

March 17, 2014

The Honorable Tom Vilsack
Secretary, United States Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Secretary Vilsack:

We write to urge you to suspend all action on the proposed Modernization of Poultry Slaughter Inspection rule (Docket No. FSIS-2011-0012, RIN 0583-AD32) until the agency has fully addressed concerns about the rule's impact on these overarching concerns: public health and food safety, worker safety, animal welfare and Poultry Products Inspection Act (PPIA) compliance.

While we strongly support modernizing our food safety system and making it more efficient, modernization should not occur at the expense of public health, worker safety, or animal welfare. We therefore harbor serious concerns over what we believe are the Food Safety Inspection Service's (FSIS) inadequate considerations to date of these issues in promulgating this rule.

According to the Centers for Disease Control and Prevention (CDC), approximately 42,000 cases of salmonellosis are reported in the United States each year and salmonellosis is the country's leading foodborne killer. *Campylobacter* is one of the most common causes of diarrheal illnesses in the United States, affecting over 2.4 million people every year, and it is associated with Guillain-Barré Syndrome, a condition that causes temporary or permanent paralysis. In addition, both *Salmonella* and *Campylobacter* are concerning for two other reasons: 1) these pathogens are developing multi-drug resistant strains that will make treating ill patients more difficult and 2) these pathogens are a major concern for children's health, since most of those sickened by *Salmonella* and *Campylobacter* are under 10 years of age.^[1]

We must improve poultry inspection and reduce contamination from pathogens associated with poultry such as *Salmonella* and *Campylobacter*. However, it is unclear whether FSIS's poultry slaughter proposal will actually reduce illness rates; in fact, there is evidence that rates may *increase*. The lack of good data raises substantial uncertainty in the agency's assessment of how the proposal will impact *Salmonella* and *Campylobacter* illness rates. An August 2013 report by the U.S. Government Accountability Office (GAO) raised serious questions about whether the data being used by FSIS could support the Department's claims of improved food safety benefits. The agency's own *Risk Assessment* specifically states that "analysis suggests ambiguous

^[1] Shea KM et al. American Academy of Pediatrics Committee on Environmental Health and AAP Committee on Infectious Diseases. Non-therapeutic use of antimicrobial agents in animal agriculture: Implications for pediatrics. *Pediatrics*, Sept 2004; 118 (2): 195-200.

effects of the proposed rule with respect to *Campylobacter* occurrence on chicken carcasses.” Ambiguity in food safety is what we should be working toward eliminating, not increasing.

Unfortunately, the proposed rule appears poised to generate even more ambiguous data, since it does not prescribe requirements for microbial testing. The failure to require system-wide testing for *Salmonella* and *Campylobacter* throughout all plants, for example, means that the data gathered will not be comparable between plants and across the industry. FSIS’s proposal thus hobbles what should be a fundamental goal of modernization—to create a system that tracks rates of contamination and facilitates continuous improvement in the poultry industry to decrease those rates throughout the system.

In addition to general public health considerations, the work environment in slaughterhouses poses “risks greater than those faced by workers in many other manufacturing operations,” according to the U.S. Government Accountability Office (GAO). A 2005 GAO report acknowledges that underreporting in official records does not disguise the fact that “the meat and poultry industry still has one of the highest rates of injury and illness of any industry.” Poultry slaughterhouse workers in particular perform one of the most dangerous jobs in the nation. Production line speed is a leading cause of unacceptably high levels of worker injuries in the poultry industry, since poultry processing requires workers to endure long intervals in which they repeat uniform forceful motions over 1,000 times per hour without pausing. According to the Southern Poverty Law Center, some workers report that keeping up with current line speeds requires them to perform more than 20,000 cutting, pulling, grabbing, or hanging motions per shift. The thousands of disabling injuries that result are well-documented.

According to the Occupational Safety and Health Administration (OSHA), over the past 30 years poultry slaughterhouse workers “have consistently suffered injuries and illnesses at a rate more than twice the national average.” In 2004, nearly 20,000 poultry slaughterhouse workers reported occupational illnesses or injuries severe enough to warrant missing work or seeking medical care, resulting in the poultry processing industry having the sixth-highest rate of job-related illness and injury of any private industry that year. The proposed FSIS rule would exacerbate these unsafe conditions by allowing line speeds to increase by 25 percent, to 175 birds per minute.

