

SAFE FOOD COALITION

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April 20, 2026

Dr. Mindy Brashears
Under Secretary for Food Safety
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Re: Comments on Proposed Rule: Maximum Line Speed Rates for Young Chicken and Turkey Establishments Operating Under the New Poultry Inspection System (Docket No. FSIS-2025-0012)

Dear Under Secretary Brashears:

The undersigned members of the Safe Food Coalition write to oppose the above-referenced proposed rule, which would raise the maximum evisceration line speed for young chicken establishments from 140 to 175 birds per minute (bpm) and increase the maximum line speed for turkey establishments from 55 to 60 bpm with no corresponding safeguards for worker or food safety. These changes would encourage industry to operate in a manner that increases food safety risk at a time when the proportion of foodborne illnesses attributable to poultry has grown dramatically. They would take effect after FSIS has abandoned product standards for *Salmonella* in poultry that the agency spent years to develop, in response to decades of regulatory dysfunction. FSIS should not take further action to deregulate poultry processors until it has enacted enforceable, science-based standards to control dangerous *Salmonella* in poultry and the agency can assure that its actions will not exacerbate treacherous working conditions in poultry plants that undermine food safety.

Poultry processors subject consumers to unreasonable foodborne illness risk.

Contaminated poultry sickens some 1 million people in the U.S. each year, according to the Centers for Disease Control & Prevention (CDC). *Salmonella* contaminated chicken alone causes 195,634 illnesses and costs Americans \$6.9 billion each year, according to recent estimates.¹ This public health burden has changed little over the past two decades, despite revolutionary technological advances such as whole genome sequencing, which have led to dramatic reductions in illness caused by pathogens in other foods. Indeed, reported *Salmonella* infections in CDC FoodNet sites have actually increased since 1996, when FSIS issued its Hazard Analysis and Critical Control Point Systems / Pathogen Reduction (HACCP/PR) final regulation for all meat and poultry plants.² Chicken alone accounts for more *Salmonella* infections each year than any other single food category, and in recent years its contribution to illness outbreaks has grown significantly—84% since 2013, according to

¹ Scharff, R. L. (2020). Food Attribution and Economic Cost Estimates for Meat- and Poultry-Related Illnesses. *Journal of Food Protection*, 83(6), 959–967. <https://doi.org/10.4315/JFP-19-548>

² See FoodNet Fast. Centers for Disease Control and Prevention. <https://www.cdc.gov/FoodNetFast>

Interagency Food Safety Analytics Collaboration (IFSAC), which includes FSIS.³ This increase starkly contrasts with the experience in Europe, where *Salmonella* infections declined over 50% since reforms there targeted dangerous *Salmonella* serotypes, a “major success story.”⁴

Consumers deserve more protections against unsafe poultry, not less.

The U.S. poultry industry’s story of food safety failure reflects the unenforceable, poorly targeted, incomplete standards that have applied to the industry for over two decades. The 1996 HACCP regulation replaced requirements aimed at closely regulating the conditions of the slaughter process with a system that gave greater flexibility, measuring the success of sanitation controls according to their effectiveness in reducing *Salmonella* contamination on end products. Since 2001, however, the “performance standards” designed to measure those controls have merely “suggested” limits on how often an establishment’s product should test positive for *Salmonella* because, shortly after they were introduced and FSIS sought to enforce them, the industry successfully challenged the agency’s authority to require compliance with the standards in the court case of *Supreme Beef Processors, Inc. v. U.S. Dept. of Agriculture*.⁵ The industry’s legal challenge to the standards’ enforceability has left FSIS with a performance based regulatory system for which it cannot require the specified performance.

