



Consumer Federation of America

May 25, 2006

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, SW
Room 102 Cotton Annex
Washington, DC 20250

RE: Docket No: FSIS-2005-0028

Consumer Federation of America Comments on FSIS Proposed Rule regarding the Availability of Lists of Retail Consignees during Meat or Poultry Product Recalls

The Consumer Federation of America (CFA) appreciates the opportunity to comment on the Food Safety and Inspection Service's (FSIS) proposed rule regarding the availability of lists of retail consignees during meat or poultry product recalls. CFA is a nonprofit association of 300 consumer groups, representing more than 50 million Americans, that was established in 1968 to advance the consumer interest through research, education and advocacy.

CFA agrees with FSIS' assertion that providing information to the public identifying the retail consignees of recalled products will enhance the efficiency of recalls by helping consumers properly identify recalled products that may be in their possession. Previously, consumers have been prevented from accurately identifying recalled product in their possession by memoranda of understanding (MOU) signed by FSIS and State and Federal agencies prohibiting disclosure of recall information to the public. This policy served only to protect the business interests of the companies involved and significantly hindered the ability of consumers to accurately determine whether they were in possession of recalled product. CFA is pleased that FSIS is abandoning that approach in favor of a more open and transparent approach that will further protect the public health. Furthermore, this proposal should not be intended to take the place of current recall procedures already in place. Instead, the provision of this information will enhance the current process and provide FSIS with yet another tool to help ensure safe and effective recalls of contaminated products.

Concerns have been raised about the timeliness of and accuracy in identifying retail consignees during the recall process. In the event of a recall, CFA believes that FSIS should provide consumers with as much information as possible as soon as that information is available. FSIS should not wait until the Agency has gathered every piece of information about retail consignees before communicating any recall information to the public. Rather, it should continue to communicate recall information to the public as it does currently and supplement that communication with information identifying the retail consignees of recalled product when that information becomes available. Since recall investigations are ongoing processes, FSIS should include a disclaimer on its published list alerting consumers that the list is not final and that more retail consignees may be added in the coming days. Contrary to assertions, CFA does not believe that this list would mislead consumers; instead it will serve as additional valuable information to consumers during a recall.

CFA understands the concerns raised by the business community but FSIS has made clear its determination to be a public health agency. In situations where making more information available in a more timely fashion may prevent illnesses, CFA believes it is the obligation of a public health agency to take steps that are more protective of the public. CFA is confident that companies which take seriously their obligations to serve their customers and the greater good by protecting public health will recognize that FSIS' determination to make available lists of retail consignees will serve to improve public health and the public's confidence in both industry and government.

CFA recommends that FSIS reconsider its decision to not include the names of intermediate distributors of a recalled product. If these distributors have contact with consumers in any way, such as restaurants, fast-food restaurants, cafeterias, catering services, and other "user level status" businesses, their names and locations should be identified to the public in the event that a product they handled is involved in a recall. This would serve the additional purpose of alerting consumers who may have purchased food from these distributors that a particular product was recalled. If the consumer becomes sick, such information would allow public health officials to more quickly trace the illness to a particular distributor and provide more robust information for an epidemiological investigation.

CFA strongly suggests that the Agency not only post the list of retail consignees on its website, but make every effort to disseminate the information as widely as possible through press releases, communication with State agencies and public health officials, and other means available. CFA would also recommend that FSIS display this information in a prominent place on its website, so that consumers and other interested parties can quickly and easily find it in the event of a recall. CFA urges FSIS to continue providing pictures of the recalled products when applicable, as visual representation of the recalled products allows consumers to more quickly and accurately identify them.

Finally, CFA notes that FSIS intends to identify retail consignees of recalled meat and poultry products and their locations. Since one town or city may have several locations of a particular grocery store, CFA recommends that the agency identify the retail consignee by its precise location, including the physical address of the store.

Respectfully submitted,

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