National Pork Producers Council®

The Global Voice for the U.S. Pork Industry

National Pork Producers Council
122 C Street NW, Suite 875
Washington, DC 20001

January 17, 2025
Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Avenue SW
Mailstop 3758
Room 6065
Washington, DC 20250-3700

RE: *Salmonella* Framework for Raw Poultry Products – Proposed Rule (**Docket. No. FSIS-2023-0028**)

Dear Dr. Eblen,

The National Pork Producers Council (NPPC) appreciates the opportunity to submit comments on the *Salmonella* Framework for Raw Poultry Products. NPPC is the global voice for the U.S. pork industry and consists of 43 affiliated state organizations representing America's 66,000 pork producers who supply a demonstrably safe, wholesome, and nutritious product appreciated on American and international tables.

NPPC's members believe in producing a safe protein that will feed this country and the world. Consumer health and safety is at the forefront of our industry practices. Although this proposed rule is focused on raw poultry products, NPPC acknowledges the importance of food safety and taking a scientific approach to protect our nation's food supply. *Salmonella* control and reduction continues to be a high priority in our industry. Producers and processors implement intervention strategies and are always looking for continuous improvement to address any concerns with *Salmonella*. NPPC appreciates the collaborative efforts between the Food Safety and Inspection Service (FSIS) and industry to address *Salmonella*. Though the proposed framework is well intended to address *Salmonella*, there are some concerns on the scientific validity, as well as the practicality of reaching the goal of protecting public health.

Proposed Final Product Standards

NPPC supports a science-based approach, backed by data from an accurate risk assessment. However, the risk assessment in the proposed rule has many flaws and legal vulnerabilities. Unfortunately, in component three, certain *Salmonella* levels and serotypes are classified as adulterants. This

classification in raw poultry products is not backed by scientific support and leads to concern with insufficient regulatory precedent. Furthermore, there are more effective means to reach the intended goal of reduced illnesses. Risk-based performance standards will incentivize establishments to evaluate their status by conducting *Salmonella* quantification testing. While an adulterated determination can result in unintended consequences, such as food waste of safe products, it also does not help achieve the goal of protecting public health.

In microbiological testing, only a small portion of product is tested and is not representative of all products. Instead, this testing should be used as verification. Performance standards, on the other hand, achieved the goal of reducing the prevalence of *Salmonella* in poultry products. However, this decrease did not lead to the desired public health outcome. One of the most likely contributing factors to the increase of human salmonellosis is the increase of consumption of poultry products. If the goal is to continue to reduce *Salmonella* levels in poultry, the proven strategy is performance standards.

The proposed approach in this risk assessment falls short, especially for the suggested lot sizes. The definition of the lot size is one flock for carcasses and one day of production for both parts and comminuted products. This is not feasible, as one flock could span from a portion of a day to multiple days in the establishment's production, creating an incredible challenge to hold products. This is compounded by the small sample size representing the entirety of the lot.

Legal Implications

The statutory definition of "adulterated" is defined in the Poultry Product Inspection Act (PPIA) as a poultry product, which "bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health; or; …is for any other reason unsound unhealthful, unwholesome, or otherwise unfit for human food." In this definition, if a substance is "added," it is easy to satisfy the injurious to health standard. However, if a substance occurs naturally, it is much more difficult for it to be applied to this standard. *Salmonella* occurs naturally and is not an added substance. Existing case law provided by *United States v. Anderson Seafoods, Inc.*,[1] and *United States v. Coca Cola*,[2] do not support *Salmonella* being classified as an adulterant in raw poultry products. Instead, performance standards which have been effective in reducing *Salmonella* prevalence, should be used.

Species and Pathogen Differences

Salmonella in poultry has significant differences than *Escherichia coli* O157:H7 (STEC) in beef. These differences deserve to be recognized in the proposed framework. The agency references the lessons

1. United States v. Anderson Seafoods, Inc., 447 F. Supp. 1151 (N.D. Fla. 1978)
2. United States v. Coca Cola, 265. 241 U.S. (1916)

learned from the approach to STEC in beef and appears to base much of their argument on this pathogen and species. However, there are major differences between species and pathogens. Cattle and poultry have different biology and pathophysiology that contribute to differences in how pathogens reside in the animals and affect the animals. One major difference is that cattle are carriers of STEC on their hide and in their gastrointestinal tract (GI), while poultry can become sick from *Salmonella* as well as be carriers. In fact, the USDA's National Poultry Improvement Program (NPIP) was developed to address *Salmonella* in poultry. *Salmonella* can be carried in GI track and on the exterior of the bird as well as transmitted to eggs. Because of these differences, the approaches for slaughter are species specific. For example, the hide is removed from cattle carcasses, while poultry are defeathered and scalded. Other key differences in the harvest process are that cattle are slaughtered at a rate of carcasses per hour, while poultry are birds per minute. Cattle are then chilled in coolers and fabricated a day or more after slaughter, while poultry are continuously chilled on the line and directly processed.