With no threat of enforcement, much of industry does not comply with the performance standards. According to recent data, 11.76%, 10.07%, 57.14%, and 36.67% of whole chicken, chicken parts, ground chicken, and ground turkey processing establishments, respectively, fall into “category 3,” those which “have exceeded the maximum allowable percent positive during the most recent completed 52-week moving window.”⁶ As a coalition of consumer groups, poultry industry experts, food-safety researchers, and current and former state and federal regulators wrote to FSIS in 2021, the “current system for regulating poultry safety is broken.”⁷ The Coalition urged FSIS to “adopt enforceable product standards” because the current *Salmonella* performance standards “are not enforceable, fail to identify the products that are highest risk, and fail to ensure food safety from farm to fork.”⁸

FSIS responded to these widespread calls for reform. Under the second Trump Administration, however, the agency has put a stop to long overdue poultry safety initiatives. It has announced its intent to abandon proposed *Salmonella* product standards for raw poultry products⁹ and

³ See 2013, 2015, 2017, 2019, and 2021 reports available at: <https://www.cdc.gov/ifsac/php/annual-reports/index.html>

⁴ European Commission. Control of Salmonella. https://food.ec.europa.eu/food-safety/biological-safety/food-borne-diseases-zoonoses/control-salmonella_en

⁵ 275 F.3d 432, 440 (5th Cir. 2001).

⁶ See Salmonella Verification Testing: March 02, 2025 through February 28, 2026. (2026, April 3). Food Safety and Inspection Service. <http://www.fsis.usda.gov/news-events/publications/salmonella-verification-testing-march-02-2025-through-february-28-2026>

⁷ The coalition for poultry safety reform welcomes the launch of a new USDA effort to reduce Salmonella illnesses associated with poultry products. (2021, October 19). Center for Science in the Public Interest. <https://www.cspi.org/news/coalition-poultry-safety-reform-welcomes-launch-new-usda-effort-reduce-salmonella-illnesses>

⁸ Coalition for Poultry Safety Reform letter to FSIS Deputy Undersecretary for Food Safety Sandra Eskin. (Feb. 2, 2022), available at: https://www.afdo.org/wp-content/uploads/2022/09/Letter-to-FSIS_-Clean_2_2_22.pdf (emphasis added).

⁹ Constituent Update. (2025, April 25). Food Safety and Inspection Service. <http://www.fsis.usda.gov/news-events/news-press-releases/constituent-update-april-25-2025>

indefinitely delayed enforcement of a final product standard for *Salmonella* in not ready-to-eat (NRTE) breaded stuffed chicken products, claiming that “current available test methods have accuracy limitations.”¹⁰ Notably, this insistence on near perfect testing absolves the agency of any need to defend its intransigence in court.

Deregulating line speeds will make poultry less safe

FSIS itself has acknowledged that “in the absence of compensating measures, increased nominal line speed is predicted to result in higher [*Salmonella*] prevalence of poultry carcasses.”¹¹ This prediction makes sense because at higher line speeds, workers face greater pressure to cut corners, which can increase risks like gut punctures that spread fecal material—and dangerous pathogens like *Salmonella*—on the end products sold to consumers.¹² FSIS inspectors also have less time to inspect each carcass for fecal contamination and other food safety violations that put consumers at risk.

FSIS inspectors who are less likely to identify such food safety violations also may be less likely to exercise their rights to report such violations either to their superiors, the USDA Inspector General, Office of Special Counsel, or Congress. Indeed, whistleblower inspectors have reported that faster line speeds may render them unable to identify fecal contamination and other types of fundamental food safety problems that FSIS must prevent under the PPIA. “Most of the time [lines] are running so fast it is impossible to see anything on the carcass,” one whistleblower FSIS inspector reported in 2018, lamenting they could not identify the very types of contamination federal laws and regulations do not allow to appear on ready-to-cook animal products.¹³

FSIS maintains that deregulating line speeds will cause “no significant increase” in *Salmonella* contamination, largely on the basis of a study whose sole author, Louis Anthony Cox, Jr., has achieved notoriety for his lack of candor. As explained in David Michael’s book *The Triumph of Doubt: Dark Money and the Science of Deception*:

