North American Meat Institute Public Comments

Public Meeting Regarding Use of Animal Cell Culture Technology to Develop Products Derived from Livestock and Poultry

October 23-24, 2018

Thank you for the opportunity to provide these remarks today. My name is Mark Dopp and I am with the North American Meat Institute.

The Meat Institute appreciates the Food Safety and Inspection Service and the Food and Drug Administration hosting this public meeting on a topic of significant public interest.

The fundamental issue here is not complex, so let me be clear --primary jurisdiction regarding the regulation of cell-based meat products rests with the United States Department of Agriculture.

I could bore everyone by citing the statutory authority supporting that conclusion. But I'm not going to do that with the limited time available because not only does the law say so, but so does common sense. And it is a conclusion that benefits "traditional" meat processors, cell-based meat processors, and most importantly consumers.

The meeting agenda asks a series of questions and the Meat Institute will respond to those questions in its detailed written comments. But I have some additional questions the agencies need to answer and preferably in a public fashion.

That the inspection system FSIS administers is more rigorous than the one administered by FDA is undeniable. Administration officials have said as much. But I am baffled why those who advocate that FDA should have primary jurisdiction over cell-based meat products want to deny those companies the benefits of FSIS inspection. Yes, I said the benefits.

Why deny them the opportunity to have their products bear the mark of inspection – a mark that matters very much to consumers?

Why deny cell-based companies the benefits the explicit preemption protection provided in the meat and poultry statutes? Explicit preemption protects companies from ill-considered state requirements regarding not only product labeling, but how a plant operates, the packaging it can use, its facility design, among other considerations. That same preemption provision is not found in the Food, Drug, and Cosmetic Act.

And why deny cell-based companies the benefit associated with prior label approval, which effectively precludes frivolous lawsuits from being filed by the plaintiffs' bar? That process can be cumbersome and the industry at times complains about delays. That's the downside. But it also benefits consumers and the regulated industry because it helps ensure a product is accurately labeled and is not represented to be something it is not. FDA, in contrast, has no such label approval program, which can lead to problems and sometimes abuse.

I bought these packages of "andouille" and bratwurst just a few days ago. The labels represent them to be sausage products, but neither has meat in it. Based not only on USDA's standards but commonsense, these products are misbranded. USDA's prior label approval process prevents such abuses. When applied to cell-based products that system will benefit not only traditional meat processors and consumers but the cell-based companies as well because it will establish the level playing field necessary to ensure consumer confidence.

Finally, at a recent Good Food Institute conference Dr. Mark Post, Co-founder and Chief Science Officer at Mosa Meat, said consumers' top concern with so called "clean meat" is food safety and for that reason the industry should embrace regulation. Why do those who oppose FSIS inspection wish to deny consumers the confidence that comes from knowing cell-based meat products, a product category in its infancy, are subject to daily inspection rather than inspection once every three to five years?

I've posed several new questions and look forward to hearing the answers. Thank you.