

Food Safety - Meat Recall

Q: What is happening involving a meat recall in Illinois? Have there been any reports of illness associated with the beef?

A: IBP, a company that produces ground beef at a plant in Joslin, Illinois, yesterday voluntarily recalled all the ground beef that was produced by the plant on April 14, 1998. A package of ground beef produced at the plant on that day and shipped to Florida was tested and found positive for E.coli 0157:H7. USDA has notified all state health departments, and there has been no known illness reported from the product. The positive test was performed as part of a regular program of testing conducted by the USDA. USDA officials have visited the IBP facility and continue to work closely with IBP in ensuring that all product is removed from commerce as soon as possible.

Q: How much beef is being recalled? What should consumers do?

A: The recall involves over 280,000 pounds of ground beef, and the recall is planned to reach every state where the beef may have been shipped. Consumers should follow safe handling labels and thoroughly cook the meat to an internal temperature of 160 degrees which kills harmful bacteria, including E.coli 0157:H7.



Ground Beef Product Recall IBP Statement April 29, 1998

In cooperation with USDA, IBP is voluntarily recalling all ground beef produced at its Joslin, Illinois, beef plant on April 14, 1998. A package of ground beef from the plant, produced on that day and shipped to a foodservice operation, was tested by USDA and found positive for *E. coli* O157:H7.

To our knowledge there has been no illness associated or reported on product from this date, and there is no indication that any other product produced on this day would test positive for this bacterium. However, in an abundance of caution IBP is conducting this voluntary recall. Approximately 50 retail and foodservice customers nationwide purchased ground beef produced by the plant on April 14, and have been contacted by IBP and asked to return the product. The recall involves 282,128 pounds of ground beef, with packaging that carries the code 245198104. Because the product is fresh meat typically further processed by grocers or restaurants, there is no product code or production lot number for consumers to check on meat in their refrigerators.

Meanwhile, IBP officials are reviewing production procedures used at the company's Joslin plant, which is located near Geneseo, Illinois. The beef production facility, as well as IBP's other fresh meat operations, use the principles of HACCP (Hazard Analysis Critical Control Points). This science based system focuses on key areas of the meat production process that must be controlled in order to prevent food safety problems.

Our company and our industry continue to aggressively research ways to further enhance our food safety efforts. IBP's food safety assurance systems include such things as pre-operative sanitation, steam vacuums, carcass production audits, numerous temperature audits, employee training, packaging system audits and temperature verification on shipping trailers.

New technology designed to further enhance our food safety efforts is being installed at all of IBP's fresh beef plants. The company is installing steam cabinets that are designed to provide added protection against bacteria. The cabinets apply saturated steam to the complete surface of the beef carcass during the manufacturing. This steaming process significantly reduces the risk of pathogenic bacterial contamination.

The cabinets will complement the steam vacuum equipment IBP currently uses at all of its beef plants, including Joslin. The steam vacuum, which also cleans the carcass surface, was developed several years ago by IBP and an outside manufacturer.

More than 700 employees are dedicated exclusively to food safety and quality at IBP's fresh meat plants. This includes 45 people at Joslin. IBP also operates 12 approved and accredited laboratories to provide rapid, up-to-date chemical and microbiological analysis. IBP's quality assurance programs have been developed to make sure product specifications and food safety procedures are followed at all levels of production and distribution. IBP's quality and food safety programs are state-of-the-art, and are considered by many to be the best in the industry.

Consumers are reminded that thorough cooking kills harmful bacteria, including *E. coli* O157:H7. According to the American Meat Institute, the center of ground meat patties and meat loaf should not be pink and the juices should run clear. Ground beef patties and loaves are safe when they reach 160 degrees in the center.

We believe that the only way to determine whether or not an individual is an "employee" entitled to the protections of the FLSA is to make an individualized assessment of the economic realities of the relationship between the worker and the putative employer. The FLSA applies where a person is "suffered or permitted to work." Thus, the question is whether "work" is being performed for the benefit of a covered employer.

The state's draft letter says that, "because the nature of the relationship with aid recipients is not employment, but assistance," no employment relationship exists for activities such as work experience, community service, and a number of other TANF work activities. The letter also states that people in these programs are not employees because the purpose is to "assist recipients to obtain skills necessary for employment."

The draft letter appears to state that California has concluded that recipients participating in the identified activities are never employees, without regard to what the recipients actually are doing at their work experience, community service or other placement site. In other words, the letter seems to indicate that California will determine whether or not a recipient is an employee by the classification of the TANF work activity, rather than by what the individual actually is doing. It would appear that this would be the case even where the placement site activities do not satisfy the Department's six-factor test for determining whether an individual is a trainee.

If this is the meaning of the state's letter, then we must disagree. Such a broad, across-the-board approach and categorical conclusion about who is an employee under the FLSA is inconsistent with the FLSA definition of that term. As stated above, whether or not someone is an employee under the FLSA turns on an assessment of what the worker actually is doing at the placement site and the economic realities of that relationship. It does not turn on the title of the program (e.g., "community service" or "work experience") in which the person, and thousands of other welfare recipients, is placed.