Not just his science, but Cox’s integrity was called into question by the FDA following his efforts on behalf of Bayer to defend the use of an antibiotic in poultry production that the FDA believed would increase the development and spread of antibiotic-resistant campylobacter infections in humans. Taking an action that almost never occurs, in 2005, President George W. Bush’s FDA commissioner actually excluded Cox’s testimony from the

¹⁰ Delayed Verification Sampling of Not Ready-to-Eat Breaded Stuffed Chicken Products. (2025, December 2). Food Safety and Inspection Service. <http://www.fsis.usda.gov/policy/federal-register-rulemaking/federal-register-notices/delayed-verification-sampling-not-0>

¹¹ See FSIS. “Reply to Peer Review Comments for FSIS Risk Assessment for Guiding Public Health Risk-Based Poultry Slaughter Inspection,” (Dec. 27, 2012) [“2012 Peer Review”], available at: https://www.fsis.usda.gov/sites/default/files/media_file/2020-07/PSRA%20REPLY%20TO%20PEER%20BRIEFING%2012-27-12.pdf (noting that the risk assessment modeling results indicate that “in the absence of compensating measures, increased nominal line speed is predicted to result in higher [*Salmonella*] prevalence of poultry carcasses.”).

¹² Pacholewicz, E., Barus, S., Swart, A., Havelaar, A., Lipman, L. J. A., & Luning, P. (2016). Influence of food handlers’ compliance with procedures of poultry carcasses contamination: A case study concerning evisceration in broiler slaughterhouses. *Food Control*, 68. <https://doi.org/10.1016/j.foodcont.2016.04.009>

¹³ See Comments of Government Accountability Project’s Food Integrity Campaign, In RE: Docket Number: 2024-12415; RIN: 0581-AE18; 89 FR 49002, Poultry Grower Payment Systems and Capital Improvement Systems, April 30, 2018.

proceedings; the agency found that he “intentionally misquoted published articles,” and “Dr. Cox’s credibility was such that his testimony was so unreliable that it was inadmissible.”¹⁴

Given Cox’s reputation for dishonesty, FSIS’ reliance on this study alone is discrediting.

The proposed rule includes superfluous language seemingly intended to curtail FSIS inspectors’ authority.

In addition to proposing to amend 9 CFR 381.69(a) to define “maximum line speed” as the speed at which an inspector can effectively perform online carcass inspection procedures, FSIS also proposes “to clarify in 381.69(d) that the inspector in charge (IIC) may require establishments to reduce the rate of their operations at any point in the slaughter process if process control is lost or if FSIS cannot conduct effective carcass-by-carcass inspection, required by the PPIA.” However, this proposed rule does not identify any ambiguity in the existing regulatory text nor any conflicting interpretations that would necessitate clarification. Neither does this proposed rule specify what language would replace or revise the existing language in 9 CFR 381.69(d). Absent such explanation, the “clarification” label is conclusory and obscures whether FSIS is instead making a substantive change in inspection authority.

To the extent FSIS intends to centralize authority to require line speed reductions exclusively in the IIC, FSIS should explain 1) how that approach would operate where the IIC is not continuously on-site due to multi-establishment assignments, 2) identify which inspection personnel, if any, are authorized to require immediate reduction in line speed in the interim, and 3) explain how any such limitation is consistent with FSIS’s obligations under the PPIA to ensure effective inspection and prevent adulterated product from entering the stream of commerce.

Worker safety is the critical foundation for building a culture of food safety

Poultry and meatpacking workers face some of the most dangerous working conditions of any industry in the United States, with injury and illness rates far exceeding most other sectors. Indeed, the USDA funded, University of California San Francisco (UCSF) Worker Safety Study found that poultry processing plants in general subjected workers to unacceptable conditions that resulted in 40% of workers reporting “moderate to severe work-related pain during the past 12 months” and excessive exposure to toxic paracetic acid fumes in 1 out of 5 establishments.¹⁵ The proposed rule runs the risk of exacerbating these already dismal labor conditions in poultry plants.

