

2413 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0703  
(202) 225-3661

59 ELM STREET  
SECOND FLOOR  
NEW HAVEN, CT 06510  
(203) 562-3718

DURHAM/MIDDLEFIELD/MIDDLETOWN  
(860) 344-1159

WEBSITE: [HTTP://DELAURO.HOUSE.GOV](http://DELAURO.HOUSE.GOV)



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ROSA L. DELAURO  
3RD DISTRICT, CONNECTICUT

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AND RELATED AGENCIES

February 19, 2015

The Honorable Shaun Donovan  
Director  
The Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

Dear Director Donovan:

We write to urge you to immediately finalize the rule that would require a label to be placed on mechanically tenderized beef products. We were very disappointed when USDA failed to finalize this rule by the end of 2014 because it will delay the implementation of the new requirements until 2018 due to FSIS's uniform compliance date requirements for meat product labels. However, the health risks associated with consuming mechanically tenderized meats are too great for this rule to be delayed, so we urge the administration to immediately finalize the rule.

Mechanically tenderized beef (MTB) products pose a serious and urgent health threat – in particular for vulnerable populations including children, seniors, pregnant women, and individuals with compromised immune systems. The research on MTB has been extensive and documents that external pathogens can be translocated to the interior, making the product significantly different from intact beef, which is sterile on the inside. Further, MTB products look no different from untreated intact products, so there are no visual indicators that the two products are different and need different handling and preparation.

Over the past 15 years, FSIS has cited six outbreaks associated with MTB products. The most recent outbreak was in 2009, resulting in 25 people being sickened in 17 states; one death was reported. A recall of 248,000 pounds of beef was issued late December 2009 and the product was linked to mechanically tenderized steaks that were consumed rare, medium-rare, or medium.

When ill people are asked to provide a food history to help determine a source for their illness, there is no way to determine whether the individual has eaten a MTB product. Consequently, we

do not know the full extent of foodborne illness linked with MTB. A label would help resolve this issue and would allow purchasers to take the necessary steps to safely prepare the product.

The stated goal of having two-year increments in the uniform compliance date requirement for labels is to enhance the industry's ability to plan and develop new labels to meet the new requirements and minimize the economic impact of the changes. However, the uniform compliance date requirement does not distinguish between labeling rules that represent critical public health issues and ones that do not.


Without a label, beef purchasers cannot ascertain from visual inspection whether their meat has been mechanically tenderized. Purchasers of products are entitled to full disclosure about the type of product they are buying. Complicating matters, FDA's Food Safety Survey (2010) demonstrated that consumers are woefully behind the Healthy People 2020 target for the safe food practice "COOK," yet cooking is the only step that consumers can take to kill internal pathogens and prevent disease. A label is urgently needed to prevent further illness, injury, and death from pathogens moved into the product during the mechanical tenderization process.

An exemption from FSIS' uniform compliance regulation is appropriate so that this rule can be finalized for implementation in 2016. It is our understanding that the final rule is currently at the Office of Management and Budget (OMB). We urge you to work expeditiously to finalize this rule. It is imperative that USDA finalize this rule and proceed with its implementation immediately.

Sincerely,

  
ROSA L. DeLAURO  
Member of Congress

  
LOUISE M. SLAUGHTER  
Member of Congress

  
MICHAEL M. HONDA  
Member of Congress

  
TIM RYAN  
Member of Congress