



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

AMANDA E. BEAL
COMMISSIONER

TESTIMONY BEFORE THE JOINT COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

IN SUPPORT OF LD 1889
"An Act to Protect the Products of Maine Farmers"

January 23, 2020

Senator Dill, Representative Hickman, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Celeste Poulin. I am the Director of the Division of Quality Assurance and Regulation in the Department of Agriculture, Conservation and Forestry, speaking in support of LD 1889, "An Act to Protect the Products of Maine Farmers."

The Maine Meat and Poultry Inspection (MMPI) program exists to protect the health and welfare of consumers by ensuring that livestock used in the production of meat and poultry products are humanely handled, disease-free, and that the resulting products distributed by Maine inspected establishments are wholesome, not adulterated, and correctly labeled and packaged.

Any legislation proposing changes to meat and poultry statutes in Maine is closely tracked and scrutinized by the USDA-Food Safety Inspection Service (FSIS) to ensure that Maine statutes are "at least equal to" (ALET) the Federal meat and poultry laws. A letter from USDA-FSIS that outlines this process has been distributed to each committee member with my testimony.

Maintenance of Maine's ALET status with Federal meat and poultry laws is vital to continued operation of the MMPI program. The program currently oversees the food safety and public health inspection of six State meat and poultry slaughterhouses, 34 custom slaughterhouses, and 59 small poultry producer facilities in Maine. As a result, any state legislation that proposed changes to our inspection program must be carefully scrutinized to ensure that it does not threaten our ALET status, the loss of which would seriously threaten current processing businesses and the hundreds of Maine farmers who rely on these businesses to safely and locally harvest their livestock and poultry.

At the same time, we do understand and appreciate that the laws and rules surrounding meat inspection and labelling can be confusing. Events last year involving uninspected meat that was mislabelled resulted in a lot of stress for individual farmers. Fortunately, the Department was

HARLOW BUILDING
18 ELKINS LANE
AUGUSTA, MAINE



PHONE: (207) 287-3200
FAX: (207) 287-2400
WEB: WWW.MAINE.GOV/DACF

able to find a path forward to allow for their meat products to be returned to them as opposed to destruction, but we do caution that our paramount goal, as well as USDA-FSIS', is to ensure food safety. As a result, the Department supports the ability to create careful parameters to utilize on a case-by-case basis when determining when and how mislabeled meat may be safely and appropriately returned to producers, and when it can not be.

With this in mind, the Department and Representative Cuddy worked together to carefully craft the statutory language regarding disposition of unadulterated but misbranded meat and poultry products. Once Representative Cuddy and the Department agreed on the proposed statutory language, the Department asked USDA-FSIS to review the language to ensure it would not jeopardize the ALET status of the MMPI program. The Department received assurance from USDA-FSIS by email on September 23, 2019, that the proposed statutory language would not jeopardize the MMPI program's ALET status.

The proposed statutory language published in this current LD differed significantly from the language which had been reviewed and deemed "safe" by USDA-FSIS. However, we understand that Rep. Cuddy is submitting an amendment to revert to the original language reviewed by USDA-FSIS, which the Department supports.

Thank you for your time. I would be happy to answer questions now and to provide more detailed information during the work session.



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Office of
Investigation,
Enforcement and
Audit

Office of the Assistant Administrator
1400 Independence Ave., SW
Mail Stop 3133-S
Washington, DC 20250

Dear State MPI Program Directors:

Over the last few months, FSIS has received a number of inquiries about proposed State legislation concerning the regulation and inspection of meat and poultry and the possible effect of each draft bill on the status of State meat and poultry inspection (MPI) programs deemed to be "at least equal to" the Federal inspection program. Because the State bills differ from each other and often change as we are reviewing them, rather than respond to inquiries regarding each draft bill, we thought it better to outline how State MPI programs might be affected by the proposed State legislation we have recently seen.

As you know, FSIS annually evaluates State MPI programs to ensure that each has adopted and implemented laws, regulations, and programs "at least equal to" the Federal inspection program. During these reviews, FSIS evaluates nine components:

1. Statutory Authority and Food Safety Regulations
2. Inspection
3. Product Sampling Programs
4. Staffing, Training, and Supervision
5. Humane Handling
6. Compliance
7. Laboratory Methods and Quality Assurance Program
8. Civil Rights
9. Financial Accountability

Obviously, State MPI programs must be found to be "at least equal to" the Federal program for each of these components. Most of the draft legislation we have seen exempts from requiring inspection and labeling certain types of food products, including meat and poultry, depending on the manner and place of sale and the type of purchaser or end consumer. Some of these proposed exemptions appear to be consistent with Federal statutory and regulatory requirements, but many do not.

The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) and regulations issued under them require the slaughter, processing, and labeling of meat and poultry, with certain specific exemptions, to be conducted under inspection. In general, if State legislation exempts meat and poultry products from inspection or labeling otherwise required by the FMIA, PPIA or the Federal regulations, the State MPI program operating under that legislation would no longer be "at least equal to" the Federal inspection program.

Some examples from State bills inconsistent with Federal requirements:

- State legislation exempting from inspection and regulation the processing of meat and meat products by producers or other business, other than retail stores and restaurants, for sale to consumers who have been informed that the products were processed without inspection.
- State legislation that exempts from State inspection poultry producers that slaughter or prepare 1,000 or fewer birds for intrastate sales, but does not specifically require the producer who raised the poultry also to slaughter them.
- State legislation that would allow rental contracts between certain poultry producers and slaughterhouses, making the rental slaughterhouses exempt from State inspection. There is no comparable exemption in the PPIA.
- State legislation that would amend a State's definition of "custom" slaughter and processing to eliminate periodic State review of sanitation and wholesomeness for products produced by these operations. Eliminating these reviews would call into question compliance with Federal sanitation requirements for custom slaughter and processing establishments exempt from mandatory inspection.
- State legislation that would permit the slaughtering of livestock and direct sale of meat to consumers who are members of a "herd share" or similar organization that might, in turn, resell the meat. Such a provision would not be permitted under the FMIA's custom slaughter exemption provisions, because it does not limit the sale of the livestock to consumers for their personal use.

If you have any questions, please contact Ron Eckel by telephone at (402) 344-5000 or by e-mail at ron.eckel@fsis.usda.gov.

Sincerely,


Carl A. Mayes
Assistant Administrator
Office of Investigation, Enforcement and Audit

USDA reviewed language:

“Chapter 562-A, subsection 2512.2. Powers: Q. Establish procedures for the disposition of inspected meat, meat products, poultry and poultry products which have been found to be unadulterated and misbranded.”