: I'm not aware of that being done for these products. In other respects, they will not meet the parameters of the given standard in terms of the required level of the fat and things of that nature.

DR. BRICKENKAMP: Are you, in Food and Drug, considering establishing standards for this type of product?

MR. HIBBERT: No. That's not under consideration right now.

DR. BRICKENKAMP: Thank you.

MS. CRAMER: Ms. Cramer. Is it now my understanding that now it is required to use both the initials BHA and BHT and the spelling out of the names in prens following?

MR. HIBBERT: No, it's not. As I think I indicated

yesterday, the proposal could be fairly read to say that, but that really isn't the case. And we'll clarify that point with the final rule.

But we do now approve labels, as does Food and Drug, simply with the abbreviations.

DR. ALFIN-SLATER: You might be interested to know that in connection with BHT, last year this was a poison, a chemical whose name was unpronounceable, therefore, you can't eat it. This year, it's being sold as 1) a preventive to stomach cancer, and 2) for longevity.

And the same people who were so opposed to it -- this is in my area. And, you know, we have our share of people who are -- well, what shall I say? -- food nuts, faddists -- not actually faddists, just nuts. And this, I understand, is even being sold right on the UCLA campus, because this is the answer to half of our problems.

So you see, we come full circle sometimes. And so I have stopped worrying.

Another thing that I would like to ask -- I was under the impression that there was a standard of identity for margarine, in which the type of fat that had to be used was vegetable oils, not animal fat. Is this not right?

MR. HIBBERT: That would be the Food and Drug product; the food regulated by the Food and Drug Administration, as opposed to our agency.

DR. ALFIN-SLATER: But, I mean, there is no animal fat in margarine, is there? Or there should not be any animal fat.

MR. HIBBERT: Yes, there is. That's what we're talking about. We're talking about margarine which is derived from animal fat. That is the product that we regulate. Food and Drug will regulate the margarines that are made from vegetable oils.

About 97 percent of the margarine market is the vegetable oil product.

DR. ALFIN-SLATER: How is the consumer to know the difference when the name is the same?

MR. HIBBERT: The ingredients statement would ordinarily be the point of reference to find out what the source of the oil was. Of course, both products could be labeled as margarine.

DR. ALFIN-SLATER: And how many people read the fine print?

MS. WHELAN: But usually it says "derived from corn oil." Or that's one of their major selling points.

DR. ALFIN-SLATER: But I want to know -- suppose there is animal fat added. Where do you see this? This is in the fine print, because it's a minor ingredient -- but, nevertheless, there.

MS. WHELAN: I think Mazola 100 percent corn oil

is there.

DR. HOUSTON: I don't know that there is a margarine that's made entirely out of animal fat. As Bob mentioned, 95 to 97 percent of it is made purely with vegetable oils.

Those which utilize animal fats will do so in some percentage; and they combine that with vegetable fats. When they do, it must go on the ingredient statement that the animal fat is there, as well as the origin of that fat, whether it be beef or pork or whatever the case may be. But there are no requirements for any qualifying statements.

DR. ALFIN-SLATER: Well, I think that this is a mistake. I think it should be very definitely labeled. Because, first of all, there are religious and cultural groups who are using margarine with the understanding that it's a vegetable product and has no animal fat.

Secondly, there are people who use margarine in an attempt to lower serum cholesterol levels, who want to make sure that there is no cholesterol. And I've always said that there is no cholesterol in margarine. And now I find I'm going to be wrong -- I am wrong.

DR. HOUSTON: Well, you're right 97 percent of the time.

DR. ALFIN-SLATER: Yes. But that 3 percent bothers me.

DR. HOUSTON: It's a valid point. The fact is, it's not labeled in any prominent fashion other than the ingredient statement. And we've always used that as the required method of informing consumers of what's in the product.

MS. MUCKLOW: Don, the flowers that Roslyn brought me last night have just departed out the door again. I thought we'd have them here to beautify the room this morning. So maybe Linda could recover them and they could be set up beside you, as an added addition.

Further, I do have a comment of more substance. With respect to the Margarine Standard, it seems to me that if Food Safety and Inspection Service has the responsibility for a standard for a product that represents approximately 3 percent of the total market of margarine, that Food Safety and Inspection Service -- even though it hurts me to say it -- should be a follower rather than a leader on this product standard. And Food Safety and Inspection Service should not do anything that would make life more difficult for a margarine manufacturer who wants to include animal fat in the processing of margarine under what would otherwise be an FDA standard.

I certainly don't think we should put road blocks in his way. And I would hope that you're being followers rather than leaders in this standard.

MR. HIBBERT: I think it's fair to say that the thrust of the effort was to reconcile and get rid of any

unnecessary differences with the FDA standard.

DR. ALFIN-SLATER: Rosemary, I didn't mean that animal fat should not be added to margarine. I just said that when it is, it should be so stated on the label, so that people who do not want any animal fat will know that this is a product that they shouldn't buy. To most of us, it doesn't matter; but to some people, it does.

DR. WILSON: I have a comment on that. George Wilson. I hear exactly what you're saying, but I think there is a lot of precedent already there that says if we declared it in the ingredients text we have presented the facts to the consumer.

To go one step further, I believe there are already in the marketplace products which use the terminology and/or. And this is a far more liberal interpretation and allowance than is suggested here.

I think if we challenge the position that the declaration in the ingredients text is less than satisfactory, we open up a whole big gamut of rules and regulations relative to labeling. That doesn't make them right or wrong; I'm just suggesting that you open up a big subject if you suggest otherwise.

DR. ROSS: Ernest Ross. Yesterday, there was a lot of talk about labeling and possible misrepresentation. I think here the point is that there may possibly be an

inadvertent misrepresentation by not stating on the 3 percent that it is somehow different than the other 97 percent.

DR. HOUSTON: Does anyone else wish to make any comments? Yes, Ms. Mucklow.

MS. MUCKLOW: Just one final word. It was my privilege a couple of years ago to participate in some consumer focus group research on a subject then known as "mechanically deboned meat." And one of the pleasant pieces of information that I gathered from that research was that consumers really do understand and are looking at the ingredient statement if they are concerned about what is in a product.

And they even understand, from the relatively small number of people in that sample -- but I think they are reasonably representative -- They do understand that those ingredients are listed in the order of predominance. And maybe your agency and the Food and Drug Administration is to be congratulated that they finally understand this. This has become a widespread, accepted piece of knowledge.

And I would have to agree with George, that the obligation is fulfilled by including that information in the ingredient statement.

DR. HOUSTON: Dr. Ross.

DR. ROSS: I would question just how widespread that knowledge is known.

DR. ALFIN-SLATER: I also would like to tell you,

Rosemary, that a lot of consumers, unfortunately, get their information from columns in newspapers. And I write one too. And I have always said that, you know, margarine doesn't have any cholesterol in it, because it's made with vegetable oil products.

I think that the consumer should be made aware of the fact that they should pay a lot of attention to labels. You know, the people who complain are not the usual consumer. The people who are complaining about mechanically deboned meat, for example, are a fringe, a small minority, I would say. But these are the ones who are vocal.

MS. CRAMER: It appears you have a challenge, Ros, because you'll educate the whole readership of the LA Times now.

DR. ALFIN-SLATER: I don't know how to say it; because, you know, how can you differentiate a margarine from a margarine? The only thing I can keep on doing is tell my people to read labels.

DR. HOUSTON: Dr. Burnette.

DR. BURNETTE: Don, isn't it a fact though that the statutory language defines margarine, allows animal fats in there; and, therefore, by regulation, you couldn't call it anything other than margarine if you wanted to?

DR. HOUSTON: Well, that's true. It's a unique situation, in that when Congress drafted the Federal Meat

Inspection Act they specifically listed margarine which contains animal fats subject to that law. I've never looked at the legislative history to see why Congress was so explicit. But, nevertheless, they were. And they made it abundantly clear that margarine which contained animal fats was to be regulated by the Department of Agriculture and would be called margarine. But I can't tell you why they were that explicit.

It, however, has been a product that is probably growing less in volume every year. But, as we pointed out, there is a small amount that's still manufactured which contains animal fats.

Just to digress for a moment -- I think we realize that our continued regulation of margarine is questionable, considering the fact that it's a low volume product; and, secondly, even margarine which contains animal fat, contains those fats at relatively small percentages.

We have, for example, in conducting the Exemption Study which I talked about earlier, and talked about at the first meeting of the Advisory Committee, have been considering perhaps no longer regulating that product and classifying all margarine to be, perhaps, regulated by FDA because of the fact that animal fats are used at such a small level and small volumes.

So we recognize that there may be some differences there that are doing nothing but leading to duplication and

creating some unnecessary costs for us. But nevertheless, the way the law is written, we have no choice, as you pointed out, but to continue being involved with it.

DR. HOUSTON: Does anyone else wish to make a comment on the Margarine Standard?

(No response.)

DR. HOUSTON: All right. Thank you, very much. I would say at this point, that we obviously will consider all of the comments that are made today before we issue any final rules in the areas that are under consideration. And each of you will receive a copy of the transcript after it's received by the Department and reviewed.

The next item on the agenda is the Prior Labeling Approval System. We would appreciate hearing from you as to what direction you think we ought to go in that area.

DISCUSSION ON PRIOR LABELING APPROVAL SYSTEM

MS. CRAMER: Esther Cramer. I think I heard yesterday a concern that the acceptance or denial would be, perhaps, by a single person. If the person applying for label approval, would they have the option of then going to Washington to the central --

MR. HIBBERT: That's correct. Any denial of the application by the inspector -- the next step would be a submission to Washington. And then, theoretically, there are rights of appeal beyond that point.

MS. CRAMER: Thank you.

DR. HOUSTON: If I could elaborate on that a minute -- That's a good point to pursue. Because there are some very formal steps that are available to the industry in appealing the Department's decision on labeling materials.

The rules call for those to be appealed to my level. And if those decisions are considered wrong by the industry, they then have the right to appeal that decision and have a hearing in front of an Administrative Law Judge in the Department. That decision is even then subject to further review by the Judicial Officer in the Department. And beyond that, of course, the industry can take their case to the court.

There are a number of appeal procedures that can be taken. And if a particular plant does not like a decision that is rendered at the administrator's level, they have every opportunity to appeal it. It's a very strict and very formal system.

MR. LOUNSBERRY: Just an observation -- Lounsberry, from Iowa -- You asked for observations on the direction you're traveling with this particular program. I think you're traveling in the right direction. I think that the pilot project has certainly lent credence to the fact that you can expedite some of the minor labeling provisions. And it is a voluntary program; it's not mandatory. Those who don't like it,

certainly can follow the old way. And I think you should go ahead and give her a try.

DR. HOUSTON: Dr. Burnette.

DR. BURNETTE: Mahlon Burnette. I agree completely with the proposal that's out there. But I have to admit to a bias that if I could rewrite the law, I'd do away with all the prior label approval. If somebody is in business they should know how to properly label their product. And the burden of the law should fall on the people in the business rather than the Department of Agriculture, as it does now.

In the FDA system, if I develop a product and sit down and put together what I think is a legal label, I will make my production decisions and my packaging decisions in advance, based on that, and will know that at some date three weeks in the future, I'll have the product in the marketplace.

When this proposal is accepted -- which I feel comfortable that it will -- you will have some USDA regulated products in which you know that it's exactly the opposite; you have to submit the label and get it approved, and you know you can't make any production or marketing distribution decisions until after that comes back. But you have some that will fall in the middle.

And I wonder if you shouldn't consider setting up some expeditious manner of appealing. Because if I'm a manufacturer and I've determined that I've already got sketch

approval and I think that I'm going to be in business two weeks from now and I draw it up and I'm running the line and then all of a sudden my IIC says "tilt;" then I've already made those business decisions, and I'm in a serious bind.

In those instances, it perhaps would be reasonable-- If I had made a reasonable determination that I thought it fell within the purview of this propcsal, that I thought it was going to be approved and I had a problem, there should be some way that I and my IIC jointly could get an instant review back in Washington because I'm in trouble; rather than the normal procedure of saying, well, now, I'll go and put it in the mail and stop the production line and stack the stuff up in the warehouse.

Because I have to believe that the manufacturers, if they think that their label is simple enough that it's going to fall under this system, will be assuming approval. And when they don't, it's going to upset previously made production schedules.

DR. HOUSTON: I think, on an informal basis, that system is already in place. The seriousness of the problem is usually related to how quick we receive a call from industry, or how soon the problem is elevated to a level that it does get attention.

There are times, when a problem is serious enough, that people will call my office or someone on the immediate

staff. We're always accessible; and if there's a serious problem, we'll look at it right away. So I think in most cases if that kind of a situation does arise, we do have people in position that are ready to respond and to avoid business delays etc., that can occur.

But I admit it's not written into the regulation. But because of the way we operate, it's part of the informal appeals system that exists within the program.

MR. HIBBERT: If I can just elaborate on that a bit. It's not unusual, in my experience, to get a phone call at 3:00 o'clock in the afternoon from someone who's got a truck waiting on a loading dock or an inspector has a problem. And more often than not, you can work those things out informally.

In addition to the notion of the formal appeals system, we spend a fair amount of time just troubleshooting those kinds of problems on a day-to-day basis. And I would assume that that would continue regardless of the amount of change that's worked into this.

DR. HOUSTON: Your point is valid though. And with a pre-approval or a prior approval system, unless we were ready to respond quickly to a lot of those questions, there would be chaos and disarray at certain times if we didn't.

MR. MCDADE: This is John McDade. I think Dr. Burnette brings up something that gets into one or two problems here. No. 1, this does not in any way change the regulations.

It says: "Poultry products must be labeled properly prior to leaving official establishment." It does not say that we couldn't continue to pack them and put them into storage and then, at that time, you make your decision.

But earlier back -- and I believe it's 381.112. It indicates at the beginning of the labeling subchapter, that labeling has to be correct at the time it leaves the official establishment. This is important. And this is still in effect, as I understand it.

MR. HIBBERT: That's correct.

MR. MCDADE: This no way changes that.