We would bring to your attention that Congress, while imposing mandatory work requirements in TANF, deleted the provision in the former law that exempted "welfare" activities from the requirements of the FLSA (see former 42 U.S.C. § 682(f)(1)(C)). The purpose of the new law was to promote "work" by welfare recipients as a means to end their dependence on government assistance. We believe it would be inconsistent with this Congressional intent for a State categorically to deny minimum wages to welfare recipients who engage in certain categories of work activities, regardless of whether such individuals are performing services — often shoulder-to-shoulder with paid employees — for the benefit of employers. A memorandum written by the Congressional Research Service (attached) reaches the same conclusion.

We trust that this is responsive to your request that we review the state's draft letter. Please feel free to contact the Department again if you have additional questions about the application of the FLSA in the welfare context. We would be happy to work with you, members of the Human Services Committee or the Select Committee on Welfare Reform Implementation, and members of the Welfare Reform Steering Committee as California develops its procedures for

RECALL NOTIFICATION REPORT

U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE

Product(s) Recalled: IBP Ground Beef chubbs from Est. 245J with following codes: on chubb: 245J 4/14
on boxes: 245J98104 ____ [with any 4 digits]

Production Date: April 14, 1998

**Problem—Reason for Recall:
How and When Discovered:** *E. coli* O157:H7
Intact chubb from Est. 245J sampled at Johnson Bros Wholesale Meats in Panama City, Fla., Est. 6726, under FSIS *E. coli* O157:H7 program

Federal Establishment: Est. 245J
IBP Inc.
Geneseo, Ill.

**Recalling Firm/Company:
Corporate Media Contact:** IBP, Inc., Dakota City, Nebraska
Gary Mickelson, director of corporate communications,
402-241-2986

**Quantity Recalled:
Estimated Still In Commerce:** 282,128.8 pounds
unknown

Distribution: Nationwide (at least 20 states), and some military commissaries

Recall Classification: Class 1
Recall Notification Level: To retail store level
Press Release: None, not identifiable by consumers
Direct Notification Means: Firm notifying distributors and customers by letter

**FSIS Followup Activities:
Other Agencies Involved:** Follow-up testing
State Health Departments being notified

FSIS Contacts:
Compliance/Recall Coordinator: 202-418-8872
Emergency Response: 202-501-7521
Media Inquiries: 202-720-9113
Congressional Inquiries: 202-720-3897
Consumer Inquiries: 1-800-535-4555
Web site: <http://www.usda.gov/fsis>

Date of Recall Meeting: April 28, 1998
Recall Case Number: EP-012-98

Last Update:

April 28, 1998



Statement

**STATEMENT OF TOM BILLY, ADMINISTRATOR
FOOD SAFETY AND INSPECTION SERVICE
April 29, 1998**

Immediately after USDA's detection of *E. coli* 0157:H7 in one 20-lb. institutional package of coarse ground beef, IBP, in cooperation with USDA, is voluntarily recalling all 282,128 pounds of coarse ground beef produced on April 14, 1998 at its Joalin, Illinois plant. Coarse ground beef must be further processed before being sold to consumers.

USDA's routine ground beef testing program is conducted in meat plants and retail establishments around the country. USDA has tested over 20,000 samples since October of 1994, and only 13 have been positive for *E. coli* 0157:H7.

USDA has notified all state health departments regarding this product. No reports of illness associated with this product have been received by USDA or any of the states.

The product was distributed nationwide. States identified to USDA as having received the product are Iowa, Wisconsin, New York, Illinois, Louisiana, Kansas, Oklahoma, Georgia, Arkansas, Virginia, North Carolina, Ohio, Kentucky, Florida, Indiana, West Virginia, Mississippi, Nebraska, Alabama, and Pennsylvania. One military shipment of 215 cases, destined for Europe, is currently being retrieved.

USDA officials have visited the IBP facility and continue to work closely with IBP in ensuring all product is removed from commerce as soon as possible.

Consumers are reminded to always cook all ground meat products thoroughly to an internal temperature of 160 degrees.

For further information, call the USDA Meat and Poultry Hotline, 1-800-535-4555.

FOR
INTERNAL

Meat recall
—EW

Q&A's on Food Safety
April 29, 1998

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Ground Beef Product Recall
IBP Statement
April 29, 1998

In cooperation with USDA, IBP is voluntarily recalling all ground beef produced at its Jostin, Illinois, beef plant on April 14, 1998. A package of ground beef from the plant, produced on that day and shipped to a foodservice operation, was tested by USDA and found positive for E. coli O157:H7.

To our knowledge there has been no illness associated or reported on product from this date, and there is no indication that any other product produced on this day would test positive for this bacteria. However, in an abundance of caution IBP is conducting this voluntary recall. Approximately 50 retail and foodservice customers nationwide purchased ground beef produced by the plant on April 14, and have been contacted by IBP and asked to return the product. The recall involves 282,128 pounds of ground beef, with packaging that carries the code 245J98104. Because the product is fresh meat typically further processed by grocers or restaurants, there is no product code or production lot number for consumers to check on meat in their refrigerators.

Meanwhile, IBP officials are reviewing production procedures used at the company's Jostin plant, which is located near Geneseo, Illinois. The beef production facility, as well as IBP's other fresh meat operations, use the principles of HACCP (Hazard Analysis Critical Control Points). This science based system focuses on key areas of the meat production process that must be controlled in order to prevent food safety problems.

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Recall Case Number: EP-012-98

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Statement

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