



March 17, 2014

by e-mail only

Ms. Dionne Saul-Hamilton
Office of the Legislative and Regulatory Modernization Policy,
Planning and International Affairs Directorate
Health Canada
1600 Scott Street, Holland Cross Tower B, 5th Floor
Ottawa, ON K1A 0K9

Dear Ms. Saul-Hamilton:

RE: Regulations Amending the Food and Drug Regulations (Mechanically Tenderized Beef), *Canada Gazette Part I*, Vol. 148, n° 7, February 15, 2014.

The Ontario Independent Meat Processors (Association) welcomes the opportunity to comment on the proposed rule to amend the *Food and Drug Regulations (Mechanically Tenderized Beef)*. OIMP supports the intent of the draft rule; however, we are concerned with the proposed definition of “mechanically tenderized beef” (MTB) and the related labelling requirements.

The definition of mechanically tenderized beef is too broad in scope as it includes products tenderized by methods that do not affect the deeper tissues where pathogens might survive, methods such as “massaging”, “tumbling” and “other similar technical process”.

We do not believe that processes such as “massaging” or “tumbling” should be considered equivalent with “mechanical tenderization” or “injection”. The public health risk caused by MTB comes from the internationalization of pathogens into the deeper tissues; that is, in depths that are less likely to reach a temperature high enough to be lethal. Compromising the integrity of the surface of a beef product does not increase the risk unless the loss of integrity extends deeply enough into the tissue through “mechanical tenderization” or “injection”. The definition does not take that into account, nor does it factor in products that are very thin, a half inch (1.3 cm) or less, such as hip steaks, cubed steaks and veal scaloppini, which easily cook to the core with typical cooking conditions.

Section I (b) of the proposed definition is fine. It recognizes and addresses the risk associated to beef that has been injected with a marinade or other tenderizing solution.

While we recognize that there is an increased risk of E-Coli 0157:H7 contamination in mechanically tenderized beef that may pose a risk to the consumer if the product is not sufficiently cooked; we do not believe that mandatory labelling will eliminate or reduce this risk. Labelling is not, nor has ever been, a solution for food safety. Rather, food safety is best achieved as part of an overall plan to improve the food safety process. Public health protection is enhanced through intervention strategies rather than formal regulatory changes.

Current labelling regulations require a significant amount of information be contained on the principal display panel of prepackaged meat products. Particularly in the case of the common name of the product, the beef nomenclature is already very onerous and confusing and to add “mechanically tenderized” will further confuse the consumer.

The proposed requirement to “turn the steak over at least twice during cooking”, while potentially valid in a test lab, is not an adoptable option for consumers. There are many variations in the thickness of the steaks and in the cooking methods (i.e. cooking a steak in a frying pan or on the grill) for any specific requirement to be useful. Each will impact the preparation time to achieve a specified temperature.

We recommend introducing some flexibility to the proposed label content. This would involve allowing the use of “mechanically tenderized beef” or, alternatively, the use of a descriptive term that is associated with the consequence of the process, such as “tenderized”, and inserting that descriptive term on the label, rather than in the product name, to produce a label that may resonate more with the average consumer. This approach has the merit of meeting the same risk management objective – minimizing the risk of foodborne illness - as the proposed mandatory labelling rule. The label content allows consumers to differentiate between intact and mechanically tenderized beef.

We wish to reiterate that the definition of MTB as currently drafted in the proposed rule should be amended. That definition must be anchored in a science-based approach to support the identification of MTB products. We believe that the same level of prescriptiveness in labelling for beef cuts that are massaged or tumbled is not required, nor necessary.

For these reasons, we strongly believe that Health Canada should conduct additional research and consult with the industry on the findings of the research before finalizing and publishing the MTB rule in the *Food and Drug Regulations* in *Canada Gazette* Part II. Additional research should focus on validation of the only risk assessment supporting the regulatory proposal and on the effectiveness of cooking and safe handling labelling instructions on consumer behaviour in the interest of public health and safety.

We thank you for the opportunity to provide our comments

Sincerely,



Laurie Nicol
Executive Director

c.c. Dr. Jeff Farber, Director, Bureau of Microbial Hazards, Health Canada