MR. HIBBERT: No.

MR. MCDADE: And secondly, I think what Dr. Burnette brings up is important. The way that this is written, discussing the appeal, it says: "The appeal shall be made within 48 hours from the time the decision is made." And that is always not practical, because many times the decision is made a week in advance.

I assume that you will interpret this to mean that the time that we are notified of such a decision, that we would want to appeal.

MR. HIBBERT: Can you direct me to that section?

MR. MCDADE: Yes. On the appeal procedure, 381.35, on page 2219, the lower right-hand paragraph.

MR. HIBBERT: What was it?

MR. MCDADE: 381.35. And it says: "Any person receiving inspection service may, if dissatisfied with any decision of any inspection relating to an inspection, file an appeal from such a decision, provided that such appeal is filed within 48 hours from the time the decision was made."

MR. HIBBERT: What that is -- That is the current language of the general appeal provisions in both the meat and poutry regulations. The reason why that was republished and modified was to make it clear that this is a somewhat unique circumstance, in that the appeal would not run from the inspector up his entire chain of command through the region, which would be the ordinary case in an inspection decision, but rather, into Washington after the inspector's decision.

But we would not be rigid about that if there was a problem with getting notice, in terms of cutting someone off if they had a real problem. I don't think that would be a problem.

MR. MCDADE: I appreciate that, Bob. I recognize that as being exactly the appeal you would use in any other appeal made for ready to cook or any other factors, postmortem or anything. So this is the same. But I would hope it would apply a little different, since we do not always know immediately when this is made. It could be a week later or something.

Mr. Chairman, while I have the microphone, I would like to say that it's not often on this Committee that we'll see

something come before this Committee that I think has real benefits that will be passed along to the consumer. I think benefits for the regulatory side of this, where it's going to help you in your crunch to meet your budgetary restraints, will be a tremendous asset to industry. You just cannot imagine how much time is spent in industry and how much delays in getting food to the market because of labeling problems.

These problems are not caused by the labeling staff, it's caused because of the way this law was written and the regulations; in that, this has to be handled by mail. Label approval has to be sent in by mail, which takes an enormous amount of time. It has to be handled, it has to come back by mail -- this is just for the sketch approval -- and then you wait the period, you send it in again for the final, and that has to come back. It's very time consuming, and it's costly.

It just costs us the flexibility that we need to do business in an efficient way in the industry. And I want to applaude the Department for coming up with this, because, knowing our industry well enough, we'll pass these savings down to the consumer. There will be savings to be made.

And I think someone as in Esther's position, knowing from a chain store -- they are able to come to a processor and order the product and provide them the bags to pack it in and expect to get it in certainly less than two or three months now. Because, as I understand, if someone has a bag approved, why,

it's a simple -- In other words, it's not a complicated product, it's one of the simple labels. Then we could immediately receive permission to pack it in the bag and provide the product to the consumer without any undue delays.

And again, I'm saying that the delays are not caused by long holdups in the shop, they are caused by moving around in the mail and somebody leaves the Zip Code off, it will not be delivered or something. There are enormous delays that are being caused that way.

There is one other thing I would like to point out on this just for housekeeping. This 180 days is going to cause some serious problems. I realize that you're making legal -- something that is necessary to have in there is some type of a temporary approval for 180 days. It's not defined whether this is 180 working days, 180 calendar days, or what.

But there are some industries that may only run five or six months a year. And, say, in November or December, if you have a 180 day approval, if that's a calendar day approval, they won't even get started into the next season before labels are obsolete.

I don't think it's the intention of the Department to want to require industry to throw away labels, where they meet the criteria up here as far as not misrepresenting the label and not causing confusion to the customer and all. So I think this is going to have to be dealt with some way.

I think we're going to find, certainly the industry and certainly yourself in certain cases, where the 180 days is going to be restrictive. Because you're facing times too, that you feel necessary, as a regulatory agency, to change a regulation. Well, you change a regulation that causes a change, that will obsolete, say, turkey bags or chicken bags or beef bags or anything that you're packing a product in, someone could have many, many more times 180 days. You order a year's supply at one time, in certain cases, because everybody is coming to you and saying, look, we can give you a much reduced price of supplies if you order a year's supplies -- why order one month.

And so everybody has a lot on hand. And I think this is going to come back to haunt all of us, this 180 days, unless there is some way to get some extension on that.

But other than that, I want to say that I applaude what you're trying to do. I hope that it would go further than this; but I think, certainly, this is a start. And I think it will also draw the local inspector-in-charge in on things and make him feel a much better part of things too. I think it's going to have an uplifting effect on your people out at the plants, and I think it's going to take some of the routine work off of some of your people in Washington.

The label reviewers in Washington, I feel are probably under the most stress and have one of the most demanding

jobs. You keep them working harder than anyone you would expect to find in any industry or government agency. This will give them time to look at the more complex labels and spend more time with them, and not spend so much time on the routine labels that would be approved anyhow, such as the single ingredient labels. Thank you.

MR. HIBBERT: Just a note in response to your concern about the cutoff on the temporary approvals -- I think I mentioned yesterday that that issue has also been raised by some of the comments we've received. And it is something we'll have to address in the final rule.

DR. ROSS: Ernest Ross. I've had generally favorable reports from various processors with whom I've talked to about this proposal. They have told me that it takes them weeks or months -- and this isn't just one, but all of them that I talked to -- to get a label approval.

Now, I'm sure that a lot of this delay is in the mail service. I was just wondering if it wouldn't be possible, when a label is approved, to have the approval called perhaps to the inspector in charge, to notify them of the approval and the fact that it is in the mail. And then they can proceed, knowing that the approval is on the way rather than to have to wait two or three weeks for it to arrive.

MR. HIBBERT: We will do that kind of thing under special circumstances, the kind of situation we discussed

earlier, where someone has a problem. Of course, the problem with doing that across the board is essentially one of resources and time and having a couple of thousand of these a day and having to make all the phone calls.

DR. ROSS: Well, perhaps you'd consider doing it for Hawaii, sitting out there in the middle of the ocean. Sometimes the mail seems to come by slow boat.

DR. HOUSTON: Ms. Mucklow.

MS. MUCKLOW: John McDade stole my lines. He must have sneaked my notes. I would like to make a point with respect to the proposal on the label approval, that it really satisfies all the parties who are interested in labels. There is no diminution of consumer protection in what you are proposing. And I think that's an important point that we should note, from our interest in this Committee.

It certainly helps to make government more efficient, to streamline Bob Hibbert's operation, and to cut down unnecessary bulk movement of labels through his system. It will save industry money, it will save them the money that many of them now feel they have to spend in order to use an expediter in order to meet that crunch to get maybe a final approved for a sketch that was already approved, or various other reasons that people go to expediters. They serve a useful purpose, but it's questionable whether that useful purpose needs to be served on every minor label process that has

to currently be handled.

So it's very nice to see this happen. True, these kinds of savings will go on to the competitive market and will be passed along through and reflected in ultimate product.

I too would have to ask for a further look at the 180 day issue. I know of small firms who may have a series of labels for basically one product, that they keep simply in order to provide for flexibility in making that product. They may have frankfurters that have pork as the major ingredient and beef as the second ingredient; and they make the same product sometimes with beef as the major ingredient and pork as the second ingredient. So they have two sets of labels, and they want to keep them available.

It seems to me that the 180 day issue may cause some problems for people on a temporary approval, where they need a little flexibility. It may be that it should be provided so that it could be a renewable time period upon a good showing. That may help to resolve it.

But generally, I would like to say, as other members of the Committee have, that the proposal is one of the most enlightened, progressive proposals that we've seen come out of the Department. And I'm very supportive of it.

DR. HOUSTON: Dr. Wilson.

DR. WILSON: Yes. Well, I'd like to agree with the two or three comments that were generally in favor of the

proposal. However, I think we would choose to view this as perhaps a second step in the evolution in the whole labeling process; the first having been the Pilot Plant Study, which proved to be, I think, effective both from the standpoint of USDA as well as the companies involved.

Mahlon expressed the notion a little earlier that he would rather see the proposal go further. I think we could agree with that. But we think this is a real good second step. I think there is going to be some required adjustment, as far as accepting it, on the part of the industry as well as the USDA.

I think, as we go down the road together on the thing, it will continue to serve the industry better.

There is one comment I'd like to make relative to something brought up yesterday, and that's on uniformity, the concern for uniformity in labeling. It's not the first time that Dr. Houston has heard something about uniformity in the Inspection Service. It is a concern throughout the industry, and an appropriate one.

However, I think in the case of labeling, any discrepancy in labeling -- I'm talking about where one inspector might make a particular choice that a second inspector would not be entirely in agreement with. Those kinds of differences become very evident in the way of a label.

There is one label reviewer we haven't talked about. And that's the competition out in the field. If a

label is out of line -- you can debate here how much consumers read labels. But I can also tell you that competitors read labels. And so there is a built-in safety factor in that respect.

This is in contrast to some of the other uniformity within the inspection field which is not that evident. I mean, a person can say, well, you know, this inspector isn't making you do this, or that sort of thing. And those things are not out in the open like a label. So pure review, if you would like to call it that, works very effectively in the labeling area.

A couple of questions -- perhaps they can be answered today. Do you have any specific notions on how corporate label approvals would be handled? For some of the others who may not be familiar with this--the common practice in the larger companies, multi-plant companies, the corporate office would submit labels and would submit them for a number of plants.

And, of course, in many cases of a corporate office there is no plant there for the local inspector, the IIC, to approve. It's not necessary that that be thought through at this point, but perhaps you have some thoughts on that.

If I can throw in a second question at the same time -- There is a label policy book which is a common reference in labeling procedure. Is this now available to the IICs, has

that had common distribution to the IICs today? And secondly, are there any further thoughts toward codifying some of those labeling policies?

MR. HIBBERT: In response to your concern about the corporate situation -- I think there's a good point there, in that the design of this proposal and what this sets up is an exchange between an establishment and the agency, through the inspector or what have you; and you have some of the corporations working out of centralized offices, which is a difference that has to be addressed.

There is some discussion in here to the effect that this could arise when, let's say, the same product is being prepared in several different geographical locations. I think what we've tried to work out is a situation where, if you have some form of Washington approval, that could then translate into localized approvals in a number of localities.

However, it's possible there may be situations where the corporation might want to make the choice of keeping it centralized and keeping it in Washington. Of course, that would be their option.

But I think we've gotten some comments that I think will flag this point; and I think we'll have to address it a little more carefully in the final rule.

In terms of the policy book and those kinds of materials, there has been an evolution of attitudes toward

distribution of those documents, where at one time the Department was reluctant to give it up and then we got into an FOI mode. Now, I think we're more affirmatively distributing it.

I think it will be important to get that down to the inspector level when they're involved in these decisions. And we're doing things like putting more copies of them up.

In terms of codifying things, I think those things are still under evaluation within the agency.

MR. CARBAUGH: Dr. Houston, I'm curious about a question I didn't raise yesterday but I'd like to raise this morning, concerning the impact or relationship of this rule to federal/state meat inspection programs. How do you see that working, say, in Virginia or Iowa?

DR. HOUSTON: I think that's up to the individual state director, as to whether or not they want to pursue the same program. If they choose to do so, it would certainly be within the terms "equal to;" and I wouldn't see any problem.

But we're not going out to the states and saying you must do this. Because if they wish to moderate from that, they can certainly do so. But I would see no problems arising with the states who wish to follow the same program. In fact, I would encourage the states to do so.

MR. CARBAUGH: I just want to say that I applaude you. I think it's a good move in the right direction.

DR. HOUSTON: Thank you. Dr. Brickenkamp.

DR. BRICKENKAMP: Thank you. I want to, first of all, let you know that I heartily endorse this move. But I do want to give my personal observations on the area of prior labeling approval versus none at all.

Our office gets involved in incidences of mislabeling observed by state and local regulatory agencies. We are made aware, or asked to help in approximately 100 cases a month of mislabeling under Food and Drug and Federal Trade Commission areas.

We have had only one incidence in the last year under USDA jurisdiction. And we believe that it's because of the prior label approval system that that results. And so I think what you're doing is very wise.

But my questions yesterday, for example, in training and uniformity, were based on that rather real world example of what happens when the question of labeling and misrepresentation is left to the minds of the companies, who may or may not be fully aware of all the responsibilities and rules and regulations under which they have to operate.

And very often, as I might point out -- Dr. Wilson's comment is very true -- it comes to our attention from competition.

DR. HOUSTON: Ms. Cramer.

MS. CRAMER: We have discussed the benefits to the consumer, I think, as far as cost effectiveness in the labeling

process. But I think also we should bring to the attention and commend you for this effort, because I think the consumer will also benefit with the speed in which industry can respond to consumer need for information, etc. or for marketing programs in this speeded up process.

MS. VIZZIER: Dr. Houston, I wanted to comment on George's observation. We talked on the centralized area of getting approval -- we discussed that inside our company, on this issue, because we had that situation. And we decided that for routine things we would continue to go to Washington.

But when we needed to make a fast change, this would still be -- going to a plant that's far away from the corporate headquarters and central purchasing would still be a great deal faster than having to go back through Washington.

We are eagerly looking forward to this going into effect.

DR. HOUSTON: Thank you. Dr. Craig.

DR. WILSON: May I ask what the schedule might be?

DR. HOUSTON: Dr. Craig had the microphone.

DR. WILSON: I'm sorry.

DR. CRAIG: I certainly want to commend you in the direction that you're going with this proposal. I also would like to encourage you to go even farther and faster with a lot of things involved in my area of concern. We are dealing more with simplified product marketing approach, and complex labeling

is not really much of a factor.

And it's almost inconceivable to me as to what the difficulty would be at the local level, of an inspector in charge being able to make a mistake, so to speak; when we talk about, for the first time, marketing drums or mini drums or wings or a combination of products or what have you, as long as it's still raw poultry.

Now, if I am interpreting the proposal correctly, we would still -- if we had never marketed whole legs, as an example, we would still have to get prior approval of that label before we could market whole legs. Am I correct or am I incorrect?

