

Dear Senator Taddiken;

Please Stop the passage of SB 302 because if KDA is allowed to make these rules, SB 302 systematically eliminates SB557 -2008 (see SB557 page 2). You helped pass SB 557 to protect the processors from overregulation and I thank you very much!

SB302 opens the door to KDA inspectors and their different opinions and interpretations. SB557 prohibits KDA from being more restrictive than the federal requires.

Presently, if a state regulation is in question, a processor can go to; <http://askfsis.custhelp.com/> and get issues resolved because SB557 prohibits KDA from being more restrictive than the federal.

If it is a MONEY issue, then the department could start by eliminating the AG3 position. I noticed last fall KDA was advertising to hire another AG3 position. The federal plants do not have this position, so why does KDA?

According to the 2002 legislative post audit, there are just as many (meat inspection) employees (60) now as there were in 1996 when we had 3 times as many inspected plants.

KDA has 60 employees to inspect less than 40 plants that slaughter under inspection 1-2 days a week and a few wholesale plants. Custom plants are to be reviewed once a year. USDA Inspected plants are not subject to regular inspection when doing custom work.

The Legislature keeps the custom plants from transferring to USDA supervision because Kansas continually funds the state program.

WHY SO MANY STATE INSPECTORS? We have a Federal inspected plant and have an In-plant inspector that works in 3 plants and Dr. Tigges is our area veterinarian.

Dr. Tigges supervises 28 plants including many big plants such as Tyson. There are no other inspectors that come around except an occasional HACCP review person, hence no intermediate inspectors such as Kansas' AG3's.

A little HISTORY;

In 2005 KDA Meat inspection director Dr. Sumner and Mike Pearce, wanted to stop us from processing retail meats for our store in our factory because the buildings were not attached. You helped resolve this issue by calling USDA and they said it was acceptable.

All agreed since it was permitted by USDA, it should be with KDA. That took care of that issue.

PRESENT LAW ----- SB 557-page4 ,2008, states that ;

"On and after January 1, 2009, the secretary shall not promulgate or enforce any such rules and regulations that are more stringent, restrictive or expansive than required by federal law or any rule and regulation adopted by the United States department of agriculture . If the secretary determines that a more stringent, restrictive or expansive rule and regulation is necessary, the secretary may implement the rule and regulation only after approval by an act of the legislature. "

PROPOSED SB 302;

Page 1, New Section, 1-- Says inspectors can close meat plants "without notice or hearing" for 90 days if the inspector finds, in their mind, endangered public health or safety. Presently they cannot do so. USDA allows a notice & hearing. Also not just any inspector can close a plant on their own opinion alone.

Page 2, New sec 3, lines 28, 29 - Making a custom EXEMPT hours of operations dependant on a KDA schedule is unacceptable! USDA doesn't require this, nor a specified lunch period. That will tie the hands of any efficient operator.

Page 2, New sec 3, line 31 - For EFFICIENT use of inspection personnel, start by eliminating the AG3 position (see second paragraph on first page)

Page 2, New sec 3, line 35 ---- there are too many variables to consistently have the same work schedule in meat plants.

Sec 4, line 42 --- defines "**secretary**" as meaning secretary of agriculture's authorized representative, in other words, this could mean any **inspector**. This means any inspector has the power (among many other things) to shut a plant down for 90 days without a hearing or notice (page 1, new section1) !

Page 8, line 41 ---" The secretary may prescribe rules and regulations for the implementation of this section. "-- This phrase appears throughout SB 302 and appears to mean that KDA can make up all the rules they want, including the inspector in charge and supervisors.

Page 12, lines 5-15 -- **Is in the name of "food safety?"** Giving up names and addresses of all customers to be copied by KDA reps??? That reminds me of KDA's AG3 inspector for last 20 years, Dale Meyer from Westphalia KS. He just recently retired from KDA and has processed custom animals on the side at his

farm for the last 10 years. He has a walk-in-cooler and all the necessary equipment. Our complaints came upon deaf ears when I complained to KDA. Do you suppose he has the customers names, addresses, phone numbers from files of nearby competitors of which he inspected? How about the competitions recipes? Now KDA wants copies of all their records. All in the name of "food safety?"

If the legislature chooses to pass sb 302, the state should stop funding the Kansas meat inspection program and save what meat plants we have left including the custom plants, and save a lot of money too. It is very clear to me, as a former state plant that switched to a Federal inspected plant, that the state department of agriculture meat inspection division is out of control.

I have visited 90% of the small meat plants in Kansas in the last 7 years and know why most owners are afraid to talk. It is the fear of retribution from inspectors.

Let me know if I can help more.

Sincerely, Martin D. Luther
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