



This report was originally produced by the food campaign of Public Citizen's Critical Mass Energy and Environment Program. In November 2005, the campaign moved to Food & Water Watch, which is reproducing this report with Public Citizen's permission.

For more information, contact 202-797-6550 or food@fwwatch.org

BSE Noncompliance Record Analysis

The following analysis is a result of a December 2004 Freedom of Information Act request from Public Citizen to the USDA for all noncompliance records related to BSE. Public Citizen received the documents on Aug. 15, 2005.

829 Total Noncompliance Records *(see chart below)*

We eliminated all records not related to BSE, as well as those that were successfully appealed by company (according to the documents we received.)

We sorted the records into 4 types of violation:

- Inadequate HACCP plan for BSE
- Improper removal or handling of specified risk materials (SRMs)
- Improper age determination
- Other violations

Inadequate HACCP* Plan for BSE

460 NRs

55.5 percent of total NRs

**Hazard Analysis and Critical Control Point (HACCP) is USDA's regulatory program for meat inspection.*

In approximately 275 of these NRs (60 percent), the HACCP plans contain no mention of BSE or SRMs.

- In approximately 100 of these NRs (22 percent), the plant does not have documentation from suppliers that beef they are processing came from cattle under 30 months or that SRMs were removed.
- In approximately 75 of these NRs (16 percent), the plant was found to be performing a procedure related to SRMs or BSE differently than described in their HACCP plan.
- Approximately 10 of these NRs (2 percent) were for failure to properly complete a HACCP document relating to BSE and SRMs or other problems.

* These are not "just paperwork" problems. Company HACCP plans establish the food safety program for each plant, as well as the parameters for what USDA inspectors are to "verify" as part of their inspection duties.

* The fact that 60 percent of the violations were due to a failure to even mention BSE or SRMs is significant. If a plant cannot be bothered to recognize the risk of BSE in their plan, how much of a priority is it in daily operations and training of staff?

* The failure of many plants to have proper documentation from their suppliers about the age of carcasses and other SRM standards is also significant, especially for small processing plants which do not slaughter cattle themselves. They are dependent on the slaughtering plant to accurately identify the age of the cattle at slaughter and to properly remove SRMs.

Improper Removal/Handling of Specified Risk Materials

276 NRs

33.3 percent of total NRs

(see chart below)

- These violations occurred at 131 plants in at least 35 states
- 54 plants had more than one NR for SRMs
- 14 plants had more than 5 NRs. 2 plants had 12 NRs.
- 198 of the NRs for SRMs (71 percent) occurred at plants with more than 1 NR.

*The significance of complete SRM removal should not be underestimated. As USDA is fond of pointing out, SRM removal is critical firewall for stopping the spread of the disease to humans.

*The distribution of NRs throughout 2004 and early 2005 shows that this was not just a case of the industry getting used to the new rules issued in January 2004 after the discovery of the first case of BSE in the U.S.

*It is important to note that USDA's statement that no contaminated product reached consumers is oversimplified. The instances that resulted in these NRs being written should not be assumed to be the only times that the plants' systems for removing SRMs were out of control. The number of violations that occurred at plants which had previously experienced problems indicates that these are not isolated incidents – and it is not realistic to expect that every problem was caught by USDA inspectors who were able to retain the product.

*Another critical aspect of SRM removal is the potential for cross-contamination. A common situation described in these NRs is when over-30 month and under-30 month cattle are processed simultaneously, without adequate rinsing or sanitation of equipment.

Improper Age Determination

86 NRs

10.4 percent of total NRs

(see chart below)

- These violations occurred at 63 plants in at least 24 states.
- 18 plants had more than 1 NR for age determination.

*Properly determining the age of cattle is a crucial step in proper SRM removal. While the tonsils and small intestine of all cattle are considered by USDA to be SRMs, in cattle over 30 months, the brain, spinal cord, eyes, and other nervous system tissues are also treated as SRMs. Accurately identifying the head, spine, and carcass of cattle with their age is necessary to ensure that all SRMs get removed as the carcass moves down the slaughter line.

*There has been controversy over USDA's authority to monitor age determination, after numerous inspectors were told that it was not their responsibility to check whether plant employees had accurately determined cattle age. A December 2004 letter to the agency from the Chairman of the inspectors union, Stan Painter, raised concerns about this policy. In response to the letter, the agency opened a misconduct investigation on the union chairman (which was closed this week.) The existence of more than 80 NRs for improper age determination contradicts USDA's charge that the concerns raised by the union were unsubstantiated.

*These NRs are the result of both occasional "verification" of company recordkeeping on cattle age (as per USDA policy) and instances when inspectors noticed blatant violations by the company with respect to this procedure (such as no employee being in position to check the teeth of cattle heads moving down the line.)

*The distribution of NRs throughout 2004 and early 2005 shows that this was not just a case of the industry getting used to the new rules issued in January 2004 after the discovery of the first case of BSE in the U.S.

Other Violations

7 NRs

1 percent of total NRs

- These included failure to allow ante-mortem (pre-slaughter) inspection of animals (significant because this is when clinical signs of BSE could be spotted by USDA veterinarians) and improper disposition of downer cattle and cattle condemned for disease.

NR Data Charts

NRs by Month*

MONTH	SRM Removal NRs	Age NRs
January 2004	19	4
February 2004	29	15
March 2004	35	5
April 2004	20	6
May 2004	13	11
June 2004	13	7
July 2004	20	3
August 2004	20	8
September 2004	9	3
October 2004	23	6
November 2004	14	2
December 2004	16	10
January 2005	22	3
February 2005	18	2
March 2005	5	1

Age Determination NRs*

State	Total NRs	Plants with 1 NR	Plants with more than 1 NR
AK	1	1	
AR	2	2	
CA	2	2	
CO	4		2
HI	2	2	
ID	3	1	1
IL	13	5	3
KS	3	1	1
MD	1	1	
MI	8	4	2
MN	4	2	2
MO	2		1
MT	2		1
ND	1	1	
NE	8	3	2
NJ	1	1	
OH	2	2	
OR	1	1	
PA	3	3	
PR	5		2
TN	1	1	
TX	2	2	
VI	1	1	
WA	2	2	

Unknown location – 7 NRs at 5 plants

PR= Puerto Rico

VI= Virgin Islands

SRM Removal NRs*

State	Total NRs	Plants with 1 NR	Plants with more than 1 NR
AR	1	1	
AZ	2	2	
CA	12	6	3
CO	5	1	2
CT	1	1	
FL	1	1	
GA	4	1	1
ID	9	1	2
IL	3	3	
KS	4		2
KY	4	2	1
MD	2	2	
MI	15	7	2
MN	7		2
MT	2		1
NC	3	1	1
ND	1	1	
NE	52	3	9
NH	1	1	
NM	1	1	
NY	12	4	3
NJ	14	3	2
OH	4	2	1
OK	4		1
OR	6	2	1
PA	6	2	1
PR	13	4	2
RI	1	1	
SC	1	1	
TX	25	4	5
UT	3	1	1
VI	1	1	
WA	7	1	2
WI	20	2	4

Unknown location – 22 NRs at 16 plants

PR= Puerto Rico

VI= Virgin Islands

*** A Noncompliance Record (NR) is generated by USDA inspection personnel to note instances when establishments are not in compliance with federal regulations.**