Consumer Federation of America

September 12, 2011

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
Room 2-2127
George Washington Carver Center
5601 Sunnyside Avenue
Beltsville, MD 20705

Re: Docket No. FSIS-2008-0008

To Whom It May Concern:

The Consumer Federation of America (CFA) appreciates the opportunity to comment on the notice from the Food Safety and Inspection Service (FSIS) on the Salmonella Verification Sampling Program (Docket No. FSIS-2008-0008). CFA is an association of nearly 300 organizations that was established in 1968 to advance the consumer interest through research, education and advocacy. Member organizations include local, state, and national consumer advocacy groups, senior citizen associations, consumer cooperatives, trade unions and food safety organizations. CFA's Food Policy Institute was created in 1999 and engages in research, education and advocacy on food and agricultural policy, agricultural biotechnology, food safety and nutrition.

Waivers under SIP

Establishments participating in the Salmonella Initiative Program (SIP) are granted waivers of certain regulatory requirements under the condition that the establishments test for Salmonella, Campylobacter and generic E. coli or other indicator organisms and share all sample results with FSIS. CFA agrees that all establishments currently operating under regulatory waivers, including those operating under HIMP, should be required to participate in SIP or have its waiver revoked. In order to provide the public with a clear and transparent understanding of SIP, FSIS should make information about establishments participating in SIP publicly available on its website. This information should include: the number of establishments participating, the name, location and establishment number of each establishment, whether those establishments are slaughter or processing establishments, and the types of waivers granted to those establishments. If the agency does not agree that publishing the name and establishment number of each establishment is appropriate, the agency should at least provide this information in aggregated form.

FSIS indicates in the notice that a SIP establishment will not be suspend or lose its waiver solely because of its Salmonella testing results. FSIS states that "in the event of an establishment

exceeding the Salmonella standard in its own testing, the establishment must investigate whether the waiver conditions in the establishment's process contributed to, or caused, the lack of process control" and then must document the findings and corrective actions taken, and increase its sampling frequency until the current standard is regained.[1] However, the agency provides no information about what it would take for a SIP establishment to have its waiver revoked. Consumers do not expect that establishments should be able to routinely exceed Salmonella standards and maintain the opportunity to waive regulatory requirements. FSIS should specify the circumstances or conditions (such as repeated failures to maintain process control) under which the agency would revoke a participating establishment's waiver and outline a protocol for the revocation of the waiver. In addition, SIP establishments that are linked to foodborne illness outbreaks should have their waivers revoked and be forced to reapply after demonstrating that they can maintain process control for a period of time.

FSIS states that the agency has decided to allow all establishments to participate in the SIP program, including those establishments slaughtering classes of poultry other than young chickens and turkeys. The agency states that it will allow those establishments to collect Salmonella data to determine an establishment-specific baseline that will be used to demonstrate continuous process control. FSIS should require those establishments to collect this baseline data to a frequency and protocol established by the agency. In addition, waivers for those establishments should not go into effect until after the establishment has developed this baseline data and FSIS has an opportunity to review it.

FSIS noted that it would select no more than five establishments to receive waivers of regulations restricting line speeds. CFA agrees with the agency that the evaluation of the effects of line speed on food safety should also include the effects of line speed on worker safety and strongly supports the agency's decision to cooperate with the National Institute for Occupational Safety and Health (NIOSH) to evaluate the effects of line speed as part of the SIP waiver program. FSIS should assure that an establishment granted line speed waivers cooperates with NIOSH and should revoke the establishment's waiver if it does not.

Testing under SIP

Establishments that participate in SIP agree to share food safety data with FSIS as a condition of maintaining the waiver. FSIS indicates in the notice that it will publish aggregated forms of this data on a quarterly basis. FSIS should publish this aggregated information and provide analysis of the overall effects of the waivers. But FSIS should also consider publishing the individual establishment test results in order to provide a more thorough understanding of how specific waivers may be impacting food safety in particular establishments.

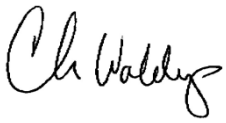
In the notice, FSIS says that the agency is considering reducing the frequency of testing for those plants that meet the Salmonella performance standard for at least six months and can maintain that level of process control with increased testing. FSIS provide no data showing why six months is an appropriate timeframe to determine that a plant has sufficiently met the Salmonella performance standard so as to be able to reduce the frequency of the SIP testing requirement. This is particularly important because FSIS does not conduct Salmonella verification sets every six months. FSIS should provide a rationale as to why the agency chose six months as the

[1] Federal Register. Vol. 76, No. 134, pg. 41188. July 13, 2011.

timeframe. If the agency cannot provide a reasonable rationale, that it should reconsider this decision. Similarly, FSIS provides no detail as to what frequency of testing the agency would require for small and very small establishments that participate in SIP. Such details are necessary to assure the public that revised testing requirements would still be sufficient to verify that a plant was maintaining process control. Further, FSIS should specify the circumstances under which a plant which is conducting a reduced frequency of testing would be required to return to daily testing.

We appreciate the opportunity to submit these comments.

Sincerely,



Chris Waldrop
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