

SAFE FOOD COALITION

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The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, D.C., 20250

Emilio Esteban
Under Secretary for Food Safety
Food Safety and Inspection Service
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, D.C., 20250

October 7, 2024

Re: Boar's Head Listeria Outbreak

Dear Secretary Vilsack and Under Secretary Esteban:

The undersigned members of the Safe Food Coalition write to urge you to act with transparency and rigor in examining the failures that led to the recent *Listeria monocytogenes* outbreak linked to deli meat produced at the Boar's Head Provisions Company, Inc. Jarratt, Virginia establishment, which has so far caused 10 deaths and 59 hospitalizations across 19 states.¹ We write to request specifically that the Food Safety and Inspection Service (FSIS) make publicly available the agency's review of the company policies and procedures that may have contributed to the tragedy, and to include in that review the elements outlined below.

The records made available so far describe shockingly unsanitary conditions at the Boar's Head plant that persisted for years after inspectors identified the plant as an "imminent threat" to public health.² Restoring consumer trust in food safety inspection will not come easily, but it must start with a frank and public assessment of what went wrong and how the agency plans to prevent similar outbreaks from recurring. Transparency is critical to ensuring that reforms at FSIS are responsive to the failures that occurred at the Boar's Head Jarratt establishment, and that a broader stakeholder group, including food manufacturers and other food safety regulatory agencies, learns how to avoid similar tragedies.

In a recent stakeholder meeting with FSIS officials including Under Secretary Esteban, we discussed the agency's policies to mitigate *Listeria* risk and the Boar's Head *Listeria* outbreak extensively. During that meeting, Under Secretary Esteban noted that the agency is conducting a "top-to-bottom" review of how the agency handled the events leading up to the outbreak. We welcome that review and urge you to publish it in a report that includes:

¹ <https://www.cdc.gov/listeria/outbreaks/delimeats-7-24.html>

² <https://www.nytimes.com/2024/09/10/health/boars-head-deli-meat-listeria.html>

A comprehensive review of the Boar's Head Jarratt, Virginia establishment's sanitation practices, including an analysis of which practices, or lack thereof, most likely contributed to potential for *Listeria* contamination.

- A review of the Virginia Boar's Head establishment's testing procedures, including the full details of testing performed over the past two years, reporting the sampling location, type of organism, and results of testing performed. The report should also include any deficiencies in those testing procedures or the actions taken in response to positive test results.
- Full publication of the 2022 Food Safety Assessment conducted at the Jarratt establishment and FSIS's review of why it took no enforcement action after FSIS inspectors determined that the Boar's Head plant posed an "imminent threat" to public health. This should include a description of the process leading to the decisions not to take enforcement actions, and identify the role(s) and title(s) of the FSIS official(s) responsible for making those enforcement decisions despite the "imminent threat" finding.
- A summary of any steps FSIS has taken to review non-compliance reports at Boar's Head and other RTE establishments since the start of the Boar's Head outbreak, as well as a summary of the issues identified from this review and any additional enforcement action taken as a result of such review.
- A comparison of the compliance issues in other Boar's Head establishments and other RTE establishments with noncompliance issues found in the Jarratt establishment, and analysis of the extent to which conditions in the Jarratt establishment were unusual or typical for the industry.
- The extent to which the outbreak indicates deficiencies in the regulatory requirements for establishments choosing to control for *Listeria monocytogenes* pursuant to "Listeria Control Alternative 3" under FSIS Directive 10,240.4 ("*Listeria* Rule Verification Activities") and whether additional measures are needed to control the risk of *Listeria monocytogenes* in RTE products.
- FSIS's plans to improve its practices and regulatory requirements, including:
 - Changes in its state inspection program and communication between state inspectors and FSIS management;
 - Changes in FSIS staffing and procedures for identifying serious, recurring non-compliance issues and escalated to enforcement;
 - Changes to FSIS testing practices, including enhanced testing for higher-risk production practices;
 - Changes to the *Listeria* regulations, including stricter hygiene, verification, and labeling measures for establishments operating under "Alternative 3" of the agency's *Listeria* Rule Verification Activities Directive; and
 - Recommendations for consumers and retailers to mitigate *Listeria* risk.

Consumers deserve a full, public accounting of the events that led to this outbreak, and more importantly, how USDA and the industry will prevent those same mistakes from happening again in the future. We therefore urge the agency to publish a comprehensive and timely accounting of how conditions in the Jarratt establishment were allowed to deteriorate as they did despite the daily presence of inspectors.

Thank you for consideration of these requests. If you have questions please contact Thomas Gremillion, Director of Food Policy at Consumer Federation of America, by phone: 202-939-1010 or email: tgremillion@consumerfed.org.

Sincerely,

Center for Food Safety
Center for Science in the Public Interest
Consumer Federation of America
Consumer Reports
Food & Water Watch
Government Accountability Project
Institute for Food Safety and Nutrition Security, The George Washington University
Stop Foodborne Illness