

Texas Poultry HACCP Roundtable

November 10, 2005

Notes: We had a very good turnout for the last roundtable of the year. The next roundtable will be held in February 2006. As soon as a firm date is set, everyone will be notified by e-mail. USDA Representatives were Dr. Jennifer Beasley-McKean and Vicki Rubac. There was also discussion of having a small processors meeting in conjunction with either the May or August roundtable in 2006. If there is sufficient interest, I will work on a schedule and look for some speakers. If you have any questions before the next roundtable that you would like presented there or if you will not be able to attend, please e-mail me the questions and I will make sure that they are brought up. Once again, thanks for the large turnout and thanks to Dr. McKean and Ms. Rubac for their participation.

Michael Davis, Asst. Prof. & Extension Poultry Specialist

Questions

1. Are the plants allowed to split samples on *Salmonella* testing? Can the plant expect to be notified when the inspector is going to pull a sample in order to prepare to split the sample?

Yes. Yes. Make sure that USDA knows who to notify that they will be taking a sample and that the person is available so preparations can be made for the split. See question #4 at the link below.

http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OP/PDE/rdad/FSISDirectives/10011_1/100111_A1.html

2. Where is the point when product is considered WIP and not storage?

Product is considered WIP when something is being done to the product. For example, if product is being staged for a processing operation then it should be considered WIP. However, if the plant runs out of cooler space and product is being staged in a hallway until it can be moved to the cooler or shipped, then that product is not considered WIP.

3. If product on the line is considered WIP and allowed to be 55F when it is packaged, how long does it have to be 40F or below?

The regulation states that product is to be 'promptly' returned to 40F. The meaning of promptly is not precise, but it is expected the establishment will attempt through refrigeration or other means to return the product temperature to 40 once they are finished processing the product.

4. If the plant agrees with an NR, but does not agree with the linkage, can the NR be appealed to amend? Our local inspection says to put a disagreement about the linkage into the NR response because an NR has to stay as written or be completely voided.

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Yes, they can appeal a NR for any reason, including the link. FSIS can make pen and ink changes to NRs, or may void and re-enter NRs if needed to correct information. It is expected this would be minimal.

5. Are any new plants going to be allowed to use HIMP?

No, not at this time.

6. What are the new requirements for Trans Fat?

USDA, FSIS is planning to publish a proposal that is consistent with FDA's rules to establish provisions in the Federal meat and poultry inspection regulations on trans fat declarations in the Nutrition Facts panel on product labeling. In the interim, FSIS will not object to the voluntary declaration of trans fatty acids in Nutrition Facts panels on labeling of food products under its jurisdiction if the declaration is made in accordance with FDA regulations published in the Federal Register on July 11, 2003, that amend 21 CFR Part 101. The entire policy can be found at:

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OPPDE/larc/Policies/TransFat.htm>

7. On what basis can NR's be linked? Are links used as written or are they critiqued prior to acting on? EXAMPLE: Can 2 HACCP recordkeeping NR's be linked even though the errors occurred under different HACCP plans, for different CCP's and reasons by different technicians. Industry is seeing various scenarios that are linked simple because of general likeness (FC plan – wrong date, Raw plan – wrong product code). Also, how many days can the inspector go back to link similar NR's?

NR's are linked on broad categories such as personnel, equipment, process or facility, not just PBIS codes. As far as going back to link NR's, Dr. McKean stated that about 6 weeks would be as far as she would go back.

8. We were told in October that since we did not receive an NR for that month then we should expect 2 in November. There was mention of having to have 24 NR's per year. Are plants expected to receive X number of NR's?

No quotas. This should not be happening.

9. Concerning FSIS *Listeria* Sampling for RTE plants: Has it started? Any suggestions to facilities to get prepared? Only swabbing FC surfaces? Only testing for *Listeria*? What plant documents will be reviewed? Will it be like an EIAO audit and will the HACCP plan be reviewed?

*FSIS will be entering into the second phase for risk-based testing for *Listeria monocytogenes* by assessing risk at RTE establishments based on their Alternative Selection. More information about this project can be found at:*

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http://www.fsis.usda.gov/PDF/LM_checklist_guidelines.pdf

10. When writing NR's, does the inspector have input on what NR's to link as similar, or are similar NR's assigned by the computer system?

There used to be a link button in PBIS 5.0 to link. This may not be the case in PBIS 5.1. This button did not link NRs by cause. Inspectors should be looking at the causes to see if the NR's should be linked, rather than just at PBIS code or trend indicator.

11. What factors are considered when determining where to schedule a Food Safety Assessment?

This has to do with what kind of projects are going on. If a high priority task comes up such as an outbreak, recall, LM positive or pathogen positive, then they will take precedence. Other FSA initiatives at this time include assessments at RTE establishments to determine compliance with 9 CFR 430 and the Poultry initiative which is looking at Salmonella control in poultry establishments.

12. We have been told by inspectors that they have been instructed to write an NR every shift (each inspector) or to write 12 per day. Please advise.