MR. HIBBERT: That's a single ingredient product with no claims -- something like a chicken part. It would be a category of product that the inspector could --

DR. CRAIG: Even first time?

MR. HIBBERT: First time.

DR. CRAIG: Then I am not interpreting this properly from the way it's written. In fact, I went back to MBC this morning to try and get an interpretation on that; and they also interpreted this the same way as I had.

DR. HOUSTON: Original labels would be approved.

DR. CRAIG: Original labels would be approved at the local level.

MR. HIBBERT: For single ingredient product with

no claims.

DR. CRAIG: And single ingredient product would be if it's raw poultry.

MR. HIBBERT: That's correct.

DR. CRAIG: Any combination of parts or what have you.

MR. HIBBERT: Yes.

DR. CRAIG: Thank you.

MR. MCDADE: John McDade. I think the further approval came up on the word "new." Now, you can take the word new off at the plant. But to put the new word on, you have to have Washington approval. That's written in there somewhere. I got confused on that myself.

You have to come to Washington for the first time for approval to use the word new. But if you want it taken off, the inspector at the plant will allow you to take it off. Did I get that right?

MR. HIBBERT: The first time -- Let's suppose you still had that poultry part -- the "new" would make it into a claim. And if it was a brand new label, you'd still have to come into Washington. But then to take it off, that would be a modification that the inspector could approve.

DR. HOUSTON: But that's only because the company wishes to use the word "new," which is a claim. If they don't want to make a claim, then the original label can be approved

at the plant level.

MS. VIZZIER: Yvonne Vizzier. I have a question. Are you saying, in answer to Dr. Craig, that the raw poultry follows under the generic section of this?

MR. HIBBERT: Not generic. It's inspector approved. There is a sub-distinction there. There are some categories that are generically approved and did not require your inspector to sign off. This would not be in that catagory. This would be in the category of needing an affirmative authorization from the IIC.

DR. HOUSTON: Dr. Wilson, did you have a question?

DR. WILSON: I was just curious to know if you had any thoughts on the time frame for this, since it's so readily accepted by everyone.

MR. HIBBERT: The comments close on August 19th. Obviously, as you're well aware, it takes some time to get the regulation together. And that's somewhat a function of the comments.

In addition, in this situation, it's probably at least as much, if not more, our concern that the other kind of homework on training and things like that be completed before we go with it. So that's going to take some time; hopefully, not an inordinate amount.

DR. HOUSTON: Also, we have to decide if we're going to implement this nationally or if we're going to do it

on a region-by-region basis, and perhaps implement it over some period of time. There are advantages and disadvantages to either way. But we are considering using one of those two approaches.

MS. VIZZIER: Yvonne Vizzier again. Where is generic on this thing?

MR. HIBBERT: Okay. It may be useful to go a step back and look at this as winding up in three categories. In some situations, you would still have to come to Washington for approval. In some, you have the option of either coming to Washington or getting approval from your inspector.

And in the third catagory, you would have the option of simply using the label, making the change, and providing the inspector with a copy, but not actually getting an affirmative approval.

Those are minor changes. Some of the things we listed yesterday were: enlargements and reductions, putting Christmas wreaths or Easter bunnies on your label, and things like that, that just shouldn't give anybody any kind of problem. Those are the catagories of generic approval.

MS. VIZZIER: Okay.

DR. BURNETTE: Mahlon Burnette. I'm concerned with the entry you just gave on the time table, because I don't think there is any target effective date in here. If there is, I can't find it.

DR. HOUSTON: You're right. There is none, because we're still in rule making; and if we set up a target date, we'd be accused of prejudging the final rule. So we would never do that. We have to determine whether or not we even implement this program after we review all the comments.

DR. BURNETTE: My concern over the entry on the time table is that, while I understand the training problem, developing the materials and getting them out, and figuring out whether you're going to bring them all in and train them or do it all in the mails or whatever -- But on the other hand, if, realistically, that is going to take, say, the majority of the rest of this calendar year, or even into next year, I'm wondering if there is something which the industries involved can do to help develop that system from the ground up.

Because, quite frankly, for large corporations, multi-plant corporations, the plant managers have a whole new ball game too, sitting down talking about labels with his IIC. And so the IIC and the industry people are going to have to be trained simultaneously. And if you wait a year to train the IICs, and then it takes industry another year before the system is very much used because they're not comfortable with it, then we've just lost that 28 million dollar savings that you projected. And it seems to me that's well worth trying to figure out some way for everybody to learn a new system quickly. Put it together on a trial basis and start on the 20th of

August and just assume that it's not going to work right for a year, but everybody can learn as they go along.

I am concerned that, if you wait until you get it right, you're going to lose the advantage of an otherwise beautiful document.

DR. HOUSTON: Thank you. Ms. Mucklow.

MS. MUCKLOW: With respect to Mahlon's comments -- some of the parts of this proposal, if it is adopted in the final rule, will be easier to implement than others and will require less skill to implement than others.

For instance, sending a final in when a sketch is already approved is probably one of the simplest pieces to implement and will result in a rather substantial savings. So it might be that we should ask the Department to consider, when they do come up with a final rule, which I certainly hope they will, that they consider implementing those portions which can be done without that extra training on a more expedited manner than some of the things that are going to require providing policy information and so on, right down to the inspector in charge.

DR. HOUSTON: Mr. McDade, did you have a point?

MR. MCDADE: Yes. I have one other point. It seems that several of us here want to make sure that this 381. 132 (c)(3), which is labeling for single ingredient products such as chicken or turkey thighs which do not contain

quality claims -- the inspector in charge has the authority to approve this. We want to be sure that this means more than just putting -- if you have an approved label, say, for turkey thighs, that you could use that same design and put turkey drumsticks in that package, or have another package for turkey drumsticks and one for turkey wings.

I understand that comes under there, as long as it's not basted as a single ingredient item.

Now, can other changes, such as the class -- We refer to class, in poultry, as young, mature, hen, fryer, roaster. You can make those changes as single ingredient items also, we understand.

In other words, that's a single ingredient item. Whether it's a young hen turkey thigh or whether it's a young tom turkey thigh -- class, I think, is brought into that. It's our understanding in the industry, the people that we've talked to, interpretation -- I wanted to be sure if we are interpreting that right.

That's a lot of latitude in that paragraph, if it reads the way that we feel that it does.

MR. HIBBERT: Your question is directed at whether --

MR. MCDADE: Well, for instance, some other words added to that -- class, for instance. If you approve it for a -- I'm using turkeys because it's easier to explain it here.

Say we want to pack turkey thighs. All right. Then that's approved, the inspector can approve that. Then he could approve another package, turkey drumsticks, single issue.

Now, if you want to call those "young turkey" or "yearling turkey" or "mature turkey," we could get another approval on each one of those without going to Washington also.

MR. HIBBERT: I guess that's an interpretive question, as to whether that's a claim or the name of the product -- which I'm not sure we have tied down in this document. It's probably worth flagging in the determinative process.

MR. MCDADE: To bring that out at this point -- You would approve any of those once they got to Washington. You have in the past, always approved automatically.

The whole question turns on whether that is the product that's put in the package. And that's why I said awhile ago, bringing the local inspector in on this thing is going to be much better. I think you're going to get better control of your labeling at the plant, because he's going to be more interested in what goes in that bag; is it a young turkey, is it a hen turkey, or this type of thing.

And then on these many complicated cuts of products such as breast and hindquarters and all, the inspector in charge then will see that the right product is put in. Because I would say that most labeling that I find, in looking in the stores, is not the fact that the Department has allowed

mislabeling or some error through a Washington approval or any other approval; it's the fact that the product packed in the package does not always coincide with the labeling on the package. And then this brings the inspector into it. So this is why I'm saying this is a good thing.

But I'd like to be sure, if we could, that this is broad enough to take in other things such as class, as well as kind and the product.

MR. HIBBERT: There are situations -- and that's a good example -- where, really, the value of that centralized Washington review is fairly limited. Because there are questions of whether that particular kind of bird, or what have you, gets into the box. And in the end, that's the inspector's job to worry about anyway.

Washington, looking at a piece of paper and signing off on that, is not that meaningful, in some ways. But in response to your concern, I think probably we need to tie that down a little bit better. I think there is some interpretive room there.

MR. MCDADE: You've covered adding and deleting grade marks and fresh and frozen and keep refrigerated and things like that.

MR. HIBBERT: That's right.

MR. MCDADE: And I assume that class and other things that would change only by the product being put in the

bag might be included in that. But I'd like to have you look into it, if you would.

MR. HIBBERT: We will.

DR. HOUSTON: Any other comments before we move on?

DR. BURNETTE: I may ask the same question to make sure, because I never grade poultry, Don; so I'll have to ask it about beef.

If I'm making boxed, frozen steaks, and I want to label that box "choice steaks;" is that a quality claim, or is that simply the name of the product? And, therefore, the inspector can approve my box lid.

DR. HOUSTON: Well, first of all, we wouldn't let you put the term "choice" on there, unless it did come from cattle that were U.S. Choice grade.

DR. BURNETTE: Yes.

DR. HOUSTON: Which means there would have to be a control system in place, to assure that the cattle, or the cuts coming into a particular boning operation, were in fact U.S.D.A. Choice and there was security over that product when it got packaged, it was labeled as such.

Is your question: Can they approve a label which has U.S. --

DR. BURNETTE: Yes. Let's say I'm doing that. Let's say I'm doing my own slaughter and it's all graded and it's all choice and it's all properly controlled and the records

are all proper. And I've been selling this in the retail trade, and now I want to go into the mail order business. And so I go to my IIC and say, look, I got this box that says "Choice steak." Can you approve it? Can he say yes or no?

MR. HIBBERT: Yes. That's a specific category. The addition, deletion, or substitution of a grade shield is specified as an inspector modification.

DR. BURNETTE: Inspection modification. I'm talking about brand new. This is the first time I ever sold frozen steaks, you know.

MR. HIBBERT: Okay. If your label is eligible in the first instance -- if you've got a frozen steak, it's a single ingredient product. You've got it; yes.

DR. BURNETTE: Thank you.

DR. HOUSTON: All right. I think we have some coffee coming. It's not here yet, is it, Rhonda?

RHONDA: No. It will be about 10:30 or a quarter to 11:00.

DR. HOUSTON: All right. Why don't we do this then -- if there are no more questions, let's at least open up the next subject for discussion. Perhaps we'll have to stop part way through if they bring the coffee. If not, we can finish and then take a break.

The next item on the agenda is Sodium Labeling. Who would like to lead off with comments in that area?

DISCUSSION ON SODIUM LABELING

DR. HOUSTON: Yes, Dr. Foster.

DR. FOSTER: In spite of the eminence of Dr. Hayes and his colleagues, I have considerable doubt about the ability of this administration to change the human animal's craving for salt.

Having said that, I immediately agree that any consumer who wants to restrict his sodium intake should be able to do so. And the only way to do this is to know what's in the product it's made from.

But having said that too, my main concern about all of the discussion on sodium restriction and sodium labeling that has gone on in recent months is the fear of a low-sodium "horse race" in products produced by industry. We've seen this happen recently with cafeine in soft drinks. And it wouldn't be very hard to see the same thing happen in sodium marketing, low-sodium marketing.

And it's my point of view, that when that happens is when we will then have our real botulinum hazards of cured meats, if they should be involved, as opposed to the much discussed but, I think, fairly minor hazards that have involved the discussions around nitrite.

If you'll bear with me a minute, I'd just like to illustrate that statement with a very simple experiment that we did recently in my laboratories, where we made some weiners in

test tubes. We used the common formula, 120 parts per million nitrite, the usual sodium ascorbate, and a mixture of pork and beef and all the stuff. I don't know much about making weiners.

But anyway, we varied the salt just to see what effect it would have on the growth of botulinum. And we inoculated all of these with botulinum spores and incubated them under abuse conditions. Now, we all know, of course, that this is a rather severe test. But everything we do along this line does involve a severe test.

And to make it short, we varied the salt over a range from two to three and a half percent in these model weiners, if you will. And then we incubated and we tested for toxin in those weiners. And, interestingly enough, every quarter of a percent salt meant about two more days of no toxin. Or, stated another way, the time for toxin to develop was increased by about two days every quarter of a percent of salt.

Just to illustrate what I mean -- when we had three and a half percent salt, it took about -- in this particular combination, which had 120 parts per million nitrite -- it took about 17 days for toxin to develop under these conditions. With three and a quarter percent salt, it took about 15 days. With three percent salt, it took about 11 days. And with two percent salt, it took nine days. Two and a quarter, it took seven days. And with two percent, it took five days.

In other words, it's a pretty straight line relationship, in this particular type of product. And all I'm trying to say is that I'm hopeful that in the negotiations and in the proposals to change the sodium content of our foods, that FSIS, in particular, will see to it that industry is not allowed to drop that salt level to the point where we might have a real hazard, as opposed to a possible hazard.

And I think, knowing industry marketing practices and natural human relations to things like this, it would be possible to introduce a substantial hazard here. And I know that the agency doesn't want it, and I know that no consumer wants it and no manufacturer wants it.

It's just that somehow someone is going to have to establish a reasonable floor, below which there shall be no further reduction of salt content. Unless something else compensatory is done.

DR. HOUSTON: Thank you. Dr. Alfin-Slater.

DR. ALFIN-SLATER: I would like to speak to the sodium question. You know, it just seems to me that we're spending -- we give so much emphasis to sodium that people are going to think they have to choose their diets because of the sodium content rather than looking at any other nutrient content.

The last word on sodium and hypertension has not been said. Hypertension may be due to a lack of potassium,

calcium, magnesium; it may be due to an imbalance between sodium and potassium. And to try to establish what every individual needs in the way of sodium is impossible. We all have our own individual needs.

In our area, jogging is very popular. And all of these middle-aged men are running down -- we have a boulevard, San Vicente Boulevard -- with traffic going on both sides, and these men are jogging on this green strip, breathing in all the fumes from the cars and think they're doing themselves a great service.