It is also important to note that communities of color would bear a tremendous cost burden. At least 39 percent of all poultry slaughter and processing workers are Latino and 16.3 percent are African-Americans. These workers, their families, and their communities will directly bear the terrible cost of this new rule.

Additionally, it appears that the FSIS has not given adequate consideration to the proposed rule’s potential impact on the welfare of billions of birds slaughtered annually. The proposed rule, which would allow the speed at which carcasses may be cleaned and inspected to increase by 25 percent – up to 175 chicken carcasses per minute – will lead plants to increase slaughter line speeds in order to increase production. Rapid line speeds

present one of the greatest risks of inhumane treatment, as harried workers flip the birds upside down and force them into metal shackles. Less time for shackling birds will inevitably lead to more rough handling and increased incidence of fractures and other injuries.

We are concerned the proposed rule may undermine FSIS's own food safety and humane slaughter policies. In light of the connection between humane treatment and food safety, FSIS is required to consider any bird that dies from a cause other than humane slaughter to be adulterated and unfit for human consumption. Yet faster slaughter speeds also cause more birds to bypass backup slaughter devices and enter the scalding tank alive. As noted in an October 2013 *Washington Post* article^[2], nearly 1 million chickens are unintentionally boiled alive each year because already fast-moving slaughter lines fail to kill the birds before they are dropped into scalding water to help defeather them. Killing birds this way is not only cruel; it is illegal under the agency's existing humane handling requirements, and it poses additional food safety risks as the stressed birds defecate in the scalding water shared by many other birds. Regulations state that "carcasses of poultry showing evidence of having died from causes other than slaughter shall be condemned." FSIS policy has long held that birds should be slaughtered in accordance with "good commercial practices," which consist of humane methods of handling and slaughter.

In addition to increasing line speeds, the rule would shift initial carcass inspection duties from FSIS inspectors to slaughter plant employees with no requirement that employees be adequately trained. While birds that are damaged or diseased should be removed from the line, requiring plant employees to sort out damaged carcasses before FSIS conducts online inspection means that employees will be removing the evidence (the carcasses themselves) that birds may have died from causes other than slaughter – thus directly eliminating one means by which FSIS can verify that good commercial practices are being employed. This undercuts humane handling enforcement while jeopardizing food safety and the integrity of FSIS inspection.

Moreover, as the rule will eliminate over 800 FSIS inspector positions, it will likely lead to less humane handling enforcement than the oversight provided now. With a single FSIS inspector responsible for monitoring up to 175 bird carcasses a minute on the processing lines, the rule may exacerbate the problem of agency inspectors having little to no ability to oversee the handling of live birds.

We question the degree to which FSIS has studied the impact of the proposed rule on the humane slaughter of chickens and poultry. We are also concerned that this rule will set the stage for an expansion of the controversial privatization of inspections into other types of slaughter plants, including those for cattle and hogs, as FSIS has indicated that it is considering similar regulations for beef and pork.

We also have concerns with the FSIS's process for crafting this rule. By law, FSIS is required to consult with members of the National Advisory Committee for Meat and

^[2] Kindy, K. USDA plan to speed up poultry-processing lines could increase risk of bird abuse. *The Washington Post*. October 29, 2013.

Poultry Inspection (NACMPI) before proposing substantial changes to its meat and poultry inspection program. Our understanding, however, is that FSIS has not complied with this requirement, initiating a policy change through a proposed rule without fully consulting NACMPI. Furthermore, we understand FSIS did not fully consult stakeholders and did not hold public meetings on the proposal as the agency has done with other significant proposed changes to inspection.

Finally, the agency has proposed making these sweeping changes together, rather than introducing each element separately and gauging (through appropriate microbial testing) its impact on contamination rates. We believe that such an approach is misguided as a single element of the new system can cause rates of contamination to spike. For example, under FSIS's proposal, multiple changes occurring at the same time would prevent identification of the cause; it would simply be a guessing game as to which specific element may have caused the spike in contamination.

Due to these cumulative, overarching concerns, we urge FSIS to withdraw the proposed rule until the agency has thoroughly addressed its impact on the public, workers, and animals and adherence to good commercial practices. We look forward to working with you to ensure that the modernization of poultry inspection truly improves public health and the integrity of our food safety system.

Sincerely,

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