NEW ZEALAND FOOD SAFETY AUTHORITY

10 January 2008

Dr William James
Acting Assistant Administrator
Office of International Affairs
Food Safety Inspection Service
United States Department of Agriculture

Dear Dr James,

***Agreed conclusions between the FSIS and NZFSA on E coli 0157:H7 testing on imports of New Zealand beef derived from cattle***

This letter sets out the agreed conclusions of discussions held between FSIS and NZFSA on the 10th January 2007 related to port of entry (POE) testing of consignments for E coli O157:H7and is set in the context of recent communications between FSIS and NZFSA. Correspondence includes letters from Sally White on the 20th December 2007 and Dr Richard Raymond on the 7th January 2008 in response to NZFSA correspondence on the 7th from Dr Andrew McKenzie and 18th December from Dr Tony Zohrab.

NZFSA acknowledges and thanks FSIS for agreeing that the New Zealand programme was judged equivalent to that of the US and also for agreeing to delay implementation of POE testing while discussions were held to clarify various issues.

In relation to POE testing FSIS agreed that NZFSA had scientifically demonstrated that the prevalence of E coli 0157:H7 in New Zealand beef is significantly less than the US and in addition boning and packing procedures are such that only a small number of carcases are associated with a single shipping package (carton). As a consequence and given NZFSA's regulatory hygiene controls and E coli O157:H7 testing programme, FSIS noted that a positive POE finding would be a rare and random event and not be indicative of a systemic processing failure. It would therefore be unlikely to warrant FSIS's application of further measures, such as a recall, to the rest of the 'lot' (defined in the New Zealand programme as a single shift or days production by an establishment), potentially implicated in the POE test positive.

Should a positive POE test occur NZFSA would be expected to be able to demonstrate that all relevant processing records and performance underpinning the pre-shipment verification records were indicative of a rare and random event rather than a systemic issue.

After further discussion FSIS agreed that;

- FSIS will undertake approximately 68 POE tests per annum on consignments from New Zealand with the samples exclusively drawn from one production 'lot' from an establishment.

- All other production 'lots' from the particular consignment not selected for POE testing will be automatically eligible for unrestricted release unless they too are subject to other forms of testing.

- In the rare event of a positive POE test result, FSIS will immediately advise NZFSA to enable the provision of evidence to demonstrate that the positive does indeed constitute an isolated random point event and the possibility of any large scale contamination event would be remote. Evidence will include confirmation that all relevant GHP and HACCP records from slaughter and processing underpinning the pre-shipment verification records (including negative test results), any other mitigating factors that would indicate that regulatory control measures have been followed and that there is no evidence of systemic failure. Evidence will also include confirmation that boning and packing procedures are such that only a small number of carcases are associated with each single shipping package (carton).

- Demonstration that a POE test positive constitutes an isolated random point event means that FSIS will not have to take regulatory action on elements of the lot that may be in commerce within the US or in transit or stored in New Zealand.

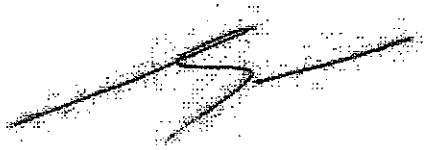
FSIS also noted that they strongly advise that NZ 'exporters' advise US importers to hold the selected POE lot pending a negative POE test result.

To facilitate 'alignment' of our respective regulatory programmes NZFSA will mandate N60 excision testing of 325 grams either using FSIS or equivalent test methodology. NZFSA will also make available New Zealand E coli O157:H7 'fingerprints' to enable FSIS to better conduct attribution epidemiological work in the United States.

Finally and in relation to further potential reductions in the frequency of POE testing as outlined in Dr Raymond's letter of the 7th January 2008, NZFSA will review whether it will seek to further reduce the POE testing and advise accordingly.

NZFSA would appreciate an urgent confirmation that details contained within this letter represent FSIS's agreed stance on POE testing.

Yours sincerely,



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