But these men require more sodium, because they are losing an awful lot in perspiration. I don't know who established the fact that from 0 to 35 milligrams is low sodium. I think that we can't make these distinctions for everybody.

I think that sodium labeling is important because, unfortunately, doctors who know a little about nutrition are telling their patients to go on a low sodium diet. So people have to know what the sodium content of foods is.

But to say milligrams per serving -- I think it doesn't mean anything, because we all have our own ideas about what a serving of food is. If the particular item lists what is a serving and, according to somebody who has established that for them this is a serving, then we'll have a little more information.

But I think that we have to be a lot more careful

with getting into the minds of the consumer the idea that sodium is terrible. I mean, you know, the USDA, in HHS statement of, what I call the "Seven Commandments for Good Health" -- avoid sodium, avoid sugar, avoid saturated fats -- You know, you assume we'll not be eating anything. Maybe this will be a good idea, because we'll all be a lot thinner than we are. And maybe this is the whole answer to all our problems; the fact that we are too fat.

But I think that we have to use a little bit of moderation in what we tell people and how we say it.

DR. HOUSTON: Ms. Whelan.

MS. WHELAN: Yes. Just following up on that -- I assume that this agenda item on sodium labeling also allows us to comment on the educational efforts, the booklet and the radio series -- is this part of it?

DR. HOUSTON: Sure. You can, if you wish.

MS. WHELAN: Okay. It's my understanding in hearing some of the comments, particularly those of Mr. McMillan, that the current USDA stance is that science should be the basis of any kind of recommendations. And this alarms me a little bit, when I read this booklet on sodium.

I think if it comes down to the philosophical issue -- And, personally, I think, as a public health professional, that we should not recommend that people change their behavior unless we have some pretty solid evidence that it will

help them. And I think some of these documents, and also some of the radio spots I've heard, directed at black Americans, kind of have the philosophy that it wouldn't hurt to cut back on salt. We have no evidence that it's going to help the general population.

And I'd just like to suggest that, as we approach this subject, we try to aim our educational efforts to the subgroup of Americans that really need the advice and needs the information on low sodium; namely, the hypertensive population. And even all of those may not need this advice.

I think there is a proportion of these patients who are under medication such that they do not need to follow this so astringently. As it stands now, it seems to carry the message that the U.S. Government has decided that sodium is hazardous to the health of Americans and that it's becoming a policy. And that policy is not square with the concensus of the scientists.

DR. HOUSTON: Thank you. Dr. Wilson.

DR. WILSON: Yes. I think, for the record, perhaps we ought to note that Dr. Foster's frankfurters, which have nine days until toxin production, are not typical of a commercial production.

DR. FOSTER: Granted. They weren't meant to be.

DR. WILSON: But I'm sure everybody understands that.

But more importantly, and to continue Mike's point -- I think his point is extremely well taken. And I think the FDA and USDA needs to take heed to that.

Let me add, first of all, that -- and I think it was mentioned yesterday -- that within the USDA's research program in this area, part of that effort is directed toward finding the safety net under where we're at. The only thing that I would suggest about that program is that there even be more emphasis in that area.

I think that's a fitting place for federal research; as contrasted to, say, finding what is a practical limit, a technological limit for making frankfurters, for example. The industry can do that. In fact, they may find that they can do it too well -- what Dr. Foster is suggesting.

To go a little further on that same subject -- this is not a new position for the AMI. Dr. Foster has mentioned that our marketing types get a hold of something that can be merchandised, and they do exactly that. And in most companies -- in many companies, I guess I should say -- the marketing department has much more clout than the technical group, frequently. So there needs to be some caution put in that respect.

One way of handling this, however, is to -- and it's difficult to fit it into a voluntary program -- is to discourage or, if possible, eliminate the use of claims, giving

the opportunity to create a "sodium horse race," if you will.

If claims were to be eliminated, as viewed by many to be a drastic move, and declarations of serving be confined to a simple quantitative labeling, then those people who need it would have it available to them and it would discourage some of our marketing types from being over zealous in this respect.

DR. HOUSTON: Thank you. Dr. Ross.

DR. ROSS: I would like to make a comment about the publication "Sodium: Think About It."

In the first place, there are two blocks here which might seem contradictory or confusing to people. In one case, quoting the National Research Council's safe and adequate intake level of 1100 to 3300 milligrams; and then on the other side, referring to the requirement at 250 milligrams.

And also there is nothing in here about sodium in the water and the possible effect of water softeners on sodium intake, which can be very important. And, while I applaude the use of this educational material such as this, I wonder if it wouldn't be more effective, certainly, to have, say, a single page flyer which would be labeled "for hypertensive people" or to people who have been advised to control their intake, and have a table listing common food groups, with the range of sodium. So that someone could stick it up on their refrigerator or in the kitchen and be able to refer to it without having to read through a lot of stuff that they're not going to read

anyway.

DR. HOUSTON: Thank you. Dr. Alfin-Slater.

DR. ALFIN-SLATER: Where did this figure of 250 milligrams come from? I'm quoting -- "which is probably more than most adults need in an entire day."

DR. ROSS: It comes from the same NRC publication that the other figure comes from.

DR. ALFIN-SLATER: I was part of that, and I don't remember 250 milligrams.

In any case, there is also a statement somewhere -- and I don't remember where -- that the need for salt, or the taste for salt is acquired. And I don't believe that's true; because, you know, animals look for salt licks all the time. And I don't think that they have acquired the taste for saltiness. I think that it's something innate.

The other thing that bothers me about this sodium thing -- Are there epidemiological studies to show that the higher intake of salt in this country are associated with hypertension? The people who are ingesting 6900 milligrams of salt a day; are these the ones who have high blood pressure?

DR. HOUSTON: I don't know. Dr. Burnette, can you help us on that?

DR. BURNETTE: I wasn't listening. I'm sorry.

DR. HOUSTON: The question was: Is there any epidemiological evidence to link hypertensives with high salt

intake, the 6900 milligram a day figure that's given in the sodium pamphlet?

DR. BURNETTE: You mean, are the same people that are hypertensive the same ones that are consuming the largest amounts of sodium?

DR. HOUSTON: Right.

DR. ALFIN-SLATER: Or did they consume it?

DR. BURNETTE: I guess it depends on how you read the Framingham Study, as to whether they have any numbers on that or not.

But, overall, no. Because the data is collected independently.

DR. HOUSTON: Dr. Whelan.

DR. WHELAN: Well, the main epidemiology on sodium and hypertension is from international comparisons. And there is a very strong correlation -- the countries that consume high amounts of salt also have high hypertension. But, again, that is not necessarily causative.

I think in terms of the clinical studies done, particularly in this country, and the Framingham Study, the results are quite conflicting and suggest that there is many, many causations involved in hypertension. And that's why there is such ambivalence.

I think even the physicians who recommend that all of us cut back on our sodium -- and you say here that most

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scientists do -- I'm not sure that's the case -- even they will admit to you that the evidence is not strong. And they look at you and they say, "but it wouldn't hurt." And that's the philosophy; one which many of us object to.

DR. BURNETTE: There are two different things involved in sodium hypertension. One is whether or not sodium is involved in the etiology of the disease. The second is whether or not moderating sodium is effective in controlling the disease.

They aren't well separated here, and they are not separated at all in the public's mind. It's all done with magic. And I agree with everything that Beth and Ros have said about the equivation of the interpretation of the data. I think we all know that.

I am more concerned about what is not here, or here in the document, and the policy, than I am in the questions for which we don't have answers.

As Ernest pointed out, that statement that 250 milligrams of sodium is more than most adults need in a whole day is extremely dangerous. Because what it should have said: 250 milligrams of sodium added on top of what is already in the food is more than most people need. But if we had people trying to cut their diet down to 250 milligrams of sodium a day, we'd have the same situation we had in the infant formula crisis. And I think that's a potentially very dangerous

situation.

There is a statement right after that which -- there are some of my friends in the Food and Drug Administration, and I have a little difficulty believing they cleared this. Because the statement says, if you decide you want to moderate your sodium intake; and that gets terribly close to self-diagnosis in a potentially dangerous situation. And I know some people that have devoted long careers trying to avoid ever having the federal government indicate that it was appropriate to self-diagnose in potentially dangerous situations, with vitamins or with sodium or anything else.

I don't know who cleared this at HHS, but I'm confident that I know some people who didn't.

And the third thing -- and it's another way of stating exactly what Beth said -- and that is, that I know Heart, Lung, and Blood cleared this, because I recognize the propensity for striking out all useful numbers whenever possible, to avoid getting involved in the debate. And I'm not being critical. It's a very difficult situation.

They hold themselves, at Heart, Lung, and Blood, to a very high scientific standard. If they don't have answers to questions, they don't like to give answers. And I don't blame them, as scientists. But the direct relationship in here of the fact that 75 to 90 percent of the public is probably refractive to sodium intake in terms of blood pressure, in that

we're only talking about 15 to 25 percent of the people who need be concerned. And that relationship isn't made here.

The obvious connecting link, and the one that has the public health significance, is no where in here does it say that the thing to do, the thing for everybody to do, that we all can agree on -- we may not be able to agree on how much sodium you can take in, but we should agree on the fact that you should have your blood pressure checked. Because it's an insidious disease that doesn't have any symptoms until you're already in big trouble.

And that isn't mentioned in here. It leads directly from some people's interpretation of the data, to a discussion about how you might prescribe for your own self a low sodium diet, and it avoids the public health significance of saying to people that, if you've got high blood pressure, for sure, it's one of the things you should try. If you don't know what you're blood pressure is, for sure, you should go and check it.

And so I have a serious concern about the way this is drafted, in terms of the information that it might convey to the lay public -- sins of omission and sins of comission about a very serious public health situation and leaps into a probably less serious and certainly more equivocal area of how much sodium everyone should have and how much sodium is good for you and how you find it on the label. It leaps right over the much more serious problem of hypertension and the potential

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at least, for the involvement of sodium.

DR. HOUSTON: Dr. Whelan.

DR. WHELAN: Yes. Just a factual comment on this so-called "low sodium horse race." As you know, the airwaves are now proliferating with ads that -- their main selling point is that they have low sodium. And anti-acid ads. The other day I was trying to enjoy a piece of New Jersey corn, and I reached for the salt shaker and my four-year-old asked me if I was a "saltaholic." I mean, that's all you hear on the evening news each night.

The point I'm trying to make here is that these products are very expensive. The ones like the "No Salt" -- it's a little tiny thing and it costs something like three or four dollars. The low sodium products also have a mark-up on their price. And I think we owe it to consumers to help to tell them whether or not they're actually getting something for their money, in terms of health benefits.

DR. HOUSTON: Ms. Cramer.

DR. ALFIN-SLATER: We also should realize that there is a danger in taking too much potassium. Because you can get very serious side effects from taking too much of the potassium substitute for salt too.

And I think, too, that we're overlooking a very important fact--that food is not only to supply us with nutrients, but it's something that's supposed to be enjoyed.

And if you ever tasted a low-sodium meal, you'll know what I mean.

DR. HOUSTON: Ms. Cramer.

MS. CRAMER: Yes. I had some comments to make too. First of all, rightly or wrongly -- and I do agree with Roslyn that doctors are telling many, many patients to cut back on sodium. And we do have a clamour for information from consumers.

And, of course, I know that's why this piece was produced, I know that's why the piece at FMI was produced, and I know that's why we as a chain produced a piece similiar to what Dr. Ross has asked for -- directed to those people on low sodium diets, giving the ranges and that sort of information, so they could make a sensible choice.

I have a question too about this sort of leaflet. We have consumer centers in about 350 of our stores, and this sort of a piece -- well, frankly, if we shipped that -- I don't know how heavy the packet would be, but it would be unsuitable for usage in our consumer centers, because it's printed on far too heavy a stock to be afforded for the service that we provide to the consumer.

And it seems to me that it also includes a lot of lost space. And I think, again, as Dr. Ross pointed out, that the information probably could have been printed more simply on a single fold flyer.

I'm not sure what the expense of this particular

piece was, but that is just a comment that I have about consumer literature that's out there. If it's going to be dispensed in the popular places, such as our in-store consumer centers, some thought has to be given to how it can be shipped and how inexpensively it can be handled.

I understand too that the milligrams per serving, and I think the rationale on that, as I see it, is that the direction is to include sodium labeling voluntarily. I certainly would not urge mandatory inclusion of sodium in the nutrition label. But if it is included in the nutrition label, the standards that the FDA has set about are the per serving, with the servings stated.

And, of course, we all know the variances in sizes of serving. But on the nutrition label, the serving size is declared. And then the milligrams per serving would fit right in with the way the other nutrients are given. So I think there is some logic to that, as long as the serving size is given. And that is one way the consumer who is looking for that information can get it and compare it in the standard form.

So I think probably I would agree that that would be the way to go. I certainly don't think it needs to be listed twice, as is often now, in both milligrams per serving and then milligrams per 100 grams.

DR. HOUSTON: Let's take a 20-minute break and have coffee. And we'll come back and continue this discussion

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on sodium.

(Whereupon, a 20-minute recess was taken.)

DR. HOUSTON: Let's reopen our discussion on the sodium issue and sodium in general, if there are any further comments. Dr. Ross.

DR. ROSS: I just want to make a comment about hypertension. There's been some discussion about -- not only is there the debate about how much sodium is needed, but there is also considerable question about what constitutes hypertension, or what blood pressure is hypertensive.

There was a doctor on the television yesterday who was saying that we should not consider a diastolic pressure of 90 as hypertensive necessarily.

DR. HOUSTON: Any other points?

DR. ALFIN-SLATER: What about systolic? Did he mention anything about systolic?

DR. ROSS: No.

DR. HOUSTON: Mr. McDade.

MR. MCDADE: John McDade here. Before I came to this meeting, certainly one of the points I wanted to make from industry people that I had been in contact with, is we would certainly like to leave this voluntary, as a program. And from what I've heard here today, and from people that we respect the opinions of and the work that they've done on this thing, we would hope this thing would be left voluntary and, certainly,

not brought in any way to a mandatory labeling of sodium. Again, especially on the basis of things we've heard here today.

