

SAFE FOOD COALITION

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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."¹ 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.² Chicken is estimated to cause 47.9% of foodborne *Campylobacter* illnesses, and turkey 9.8%, based on multi-year outbreak data.³ 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 2014-2016.⁴

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.

¹ See Michael Ollinger, James Wilkus, Megan Hrdlicka, and John Bovay. "Public Disclosure of Tests for Salmonella: The Effects on Food Safety Performance in Chicken Slaughter Establishments." Economic Research Report No. (ERR-231), (May 2017), <https://www.ers.usda.gov/publications/pub-details/?pubid=83660>

² <https://www.cdc.gov/campylobacter/index.html>

³ <https://www.cdc.gov/foodsafety/ifsac/pdf/P19-2017-report-TriAgency-508.pdf?deliveryName=DM10264>

⁴ Marder, MPH EP, Griffin PM, Cieslak PR, et al. Preliminary Incidence and Trends of Infections with Pathogens Transmitted Commonly Through Food — Foodborne Diseases Active Surveillance Network, 10 U.S. Sites, 2006–2017. MMWR Morb Mortal Wkly Rep 2018;67:324–328. DOI: <http://dx.doi.org/10.15585/mmwr.mm6711a3>

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