

**Center for Foodborne Illness Research & Prevention * Center for
Science in the Public Interest * Consumer Federation of America *
Consumers Union * Food & Water Watch *
Government Accountability Project *
Safe Tables Our Priority – S.T.O.P.**

February 20, 2008

Secretary Ed Schafer
United States Department of Agriculture
Room 227E, Jamie L. Whitten Building
12th Street and Jefferson Drive SW
Washington, DC 20250

Transmitted via facsimile: (202) 720-6314

Dear Secretary Schafer:

We are writing to urge you to seek an emergency regulation that would list all of the retail consignees involved in the 143 million pound recall of beef products from the Hallmark/Westland Meat Packing Company of Chino, California (FSIS Recall Number 005-2008). While Hallmark/Westland did not sell any of its products directly to consumers, these products – sold nationwide in bulk packages to wholesale distributors – reached consumers after being sold by the wholesalers to other entities for further processing.

The media has been bombarding consumers with conflicting information about this recall – the largest in U.S. history – and the result has been mass confusion. Consumers are scrambling to ascertain whether they have purchased products subject to the recall. Reports identify both school districts that received the recalled products and those that did not; we know that Jack-in-the-Box and In-and-Out Hamburger chains have stopped purchasing beef from Hallmark/Westland, but no other restaurants have come forward; we know that Costco is removing Hallmark/Westland products from its stores' shelves but have heard nothing from other stores that may be selling products made with beef supplied by Hallmark/Westland Meat Packing. The information is conflicting, confusing and incomplete.

Furthermore, as you know, FSIS had proposed a rule on March 7, 2006 that would have permitted it to list retail consignees on its recall press releases (Availability of Lists of Retail Consignees During Meat or Poultry Recalls – FDMS Docket Number FSIS-2005-0028; 71 FR 11326-11328). This proposed rule has widespread consumer support. The comment period for the proposed rule closed on June 11, 2006. The rule has languished

ever since. Every time we have inquired about the status of the rule with either Under Secretary for Food Safety Richard Raymond or FSIS staff, we have been told that it is still in departmental review. We are approaching the two-year anniversary of the publication of the proposed rule and there is still no indication as to its final approval by the Administration. What we do believe is, had this rule been in effect on February 17, 2008, when FSIS issued its press release on the Hallmark/Westland beef recall, consumers would have been better informed as to whether they had purchased the meat in question and where they could return it.

The largest meat recall in U.S. history calls for extraordinary measures to ensure that consumers are taking the proper precautions to protect themselves and their families. We respectfully request that you seek an emergency regulation so that the recall is conducted as expeditiously as possible, and that you quickly finalize the proposed rule on retail consignees. While more needs to be done to improve the recall process, this emergency regulation would be an important first step.

Sincerely,

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