And that's just a request from industry and the people that we know of. If someone wants to do it and can make claims that would be satisfactory to you and would not be confusing, that's up to the particular company. But I would hope to leave this voluntary.

DR. HOUSTON: I think in this administration and, in particular, those officials at the Department of Agriculture, intend to make it a voluntary program and keep it a voluntary program. I see nothing on the horizon, at least at USDA, that would make it a mandatory effort.

MR. MCDADE: I'm happy to see that on the record then.

DR. HOUSTON: Ms. Cramer.

MS. CRAMER: Yes. Just one comment to Dr. Wilson. Frankly, those of us, I think, in the marketplace don't visualize the sodium horse race here in this particular case.

I know there is a parallel with the frankfurters that were tried with the low nitrite. This simply didn't sell. Give the customer one taste and they won't be back. I don't know whether you've tasted any of the low sodium cheeses; but, frankly, those people that are on restricted diets probably will stay away from cheese because it tastes like a piece of rubber if it doesn't have the flavor.

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And I think those consumers who have been advised to be on low sodium diets, know basically that there are certain foods that are just taboo for their diets. And if they want to stay on their diet, they probably would be advised to stay away from it.

So I don't see a problem with a product like a frankfurter, because it would be a completely tasteless piece of whatever.

MR. LOUNSBERRY: Lounsberry, from Iowa. A distance apart of what the industry has said, I'd like to make a comment on the producer's side of it. I certainly think the producers share the same view and opinions, especially those that I've talked to -- and I've talked to a lot of them.

And the producers work very closely with all phases of marketing, not only the chain stores, but certainly with the various commodity groups that work on the marketing end of it. And we would hope that there be less attention paid to this particular subject until more scientific evidence or proof is brought forth.

I can remember so well when I was in the university studying biochemistry and other phases of chemistry and biology, that someone would do a doctor's thesis on a subject and it would stand for a number of years. And then someone else would use the same experimental evidence twenty years later and disprove what had stood for some time.

And I certainly think that always we need to tread lightly before we come out with startling statements. I notice they're talking about how much sodium in soy sauce, and at the same time they're pointing out the fact that there's less hypertension and less heart attacks in the Japanese and the Chinese people. And yet, from the standpoint of the amount of milligrams of sodium in soy sauce and the intake of soy sauce with those civilizations, I would think that it would discredit that particular aspect.

DR. HOUSTON: Dr. Alfin-Slater.

DR. ALFIN-SLATER: Actually, there is a higher incidence of stroke in the Japanese population. And that's been blamed on their elevated sodium content in the diet. They don't get heart attacks as much, but they do get much more stroke.

MR. LOUNSBERRY: Okay.

DR. ALFIN-SLATER: So, still, there are many differences between the two cultures. And I don't know that you can just point to one thing and say, well, this is it. They also smoke an awful lot.

MR. LOUNSBERRY: Very true.

DR. HOUSTON: Any other comments? Dr. Ross.

DR. ROSS: If a processor went onto this voluntary program and had some labels with the sodium content and then had to change his formula, which would change the sodium

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content, could he use his existing supply, or would he have to change at that time?

DR. HOUSTON: He'd have to change his label.

DR. ROSS: So, in a way, this is going to be self-defeating to the small processor.

DR. HOUSTON: He will have to have consistency in formulation if the label is to remain truthful.

DR. ROSS: So rather than get involved in this kind of a hassle, he'd be better off not getting involved in it.

DR. HOUSTON: Well, that's a business decision that each packer has to make. Dr. Wilson.

DR. WILSON: Well, just a comment here that touches on two aspects; one is safety, and the other is consumer reaction. I think, in light of what has been said here and has been said elsewhere on those two issues, consumer reaction plus the safety, is that the Department should take those things into consideration.

And I know that Dr. Hayes is a rather forceful individual. I think I've heard him make as many as three speeches in one week on cutting down sodium. And he is a forceful man with courage of his convictions. I think, where we have it, that may be fine and dandy for potato chips or corn chips or something of that kind, in which preservation isn't, as far as I know, as hinged to the sodium content or salt content -- we are dealing with a different item when we're

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talking about meat and poultry. And I think that should be taken into full recognition in considering the labeling aspects of this thing.

DR. HOUSTON: Thank you very much. And we've been on this quite awhile, but I don't want to cut off discussion. And if there is perhaps the last round of comments anyone wishes to make, we'll take them.

(No response.)

Okay. Some of us do have to leave early and have asked if, instead of moving on to Continuous Inspection, which is on the agenda, if in fact we could take up the matter of Food Safety Legislation instead, since this is a matter of great concern.

Unless there is objection from the Advisory Committee, I would propose that we do that. And that we then ask for comments at this time on the Food Safety Legislation and where we, as an administration, are going in developing the policy in that area.

MR. HIBBERT: If I could just interject for a moment -- I have some family obligations and I'm going to catch a plane myself, since my part of the program is done. But I just did want to say thank you to the Western States people for their hospitality and thanks to the whole Committee for your interest and your forebearance. I've enjoyed working with you.

(Mr. Hibbert left the hearing room.)

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DR. HOUSTON: Now on to Food Safety Legislation.

DISCUSSION ON FOOD SAFETY LEGISLATION

DR. WHELAN: Having read over the working group's recommendation, I heartily endorse them. I think that's an excellent start toward the administration's stand on the subject of changing the Food Safety laws.

I'm a bit disappointed that there seems to have been a lagging interest in this particular project in Washington over the last year. And I'm also concerned that the so-called consumer advocates, at least one of whom you mentioned a couple of times yesterday, seem to have an enormous amount of power in inhibiting these changes, and may be responsible for the death of the Hatch and Wompler bill and maybe the introduction of new legislation.

I hope this can have some impetus to keep this subject alive. Is there any hope of proceeding in this basis with an election year coming up?

DR. HOUSTON: Well, first of all, the working group gave, I think last October, to the cabinet council on human resources, its first set of recommendations. And for a number of good reasons, the cabinet council chose not to move forward at that time and, instead, waited until several months ago to ask us to proceed in discussing these proposals with affected parties.

I would say, though, that I do not believe that

any group is in a position of stopping these proposals from going forward. I see all indications that there will be an administration policy on food safety within the next several months. And I think there is a good opportunity that hearings will be held yet this year.

I know that some industry groups have been lobbying hard with various members of the Senate to get those hearings held.

In summary, I think there will be an administration position, and I think there is a good opportunity that we will have hearings this year. And many of the positions that we've taken, or drafted, will be the subject of, I think, a very intense and very strong debate in these areas. And I think it's good that we have that kind of debate.

Many of these laws haven't been modified in many, many years. And it's time that we review them very closely.

Dr. Whelan.

DR. WHELAN: As you are aware, the Community Nutrition Institute, and a number of other organizations in Washington, are spending a great deal of time to block any changes in Food Safety legislation. And I just want to bring to your attention, if you're not aware of it already, that the primary technique is one of bait and switch.

What they're trying to do in the consumer's mind is confuse the topic of the changes in the Food Safety

legislation with the growing interest in the topic and diet and cancer.

Recently, under Esther Peterson's signature, I understand that about a half a million appeals when out to the American consumer. And the opening line was: "One of every three people you know who has cancer got it from his diet."

They went on to say, "If that's not bad enough, the Reagan Administration wants to change the Food Safety laws so that more people die of cancer. Bait and switch. They were introducing some epidemiological observations that had to do with broader aspects of diet and confusing it with the food additive question. And I think you're going to be seeing more of that, particularly given the introduction of the National Academy of Sciences report on diet nutrition, which is completely outside this area, or mainly outside this area. And I think some of these advocates may begin to try to merge and blur these issues.

DR. HOUSTON: Well, there is no doubt that there is some strong opposition to making any changes in the Food Safety laws from a coalition of consumer groups that we've met with and discussed in working out these proposals.

That doesn't mean that we're simply going to stop. There are other groups -- for example, I think we've gotten general support to keep moving from a number of scientific organizations. And other affected parties, regulated

industry and so forth, have suggested that we keep moving.

So we're not simply listening to one group. We're listening to all affected parties. And I'm sure there will be an even-handed and balanced approach taken.

DR. BURNETTE: I have a couple of specific comments about the current status of the working group's position. I disagree with Beth some in whether or not there's been a reduction in emphasis. I think the deficiencies of scientific knowledge are the things which are impeding this legislation.

It took seven years to pass the first Pure Food Act, and it took a little better than seven years to change the law in 1938. So I'm not particularly concerned that we might not get it all done in one year because of politics.

But assuming this is going to be changed, it's going to have to be changed, particularly because of some of the rhetoric that's going to be used in such a manner that it's going to be credible with the public.

Notwithstanding some of the political realities and some of the trade-offs that have to be made, there's two areas that concern me, in terms of explaining the changes to the public.

One is the phase out. I think the American public demonstrated on the saccharin issue that they were perfectly willing, in some instances, to allow continued use for a substance for which there is no substitute, or perhaps even the

permanent usage of a substance which was a free choice substance and might have some finite risk involved with it, but for which there is no substitute.

Therefore, I'm a little concerned about writing into the law a specific time period; in this instance, five years for the phase out authority. Because if you accept the thesis that the public, in some instances, is willing to accept a smaller amount of risk as long as they know about it -- If it's a large risk, you certainly couldn't justify keeping it around for five years just because the law said you could.

On the other hand, if it's a small and acceptable risk to some people, terminating in five years -- if you have yet to identify a substitute -- I think, would not be supported by the public either.

So I would be interested in your comments as to why -- In my mind, the time period is separable from the concept of phase out authority. And I think the public has accepted phase out. I'm interested in knowing why you feel that you have to put any specific time period in the legislation, since the statutes are so very difficult to change, and why that decision couldn't be made on an ad hoc basis for a particular substance, based on risk and substitutability and other factors which enter into it.

Secondly, again notwithstanding the political realities of drafting the legislation -- From my standpoint as

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a scientist, and I think from the public's standpoint, if we can identify a risk, if we can put some number on a risk, and convey that information; what is important is the risk, the level of inherent risk and the level of ingestance of a substance, not where it came from.

It doesn't make any difference whether it came from a basic or traditional food, whether it comes from packaging materials as an indirect additive, whether it's a direct additive. And I would hope that there would be some way of doing the legislative drafting in such a way that the language in all of the various areas is comparable enough so that the public could be told that -- notwithstanding the legal requirements for putting these things in catagories -- a particular level of risk; whether it comes in from a plastisizer or whether it comes in from an emulsifier or whether it comes in from the combination of ordinary foods, would be treated relatively similarly in terms of its risk to the public's diet, and greatly dissimilar artificially because of the way that the different sections of the law are drafted.

I think it's going to be very difficult to defend the attacks of being in favor of cancer and try to explain to the public that, if it comes from this source, we're in favor of this much cancer, and if it comes from this source, we're in favor of this much cancer. It's going to add ammunition to those who have already indicated that they're going to attack

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the entire process anyway.

DR. HOUSTON: Well, I'll just respond in a very general fashion to both those. First of all, phase out is a new concept. And I think the working group, in looking at it, felt that phase out should not be open-ended in perpetuity, and that, since we're entering a new era here, that there ought to be some ground rules set, and that if a substance is no longer needed in our diet, or necessary or unsafe, but still we can phase it out, we ought not to leave it open ended. And the five years was considered a reasonable period.

It's still permitted to be used for that time and still permitted industry and others to find substitutes or find alternatives. We have received some comments in that area, somewhat similar to the ones that you just stated.

We also know that the Gore bill had more flexible language with respect to phase outs. A phase out could go longer, provided there were no suitable alternatives found or that appropriate research was underway.

And I think those are legimate concerns and ones that we are now looking at. So where we come out on that, I don't know. But you can't leave phase outs open ended, we don't believe. And that was the principle we were trying to bring forward -- not necessarily that the five years was the final word.

DR. BURNETTE: Could you not, without putting a

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number in there, say that it's not to be open ended; but define a process in the statutes under which the length of time would be determined, without putting a number on it.

Because it's just likely that five years may be too long, as it is likely that it may be too short.

DR. HOUSTON: We agree. And, yes, we can do what you suggest. Where we'll come out on it, I don't know. But you offer an alternative that's certainly feasible.

With respect to your second question, I think those are more social judgments, in many cases, than anything else. And where society is willing to take greater risk with certain substances, depending upon their origin. And if certain food additives that present a risk can be easily eliminated and do not offer extreme social consequences, I think the public, at least in the past has demonstrated that it wants to eliminate them.

Whereas, it was willing to accept greater risk -- for example, aflatoxin in corn, aflatoxin in peanuts, where we have large segments of our food supply in which injurious substances may be present, but still in all, the public is saying, "Yes, we know there's risk there. We're willing to take more risk because we want to keep those foods in our food supply. We don't want to do away with them. The consequences of doing away with them is too great."

I still see that question in front of us. And

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quite frankly, I think it's going to be difficult to look at all of these under one general statement of risk and not look at food in terms of food categories. Because by categorizing foods, we're looking at those risks on a societal basis, which Congress has done in the past.

And when we get into this debate, it may change. I doubt it. But I think it may.

DR. BURNETTE: I'm not suggesting to not look at items by catagories. I think that's, if nothing else, politically unreasonable. It's simply not going to happen.

I'm saying that the approach within catagories should be -- the approach for direct food additives and the approach for indirects from packaging material; the numbers will be different, the legislation language will be different. But the approach to the determination and handling of the risk should be similar enough that the public can believe, that they are not being asked to take different risks for different compounds that are added to foods.

I'm not suggesting there won't be catagories at all. I'm simply saying we need to be able to describe them all, in similar fashion to the public, or we will not be credible.

DR. HOUSTON: Well, for sake of clarification, I presume you're talking about the constituent's policy, vis-a-vis a direct food additive, where one might be considered differently than the other. That's a good point. And that's also

been raised during the comment period. We are also taking a look at that to see if there are some further changes that should be made.

