

Kansas Meat Processors Association (KMPA) Response to Proposed 2012-S.B. 302
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KMPA objects to Senate Bill 302 on these grounds.

1. It places too much power in one place, i.e. there is no third party watching over Meat and Poultry Inspection.
2. It increases legal control over businesses with no increase in food safety – even going beyond USDA-FSIS
3. Some areas of S.B. 302 are a poor reading of existing law. They expand authority not given in FMIA.
4. It does not allow for flexibility, adaptability or communication, which are necessary for very small businesses. These ideas may work for very large corporations but not very small, individual owned enterprises.
5. It continues the fallacy that Kansas Meat and Poultry Inspection is first and foremost, if not exclusively, a regulatory agency. By nature, a regulatory agency is adversarial i.e. it's job is to catch someone breaking the law – stop this activity, and penalize that activity. KMPA believes there is a better way. KMPA proposes that Senate Bill 302 be rejected in its entirety and that the Senate Ag Committee instruct KDA-Meat and Poultry Inspection to adopt a new paradigm of operation - which is a food safety agency that promotes and protects the safe production of meat through research, education, and cooperation, with enforcement as the last resort. Any legislation or regulations will be by agreement between the Secretary of Agriculture, K-State food safety experts, Kansas Meat and Poultry Inspection and the Kansas Meat Processors Association. The legislation will promote food safety, promote Kansas businesses, promote the production and consumption of Kansas meat and poultry, and be equal to USDA-FSIS-MPI.

KMPA Observations and Responses to Senate Bill No. 302

New Section 1.

1. KSA 65-6a37 provides directions on how to handle adulterated or misbranded meat products and refers to KSA 65-660. This is sufficient to control any problems in the plants.
2. This gives too much power to an inspector.
3. If plant shutdown to 90 days is fully carried out, the plant will effectively be put out of business.

New Section 2.

1. If maintaining adequate staffing is a concern, modify the procedures of inspection to reduce the need.

New Section 3.

1. Considering the submitting of a work schedule – delete No. 3.
2. On No. 2, For a short term one or two day alteration in work schedule, continue the established work schedule but reach verbal agreement on the alteration. What about flexibility for emergencies?
3. Very small plants don't have departments, and to record the time that custom exempt products are produced is not cost effective, nor required, since they do not require inspection. The only work schedule information needed is when inspected products are produced.

Section 4 definitions

KMPA would like a third party to have oversight over Kansas Meat and Poultry Inspection and would like input into rules and regulations that would be workable for efficient business operation and still promote food safety.

The definition of Secretary could be described as below for the following sections:

KSA 6a19 – secretary or his/her authorized representative

KSA 6a20 – secretary or his/her authorized representative

KSA 6a21 – secretary or his/her authorized representative

KSA 6a22 – secretary or his/her authorized representative

KSA 6a23 – secretary or his/her authorized representative

KSA 6a24 b. Leave as is

c. Leave as is

e. Reference 1,2 and 3 would be - secretary or his/her authorized representative.

Reference 4 and 5 – Leave as is.

KSA 6a25 – The Secretary of Agriculture in consultation with his/her authorized representative and representation of the Kansas Meat and Poultry Processors Association.

KSA 6a26 – secretary or his/her authorized representative

KSA 6a27-4 – secretary or his/her authorized representative

KSA 6a29 - Leave as is

KSA 6a30 (a) - Leave as is

(b) - Leave as is

(c) 1st part Leave as is. Second to last sentence – The Secretary of Agriculture in consultation with his/her authorized representative and representation of the Kansas Meat and Poultry Processors. Last sentence - leave as is.

KSA 6a32 – The Secretary of Agriculture in consultation with his/her authorized representative and representation of the Kansas Meat and Poultry Processors Association.

KSA 6a33 - The Secretary of Agriculture in consultation with his/her authorized representative and representation of the Kansas Meat and Poultry Processors Association.

KSA 6a34 – secretary or his/her authorized representative

KSA 6a34a – Leave as is

KSA 6a35 – secretary or his/her authorized representative

KSA 6a36 – Leave as is

KSA 6a41 – Leave as is

KSA 6a44 - The Secretary of Agriculture in consultation with his/her authorized representative and representation of the Kansas Meat and Poultry Processors Association.

KSA 6a44a - The Secretary of Agriculture in consultation with his/her authorized representative and representation of the Kansas Meat and Poultry Processors Association.

KSA 6a45 – secretary or his/her authorized representative

KSA 6a56 – Leave as is

Possible Different Definitions:

Custom Slaughter: slaughter of consumer owned animals without inspection. Preparation of consumer owned carcasses or parts thereof that were not slaughtered under inspection.

Slaughter Facility: a building as designated or section as designated in which the slaughtering and dressing of animals takes place. (Could say: A permanently located building or section thereof as designated)

Processing Facility: a building as designated or section as designated in which meat food products or poultry products are packed, canned, salted, rendered, boned, cut up or otherwise manufactured. (How is a "section" designated?)

Establishment: a slaughter facility or processing facility or combination thereof at which inspection services are provided. Note: 6a20. Kar -4-16-1a#9 ("establishment" shall mean any permanently located building or adjacent premises that are registered pursuant to this act. When do we register a building or section thereof or adjacent premises?)

Humane Slaughter: Continue Kansas Act Only – see objections below

Remove authority of Federal Humane Methods of Slaughter Act (FHMSA)– one act is enough

Reasons we wish not to adopt the Federal Humane Methods of Slaughter Act. Because FHMSA requires only one shot to properly stun slaughter livestock. Normally, with good technique and functioning equipment, this would be the standard expected. However, perfection is never achieved. If the "one shot" standard is applied, we all become subject to criminal prosecution. The Kansas State Act simply says "rapid and effective," which would be much more realistic and practical.

Reasons Federal Humane Methods of Slaughter Act should not be applied to custom plants:

1. Because it is too costly and only marginally enforceable.
2. Because the Act only refers to commercial applications.
3. Because the Federal Meat Inspection Act (FMIA) only applies to Inspected plants.
4. The FMIA specifically exempts custom plants from inspection, which includes jurisdiction over humane slaughter.
5. Although the FMIA specifically exempts custom plants from inspection, it also specifically says they must abide by Sanitation/Adulteration requirements.
6. The language FSIS uses to justify applying FHMSA to custom plants has been there since 1978. In the 2007 directive on custom plants, no mention is made of humane slaughter. It is mentioned in the 2009 directive. What changed? In 1958, when the FHMSA was enacted, it applied only to inspected facilities that sold to the Federal Government, not to all other Federal or State Inspected Facilities. This was changed in 1978 to include all inspected facilities. So read the statute quoted in the 2009 directive with this in mind.
7. Statutes – Federal Meat Inspection Act 603(b), 607(a), (d), and (e), 610, 611(b), 619, 623, 623(d).
(Compare word usage and context.)

Section 5. 65-6a20 (b) and 65-6a31

Poultry is not included in the Federal HMSA or the Kansas HMSA. Again, this does not apply to establishments that are not under inspection.

Section 8 KSA 65-6a41

Refusal to furnish info: 6a41

- (1) In the FMIA Statute 642 the same words are used, but only apply to businesses involved in commerce. These do not apply to custom preparation or retail preparation.
- (2) The purpose of FMIA (see statute 602) is to prevent adulteration of meat and mislabeling of meat. A possible reading could be: In the event of adulterated meat or poultry or mislabeling, records will be provided showing the origin and destination, if any, of the affected product. -End of document-