



Consumer Federation of America

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Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, SW
Room 102 Cotton Annex
Washington, DC 20250

RE: Docket No: 04-026N

Consumer Federation of America Comments on FSIS Notice regarding Salmonella Verification Sample Result Reporting

The Consumer Federation of America (CFA) appreciates the opportunity to comment on the Food Safety and Inspection Service's (FSIS) notice regarding the Agency's Salmonella verification sample result reporting. CFA is a nonprofit association of 300 consumer groups, representing more than 50 million Americans, that was established in 1968 to advance the consumer interest through research, education and advocacy.

CFA is supportive of FSIS' efforts to control Salmonella in poultry. The Centers for Disease Control and Prevention (CDC) has estimated that there are 1.4 million nontyphoidal Salmonella infections, resulting in 168,000 visits to physicians, 15,000 hospitalizations and 580 deaths annually.¹ According to the CDC, while Salmonella incidence has decreased overall from a baseline period of 1996-1998, that decrease has been minimal. Only *S. Typhimurium* incidence decreased significantly. Incidence of *S. Enteritidis*, *S. Heidelberg* and *S. Javiana* showed marked increases and incidence of *S. Newport* did not change considerably.² With 14.55 cases of Salmonella infections per 100,000 people in 2005, the U.S. Healthy People 2010 objective of 6.8 cases per 100,000 people remains well out of reach.

¹ Voetsch, Andrew C., et.al. "FoodNet Estimate of the Burden of Illness Caused By Nontyphoidal Salmonella Infections in the United States." *Clinical Infections Diseases* 2004: 38, (Suppl 3), pp. S127-S134. <http://www.cdc.gov/foodnet/pub/CID/voetscha1.pdf>.

² Centers for Disease Control and Prevention. "Preliminary FoodNet Data on the Incidence of Infection with Pathogens Transmitted Commonly Through Food – 10 Sites, United States, 2004." *Weekly Morbidity and Mortality Report*, April 15, 2005 / 54(14); 352-356. <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5414a2.htm#fig2>.

The CDC also reported that *E.coli* O157:H7 incidence of illness in the United States has decreased dramatically since the 1996-1998 baseline period.³ Part of that decrease can be attributed to dedicated industry efforts and government interventions to reduce the prevalence of this pathogen in meat and poultry products. However, similar widespread and comprehensive efforts have so far not been applied to increasing incidence rates of Salmonella.

FSIS' notice of Salmonella Verification Sample Result Reporting is a first step in an important effort to control Salmonella in poultry products and decrease the incidence of Salmonella illnesses in the United States. CFA applauds FSIS for recognizing the importance of controlling Salmonella in poultry and encourages the Agency to commit further energy and resources to this effort.

Key Points

CFA agrees with the Agency's decision to inform meat and poultry establishments of Salmonella verification sample test results as soon as they become available. Such timely information will be useful to the establishments in determining the effectiveness of its process controls for Salmonella. CFA also agrees with the Agency's decision to begin conducting samples in establishments slaughtering young turkeys. This action is long overdue and CFA is pleased that FSIS is undertaking this sampling process.

CFA appreciates that FSIS intends to post quarterly nationwide Salmonella data by product class on the Agency website. FSIS states that posting this data "will provide consumers with more timely, meaningful information about overall industry performance in protecting public health." However, FSIS' intention of posting data by product class will only reveal how the industry is doing as a whole within each class. This information is of little value to the consumer faced with choosing among products in the store. It will not allow consumers to determine which plants are effectively controlling Salmonella and which plants are not. In contrast, the publication of Salmonella data by plant would not only serve to protect the public health by providing the public with the resources to make an educated decision about the poultry they purchase, but would also serve as a market incentive for plants to ensure superior process controls so as not to be recognized publicly as a poor-performing plant.

FSIS states in its Federal Register notice that the Agency will monitor Salmonella percent positives in verification samples for a period of one year and that, depending on the results over that time period, will then consider other actions to ensure that establishments control Salmonella levels. One such action suggested by the Agency is posting the results of completed Salmonella sample sets for each establishment,

³ Centers for Disease Control and Prevention. "Preliminary FoodNet Data on the Incidence of Infection with Pathogens Transmitted Commonly Through Food – 10 Sites, United States, 2004." Weekly Morbidity and Mortality Report, April 15, 2005 / 54(14); 352-356.
<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5414a2.htm#fig2>.

“identified by establishment name and number.” CFA believes there is no reason, other than the continuing undue influence of the meat and poultry industry over what is supposed to be USDA’s public health responsibilities, that should prohibit the Agency from posting the data immediately.

In addition, FSIS does not say how it will determine whether additional action is necessary or whether the public information option will be the one it pursues. Given the fact that the Agency has already backed off the most appropriate action – immediately making information available to the public – what reason is there to believe that any effective action will be taken a year from now? Since FSIS has declined to implement such an effective solution, the Agency has lost an important tool to apply regulatory pressure to the industry, a fact the industry understands well. Why should the industry now feel any regulatory pressure to improve? If the Agency were to provide to the public Salmonella sample sets for each establishment at the outset of this process, the threat of public scrutiny would serve as a highly useful incentive for establishments to control Salmonella levels.

FSIS references a study by USDA’s Economic Research Service (ERS) as an example of how the provision of information could act as an incentive for consistently controlling Salmonella within the meat and poultry industry. FSIS seems to be exploring this idea in the context of information provision within the industry so that processors would know the level of food safety innovation of the slaughterhouse from which they are purchasing product. While making information about food safety innovation available within the industry might encourage industry leaders to base purchasing decisions on success in controlling Salmonella, this action does not give consumers the ability to practice self-defense and reward excellent programs by purchasing from those companies who have in fact controlled Salmonella. Therefore, the same concept should be extended to making information publicly available to consumers by posting Salmonella performance data of individual establishments. If the end users (consumers) are provided with this data and can make decisions accordingly, such action would serve as an additional incentive for the industry to control Salmonella.

The same ERS study demonstrates the importance of providing the public information about food safety. It noted that the 1993 outbreak of *E.coli* O157:H7 and subsequent recalls served as a catalyst for the meat industry to focus on reducing the level of that pathogen in its products. The recalls, or threat of recalls, were particularly effective in encouraging plants to improve their process controls for *E.coli*. In the case of Salmonella, FSIS does not have the authority to mandate a recall of meat and poultry products contaminated with Salmonella, nor does it have the authority to shut down a plant which has consistently failed to meet its own HACCP standards for the pathogen. The distinct lack of these express authorities keeps the risk of foodborne illness higher than necessary. The failure to reduce Salmonella-related illnesses and the success in reducing *E. coli* O157:H7-related illnesses shows that a free flow of information may help correct a basic market failure.

Consequently, at the very least, the Agency should provide the public with the names of the plants and their sampling data so the public can make an educated decision about which companies to solicit. This is well within FSIS' authority and to not do so is to allow the public to remain at risk. If the agency does not have the authority to control Salmonella via mandatory recalls or shutting down filthy plants, then FSIS should at least acknowledge that the public has a right to know the level of food safety being achieved by the plants producing their food and the Agency should provide the public with that information.

Respectfully submitted,

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