DR. WHELAN: I have a comment on section 2 of page 2, the wording suggesting that the net health benefits be considered in deciding on the disposition of a hazardous substance, even if it's a carcinogen. It seems to be based on the nitrite experience.

DR. HOUSTON: Or saccharin.

DR. WHELAN: Well, this is my comment -- I don't think it's appropriate for saccharin. I wonder if it couldn't be modified in a way where we talk about net benefits, as opposed to net health benefits. There is no scientific knowledge, that I am aware of, that there is any health benefit of saccharin.

It's a matter of allowing consumers a chance to juggle their calories and have some different options. This has been looked at pretty carefully by a number of different specialists.

And I hate to have the whole case for saccharin based on establishing improving its health benefits, because I don't think they're there.

DR. HOUSTON: Well, I think it was considered in light of dietary management. And the working group felt that that was a health benefit that could be considered.

I would say though, just to set the record straight, that in developing the proposals, we did not take into consideration -- although we were looking at past problems such as nitrite and saccharin and trying to build a particular piece of legislation to protect a product -- those, quite frankly, were used as examples.

But we did consider dietary management to be part of the general net health benefits. As was pointed out, we very much want to avoid getting into judging economic consequences. We don't think that should come into the equation, except in the phase out area. And that's why we limited it to net health benefits, at that stage of the procedure.

DR. WHELAN: It's hard to derive health benefits, or to point to them from, for example, coloring agents which might pose some hypothetical small risks. I don't like to see the fate of something focused on its ability to defend itself on health promoting aspects.

DR. HOUSTON: Keep in mind that we would only consider these health benefits if we were to take adverse action against a product on the market. We're not suggesting that health benefits be weighed in the first approval of a food additive. The only thing that would have to be shown there is efficacy.

It's only if that particular food additive is called into question at some later point in time, that net

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health benefits were to be considered. This, of course, was a great concern to people when they read our first proposals, in that they felt that this would lead to the consideration of net health benefits when a food additive was to be given approval, or color additive or whatever it might be. That was not the case. They would only have to demonstrate efficacy.

Yes. Dr. Wilson.

DR. WILSON: Just a comment, in a way -- I hope that I'm not alone in this group of having difficulty getting my arms around this entire matter, as far as this bill is concerned. I find it extremely complex and really difficult to handle. And I think this is where hearings will tend to get the thing out on the table where people of my like, perhaps, can understand it better.

The other comment I'd like to make is that it struck me along the way a little bit amusingly that this thing, in many cases, has gotten down to four letter words like; harm, zero, risk, and safe. And then from there, the difficulty dealing with the English language. I've seen so many attempts to define safe; and I would be the first to agree that it seems to be the core of the matter, one of safety.

And the working group, I think, has taken the word "no harm" out of their definition. And I think my only comment is that the words "no harm," to me, at least in my definition of "no" means absolute zero. And it should just as well be

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taken out of the language, if we can -- to use something of the absence of significant risk. Risk is somewhat less definitive quantity. And I think that's to be preferred.

Do you feel, Dr. Houston, that this concept of reasonable risk, as has been suggested, as contrasted to no harm, is pretty well planted at this point?

DR. HOUSTON: Well, I think so. And what the working group tried to do was to develop a definition of safe which made it abundantly clear that the safety objectives of the law are not based on the pursuit of zero risk. I think that's a major change that we're now looking at in terms of today's scientific knowledge.

Our ability to detect substances at such low levels means that if we try to pursue zero risk we're simply going to have to take actions which are not really in the best interest of our community. That's been recognized and is at the heart of many of the changes that have been made. Of course, that's also going to be somewhat of a controversial issue, obviously.

DR. WILSON: But there is at the same time some further suggestions on community effort -- I guess I'll call it that -- to, I think, get no harm back into that language. But I agree with you, it's quite hard to deal with.

DR. HOUSTON: Quite frankly, I think the Kennedy-Hatch draft language goes much further than the working group

language, with regard to the Delaney clause. If you examine very carefully the Senate draft language, they have adopted risk assessment in lieu of the Delaney Amendment as now written, which the working group did not do.

The working group only used risk assessment in terms of feed additives and indirect additives. We are looking very carefully now at that Senate language because it did go further and used risk assessment principles as applied to food additives which have been shown to be carcinogens. And that is further than the working group went in its original recommendations.

In other words, they used risk assessment across the board in every area. And I found that interesting, very interesting, that the Senate staff language would go that far. It was somewhat of a surprise to me. But nevertheless, they did. And we're taking a look at it at this time.

It's now 11:35 and we have covered the Margarine Standard, Prior Labeling Approval System, Sodium Labeling, and Food Safety Legislation. We have three other subjects on the agenda; Continuous Inspection, which would come next, Import Inspection, and Food Safety Education, the Food Safety Poster Contest.

Would the Committee like to continue working at this time and go through these subjects, or would you prefer to break for lunch now? We could continue going and maybe end up

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shortly after 1:00 o'clock and be completed for the day. Or we might get into Continuous Inspection and see where we are at that point. Would you like to continue on?

MR. LOUNSBERRY: I would prefer continuing on, if at all possible.

DR. HOUSTON: Okay. Let's open the discussion now to the subject of Continuous Inspection. As we discussed yesterday, on August the 10th we will be having hearings to modify the Federal Meat Inspection Act, Poultry Products Inspection Act, the Egg Products Inspection Act, to provide the Secretary of Agriculture with discretionary authority in determining the frequency, intensity, and level of processing inspection in meat and poultry plants. And I'd like to have some comments on that, please.

DISCUSSION ON CONTINUOUS INSPECTION

DR. BURNETTE: Did you just give a specific date?

DR. HOUSTON: Yes. August the 10th.

DR. BURNETTE: So that's something new from yesterday?

DR. HOUSTON: No. I said that yesterday.

DR. BURNETTE: I thought you said you thought you would have them sometime in August.

DR. HOUSTON: Okay. Hearings on the proposals have been scheduled for August the 10th, before the subcommittee on Livestock, Dairy, and Poultry of the House Committee on

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Agriculture. And that subcommittee is chaired by Mr. Harkin of Iowa.

I went on to say that we believe we will also have hearings on the Senate side. And it may be that I confused you there. We do not have a date set for Senate hearings, but we hope that one will be set in this session of Congress.

DR. BRICKENKAMP: I would like to heartily endorse the movement of the Department in this direction. I fully support the intent to put the burden for quality control more squarely in the hands of the processor, because of their expertise in their own products, because of the longstanding need for our industries to recognize the importances of quality control. And for the federal agencies to come out very strongly in a policy and promoting that and endorsing that is an enormous step forward. I congratulate you.

DR. HOUSTON: Thank you very much. But we're a long way from there, since we obviously have to go through hearings on both sides of the Congress. And, again, hopefully, they will see fit to support us and to mark a bill and bring it on the floor.

MS. CRAMER: I concur that anything that can be done to lower the cost for this kind of production will benefit the consumer. And one statement -- Today, I think with the competitive marketplace in the industry, that the self policing is very, very important. Industry dreds nothing more than a

major recall on a product that has not been formulated properly or inspected properly.

And so I think that the industry, with its competitive nature, is self policing in many areas. It can't do without it entirely. But, certainly, I think the demands made on industry today are very strong already.

DR. HOUSTON: Dr. Burnette.

DR. BURNETTE: This is going to sound like something you'd read in the Congressional Record, but I don't intend it to necessarily be a political statement.

If the veterinary pathologists tell me that the status of inspection techniques and the status of the American meat and poultry processing industry are such that pre and postmortem inspection of the animals at the slaughter house and controlled phase inspection in the processing plant will adequately protect the American public -- which I think is the case; but I'm having to rely upon the experts in the area to say that -- then I would have to believe that opposition to establishing a system such as is outlined in this proposed legislation, would be nothing short of a willful misuse of the taxpayers' money and would be completely ignoring the fact that roughly, I guess, about two-thirds of the food supply that comes under FDA inspection procedures is operating in a safe, efficient, economical manner and has been for many years.

I think at one time in the early days of our

country there was a great flap over the Chief Justice of the Supreme Court, John Jay, and there were handbills printed and distributed throughout Massachusetts which said: "Damn John Jay, damn anyone who won't damn John Jay, damn anyone who won't put a light in their window and sit up all night damning John Jay" -- John Jay being the Chief Justice.

And I feel that way here -- that anyone that opposes this without being able to identify a specific risk to the American public is willfully proposing to squander federal dollars.

MR. CARBAUGH: I'm not even sure I understood what you said. But I'll go home and put my light in my window. Just a word, I guess, in relation to this -- I had a question yesterday. Of course, I have a little personal problem with moving in this direction, from a state perspective, considering the treatment that's been given equal to state inspection. And now we're talking about moving away from something that was considered good and certainly less, on that basis.

I'm certainly in favor of more efficient, effective inspection. And I think I'm in favor of what's being proposed. Aside from that, I'm also in favor of extending all rights and privileges of equal to inspection of all products.

There is one point -- and I fully understand what you said yesterday, Dr. Houston, about the concept of user fees. And I come down on the same side, I think, that you do, in that

respect. Because if this is considered necessary in the public interest, not only at the federal level but also at state level, it ought to be financing public funds. And the burden ought not fall entirely upon those businesses that have to comply.

On the other hand, we know in many cases that the reason for a lot of these regulatory programs is probably because of that small number of operations, whether it be meat plants or something else, that fail to comply. And I'm not sure that I would want to let them get off scott free and let the public pay for their inability to comply.

I don't really see that as a user fee concept. I would look at it more as an incentive to comply, particularly if they were faced with the possibility of having to pay for 40-hour week inspection; when, if they complied, maybe they only needed two hours a week.

And I'm not so sure I wouldn't endorse some sort of --call it what you want -- penalty or incentive or user fee -- I don't really care what you call it. But I think there is something to be said from the standpoint of an effective program and having some incentive for the individual to comply under those conditions.

It's all right for voluntary. But we all know there are going to be those who abuse it, and it's true of a lot of other things. So that's my comment relative to that particular portion. That's the reason I raised the question

yesterday.

DR. HOUSTON: I understand your concern. And as I said yesterday, we're reluctant to get into the user fee situation in any context. And I can understand also that it may not be considered to be a user fee in the situation you described.

But still in all, we have a police force in every city, every county, that's paid for from the total taxpayer base. And yet, we redirect that police force to those areas that need the closest policing, and we still don't have the opportunity to redirect the cost of that police to any particular segment. So I suspect one could make an argument there. And maybe I shouldn't have even gotten on that subject.

MS. CRAMER: Dr. Houston, are there not fines for people who are not in compliance?

DR. HOUSTON: Yes, there are, if the problems are serious enough. But the meat and poultry inspection laws are really built on a preventive approach; where, if you'll read them, animals are inspected before they are permitted to leave the plant to eliminate any problems. And plants are looked at to be sure that -- processing plants are looked at to be sure that mislabeled products do not enter commerce and that the products that are in those plants to be formulated are wholesome.

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It's a much different inspection system than is under the Food, Drug, and Cosmetic Act. Again, I'm not being critical. I'm saying that Congress set up two very different and distinct inspection programs in this country; one for meat and poultry products, and one for other foods. And the one for meat and poultry products is much more intense and based on a system of eliminating problems before the products leave the plants, through a very intensive inspection system. Whereas, FDA does a lot of after-the-fact inspection, if you will, and in regulating through criminal prosecution, etc.

MS. CRAMER: Does the Service have the power to close a plant down?

DR. HOUSTON: Yes. We can close a plant down for a matter of several minutes, up to several hours, up to several days if they are not being operated properly in terms of sanitation. We also can shut plants down if they abuse inspectors. We can shut plants down, or take steps to withdraw inspection, if the owners are convicted of a felony or two misdemeanors related to a violation of the food laws. We can get injunctions to restrict their activities and so forth.

And those penalties would remain under the changes that we're suggesting. Mr. Waters.

MR. WATERS: William Waters. I support the Department in federal utilization of the inspectors. Over the last five years we've lost approximately 25 percent of the number of

slaughter houses in this country. And in my area, that's going to be one of the limiting factors for expanding agriculture, due to the lack of slaughter houses.

DR. HOUSTON: Thank you. Rosemary.

MS. MUCKLOW: The question of mandatory versus voluntary total quality control can engender a great deal of strong feeling among meat processing establishments around this country.

And somebody said earlier on, with respect to food safety legislation, it has to move slowly, it has to take time. And I think, as Mahlon said, it took seven years on each of the two previous occasions. It takes a long time to change people's patterns.

We feel out here in the west that we've accelerated the change time. And I would like to ask Dr. Houston to invite Dr. Breeden, who has been very responsible for some rather substantial changes here in the west with respect to persuading people that they ought to try the voluntary control system.

I would like for you to ask Dr. Breeden to maybe tell us a little bit about how he's managed to get this job done with quite small plants in the area. I think it's important to try the carrot approach. And the western region is very smart at trying the carrot approach. And I'd just as soon that they keep that great big club they've got locked up in a cupboard somewhere and continue to use the carrot out front.

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Can we ask for some comment on that?

DR. HOUSTON: Dr. Breeden.

DR. BREEDEN: Thank you, Rosemary. I don't know that we've accomplished anything all that great. When I came here about a year ago -- and it's been a little bit shorter time than that that we've really had to evaluate where we were at with the total quality control program in the western region. One of the things that I became aware of was that, despite all the publicity and all the conversation that has occurred in the literature and in meetings and that sort of thing, that there was still a lot of uncertainty at the plant level as to what an individual plant, or the management in that plant would have to do to involve their operations in the total quality control concept.

We had somewhat of a same situation in the lower levels of our organization, the inspectors in charge and some of the supervisors. And, primarily, there it was developing a commitment towards this type of approach to inspection procedures.

And once we started involving the plant owners and operators as to what they individually would have to do, we found that there was a considerable amount of interest there. Once people learned what they had to do and that it wasn't all that involved and all that complicated, there were some benefits to them, from a production standpoint as well as taking care of

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some of the specific problems that we as a regulatory agency are interested in, they seemed like they started progressing in this area and we started extending assistance and help from our regional office to those people. And it seems to have paid off. We still have a lot of work to do in this area. But we have close to 200 plants that are now involved in some phase of total quality control.