No Quotas. This should not be happening. Refer to question 8.

13. "All affected product contact surfaces will be cleaned, inspected and documented for the next two days." Has been documented on the sanitation shift's SSOP in response to items found during a pre-op inspection by establishment QA, prior to FSIS pre-op. Does this documentation warrant the issuance of an NR for corrective actions?

This must have been a question about preventive measures. Would like to see the NR before commenting further.

14. Our establishment has 'catch basins' to catch the water that exits final rinse. They are covered to catch fat, particulates, etc. The water then enters an American Water System (for reuse) that is USDA approved. Should an NR be issued for the grates not being free of the particulates, etc. that they are made to catch? Water that enters the basin does not contact product again until it completes the recycling process, but the NR's are stating an insanitary condition. Please advise.

No. Water reuse systems must meet 416.2 (g)(3). This does not sound like regulatory non-compliance since the grate was performing its function.

15. Is there data compiled on the number of fecal finds in a plant? If so, will this data be shared with the industry? This question refers specifically to HIMP plants.

District is not compiling this type of data. IICs may be looking at trends.

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16. The establishment has plastic cleanable curtains around some evisceration equipment to keep people from getting wet. These are cleaned and inspected during pre-op. Should an NR be written if, during production, particulates and/or feces are seen on a curtain that is in no danger of touching product? If a curtain does touch product, but no particulates or feces touched the product, is an NR warranted?

This would best be evaluated on a case-by case basis. A prudent establishment would have permanent means of protecting their employees from overspray, such as stainless shields. If the curtain was constructed of a cleanable, sanitary material, and maintained in sanitary condition, there may not be regulatory noncompliance. The establishment would be expected to have a means of addressing cross contamination between carcasses if product touched this curtain—it is hard to see where product touching the curtain would not create insanitary conditions.

17. If a portion of the small intestine is found attached to the gizzard at the gizzard chiller exit, should an NR be written? The portion of the intestine was completely free of any material.

This is not regulatory non-compliance. There is no zero tolerance regulation for intestine attached to gizzards. This would fall up under finished product standards.

18. Who maintains control of a bird (such as a supposed cadaver) if the plant wishes to appeal it.

The establishments need to work this out with their IICs. FSIS could tag the bird but let the plant keep physical control of it. Cadavers are condemned by regulation (9 CFR 381.90), and FSIS must maintain control of condemned materials (9 CFR 381.95)

19. Why are birds pulled for *Salmonella* rinses one day but rinsed until the next? Isn't there a potential for contamination if these birds are carried through the evisceration department and then kept in the USDA refrigerator in Non-Ziploc bags?

See question #8 at the link below for the FSIS policy when samples cannot be shipped the same day the bird is produced. The bird must be rinsed when FedEx can pick up the package.

http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/10011_1/100111_A1.html

This is the policy in place at this time.

20. Is there a time frame for appealing NR's? Can appeals be denied if the NR is not appealed within 48 hours?

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The Agency does not have a written policy on time frame for appeals. The expectation is that the establishment will appeal NRs promptly, but there is no basis for denying an appeal because more than 48 hours have elapsed.

21. If USDA finds an error in an NR, is it their responsibility to correct the NR, or does the establishment need to appeal the NR? Does the USDA, by law, have to correct an NR that is known to be incorrect?

We would expect NRs to be correct when they are issued, and we would expect in-plant inspection personnel to correct mistakes which are brought to their attention. Establishments are free to appeal any NR on any basis.

22. Who sets the boundaries of the facility as far as Biosecurity control (USDA or plant)?

The plant sets these boundaries when they apply for their grant of inspection.

23. Any news on changing the *Salmonella* regulations?

There is consideration of releasing Salmonella test data on the website (so it will be public) as the data is coming in rather than waiting for the set to be finished. There are no plans at this time to change the pass/fail criteria found in 9 CFR 381.94.

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OP/PDE/rdad/FRPubs/01-040N.htm>

24. What should the establishment do if a nonconformance is found on a Friday, but the NR is not issued until Tuesday of the following week?

Talk to the frontline supervisor or IIC. NR's should be completed by the end of the shift unless there is some type of problem that would prevent this. The inspector should always notify the establishment of the noncompliance.

25. Can the directive that outlines the use of chlorine in the chilling system be used as supporting documentation or justification for chlorine use in reprocessing? Can the chlorine used in reprocessing be tested in free available chlorine?

No—FSIS Notice 45-03 describes FSIS Policy for chlorine use in the chiller, which does not relate to reprocessing. Establishments can base their support for the lower limit of 20 ppm on 9 CFR 381.91(b)—but neither the regulation nor the Notice support the efficacy of chlorine—they only describe what is allowed.

Yes. Free available chlorine and total chlorine in fresh water at reprocessing will be close to or the same number.

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26. If employees are counseled because of an SSOP or HACCP noncompliance, and the counseling is documented, does the employee who was counseled have to provide a signature?

