October 29, 2019

Dr. Mindy M. Brashears  
Deputy Under Secretary for Food Safety  
Food Safety and Inspection Service  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Mailstop 3758, Room 6065  
Washington, DC 20250-3700

RE: Docket No. FSIS–2018–0044: Notice and Request for Comments on Changes to the Campylobacter Verification Testing Program: Revised Performance Standards for Campylobacter in Not-Ready-To-Eat Comminuted Chicken and Turkey and Related Agency Procedures

Dear Deputy Under Secretary Brashears:

The undersigned members of the Safe Food Coalition appreciate the opportunity to submit comments on the Food Safety and Inspection Service’s (FSIS’s) proposal to revise the performance standards for Campylobacter in Not-Ready-To-Eat Comminuted Chicken and Turkey (“ground poultry products”). In August of 2018, we wrote to Secretary Perdue to express our concern regarding FSIS’s decision to suspend testing for Campylobacter against the existing performance standards, and to recommend that the agency act expeditiously to develop and implement effective testing and performance standards for Campylobacter in poultry. We write now to urge the agency to finalize the proposed performance standards for ground poultry products, and to begin sharing with the public which establishments are not meeting the standards, as soon as possible.

Unlike with poultry parts and carcasses, no unforeseen circumstance justifies the suspension of Campylobacter performance standards for ground products. As FSIS explained last year, changes in sampling methodology, designed to better detect Salmonella in verification testing, had the unintended effect of significantly reducing the sensitivity of the agency’s testing for Campylobacter contamination in poultry carcasses and parts. In ground poultry products, however, this sampling methodology change did not apply. So while relatively few poultry producers fell short of the performance standards for parts and whole carcasses after FSIS changed its sampling methodology, the same was not true for ground product. Fully one-third of producers were “failing” the standards for ground poultry products.
last year. FSIS nevertheless suspended those standards, and postponed plans to disclose establishment specific compliance data, pending the implementation of these new standards.

Performance standards serve, and should continue to serve, an important role in triggering more rigorous inspection, such as Public Health Risk Evaluations (PHREs) and Food Safety Assessments (FSAs). In addition to PHRE’s and FSA’s, the disclosure of compliance data creates important financial incentives for companies. USDA’s Economic Research Service (ERS) has shown that web-posting compliance with Salmonella performance standards has contributed to important reductions in contamination, by letting “buyers determine the appropriate level of food safety and costs,” while avoiding “costly regulatory oversight and labor devoted to compliance.”

Yet despite finalizing performance standards for Campylobacter in February of 2016, the agency never posted any establishment specific data on compliance with those standards before it announced last year that it was abandoning them. As a result, buyers have not able to differentiate companies with effective pathogen reduction strategies from the one-third of ground poultry establishments failing to meet the Campylobacter standards.

This delay in providing much needed food safety information to the market is adversely affecting public health. According to the Centers for Disease Control and Prevention, Campylobacter causes more illness than any other foodborne pathogen, an estimated 1.3 million cases each year in the United States. Many of these patients develop life-threatening bloodstream infections, long-term consequences including irritable bowel syndrome and arthritis, or even paralysis. Chicken is estimated to cause 47.9% of foodborne Campylobacter illnesses, and turkey 9.8%, based on multi-year outbreak data. However, illness caused by Campylobacter is rarely part of a recognized outbreak. As a result, food producers associated with these infections often remain unaware, and unaccountable. Without effective agency action, the problem could get worse. In 2017, not only did Campylobacter cause more documented illnesses than any other foodborne pathogen, the incidence of infections from Campylobacter rose 10%, as compared to 2014-2016.

Now is no time for further delay. FSIS should not attempt to further refine these standards before implementing them. The agency should not wait until it develops Campylobacter performance standards for parts and carcasses before implementing them. Nor should it wait any longer than the time required to collect a minimum number of samples before it begins categorizing establishments, and web-posting category ratings to its website. Given the history of this rulemaking, and the absence of any performance standards for Campylobacter in poultry, FSIS should move expeditiously to finalize these standards. If further refinements are warranted, the agency can explore those with a standard in place. The agency should further begin posting category ratings within eleven weeks after it finalizes these standards and begins verification testing.

---

2 https://www.cdc.gov/campylobacter/index.html
Thank you for your consideration of these comments.

Sincerely,

Center for Foodborne Illness Research & Prevention
Consumer Federation of America
Consumer Reports
Food & Water Watch
Government Accountability Project