So far, we have just under 20 plants that are actively in the program. I think yesterday you visited two of the plants that are in the process of developing their programs and are actively progressing in this direction. It's not something that occurs just real quickly. The plants have to develop a commitment to this approach; and in getting their programs together, it takes some time and effort in accomplishing this.

Fortunately, that time frame enables us to do something that is vitally important too; and that is to train our inspectors. I have to believe that that's one of the strong points of the program, that the inspector that is involved in those TQC plants is a much better qualified individual than what we normally have in our regular program.

I guess that's really about all I'd say at this time, Rosemary. Thank you.

DR. HOUSTON: I'd add one comment to that. The American Meat Institute, several months ago, surveyed 49 plants that are in the TQC program and asked a host of questions. But

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one key question that comes to mind is: If you had this to do all over again, would you get into it? And 48 of the 49 plants said yes. And I think that's a strong indication of what happens when you get commitment.

They saw the advantages of it, from a whole host of issues -- citing overtime, having more commitment from their own people, and better control of their own operations.

Any other comments? Yes, Dr. Foster.

DR. FOSTER: I had the good fortune to visit with your southern regional director about a month ago, I think it was, in visiting a plant in his region. And I talked with the local inspector and with the plant people. And on both sides there was great enthusiasm for it. And I must say, from what I could learn, I can see why. Both sides have advantages, provided they want it to work.

Certainly, industry has got a lot of incentives in terms of just what you said; less overhead, more commitment on their own part. They don't have the tendency to just let everything go until the USDA inspector tells them to clean it up, they tend to be more involved themselves.

DR. HOUSTON: Dr. Burnette.

DR. BURNETTE: When the Department goes to the hearings -- for the record, I'd like to say that I think this movement is one of the most responsive, both in terms of the industry and in terms of the utilization of federal resources,

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that we've seen in many years in terms of serving the public, protecting the public health, and also protecting the public pocketbook.

And just for myself, I would like the Congress told that at least one person believes that strongly and that it would be criminal for Congress to not modify the statutes in such a way to allow such a mutually beneficial program to continue and grow.

DR. HOUSTON: Well, I think that we're making that kind of presentation on the 10th. And another point I would make here is that each of you individually can do what you wish to make your feelings known to your own Congressional representatives.

Yes. Mr. McDade.

MR. MCDADE: John McDade here. I would like to say from the people that I've been in touch with from the industry on this program, that your TQC program is a program that everybody is promoting. But at times we hark back to what Rosemary said, and I believe Dr. Breeden said, people are afraid of things they don't know. You know, they haven't been down this trail.

And, again, I want to commend Dr. Breeden. The places I travel in the country -- I believe Dr. Breeden has more motivation for it out here and has people less fearful and more willing to try it. And I've talked to two or three people

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on his staff that feel the same way. So you have this thing from top to bottom.

And, as Rosemary said, I think it's certainly going well out here. And we're for it. But I think, as it ties into this new legislation, that industry still feels -- since there are so many people that do not understand it and do not have it available and will not have it available, the TQC, for some extended period of time, that we do not feel that should become mandatory to have total quality control program to reap some of the benefits, from all sides, of this less than continuous inspection.

I read your handout that we got last evening after the meeting was over. You indicated in here -- everyone has that on page 3, if you want to read it, of the less than continuous inspection document that was given out last night. You indicated in here that it should be emphasized that the proposed legislation places no new requirements on the regulated industry. Then you go on to say that -- I'll just read the whole thing.

"It does not impose mandatory quality control systems, but it is limited to giving the Secretary increased flexibility in using inspection resources based on sound criteria."

Now, I further endorse giving the Secretary of Agriculture the discretion, through you as administrator, Don,

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to decide where the dollars of this program are spent. It simply isn't fair to come and expect you to reduce the dollars spent in this program and insist that you spend money in places that you do not feel that it's being properly spent. And you feel that you can make reductions in less than continuous inspection and you can save budget dollars this way.

I think it was important -- it was pointed out, I believe, by Bill McMillan in one of the hearings, that if we were running a pizza line here and we were making pizzas with cheese, they would be under Food and Drug and they would have inspection at certain times. And I here say, the Food and Drug has done a very fine job of inspecting, as Dr. Burnette pointed out. Most of our food is inspected by Food and Drug through their program, which is different than ours.

But if you put one piece of meat in any form, one piece of pastrami on that pizza, then that line, that plant would come under continuous inspection. Now, this, of course, is one example to just point this out -- that I feel we need to take a look at something. You should have discretion of how much inspection it takes, other than continuous inspection.

But as a matter of housekeeping and all, we need to say that this logo thing, Don -- as brought up by Dr. Wilson -- is of great concern to us. No. 1, the TQC carries a special logo, which I've spoken out on this Committee as being against the logo portion of the TQC, where you can have a special logo

indicating you're under TQC. I feel that is confusing to the consumer.

I'm concerned about how we're going to introduce all these logos to the public. That has nothing to do with the program itself. It's the logo that I feel should be discussed.

I believe you indicated yesterday in answer to one question, that your definition of processing could come after postmortem inspection; that possibly chilling and storage and cutting and packing might -- I don't believe you gave us a definite answer. Could you maybe repeat, Don -- Do you recall your answer to where processing begins and what is processing?

DR. HOUSTON: It is our intent, and we'll so state in the hearings on August 10th, that this could cover any procedure or processing in the plant following postmortem inspection. And that includes chilling, packout, etc.

MR. MCDADE: Then that would give us an opportunity to have greater use of this program. And plants would have their own less than a full further processing operation, as we say, and it might give you an opportunity to use this less than continuous inspection in some other areas, such as where you have a small cutting line or you have something attached to the end of a processing plant.

So, again, I think this is bringing us up into the 80s with inspection techniques. In giving you this discretion, I wholeheartedly support it. I do say though that you left

civil penalties out. And I do not feel that civil penalities should be brought into this. I know it will try to be interjected at the hearings.

But, believe me, the Department has unbelievable power to wheel if someone is not obeying the regulations or in some way not being cooperative. And you just don't have to stop a plant or withdraw inspection. The daily confusion of not being able to communicate properly with the inspection function will be enough to bring you in line very shortly. We have many, many ways to do this.

So these are the only things that I see that would cause the problems. And I do not want industry people to be against it because they are afraid that they would have to have mandatory quality control. And that's the only thing that I see where there is some red flag that's waving out here. And I'm happy to see what I've seen here in this document you handed out and your feeling on it. Again, we feel this is a giant step forward. Thank you.

DR. HOUSTON: Ms. Mucklow.

MS. MUCKLOW: The other point I wanted to make, as has been made by other people here, is that I think it is very important to mention it and consider it once again; and that is the proposed logo.

DR. HOUSTON: Excuse me. When you say "proposed logo," are you talking about the change in the inspection

legend?

MS. MUCKLOW: Yes.

DR. HOUSTON: Okay. Thank you.

MS. MUCKLOW: I'm sorry. I gave it the wrong name. Dr. Wilson, yesterday, reminded everybody how many years we have spent, not always successfully, in trying to distinguish between the grading shield and the inspection circle. And to now introduce a third little mark that consumers will look for, I think will be very, very confusing.

If, indeed, you feel that there has to be a change in the inspection legend, I would ask that you change that legend for all meats; whether it's anti and postmortem inspection, plus processing. You would not be untruthful in saying in that logo, for all products, that it was prepared in a USDA inspected establishment.

But to make two logos or two legends, where up till now we've had only one -- and it is not readily understood -- I think it would be very confusing to the consumer. And I'd ask you to look again at that position that the Department has taken.

DR. HOUSTON: Well, we plan to do so. When we testify on the 10th, we plan to tell the Committee that this is an area that may need further study.

MR. CARBAUGH: Dr. Houston, for the record, just one comment -- There was some reference made to the programs of

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FDA related in here. I would just want it included on the record that one of the reasons that system with the FDA works as good as it does is because of the efforts in the programs of the many states across this country who've been in food inspection longer than the FDA has.

Our food law in Virginia was passed, I think in 1902. And you've got a field force out there that regularly inspects, samples, tests, and laboratories and every way that monitors the food that's in the chain from beginning to end. And I just think that you cannot look entirely at an agency like FDA and say that includes all the food inspection in this country, without also considering what all the states in the United States do in this regard.

DR. HOUSTON: Including meat and poultry inspection, where we still have 27 states involved.

MR. CARBAUGH: I don't know for how long. But, yeah. Okay.

MR. LOUNSBERRY: You're going to need a quality control totally if 27 turn all back at once, because you can't transfer them all from the northeast into the mid west and other places.

DR. HOUSTON: Any other comments? Yes, Dr. Craig.

DR. CRAIG: I'd like to go on record as supporting what John McDade has so eloquently stated in great detail, and I share the concerns that he has about the total recommendation

approach.

DR. HOUSTON: Thank you. Any other comments?

(No response.)

Okay. We've got two areas, and it's 12:00 o'clock. Would you like to continue on?

MR. LOUNSBERRY: Yes, sir.

DR. HOUSTON: Okay. Let's go on to Import Inspection.

DISCUSSION ON IMPORT INSPECTION

DR. HOUSTON: Yesterday, I gave you a brief overview of where we're going with the import inspection program both here and at port of entry and some changes we will be making, and have made, in reviews conducted in countries of origin. As I pointed out, most of those changes have come about as a result of the Australian scandal of last year, as well as some changes we were undertaking before that; and, of course, the more recent changes which have come about as a result of the investigations in the Miami area, where we had some fraudulent certificates accompanying product coming out of Costa Rica.

Anyone care to comment on that? Dr. Wilson.

DR. WILSON: Yes. Just to clarify it in my mind, the comment you made yesterday relative to import inspection now -- It's my concept of things that, at least prior to this time, and perhaps continuing, if something hit the dock, it

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could be unloaded and, indeed, taken into storage without USDA inspection of that product. It could get into storage with Custom's identity; is that correct?

DR. HOUSTON: Yes. It can be brought into storage. It can be off loaded and put into a Custom's bonded warehouse, but it cannot be prestamped.

DR. WILSON: Are you saying that previously it was stamped when it came off of the boat?

DR. HOUSTON: Right. It could be prestamped before inspection.

DR. WILSON: But put under lock and key.

DR. HOUSTON: No. It was not under lock and key; it was put under bond.

DR. WILSON: Okay.

DR. HOUSTON: That practice has been stopped. Which means there would be double handling, which has created some concern in the industry.

Off loading procedures that were carried out several months ago, before we changed that, would permit product to be taken out of containers, prestamped, and then go into storage and then inspected and, if inspected, then move on.

As it occurs now, they're off loaded from containers, put into storage, inspected, and then taken out of storage and each individual box stamped. Which means double handling and

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increased costs, which has been of great concern to the importers. That is a significant change.

DR. WILSON: And you feel, obviously, one that was necessary.

DR. HOUSTON: Well, we felt it was necessary, and the Inspector General felt it was necessary. He wrote me a strong letter to that effect, and I chose not to argue with him.

DR. BURNETTE: Dr. Houston, when you say it cannot be prestamped, does that mean that the label, individual package label of an imported product, could not have preprinted on the label the inspection legend -- whatever the inspection legend ends up being?

DR. HOUSTON: No. I didn't mean that. I'm talking about, principally, those boxes of frozen boneless beef, 60-pound boxes. Each of those boxes, before it's permitted to go into the United States, has to be stamped U.S. inspected and passed. That is the practice that I'm talking about.

I'm not talking about individual containers, for example, of boneless hams.

DR. BURNETTE: I would like to put on the record a statement of concern that I thought it was very unfortunate that the primary emphasis, particularly in the press, when the Australian incident occurred, was to berate USDA for letting a small amount of products slip through, as opposed to commending our Department of Agriculture for having a system that was so

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good that it broke a well-organized criminal ring that was occurring in another country. And I really don't think the USDA got anywhere near the credit they should have for solving a problem which was an Australian criminal problem, not a United States Department of Agriculture problem per se.

DR. HOUSTON: After working in government for 25 years, I've come to recognize that people don't go out of their way to thank the government when they do anything right; they're more prone to criticize it. That's part of the baggage you have to carry, and you have to understand it and recognize it. And we just go on and do the best we can.

MR. LOUNSBERRY: Dr. Houston, I have a question. Maybe it's not germane. But how does import inspection work in free trade zones?

DR. HOUSTON: Our inspection is carried out in free trade zones just as it would be for product entering the continental U.S. that would be considered domestic.

Now, let me elaborate on that. I think I know where you're coming from on that. Several years ago, people were avoiding the import quotas by moving boneless beef into free trade zones, Puerto Rico, principally. And even though that was considered a free trade zone, that product had to be inspected. It was then brought in and, with certain processing applied to it, moved into the United States outside the quota.

Secretary Butz, at the time when he learned of

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that situation, immediately corrected it. And that product was applied to the import quota, as far as I know. If that's the point you're getting to.

MR. LOUNSBERRY: Well, that was one of them. Of course, free trade zones have been established in other areas. I'm thinking of the free trade zone down in the mines along the Missouri River and Kansas City.

DR. HOUSTON: Yes.

MR. LOUNSBERRRY: I noted here today on television, the news had quite a lot of shots of the underground caves and telling about the businesses going there and there's some good offices. And I've had the privilege of seeing that some years back. And I was just wondering how inspection was carried on in those areas. I know that there has been an intense effort to establish other free trade zones in the interior part of this country. And I was just wondering how they applied to that.

DR. HOUSTON: Well, the establishment of a free trade zone does not exempt anyone from meeting our inspection requirements.

MR. LOUNSBERRY: I'm glad to hear it. I don't know whether you're aware of it or not, but I had a proposed suit of a million dollars brought against me by Bunker Hill Packing Company for pointing out -- What had happened, they were grinding meat in the plastic bags and shipping in and not being charged an import quota.

