

MEMORANDUM

From: Gary Jay Kushner
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Re: **FSIS Updates Compliance Guideline for Controlling *Listeria monocytogenes* in Post-Lethality Exposed Ready-to-Eat Meat and Poultry Products**

The U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) recently issued an updated Compliance Guideline entitled Controlling *Listeria monocytogenes* in Post-lethality Exposed Ready-to-Eat Meat and Poultry Products. The guidance provides specific recommendations that facilities producing post-lethality exposed ready-to-eat (RTE) meat and poultry products may follow to meet the requirements of 9 CFR Part 430, the *Listeria* Rule. It also provides information on sanitation, testing for *Listeria monocytogenes* (*Lm*), and prevention of cross contamination. The document updates and replaces the previous version of the guidance, which was issued in 2006. Once the guidance is formally published, FSIS will accept comments for 60 days. The agency anticipates updating the document in response to comments.

The document emphasizes that its content is non-binding guidance, stating:

Guidance represents **best practice** recommendations by FSIS, based on the best scientific and practical considerations, and does not represent **requirements** that must be met.

The guidance incorporates several new discussions and tools to facilitate compliance, including:

- Glossaries of terms;
- Expectations for sampling methods and laboratory testing methods to analyze samples;
- Discussion of testing for indirect and non-food contact surfaces;
- A table listing possible food contact and non food-contact surface sampling sites; and
- Discussion of the role product testing may play in a *Listeria* control program;

The complete guidance document and appendices can be found online at http://www.fsis.usda.gov/PDF/Controlling_LM_RTE_guideline_0912.pdf.

Background

FSIS issued the *Listeria* Rule in 2003. ^{1/} The Rule provides that RTE products are adulterated if they contain *Lm* or come in direct contact with a food contact surface that is contaminated with *Lm*. The *Listeria* Rule established three alternative methods establishments can adopt for controlling *Lm* contamination in post-lethality exposed RTE products. FSIS maintains a “zero” tolerance policy for *Lm* in RTE products.

Updates to Compliance Guideline

The Compliance Guideline provides information that establishments may use to meet the requirements of the *Listeria* Rule and also provides “safe harbors” that establishments can implement to help ensure that the requirements of the Rule are met. The Compliance Guideline has been restructured and revised with the intent of providing simplified information.

The revised guidance includes the following notable changes and additions:

- Step-by-step instructions to assist establishments in determining whether their product is covered by the *Listeria* Rule;
- Descriptions of the requirements and recommendations for each of the three control alternatives;
- Updated technical information about establishing control alternatives;
- Updated information about antimicrobial agents and post-lethality treatments;
- Revised sanitation guidelines, which include a description of intensified sanitation conducted in response to positive results;
- Information on developing employee training programs for implementing the *Listeria* Rule;
- Updated information on meeting recommended routine sampling frequencies for *Listeria* species (although there have been no changes to sampling frequency recommendations for *Listeria* species);
- Clarification regarding FSIS expectations for sample collection and laboratory analysis;
- Information on product and non-food contact testing (although neither is required by the *Listeria* Rule);
- Clarification of timelines for follow-up and intensified sampling, as well as test and hold of product, in response to positive results from routine sampling;
- New information on identifying and addressing *Listeria* trends; and
- Findings from Food Safety Assessments performed by FSIS in response to *Lm* positives, to increase awareness of common problems and lessons learned.

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Should you have any questions, please do not hesitate to contact us.

^{1/} Note that products that are considered RTE but are not post-lethality exposed are not subject to the *Listeria* Rule, but are still sampled under FSIS’s “ALLRTE” sampling program.