



Consumer Federation of America

December 7, 2011

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service (FSIS)
Docket Clearance Unit, 8-164
Patriots Plaza III
355 E Street SW
Washington, DC 20024-3221

RE: Docket No. FSIS–2010–0023

To Whom It May Concern:

The Consumer Federation of America (CFA)¹ appreciates the opportunity to comment on the Food and Safety and Inspection Service's (FSIS) Federal Register notice regarding Shiga Toxin-Producing *Escherichia coli* in Certain Raw Beef Products (**Docket No. FSIS–2010–0023**).

CFA Strongly Supports FSIS' Adulteration Determination for STECs

CFA strongly supports the agency's determination that six additional serotypes of Shiga toxin-producing *E. coli* (STEC) (O26, O45, O103, O111, O121, and O145) should be considered adulterants in non-intact raw beef products and product components. STECs are a growing public health problem, causing 63,153 foodborne illnesses and 20 deaths in the U.S. each year, according to the Centers for Disease Control and Prevention. In its most recent report on foodborne illness in the U.S., the CDC noted that illnesses caused by all of the other pathogenic forms of *E. coli* caused more illnesses than *E. coli* O157:H7 in 2010. The "Big Six" strains cause approximately 70-95% of all non-O157 STEC infections in the U.S. These STECs can cause severe illness that is comparable to illness caused by *E. coli* O157:H7.

¹ CFA is an association of nearly 300 non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education. Member organizations include local, state, and national consumer advocacy groups, senior citizen associations, consumer cooperatives, trade unions and food safety organizations. CFA's Food Policy Institute was created in 1999 and engages in research, education and advocacy on food safety, food and agricultural policy, agricultural biotechnology, and nutrition.

From 2000 to 2007, the CDC reported a five-fold increase in overall incidence of STECs at FoodNet sites. This is likely an under-reporting of the actual problem as fewer than 10% of laboratories currently test stool samples for STECs (compared to 70% of labs which test for *E. coli* O157:H7).

STECs have been found in a number of food products including the meat supply^{2, 3}. In August 2010, Cargill Meat Solutions recalled 8,500 pounds of beef as a result of an outbreak of *E. coli* O26 that sickened consumers in Maine and New York. Imported meat products also present a risk from STECs. A 2006 Agricultural Research Service study⁴ found high rates of STEC contamination in boneless beef trim samples from Uruguay, a beef exporting partner of the United States. The study also found that STECs are commonly found in samples from multiple other countries. Much of the lean beef used in the manufacture of ground beef in this country is imported.

FSIS Should Not Delay Implementation

FSIS' decision to declare the six additional STEC strains as adulterants in non-intact raw beef products and product components is an appropriate and preventive approach to address this serious health threat. Rather than waiting to act until a large non-O157:H7 *E. coli* outbreak sickens numerous consumers, FSIS is seeking to prevent such illnesses and outbreaks from occurring. This approach is consistent with the Administration's focus on prevention, as well as the generally accepted principle that prevention is a key component of an effective food safety system. FSIS' actions will spur government and industry efforts to seek out and eliminate these pathogens from the meat supply, which will better protect consumers from foodborne disease from these pathogens.

CFA urges FSIS to resist efforts to delay implementation of this important policy determination. The agency should begin its routine sampling program for STECs in early March as outlined in the Federal Register document. Summer is the high prevalence season for *E. coli*, so beginning implementation in the months prior to summer would allow for the greatest impact on the public health during the high prevalence season.

FSIS' action plan as outlined in the Federal Register document provides the industry and our trading partners with sufficient time to prepare for the new policy change. Public meetings in 2007 and 2008 provided the agency an opportunity to solicit stakeholder input as the agency was reviewing the issue. The agency's outreach strategy should provide industry with additional opportunities to adjust to the new policy by March 2012.

Furthermore, it is important to note that many in industry are already testing for these pathogenic strains of *E. coli*. Several companies have announced that they would begin

²Bosilevac JM, Koohmaraie M, "Prevalence and Characterization of Non-O157 Shiga Toxin Producing *Escherichia coli* Isolated from Commercial Ground Beef in the United States." *Applied and Environmental Microbiology*, January 2011.

³ Flynn D, "Study Finds Non-O157 *E. coli* Common in Beef." *Food Safety News*, June 1, 2011.

⁴ Bosilevac JM, Guerini MN, Brichta-Harhay DM, Arthur TM, Koohmaraie M, "Microbiological Characterization of Imported and Domestic Boneless Beef Trim Used for Ground Beef." *Journal of Food Protection*, 70(2), 2007, p. 440-449.

testing specifically for STECs⁵. It is likely that additional companies have been screening for Shiga-toxin producing *E. coli* in their operations as well. FSIS' policy change will undoubtedly spur rapid innovation in test kits and testing methodology, similar to when the agency declared *E. coli* O157:H7 an adulterant in ground beef.

Tests for these additional strains will be done by FSIS as part of its *E. coli* verification testing. The agency will begin by testing the products that go into ground beef rather than the finished product in order to attack the problem at the earliest point of FSIS's legal authority and to prevent the dispersal of adulterated product. This structure means that FSIS testing will begin first in the large slaughterhouses that supply smaller processing companies with the basic elements that they then turn into ground beef. This should reduce the burden on smaller companies that merely grind product purchased from the large slaughterhouses.

FSIS indicates that the agency will expand its verification testing program to include testing of ground beef products for STECs as laboratory capacity expands. CFA supports that expansion and urges the agency to make good on this intention.

Finally, FSIS should provide clarification regarding statements in the Federal Register notice that STECs can survive "ordinary" or "typical" cooking. FSIS safe food handling messages to consumers and the food service industry state that ground beef should be cooked to 160 degrees Fahrenheit. It would be important to know whether STECs survive beyond that temperature. If so, FSIS would need to reconsider its cooking temperature recommendations and communications to consumers and food service personnel.

Conclusion

In conclusion, CFA strongly supports the agency's determination that six additional STECs be considered adulterants in non-intact raw beef products and product components. This determination is an important preventive public health measure that will reduce consumers' risk of foodborne illness from these pathogens. CFA urges the agency to resist efforts to delay implementation and implement this new policy in March 2012 as intended.

Sincerely,



Chris Waldrop
Director, Food Policy Institute

⁵ Neuman W, "Food Companies Act to Protect Consumers from *E. coli* Illness." *The New York Times*, July 15, 2011, <http://www.nytimes.com/2011/07/16/business/food-companies-act-to-protect-consumers-from-e-coli-illness.html>