

SAFE FOOD COALITION

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The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
The Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
The Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
The Capitol
Washington, DC 20515

The Honorable Charles Schumer
Minority Leader
U.S. Senate
The Capitol
Washington, DC 20510

May 15, 2020

Re: Foodborne Illness Risk from Meat and Poultry Inspection Deregulation

Dear Speaker Pelosi, Majority Leader McConnell, Minority Leader McCarthy and Minority Leader Schumer:

The undersigned members of the Safe Food Coalition (SFC) write to urge you to vote against legislation that would lift prohibitions on the interstate sale of meat and poultry from state inspected facilities, and allow commercial sales from uninspected “custom” slaughter facilities, as an amendment to a fourth coronavirus relief package. Two proposals in particular—the New Markets for State-Inspected Meat and Poultry Act of 2019, S.1720, and the Processing Revival and Intrastate Meat Exemption “PRIME” Act—would critically undermine food safety. At the same time, these laws would do little to address the anticompetitive market conditions that are at the heart of recent supply chain disruptions in the meat industry.

In 2018, members of the SFC wrote to the leaders of the Senate Agriculture Committee to oppose the New Markets for State-Inspected Meat and Poultry Act of 2018, S.2814, as an amendment to the Farm Bill.¹ Portrayed as an effort to stimulate new small businesses, that legislation would have operated to harm many such enterprises by undercutting investments in food safety and increasing the burden of foodborne illness on American consumers. Most significantly, S.2814 would have substituted uneven state inspection standards and enforcement for USDA’s meat and poultry inspection program.

¹ See Safe Food Coalition Letter to Sen.’s Stabenow and Roberts re S. 2814 (June 13, 2018) *available at*: <https://consumerfed.org/testimonial/safe-food-coalition-opposes-new-markets-for-state-inspected-meat-and-poultry-act-of-2018/>

Fortunately, congressional leaders kept it out of the Farm Bill. However, this misguided legislation has recently commanded new attention.²

The proponents of S.1720 now suggest that passing the law will help to alleviate the shortage in beef and pork processing capacity that has resulted from the closure of dozens of large meatpacking establishments with COVID-19 infection clusters among their workers. In a recent letter, the bill's proponents cite statistics indicating that beef, pork and poultry production is down by double-digit percentages.³ Notably, meat and poultry exports, particularly to China, have soared during this same time period.⁴ Regardless, what S.1720's proponents fail to mention is that the capacity of state-inspected slaughter facilities is negligible compared to the massive federally inspected facilities that have closed. Overall, federally inspected facilities produce 98.9% of red meat sold in the United States.⁵ Allowing interstate sales from state-inspected slaughterhouses therefore will have no significant impact on the "backlogs" of animals planned for slaughter.

More importantly, as SFC members explained in the 2018 letter, allowing interstate sales of meat and poultry from state inspected plants would expose consumers to increased foodborne illness risk. State meat and poultry inspection programs are not actually "equal" to federal inspection, with arguably the exception of six states from which USDA already allows state inspected processors to ship across state lines through the Cooperative Interstate Shipment (CIS) program. Moreover, no state has authority to require a recall of adulterated food that has been inspected in a different jurisdiction, or to bar the sale of meat and poultry inspected by state programs with questionable safety records. S.1720 would therefore increase the risk that adulterated meat and poultry will be sold and consumed. It would also create unfair competition for processors, including very small ones, who have invested in meeting federal inspection requirements, it would undermine public confidence in the safety of the food supply because consumers would not be assured of federal inspection, and it would undermine confidence in the government because none of these issues has been the subject of hearings in either house of Congress.

The PRIME Act has similarly evaded serious scrutiny up to now. The bill would allow meat and poultry from an *uninspected* "custom slaughter facility" to be sold to consumers at "restaurants, hotels, boarding houses, grocery stores, or other establishments located" within the state's borders. There is no size limitation on the facilities that might avail themselves of this exemption, nor any prescriptions for states regarding how, or whether, they regulate these "custom" establishments before their products are unleashed on unwitting consumers. Under current law, the custom slaughter exemption, which the PRIME Act would "amend," does not allow product from these facilities to enter into commerce. They are "exclusively for use by [the animal owner] and members of his household and his nonpaying guests and employees." 21 U.S.C. 623(a). The PRIME Act would be a dramatic departure from long-established food safety protections.

The COVID-19 pandemic has exposed vulnerabilities in our food system, and nowhere is this more apparent than in our meat and poultry slaughterhouses, where decades of industry consolidation

² See, e.g. <https://www.rounds.senate.gov/newsroom/press-releases/rounds-king-lead-colleagues-in-letter-to-senate-leaders-urging-inclusion-of-new-markets-for-state-inspected-meat-and-poultry-act-in-next-covid-19-relief-bill>

³ *Id.*

⁴ <https://www.reuters.com/article/us-usa-pork-braun/us-faces-meat-shortage-while-its-pork-exports-to-china-soar-braun-idUSKBN22H2Q6>

⁵ See USDA National Agricultural Statistics Service "Livestock Slaughter, 2018 Summary," p.7 (April 2019), available at: <https://downloads.usda.library.cornell.edu/usda-esmis/files/r207tp32d/8336h934w/hq37vx004/lsslan19.pdf>

has concentrated workers into large, crowded establishments where disease can spread swiftly, shutting down large segments of the food supply overnight. Yet Congress must not address these shortcomings by undoing the vital inspection safeguards that ensure the safety of our food. Rather than undermine federal inspection requirements, we urge Congress to work with USDA and state authorities to extend and strengthen the existing Cooperative Interstate Shipment (CIS) program, laying the groundwork to support and enhance local and regional supply chains while also ensuring food safety standards are met.

We respectfully urge you to consider these issues, and to maintain food safety protections for meat and poultry shipped in interstate commerce and otherwise sold to consumers.

Sincerely,

Center for Food Safety

Center for Science in the Public Interest

Consumer Federation of America

Consumer Reports

Food & Water Watch

National Consumers League