Salmonella Pathogenicity

There are multiple factors that contribute to *Salmonella* pathogenicity that should be considered. The risk assessment in the proposal is flawed because it uses serovars to address virulence. However, pathogenicity is determined by more factors than just a serovar. Product risk, handling, preparation, and infectious dose all play a role. The agency instead claims that an average consumer is incapable of properly preparing, handling, and storing raw poultry products, citing examples such as the lack of using a thermometer or washing hands during preparation. Although many consumers may not use a thermometer, they also do not intentionally undercook poultry, as many would with ground beef. Chefs and consumers know that poultry must be thoroughly cooked, as proper cooking renders poultry safe. This is an important distinction, as *Salmonella* would not ordinarily render the products injurious to health, and therefore, it does not meet the standard of an adulterant in raw poultry products.

Salmonella Quantification Technology

In the proposed framework, FSIS uses colony forming unit (CFU) to quantify *Salmonella*. The chosen rapid *Salmonella* quantification method by FSIS does not provide a CFU, and instead, provides only an estimate of the concentration of *Salmonella*. This technology is not appropriate, as this specific test cannot determine the CFU level and does not meet the requirements in the proposed adulterant standard. This technology is often inaccurate and has both false positive and false negative results. The proposed rule determines a product adulterated if it contains a specific *Salmonella* serovar at or above 10 CFU/g or ml.[3] However, the selected technology will not be able to accurately determine the CFU, undermining a science-based approach to improve food safety and public health.

3. Schmidt, J. W., Carlson, A., Bosilevac, J. M., Harhay, D., Arthur, T. M., Brown, T., ... & Vipham, J. L. (2024). Evaluation of Methods for Identifying Poultry Wing Rinses With Salmonella Concentrations Greater Than or Equal to 10 CFU/mL. *Journal of Food Protection*, *87*(11), 100362.

National Pork Producers Council®

The Global Voice for the U.S. Pork Industry

Salmonella Testing Timeline

The proposed *Salmonella* testing timeline is impractical and will lead to supply chain and food security issues. As written, the results from sampling for *Salmonella* would take 2-14 days. Even a best-case scenario of results in two days would compromise product shelf-life, as product will be held pending results. Product that is held will disrupt the supply chain, as well as deliver a product with a very limited shelf-life, potentially leading to it being destroyed, as it will not meet customer requirements. Furthermore, adding the requirement for serotyping results would set the timeline at least 14 days, causing product to spoil in storage. Currently, there are no available rapid serotyping technologies that can be used. Another unintended consequence is the potential for vaccine-strain positives to be found in the final product. Although FSIS has said it will exclude vaccine strains, the lengthy time to receive results could inadvertently cause a decrease in vaccine programs. As currently written, the proposed rule could lead to a massive number of products being held, as establishments wait for results. This will lead to product loss, higher costs for consumers, and food insecurity.

Preharvest Measures

A variety of preharvest measures are taken to help improve food safety outcomes; however, *Salmonella* is a challenging pathogen. Although logical to assume that lowering *Salmonella* levels in the animals received yields less *Salmonella* in establishments, this is not the case with *Salmonella*, as it is a complex bacterium. Preharvest tools – such as vaccines, biosecurity, and feed mitigations – can help at the farm level, but they can yield inconsistent results that would impact *Salmonella* levels in establishments. Other factors that can affect *Salmonella* levels include animal stress during transport and receiving at the establishment and comingling with other animals in lairage. Furthermore, the *Salmonella* serotypes found on farms do not always correlate with the serotypes found in establishments. Because of these factors, it is unsound to require establishments to characterize *Salmonella* as a hazard reasonably likely to occur at receiving. Instead, there must be more research to fully understand *Salmonella* preharvest interventions that could make meaningful impacts on food safety outcomes.

Conclusion

NPPC appreciates the opportunity to comment on the *Salmonella* Framework for Raw Poultry Products and appreciates FSIS's continued commitment to food safety and public health. Although the proposed framework intends to reduce *Salmonella*-related illnesses, there must be alignment on regulatory standards, which must be driven by a science-based approach. NPPC recommends the use of performance standards to continue to reduce *Salmonella*, while maintaining science-based practices

and avoiding food security issues. NPPC looks forward to continued collaboration with FSIS and industry to enhance food safety and protect public health.

Sincerely,

Dr. Ashley Johnson
Director of Food Policy
National Pork Producers Council