



January 17, 2025

Dr. Emilio Esteban
Under Secretary for Food Safety
U.S. Department of Agriculture
1400 Independence Ave SW
Washington, DC 20250

Re: Proposed determination that raw chicken carcasses, chicken parts, comminuted chicken, and comminuted turkey products contaminated with certain *Salmonella* levels and serotypes are adulterated within the meaning of the Poultry Products Inspection Act (Docket No. FSIS-2023-0028)

Dear Dr. Esteban,

Consumer Federation of America appreciates the opportunity to submit these comments on the above-referenced rule of the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS). As noted in our joint comments with other members of the Safe Food Coalition, we applaud FSIS for undertaking this important reform to limit the presence of dangerous *Salmonella* in poultry, anchored to enforceable finished product standards, and also encourage the agency to consider more comprehensive standards that prohibit poultry contaminated with harmful levels of *Salmonella* species generally, and to expand the list of targeted *Salmonella* serotypes. CFA writes separately here to ask the agency to reconsider its approach to on-farm, "pre-harvest" interventions to control *Salmonella*.

Final product standards, particularly those targeting specified "high virulence" serotypes, will create important incentives for food safety interventions on-farm. However, FSIS has ample authority to reinforce these incentives, in particular by requiring establishments to undertake supplier verification controls for *Salmonella* and to test live birds at receiving for "high virulence" serotypes to validate preharvest controls. Doing so would address a key market failure, whereby monopoly conditions are allowed to create shortages of poultry breeding stock free of dangerous *Salmonella*.

Just two companies, Aviagen and Cobb-Vantress, a wholly owned subsidiary of Tyson Foods, "have utterly dominated" the poultry breeding industry, together accounting for a "whopping 99% all poultry products



consumed in America,” according to a 2020 analysis.¹ These two companies supply all of the breeding stock to the otherwise vertically integrated chicken processing companies, or “integrators,” the largest 10 of which accounted for 79 percent of the chicken produced in the United States in 2015.² An integrator that wishes to reduce *Salmonella* risk to its customers by minimizing vertical contamination from breeder flocks is at the mercy of this poultry breeder duopoly.

Aviagen and Cobb-Vantress also dominate the European market, but regulations there have aimed to control dangerous *Salmonella* in live poultry and hold the companies accountable. As CFA pointed out in its 2018 report *Taking Salmonella Seriously*, European Union wide initiatives to reduce the prevalence of certain dangerous *Salmonella* serotypes within poultry breeding flocks are credited with a steep reduction in salmonellosis cases, a reduction that contrasts dramatically with stagnant U.S. illness rates.³ The rate of reported *Salmonella* infections in the E.U. has continued to drop since 2018, from an estimated 21 cases per 100,000 in 2018 to 15.5 cases in 2022, the last year for which estimates are available.⁴ Some E.U. countries have even stricter requirements for poultry breeders. In Sweden, for example, detection of any *Salmonella* serotype requires the breeding flock to be depopulated.⁵

In the U.S., since the early 1930s, the federal government has worked with industry and state governments within the National Poultry Improvement Plan (NPIP) to certify that live poultry does not harbor certain *Salmonella* and other pathogens, such as avian influenza.⁶ But the NPIP seeks to protect bird health, not human health. So while many states use the NPIP to certify that fowl moving across the state lines do not have, for example,

¹ Akilian, H. (2020, August 17). *New player eyeing to break in the U.S broiler duopoly with improved breed*. aviNews. <https://avinews.com/en/new-player-eyeing-to-break-in-the-us-broiler-duopoly-with-improved-breed/>

² Gary Thornton, “Top 10 US chicken producers grow in new directions,” <https://www.wattagnet.com/articles/25893-top--us-chicken-producers-grow-in-new-directions>

³ Gremillion, T. (2018, November 27). *Taking Salmonella Seriously: Policies to Protect Public Health under Current Law*. Consumer Federation of America. <https://consumerfed.org/wp-content/uploads/2018/11/taking-salmonella-seriously-policies-to-protect-public-health-under-current-law.pdf>

⁴ See Annual Report, p. 3 available at: <https://www.ecdc.europa.eu/en/publications-data/salmonellosis-annual-epidemiological-report-2022>

⁵ Roberts, T., & Lindblad, J. (2018). Sweden Led Salmonella Control in Broilers: Which Countries Are Following? In T. Roberts (Ed.), *Food Safety Economics: Incentives for a Safer Food Supply* (pp. 231–249). Springer International Publishing. https://doi.org/10.1007/978-3-319-92138-9_12

⁶ *NPIP History*. National Poultry Improvement Plan. <https://www.poultryimprovement.org/index.cfm>



Salmonella Gallinarum, a pathogen that causes Fowl Typhoid, there is no analogous certification for *Salmonella* Infantis or *S. Typhimurium*, which cause illness in humans.⁷

The lack of public health regulatory oversight for the multi-billion dollar poultry breeding industry carries grave consequences for consumers. Researchers have noted that *Salmonella* contamination appears to arise “from centralized origins at the pinnacle of poultry production.”⁸ As many in the industry are fond of pointing out, there is no “kill step” in the production of raw poultry. As a result, vertically transmitted *Salmonella* bacteria from breeding stock can compromise even the most rigorous food safety program at the integrator level. Indeed, estimates cited in the proposed rule that “verification of pre-harvest strategies” could prevent between 27,000 and 55,000 annual illnesses—far exceeding the “high” estimate of 4,300 illnesses prevented by the rule as proposed—reflect this reality.⁹

Finally, regulations that address the multi-billion dollar poultry breeder duopoly’s contribution to *Salmonella* illness can reduce disruptions to small and very small poultry processors’ operations. Smaller processors have fewer resources to conduct testing and other strategies to meet *Salmonella* product standards. Given the relatively small contribution of these processors to the overall volume of poultry consumed, and thus to the overall *Salmonella* illness burden, FSIS should tailor the timing of compliance deadlines and enforcement of its rules accordingly. However, reforms to the poultry breeder market should ensure that smaller operators are at least able to start their production processes without dangerous *Salmonella* contamination.

Thank you for your consideration of these comments.

Sincerely,

Thomas Gremillion
Director of Food Policy
Consumer Federation of America

⁷ See NPIP. “Clearing Up Misconceptions.” <https://www.poultryimprovement.org/>

⁸ Li, S. et al. *supra* note 24.

⁹ *Salmonella Framework for Raw Poultry Products*. (2024, August 7). Regulations.Gov. <https://www.regulations.gov/document/FSIS-2023-0028-0007>