

Congress of the United States
House of Representatives
Washington, DC 20515

October 17, 2014

The Honorable Tom Vilsack
Secretary, United States Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Secretary Vilsack:

We are extremely disappointed that you did not address our concerns about food safety in the final rule for the Modernization of Poultry Slaughter Inspection (RIN 0583-AD32). The new rule will create a system that is detrimental to food and worker safety, as well as animal welfare. This rule abdicates food safety oversight from USDA into the hands of the industry and it places workers in jeopardy.

Unfortunately, the New Poultry Inspection System (NPIS) will not improve food and worker safety or ensure animal welfare laws are followed and enforced. We do appreciate your staff taking time to brief us in detail on the final rule; however, we aim to achieve better transparency in the implementation of NPIS. To these ends we have the following questions:

Implementation and Appropriations

1. The final rule assumes that 219 plants will shift to the new inspection system, but Food Safety and Inspection Service (FSIS) officials have indicated that there is no way of knowing how many plants will shift to the NPIS. If fewer than 219 poultry plants decide to shift to NPIS, will FSIS request additional resources to maintain the current inspection system?
2. Explain in detail the timetable for implementing NPIS in those plants that request to shift to the new inspection system and what criteria FSIS will use in determining the sequence for implementation.
3. What will FSIS do if it has greater industry buy-in than expected? Will FSIS reallocate the freed up inspectors to other processing facilities?
4. Will FSIS post on its website the names of the plants that shift to NPIS?

Food Safety

5. Will FSIS increase its regulatory sampling at plants in the NPIS to ensure that the new system is reducing contamination?
6. Will FSIS undertake studies to look at whether testing for pathogens like *Salmonella* and *Campylobacter* in plants results in higher levels of safety than testing for other pathogens or indicator organisms?

7. Will FSIS undertake studies to determine whether or not the requirement for testing at two points along the line is sufficient to demonstrate that a plant's system is in control?
8. What are the additional food safety activities off line inspectors will do in the poultry slaughter facilities? How will these activities differ from what offline inspectors are doing now? How many more food safety activities will the offline inspectors be required to do per shift (provide a number or percentage)?
9. How will the agency evaluate the validity of the Hazard Analysis and Critical Control Points (HACCP) plans for those plants that shift to NPIS? Does the agency plan to conduct studies of the efficacy of the testing requirements outlined in the rule?
10. Why did the agency decide to drop generic e-coli for testing as an indicator organism?
11. What penalties will NPIS plants incur if they are involved in a foodborne illness outbreak? Will they lose their status as an NPIS plant?
12. Is it possible that the maximum line speed in NPIS plants will be permitted to be increased in the future? What will be the process to allow that to occur? Could FSIS grant line speed waivers to the current final rule and under what circumstances?
13. What data will be made public?

FSIS Staffing

14. How many permanent FSIS inspectors will be displaced by the implementation of NPIS? Will they be reassigned to other facilities? What does that mean for managing FSIS workforce across the board? Explain and be specific, i.e. what types of plants will FSIS inspectors be shifted to, what training will they receive/be required to complete?
15. Does FSIS anticipate that poultry plants will replace each on-line FSIS inspector with company sorters on a one-to-one basis? If not, why not? Will each sorter be limited to inspecting up to 35 birds per minute in an NPIS young chicken plant?
16. How many supervisory positions are being eliminated by the implementation of NPIS?

Worker Safety

17. The final rule outlines new health and safety procedures to be followed in plants that shift to NPIS. When will the posters advising poultry facility workers of their rights to report health and safety issues to the Occupational Safety and Health Administration (OSHA) be made available for posting in NPIS plants? What languages will the posters be written in?
18. Please provide a copy of the Attestation form that will be used by plants that participate in NPIS certifying that the facility maintains a program to monitor and document any work-related conditions of establishment workers.
19. What are the consequences if an NPIS plant knowingly makes a false statement on an Attestation form?
20. Currently, as a condition of getting a Salmonella Initiative Program (SIP) waiver which allows line speeds up to 175 birds per minute, plants have to give National Institute for Occupational Safety and Health (NIOSH) access to conduct studies to assess worker safety. Will such access continue to be a condition of the waiver?
21. Of the 20 plants which received a SIP waiver, how many have allowed NIOSH to conduct a health hazard evaluation of plant workers? What is the plan for the remaining plants? What will be the health and safety requirements for plants that do not shift to NPIS?
22. On August 11, 2014, FSIS issued Notice 37-14 entitled, "Procedures for Notifying the Occupational Safety and Health Administration," to all FSIS inspection personnel. The Notice described the role that FSIS inspection personnel play in reporting health and safety issues in federal establishments to OSHA. Will FSIS maintain a log of such

notifications for each plant, and will the log be available to workers and subject to public disclosure? What training will be provided to FSIS inspectors regarding OSHA requirements? How much time do you anticipate that FSIS inspection personnel will take conducting health and safety activities? Will this be monitored by the Public Health Information System?

Animal Welfare

23. How will FSIS ensure that animal welfare laws are adhered to in NPIS?
24. Are there plans to integrate the 2011 FSIS directive for Humane Handling and Slaughter of Livestock calling for slowing down line speeds when birds weigh over 6 pounds into the NPIS?
25. Are there plans to adequately enforce the 2011 directive calling for observation of birds being "mistreated" by poultry facility employees?
26. What is FSIS's plan for monitoring to ensure that birds are not slaughtered while conscious, in accordance with good commercial practice? We are concerned that "red skins" (or "cadaver birds") will be discarded by inspection line personnel and not observed by USDA inspectors.

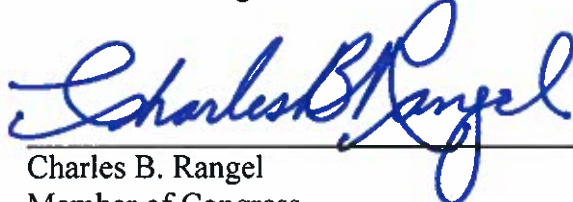
While we are disappointed with the final rule, we request to receive answers to our questions within the next 30 days so we can further evaluate the final rule.


Sincerely,



Rosa L. DeLauro
Member of Congress


Louise M. Slaughter
Member of Congress

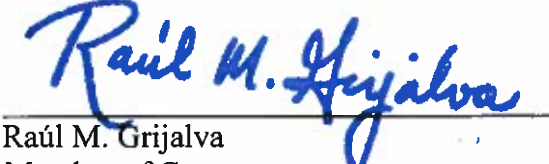

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