As FSIS has emphasized, the UCSF study did not find that higher line speeds correlated with significantly higher worker injury risk. However, the study also makes clear that the higher line speed plants in the study mitigated the increased risk resulting from higher line speeds with increased staffing and job specific changes. As the proposed rule notes, “the number of chicken parts handled per minute by an establishment worker (‘piece rate’) . . . were similar across all establishments *regardless* of evisceration line speed.” Or in the UCSF study’s words: “Given any particular evisceration line speed, efforts to mitigate [Musculoskeletal Disorders] risk for a specific job must account for both job-

¹⁴ Michaels, D. (2020). *The Triumph of Doubt: Dark Money and the Science of Deception*. Oxford University Press.

¹⁵ Poultry Processing Line Speed Evaluation Study (PULSE). (2025, January 10). Food Safety and Inspection Service. <http://www.fsis.usda.gov/news-events/publications/poultry-processing-line-speed-evaluation-study-pulse>

specific line speed and job specific staffing level; ignoring either one (or worse, both) is expected to result in an increase in MSD risk when evisceration line speed increases.” Despite this admonition, the proposed rule omits any requirements for job specific line speed or staffing levels because “FSIS does not have the statutory authority to require that establishments adopt the study’s recommendations.” On the same grounds, the proposed rule eliminates the requirement that NPIS establishments submit an annual attestation that they maintain a program to monitor and document work related conditions of establishment workers.

The notion that FSIS cannot require participating establishments in its NPIS program to report on worker safety because it lacks authority is unpersuasive, particularly in light of the Administration’s comparatively permissive interpretations of other statutes.¹⁶ It also contravenes stated FSIS policy to “consider” worker safety as part of its rulemaking process: USDA’s own Office of General Counsel concluded in 2013 that while FSIS cannot enact standalone worker safety requirements, it “may consider factors beyond those in the [Poultry Products Inspection Act],” including worker safety, because statutes such as the Regulatory Flexibility Act and various Executive Orders affirmatively require agencies to weigh such considerations when promulgating regulations.¹⁷ When FSIS established the analogous New Poultry Inspection System for poultry in 2015, it did exactly that—retaining line speed limits and launching a formal collaboration with NIOSH to study the effects of faster lines on workers—a precedent the *UFCW* court found directly relevant in holding that the agency’s refusal to consider worker safety at all in eliminating hog evisceration line speed limits was arbitrary and capricious under the Administrative Procedure Act.

The proposed rule purports to evaluate the longstanding FSIS practice of “considering” worker safety *de novo*, and concludes that any regard for meatpacking workers “would detract FSIS from its core, critical mission to protect consumers.” This is not sound policymaking. A recent literature review by the U.S. Food and Drug Administration of research on food safety culture identifies worker empowerment, open communication, and management commitment as prerequisites for effective food safety.¹⁸ These prerequisites cannot be fulfilled in an environment where large numbers of workers fear for their safety. In other words, food safety is contingent upon meeting some minimal worker safety standards. FSIS has both the authority and the duty to consider how its proposed rule will affect foodborne illness risk as a result of likely impacts on workers, and to attempt to mitigate that risk.

Conclusion

We respectfully request FSIS to rescind the proposed rule and turn its attention enacting new pathogen product standards for poultry.

Thank you for your consideration.

Consumer Federation of America
Center for Science in the Public Interest

¹⁶ See, e.g. Section 122 Is an Anachronism, Not a License for New Tariffs. (2026, April 14). Cato Institute. <https://www.cato.org/blog/section-122-anachronism-not-license-new-tariffs>

¹⁷ See *UFCW Local No. 663*, 532 F. Supp. 3d 741 (D. Minn. 2021) (citing OGC Memo at 6).

¹⁸ Food Safety Culture Systematic Literature Review. (2022, February 29). U.S. Food and Drug Administration. <https://www.fda.gov/media/163588/download>

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