Not necessarily, that is up to the establishment. The establishment just needs to maintain records adequate to demonstrate that they implemented preventive measures.

27. Can a net weight check be performed by USDA on labeled product in the processing area if the establishment's final weight check is performed in the labeling department prior to shipping?

The net wt. check is done wherever final labeling is done. See 9 CFR 31.121

28. Why does an establishment need to validate the use of an antimicrobial if the antimicrobial has already been proved effective by USDA and establishment?

FSIS does not validate antimicrobials. FSIS does permit the use of certain antimicrobials to be used on poultry carcasses for on-line reprocessing as opposed to off-line reprocessing. The manufacturer of these chemicals has to demonstrate these chemicals are as effective as off-line reprocessing. This is not the same thing as an establishment validating that an antimicrobial is effective in their establishment under their operating parameters.

29. How long does the USDA have to issue an NR after the noncompliance is found?

Notification should be given by the end of the shift that the non-compliance is found. Also refer to question 24.

30. What should a plant's reaction be if the establishment's USDA fails to properly notify management of NR issues (an hourly employee was notified)?

Talk to the frontline supervisor or IIC. Make sure that they know the 'responsible' person that you want notified and that that person is accessible. Have a back-up if needed.

31. Is it normal for in house USDA to issue an NR, withdraw it, and then re-issue after changing ISP codes, regulations cited, and the main body of the NR?

This should be kept to a minimum. The NR's should be written right the first time.

32. How is it possible for an establishment to get two NR's with the same number for 2 totally different issues?

This can happen when two people are using two different computers at the same time. The computers do not 'talk' to one another, but each synchronizes with HQ once per day.

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33. Is there a zero tolerance rule on cadavers?

There is not a zero tolerance for cadavers; however, all cadavers must be condemned. Cadavers are adulterated under the PPIA—and adulterated product must be preventing from co-mingling with product that will bear the mark of inspection.

34. When is it necessary to an establishment to be subjected to a daily pre-op inspection versus being inspected according to the PBIS task frequency for pre-op? How can a plant go back to the PBIS task frequency from everyday pre-op inspection? What criteria cause this to happen one way or another?

We should be following the PBIS schedule unless there are significant insanitary conditions that would warrant additional hands-on inspection because the establishment is not implementing their SSOP effectively..

35. Through the recent FSRE/EIAO training offered to industry, it was found out that “All noncompliances found under SPS is one NR, multiple failures to meet SPS requirement sound when performing procedure 06D01 are documented on one NR. This includes multiple findings throughout the same shift be different inspection personnel”. Is there a district or local policy that overrides the FSRE training as to why this not being done at the plant level?

FSRE should be followed. It is acceptable to write separate NRs for separate noncompliance when the cause or trend indicator is different.

36. Also through FSRE/EIAO training it was brought to our attention that only 01 and 03 ISP procedure failures require a preventive measure. Since return from training, the local IIC refuses to sign off NR's that do not have a further planned action. Does the IIC have the right to reject the NR answer and if it is not regulatory, how can the IIC require you to document the answer on an NR?

Cannot require a preventive measure on these instances, only that the problem is fixed. As long as the problem is fixed and the inspector can verify, then the NR should be closed out.

37. When inspection personnel are documenting an NR, they documented the verbal preventive measure in the description of the noncompliance. Through the FSRE training the documenting of verbal preventive measures should not be documented in block 10 of the NR. The IIC will not sign the NR if the plant preventive measure is different from the verbal preventive measure.

The establishment should make every effort to give a meaningful verbal preventive measure at the time the noncompliance is discovered. The inspectors have been encouraged by the FSRE training to ask for and document these preventive measures in the NRs. Occasionally the establishment may answer a NR with a measure different from what was verbally proposed. This should not be cause for the inspector to not verify and

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sign off on the NR. As long as the inspector can verify that a preventive measure was implemented, the inspector should sign off the NR. Establishments should not be in the habit of proposing a preventive measure simply to get the inspector to remove the regulatory control (such as a tag) and then not following through with their proposal once they answer the NR in writing. .

38. Through NOIE verification, there has been a lot of confusion between the off-line inspection personnel knowing exactly what they are looking at. Why ask an off-line inspector to perform a task that they have not been adequately trained to do? The verification plan needs to be verified by someone that has been trained for that particular task.

Final NOIE verification will be done by EIAO. However, the IICs should know how to do the verification procedure, and are responsible for ensuring that inspection personnel are adequately knowledgeable about assigned tasks. Hard to answer the other questions without more specific details.

39. The inspectors are supposed to use the GAD (Gather, Asses, and Determine) process when conducting ISP procedures. In most cases the inspectors are rushing to write an NR and they do not realize that what they are looking at is actually correct and does not warrant a noncompliance. What can be done to persuade the inspectors to stand back and observe the process before writing the NR?

The inspectors should be using the thought processes presented in FSRE. Establishments are free to appeal any NRs..