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The Perils Of Split Governmental Approvals

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Shortly after we began writing this column nine years ago, critics of genetically modified crops (GMO) tested some tortilla chips and found the protein from StarLink corn in the chips. That discovery set off a massive recall of corn products because the StarLink corn was approved by the Environmental Protection Agency (EPA) for animal feed but not for human food.

That was the first time that the EPA had approved the growing of a GMO corn for cattle feed only while awaiting results showing that the protein expressed by the StarLink gene would not create allergic problems if eaten by humans. The EPA also established a set of requirements to require farmers to segregate the StarLink corn from the rest of the corn crop. Despite all of the safeguards put on paper, they did not work very well in real life and StarLink genes ended up in the food supply.

In some ways, the USDA has replicated the problems created by EPA's split approval of StarLink corn with their decision to consider *E. coli O157:H7* not to be an adulterant when found on beef primals and intact steaks and roasts, but recognizing that it is a disease causing adulterant when found in hamburger. The most common problem of this split approval arises because the bench trim from primals ends up being converted into ground beef.

Like with the split approval of StarLink, the "split approval," allowing the presence of *E. coli* on whole beef cuts has unintended consequences. But, in this case, unlike with the StarLink protein in which there was no previous experience of the protein compromising a person's health, people have gotten sick as the result of allowing beef to be shipped with E. coli on the surface.

Processors who convert the whole beef cuts into steaks, roasts, and hamburger complain that when E. coli is found in their hamburger, the USDA Food Safety and Inspection Service (FSIS) focuses all of their energy on them, the processors, without tracing the source of the contamination back to the slaughterhouse that provided the beef.

Not only does FSIS not trace the contamination back to its source, the processors are reluctant to lodge a complaint with their supplier. As an employee of one processor has written, " We have to stay in business, and if we alienate ourselves from our suppliers we will be put on their list not to be sold to."

With the FSIS now preparing to test for *E. coli* in samples of bench trim at plants that do not slaughter cattle – those that get all of their product from slaughterhouses – the processors feel trapped. They cannot afford to have a positive test of their bench trim and face a recall of their product.

As a result, the food safety system will end up with situations described in this blog, "I work for a small processor [that produces] needle tenderized steaks. In April we implemented an antimicrobial spray to be used before any trimming. Now if the inspector pulls a routine sample of the bench trim and finds a positive, I am looking at recalling those steaks produced. We are simply going to start selling our trim to cooking establishments."

In that situation, if *E. coli* gets past the microbial spray, it could be in the needle-tenderized steaks. But, until someone ends up sick from *E. coli*, the contamination will not be discovered because the bench trim was not available for testing. It was cooked elsewhere.

This is certainly not the result the USDA intended when it announced the testing of bench trim at processing plants that lack slaughter facilities.

Until the USDA decides to consider *E. coli* an adulterant irrespective of where it found, it would make sense to trace any positive *E. coli* samples found in processors' bench trimmings back to the slaughterhouse that provided the beef.

And processors doing needle tenderizing or other processes that could potentially contaminate the interior of steaks and roasts should not be allowed to circumvent the testing of bench trimmings. In addition, all beef from the contaminated lot should be traced back out to all of the other facilities that bought beef from that same lot.

On the other hand much of this risk could be avoided if the USDA were to consider *E. coli* to be an adulterant on primals and work with the slaughterhouses to implement processes to significantly reduce this source of contamination. Δ

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