



Association of Food and Drug Officials

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Official Comments from the Association of Food and Drug Officials

Date:	9/19/2014
Subject:	Records To Be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products
Docket ID:	FSIS-2009-0011
RIN:	0583-AD46
CFR Citation:	9 CFR Part 320

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The Association of Food & Drug Officials [AFDO] is a national organization that represents state, local, and federal government food, drug, and medical device safety regulatory officials. Within the food protection arena, AFDO is well known for promoting uniformity and cooperation among the regulatory community and has participated in numerous collaborative projects to advance these objectives. AFDO's vision for an integrated food safety system nearly two decades ago remains a foundational goal today for improving government's oversight of our global and domestic food supply. Additionally, AFDO continues to develop a host of model codes and guidance documents that state and local regulatory agencies can utilize for promulgating their own specific regulations and for improving their field staff's inspection skills. Because of AFDO's strong allegiance to state and local food safety programs, we routinely intervene in matters we feel are important to government regulators and which can have an important impact on public health.

The USDA's Food Safety and Inspection Service has proposed amending 9 CFR Part 320 by including a rule designed to improve the traceability of ground beef by requiring all producers of these products to keep extensive records. Under the proposed new requirements, ground beef producers would have to record the source, supplier and names of all materials used in producing ground beef. FSIS officials have indicated that ground beef sold at retail is often produced by combining cuts from multiple beef sources, which becomes problematic during foodborne illness investigations when the agency attempts to identify the source of the illness outbreak.

As the proposed rule would apply to both official processing establishments and retail facilities, its application is most significant at the retail area where FSIS does not maintain an oversight presence. Government oversight at retail facilities is conducted by state and local government agencies that license or permit, conduct inspection and investigation, and collect and test food products for safety. All of these agencies are, therefore, impacted by this proposed rule. The proposed rule, if finalized, will require such facilities to maintain clear records identifying the source, supplier, and names of all materials used in the preparation of raw ground beef products.

AFDO is pleased to offer the following comments on the proposed new requirements:

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It appears USDA/FSIS is seeking to broaden its regulation of retail-exempt facilities, which have traditionally come under the purview of state and local regulatory authorities. If adopted, this rule could very well set a precedent for USDA/FSIS to expand its regulatory activities with regard to retail and grocery facilities that are not currently subject to ongoing federal inspection. AFDO would not be supportive if this were to be true but would welcome a more collaborative system of addressing FMIA requirements in retail-exempt establishments through Memorandums of Understanding [MOU's] or Cooperative Agreements with state or local food safety regulatory agencies.

FSIS should indicate how they plan to enforce the requirements of the proposed rule should they be approved. Will FSIS have their Compliance staff conduct inspections at retail, and, if so what types of enforcement actions would they take for non-compliant retail establishments? Here, again, AFDO believes FSIS should consider collaborating with state and local agencies on enforcement activities since these agencies currently license and permit them to operate.

It would seem appropriate for FSIS to submit the proposed rule to the Conference for Food Protection [CFP] for adoption into the FDA Food Code and eventually into state rules.

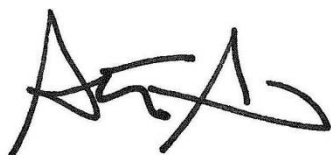
The proposed rule would provide access to records by FSIS personnel because of the importance of these records during foodborne illness investigations. FSIS investigators, however, are seldom the first responders to illness outbreaks. Local and state health officials are the first to respond and generally conduct the majority of the illness investigation in the early stages. While AFDO supports the proposed requirement for providing FSIS investigators access to records, we would strongly recommend the wording be amended in such a way to provide record access by state and local officials as well. If this proposed rule is truly intended to impact foodborne illness by helping to improve effective trace-back and trace-forward activities at retail establishments, this amended language is necessary, in our view.

Under 9 CFR 320.2, a person or business that conducts business at multiple locations are allowed to maintain required records at the business's office location. Since these records are critical in foodborne illness and recall investigations, we believe the proposed rule should require the records to be maintained at the business where ground beef is produced. In a number of circumstances, major retail grocery chains operate in multiple states with their main offices located in one location. It is not unreasonable to expect the records to be maintained at the location of production which could help speed any investigation that might occur.

AFDO is very supportive of the proposed rule as we believe it will assist regulators in the oftentimes difficult task of identifying contaminated product. Furthermore, our experience with voluntary recordkeeping indicates it is ineffective and not uniformly accepted. This proposed rule can have an impact on creating improved investigation and identification capabilities for regulatory officials.

AFDO appreciates the opportunity to comment on this important proposed rule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stephen Stich', with a stylized, cursive flourish at the end.

Stephen Stich
AFDO President