DR. HOUSTON: Was that the Puerto Rican situation?

MR. LOUNSBERRY: Yes. But it didn't go any further than that, thank goodness. I didn't have a million dollars to contribute.

DR. HOUSTON: Mr. McDade.

MR. MCDADE: As one who exports and talking to some people on the Committee during off hours here, the question still arises -- with the enormity of what happened; not the size, but the intent -- the question is, so many of the exporters such as ourselves have found the slightest wrong with our product in a foreign country and have been treated rather difficultly and rough.

And I think you did your job in catching this as quickly as you did. The question is, is how severely they were handled after you caught them. I think that still is a question, because there has been very, very -- I guess the best way to say it, there has been product destroyed, product moved back, and things happening for the slightest technical error of a word or anything on one of the packages.

After being through that, there is questions as to just -- I don't think you treated them more difficultly than they should have been treated -- I can tell you that. And for those of you on this panel, I wish all of you could have made a trip I made a few short years ago to look at the inspection procedures and the entire inspection programs of several other

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countries with some of Dr. Houston's staff people. And it makes you very proud of the operation that's being conducted by Dr. Houston here for our entire inspection program. And I'm certainly a great booster of it.

And I feel that we don't have to take a bow to anyone else, by a long way, in the food that's being presented to our consumer public through this program. We just have a fine program. And if someone slips something through for a short period of time, why, they get caught on the thing.

But I do want everyone here to know that, if you ever do get a chance to go see it in foreign countries, it's just going to make you extremely proud of what we have here. And even though we have the little things we want to change about it, we can work to do that. But, essentially, I would not want to tear it down in any way.

Now, there is one thing that concerns me a little bit on the verbage of this. Don, did you say yesterday that you would not take the word of any other country, of the importing/exporting country, when you're importing over here, on the residue analysis? Everything gets us in a problem in trade, you know. And will there be countries that will retaliate and cause us to do more on this residue thing or not?

That just struck a note of concern. And I don't have the exact wording the way you gave it, but you did reference your handling of the residues.

DR. HOUSTON: Well, you're correct. Let me get it out and I'll read it to you again. It's page 4.

It says: "Further, we no longer accept as a substitute for testing results of foreign pretest or certificates from foreign governments certifying the residue levels of the product."

Some years past, whenever a country got into a residue problem, we would let them pretest product before it left their shores and we would accept their certificates when it reached here and we would let it go into commerce. We found that, while that worked in some cases, it didn't work in others. And so we have just simply eliminated the practice of accepting certificates on a pretest basis.

And if a country gets into a residue problem, we'll delist the plant or, if the product comes here, then I think 15 or 20 successive lots must pass before we'll let the product flow into commerce without interruption.

Again, as someone pointed out a few minutes ago, most of regulatory actions are taken on the basis of mistakes by a few people, not by the majority. It's unfortunate that the majority must then live within rules that are set up because of what a few individuals will do. Just as an example, what happened in the Australian incident.

The vast majority of those plants in Australia are properly managed operations. But there is a criminal element

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that got into the meat business and did some things they shouldn't have done.

MR. MCDADE: Well, thank you. We would go on record as supporting your proposed change in import restrictions. And I think this, hopefully, will bring some of these other countries up even closer to our standards.

DR. HOUSTON: Dr. Burnette.

DR. BURNETTE: Don, do we charge importers for residue testing?

DR. HOUSTON: No, we don't. Our law only permits us to charge for overtime. And if there's any of that involved, we do it. We're reluctant to even make any charges of an imported product coming in -- just as we don't charge domestic packers for inspection. We're also concerned that if we do get into that, then we're going to have some retaliation on American exports.

DR. BURNETTE: Well, my next question was: Is this change in our policy going to cause any countries to do the same thing to our exports and charge our exporters for them?

DR. HOUSTON: Wel, of course, they have the latitude to do a lot of that now. I don't know if any countries are actually charging or not. I'm not aware of it. They may be. Perhaps some of the people who are in the exporting business here could answer that better than I do.

MR. MCDADE: It takes a long time to get it in.

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They test for different things. And you don't know, when it goes over there, what they're going to decide to test for at the time. And then it's the delays that are the biggest problem.

DR. BURNETTE: But they do not charge you, other than the opportunity lost to the product.

MR. MCDADE: No. They might charge an importer, but it normally doesn't end up on our bill, that we can see, as a rule, I would say.

DR. HOUSTON: Any other points to be made?

MR. CARBAUGH: I just want to raise a question about the potential for retaliation. I'm just looking for information, I suppose, from the people here.

I fail to see what kind of retaliation you'd get from Australia, for example.

DR. HOUSTON: Well, we obviously -- The only retaliation would be in another area. For example, Australia has no defense industry, and they purchase all of their defense supplies, as I understand it, from the United States.

And in fact, our balance of payments -- even though we purchase large amounts of meat from Australia -- our balance of payments is favorable with that country because of what they take out of here in other commodities.

But you're right. In terms of food exports/imports, there is no opportunity for any retaliation there. If we see

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retaliation, it's in other parts of the world.

As I mentioned yesterday, the European courts overruled the UK action on New Castle, which last year cut out a six million pound market we have on broilers going into that country. And that's a large market to lose.

Okay. Moving right along, it's 12:30 and we've got one subject left. I don't know how much emphasis there really is in it; and that was the Food Safety Poster Contest and some of the things we're doing in Food Safety Education, which I covered rather quickly yesterday.

But if any of you do have any thoughts or ideas or any views you want to express, we'll be glad to hear them.

MR. LOUNSBERRY: Keep it going. It's good PR.

DR. HOUSTON: Okay.

MR. LOUNSBERRY: That's about the only comment I have.

MR. MCDADE: Don, I was a judge last year. And I tell you, you'd be surprised at the interest of the schools and all. I mean, this is a much, much bigger thing than you would think of if you were not really aware of what's going on on this thing. It's just tremendous.

And the ability of the young people to grasp the situation and to put it down in posters is just -- I tell you, it really enlightens you as to just what can be done by educating the children. And I think in a few years they'll be taking a

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different look at food safety than many of us do. They don't wait until late in life to learn it. I'm very much impressed with the program.

DR. BURNETTE: Has there been any discussion of using this program in some future years to educate at the elementary school level about the vast breadth of our inspection and control system on food?

DR. HOUSTON: No. We have not reached that point. And I have to tell you that, based on the experts that we talked to in this area, you pretty much have to gear your programs in terms of complexity to certain age levels.

We have attempted to stay at the kindergarten through sixth grade level. We have thought several times about starting some programs at the junior high or high school level. We're not done. We've only really been in this -- this is our third year, so we're somewhat neophytes at it too.

But for the amount of money that is put into this, the return is extremely high, when you talk about the number of people that participate. And it's a very cost effective way of getting good food safety information to large numbers of people, especially people in their learning years. So we see it as a good investment.

DR. ALFIN-SLATER: What does it take to expand the program so that you do go to junior highs and high schools?

DR. HOUSTON: Well, it takes some money and some

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planning and intellectualizing some ideas. Right not, the program is costing us about $200,000 a year, including the printing, all the mail costs, everything involved. And we're reaching many, many, many thousands of young people.

So it would take more money, principally, in opening up into more complex areas. It can be done. It's simply a matter of policy on our part to expand it to that level.

DR. ALFIN-SLATER: I think it would be worth it.

DR. HOUSTON: Thank you.

MR. LOUNSBERRY: Dr. Houston, I don't like to disagree with my esteem colleague on the other side of the room. But I would say this, it's been my observation in my lifetime, and I've served on a good many school boards at different times, both on the state level and somewhat on the national area; it seems to me that when you try to expand beyond sixth grade you're getting a shorter span of attention and, certainly, a shorter impression period. Because I think kindergarten through sixth is the most effective time to get people thinking in this regard. And I think you're competing with a lot of other areas when you go beyond the sixth grade. That's just my observation.

DR. HOUSTON: Any other thoughts?

(No response.)

Okay. That covers our agenda. And before I adjourn, I want to thank all of you for coming and thank you for

your participation. I think this has been a very good meeting. We've had some good dialogue on some very complex issues. And I assure you that we will take into account all of the comments that you've made here today.

As soon as we receive a transcript we will make it available to each of you, and you will be sent a copy. And, of course, in the meantime, if you want to call me or if you have any questions, please feel free to do so.

I do plan to take that colloquy that ensued on the sodium matter and send it to Dr. Hayes and others over at the Food and Drug Administration, so they'll have an opportunity to read that. And I'll certainly be interested in discussing it with them further.

DR. WHELAN: Would you send us his comments?

DR. HOUSTON: Certainly.

MR. LOUNSBERRY: After they are revised.

DR. HOUSTON: I'll make it a point to. He is, of course, on the working group for food safety. And I'll make it a point when we see him next to chat with him about the discussion and to see that he's made aware of it. He's very interested in it, and I'm sure he'll read it and be willing to discuss it with me. He may even want to write some of you and state his views further.

MR. LOUNSBERRY: If I might make one more comment. I want to commend you on taking this meeting out of the District

of Columbia. I would hope that it would be possible to do this again sometime.

DR. HOUSTON: I'd like to hear from you in that area. And if you feel strongly about it, you may want to drop a note to the Chairman, Mr. McMillan, and let him know your views on that. I'm sure he'd like to hear that.

MR. LOUNSBERRY: I'll try and make it a personal one.

DR. ALFIN-SLATER: How about Hawaii?

MR. LOUNSBERRY: I'd go for that.

DR. HOUSTON: Mr. McDade.

MR. MCDADE: I would like to commend you also for being willing to undertake a change like this. And I think the interest was evidenced by -- this is the first committee I've been to where we've all been here at one time. So I think everybody's attendance is the best vote you could have.

And then on behalf of everyone I've talked to, I certainly would like to go on record for thanking Rosemary and her group for the splendid hospitality. Everything was just great.

And the tour through the plant, I would hope would be an integral part of moving these out. So many of us learned so much in our trip through the plant yesterday. And I'll certainly extend an invitation to have you come to Salt Lake City when you can. I think there's probably some more exquisite

places you want to visit before then -- But I'm proud of Salt Lake City and would be very happy to have you there. We could show you a good time.

But I think visiting a plant meant an awful lot to all of us. And, again, the hospitality by Rosemary and then your willingness, Don, and your staff's, to undertake all the trials and tribulations of moving something like this out of town -- I think you really added a lot to this meeting. I certainly enjoyed it.

DR. HOUSTON: Thank you. (Applause.)

MR. LOUNSBERRY: Just one other observation in regard to attendance -- of course, Mr. Sebelius wasn't here, and for good reason, I guess, health reason. I appreciated a little longer notification of the meeting than the first one. I had other commitments and wasn't able to go the other time, that's the main reason.

DR. HOUSTON: We'll keep that in mind. The next one we do set up, we'll try to give you as much advance notice as possible.

DR. ALFIN-SLATER: Do you have any idea what month?

DR. HOUSTON: No. And I hesitate to say how long it will be. Obviously, we'll have to meet before the Department can publish standards. And if we have any emerging standards coming along, we will have to get the group together so that we can consult with you.

I would say this, there is one matter on the horizon that I think this Committee should be involved in. And that is the potential for changing our basic poultry inspection program. Antemortem and postmortem inspection program is now carried out on broilers, etc. We have received a report from Tuskegee Institute, which has been looking at, for the last year, the possibility of making predictions on the health of brids coming to slaughter, and basing those predictions on the data that is generated during the grow-out period.

Broilers ordinarily live for about 40 days, from the time they hatch until the time they're eviscerated. And with the vertical integration of the poultry industry, large amounts of data are generated in terms of feed consumption, feed efficiency, health records, etc.

My preliminary view of the Tuskegee report would indicated that there could flow from that report some major changes in our poultry inspection program as we now see it today, especially regarding broilers. And I wouldn't want to go any further than that. I would not want to say that I'm talking about turkeys or fowl or geese or other species.

But like continuous inspection that we talked about today, it will generate concern and a number of serious questions. And, of course, we're in a period of reform and we're taking a hard look at all of these inspection

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procedures that have been in place for many years. And this is just another part of our campaign at the Department of Agriculture and the Food Safety Inspection Service to look at all aspects of these programs to bring them in to conformity with today's best scientific knowledge.

So I would hope as we move in that direction, we would have the opportunity of looking at that report, which will be sent to you; and that, before we finalize any changes, you'll have the opportunity to consult with us on it. And I consider that, potentially, to be one of the major changes we have in the inspection program.

I want to make it abundantly clear at this point that I'm only talking about potential changes. But, certainly, that report opens up some areas for consideration on a scientific basis that we don't have right now.

So that's one area that we'll be looking at, as well as certain product standards and, perhaps, even the implementation of new programs, should some of this legislation be enacted.

But I would say that it would be at least six months before we have another meeting, at least. And probably between six and twelve months before we get together again. Dr. Burnette.

DR. BURNETTE: When you send the report from Tuskegee on predictive inspection, if there is such a thing; for

those of us that aren't in and don't have access to poultry processing, do you have some data on the Hoho inspection system and some of the other things which are items of discussion which we have not had anything on?

DR. HOUSTON: Certainly. I can see that you get all that material.

DR. BURNETTE: Thank you. I may also say that, for the record, I think Rhonda and Linda should be congratulated on the logistics support of this meeting.

DR. HOUSTON: I'm sure they appreciate that. (Applause.)

Any other comments?

(No response.)

Thank you all for coming. The meeting is now adjourned.

(Whereupon, at the hour of 1:00 o'clock p.m., the public hearing in the above-entitled matter was adjourned.)

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C E R T I F I C A T E

This is to certify that the attached proceedings before the U.S. DEPARTMENT OF AGRICULTURE in the matter of:

(Name of Proceedings): USDA ADVISORY COMMITTEE ON MEAT AND POULTRY (public hearing)

(Date of Proceedings): July 30, 1982

(Place of Proceedings): San Francisco, CA

where had as therein appears, and that this is the original transcript thereof for the files of the Department.

Shawn Eilbacher, CSR, RPR

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