

The Honorable Tom Vilsack
Secretary, U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20520

November 17, 2014

Dear Secretary Vilsack,

We, the undersigned members of the Safe Food Coalition, urge you to finalize the mechanically tenderized beef label and send it to the Office of Management and Budget (OMB) for final approval. We are concerned about USDA's delay in finalizing this important rule, which has been "in process" since 2008. Meanwhile Canada – after its massive 2012 recall associated with mechanically tenderized beef products – has affirmed its public health obligation and mandated a label for mechanically tenderized beef products.

As you already know, mechanically tenderized products (such as steaks and roasts) are repeatedly pierced by small needles or blades, thereby increasing the risk that pathogens located on the surface of the product will be transferred to the interior. After treatment, these non-intact steaks and roasts have a greater risk of being internally contaminated, yet they look no different than non-treated product. Therefore, without a label, consumers have no indication that they are purchasing a high-risk product that needs to be cooked to a higher internal temperature to ensure pathogenic lethality.

Higher risk products, like mechanically tenderized beef, need more oversight with clear standards, not less. USDA's 2008 *Checklist and Reassessment of Control for E. coli O157:H7 in Beef Operations* showed multiple problems with the production of mechanically tenderized beef products. According to the *Checklist*, 88% of the beef establishments that performed mechanical tenderization did not use any pathogen-reduction intervention prior to treatment, and 82% of those facilities did not test the finished product. In addition, most of the beef establishments with mechanically tenderized beef operations listed 3-6 sources for their products, yet only 3% of the facilities cleaned and sanitized their equipment between batches of beef from different sources. Instead, 94% of the facilities that used mechanical tenderization cleaned/sanitized daily at the end of production.¹ Following a once-a-day cleaning/sanitizing schedule greatly increases the likelihood of cross contamination when multiple sources are being treated at the same facility.

Labeling mechanically tenderized beef will help reduce the number of foodborne illnesses associated with *E. coli* O157:H7 and other foodborne pathogens. In the June 10, 2013 Federal

¹ USDA/FSIS. (2008) Checklist and Reassessment of Control for *E. coli* O157:H7 in Beef Operations. Available at: http://www.fsis.usda.gov/wps/wcm/connect/9ce5ce22-f609-4990-bd9a-ce2c323d229b/Ecoli_Reasement_Checklist.pdf?MOD=AJPERES. Accessed 11/08/14.

Register Notice, FSIS suggests that 133 to 1,497 *E. coli* O157:H7 illnesses could be averted by labeling mechanically tenderized beef products.² In addition, FSIS estimates that the average cost for an *E. coli* O157:H7 infection is about \$3,000 (2010 dollars) . . . and that by adopting this proposed rule, there will be an economic benefit – due to a reduction in medical treatments – of \$1.5 million per year (high and low estimates range from \$436,000 to \$4,911,000 per year).³ Given this, it seems clear that USDA should proceed with finalizing the proposed mechanically tenderized beef labeling rule –the benefits of prevention outweigh the minimal cost to industry of adding this information to the beef label.

Members of the Safe Food Coalition have been waiting over five years to have the mechanically tenderized beef label approved. The comment period for this proposed rule was closed on October 8, 2013, and it is now in its final stages—however, it still needs USDA’s and OMB’s final approvals. If those approvals are not obtained before December 31, 2014, then implementation will be delayed an additional two years due to FSIS’ requirements on uniform compliance dates for meat and poultry labeling. In other words, USDA’s delays could mean that a proactive and preventive label, designed to protect public health, would not be implemented for two additional years, during which time thousands of consumers could become sickened from contaminated mechanically tenderized beef products.

The Safe Food Coalition works to improve consumer food safety protections. We know that the American people expect their food oversight agencies to set and enforce reasonable regulations to protect citizens from contaminated food. The mechanically tenderized beef label is a reasonable proposal and we urge you to finalize it immediately so it can move forward to OMB for final approval.

Thank you for considering the public health impacts that will occur if the United States fails to implement the mechanically tenderized beef labeling rule in this cycle.

Sincerely,

Center for Foodborne Illness Research & Prevention

Center for Science in the Public Interest

Consumer Federation of America

Consumers Union

Food and Water Watch

² USDA/FSIS. (2013) Descriptive Designation for Needle- or Blade-Tenderized (Mechanically Tenderized) Beef Products. 9 CFR, Part 317 [Docket No. FSIS-2008-0017]. Fed Reg, Vol. 78; No 111; 6/10/13. Available at: <http://www.fsis.usda.gov/wps/wcm/connect/41102961-2901-4c10-86b8-081772ad3fc0/2008-0017.htm?MOD=AJPERES> Accessed on 11/08/14.

³ Ibid., Fed Reg. Vol. 78, No. 111; 2013.

Government Accountability Project

National Consumer League

STOP Foodborne Illness