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December 13, 2017

Carmen Rottenberg
Acting Deputy Under Secretary for Food Safety
Food Safety and Inspection Service
U.S. Department of Agriculture
331-E Jamie L. Whitten Federal Bldg.
Washington, DC 20250-3700

Re: Docket ID FSIS-2017-0045; National Chicken Council Petition on the Max Line Speed Rates for Young Chicken Slaughter Establishments Under New Poultry Inspection System and Salmonella Initiative Program

Dear Acting Deputy Under Secretary Rottenberg:

The National Chicken Council (NCC) respectfully submits these comments reiterating our continued support for our Petition of September 1, 2017,¹ requesting a voluntary line speed waiver program for poultry processing establishments operating under the New Poultry Inspection System (NPIS) that develop and implement a process for monitoring and ensuring process control at the establishment's chosen line speed. Removing arbitrary line speed caps is an important step in modernizing the Food Safety and Inspection Service's (FSIS's) poultry inspection program and implementing the Administration's regulatory reform agenda. We appreciate FSIS considering our Petition.

Removing arbitrary line speed caps under NPIS and instead tying line speeds to process control presents a number of benefits. It will encourage establishments to opt into NPIS, allowing FSIS to deploy its most modern inspection system in more establishments. It will increase industry efficiency while rewarding establishments that can maintain process control at their desired processing speed. It will remove unnecessary regulatory obstacles in the way of American businesses. And it will do all this without jeopardizing food safety, worker safety, or bird welfare.

NCC continues to stand by the information presented in our Petition.² In these supplemental comments, we provide additional information not available when our Petition was filed and reinforce key points.

A Line Speed Waiver Would Not Undermine Food Safety

The data are clear that establishments can operate safely at line speeds greater than 140 birds per minute. FSIS's experience with the HACCP-Based Inspection Models Project (HIMP, upon which NPIS is based)

¹ NCC, Petition to Permit Waivers of the Maximum Line Speed Rates for Young Chicken Slaughter Establishments under the New Poultry Inspection System and Salmonella Initiative Program (Sept. 1, 2017) [hereinafter "NCC Petition"].

² To avoid any doubt, our September 1, 2017, petition is incorporated by reference in full in these comments.

demonstrates that establishments can safely operate at significantly higher line speeds.³ Third-party research has reinforced these conclusions.⁴ An NCC analysis of FSIS performance standards sampling data, noncompliance record (NR) rates, and other key food safety performance indicators shows that NPIS establishments (including those former HIMP plants operating with higher line speeds) are performing at least as well as non-NPIS establishments.⁵

Recent FSIS findings, released after our petition was filed, reinforce the conclusion that higher line speeds do not affect food safety.⁶ A preliminary analysis of data from NPIS and non-NPIS establishments released by FSIS on October 19, 2017, further confirms that plants permitted to operate at line speeds greater than 140 birds per minute had comparable *Salmonella* and *Campylobacter* levels for both whole chicken carcasses and chicken parts – both of which are below FSIS performance standards. The data also demonstrate that inspectors are performing four times more off-line food safety verification tasks in NPIS plants compared to non-NPIS plants. Off-line verification tasks are the type of modern, science and systems based inspection tasks that FSIS has indicated are important for modernizing the inspection system, and inspectors are able to perform many more of them in NPIS plants, increasing inspectional oversight in these establishments.

Our Petitioned-For Waiver Program Does Not Risk Worker Safety

The data are equally clear that increased line speeds do not present greater risks of worker safety. In fact, worker safety in poultry plants has improved dramatically in the past two decades, with worker illness and injury rates reported by the U.S. Bureau of Labor Statistics (BLS) dropping more than 80 percent since 1994 (the oldest year with data available on the BLS website).⁷ Worker injury and illness rates for poultry plants are at an all-time low. In fact, they are actually below the average for workers in the food manufacturing industry and are better than rates in the soft drink, cheese, and bakery industries, among others.⁸

Since we filed our petition, BLS released its most recent occupational illness and injuries report, showing that the total recordable poultry processing illness and injury rate for 2016 was 4.2 cases per 100 full-time workers (per year), down from 4.3 in 2015. To put the rate of 4.2 into perspective, it is lower than soft drink manufacturing (6.3), cheese manufacturing (5.6) and bakeries and tortilla manufacturing (4.3), and it is substantially lower than the rate of 6.9 for similar agricultural industries.⁹

Increasing line speeds as requested in our petition would not be expected to significantly change these numbers nor significantly affect worker safety issues because the line speed waivers would affect only a

³ E.g., FSIS, Evaluation of HACCP Inspection Models Project (HIMP) at 7, August 2011, https://www.fsis.usda.gov/shared/PDF/Evaluation_HACCP_HIMP.pdf (“Salmonella positive rates at HIMP establishments were not found to be related to line speed.”).

⁴ E.g., Cates, S., Anderson, D., Karns, S., & Brown, P. A. (2001). Traditional Versus Hazard Analysis and Critical Control Point-Based Inspection: Results from a Poultry Slaughter Project. *Journal of Food Protection*, 64(6), 826-832 (“[I]nspection under the new models [HIMP] is equivalent and in some ways superior to that of traditional inspection... and can maintain or even improve food safety and other consumer protection conditions relative to traditional hands-on inspection methods.”).

⁵ See NCC Petition at 4-7.

⁶ See attached presentation.

⁷ *Id.* at 9-10.

⁸ *Id.* at 9-10.

⁹ BLS, Injuries, Illnesses, and Fatalities, <https://www.bls.gov/iif/> (providing links to the most recently released BLS data tables and statistics, which were updated November 9, 2017).

specific, highly automated part of the processing line. It is important to understand how poultry establishments are designed. After harvesting, birds are eviscerated, often subjected to antimicrobial interventions, and then moved to a chilling system. This part of the process is highly automated with little direct employee interaction with the equipment or the birds. This is the part of the process where the arbitrary NPIS line speed limits apply and where we are asking the arbitrary limits be removed. For steps often referred to as “further processing,” such as cutting up whole birds into parts or deboning product (which may or may not be automated depending on the plant) the single evisceration line splits into multiple parallel lines running at slower speeds appropriate for the type of work being done. Even under the current NPIS system, these further processing lines where more direct employee interaction with the equipment and the birds might occur are not running at the 140 bird per minute limit, and their speeds would not change under our petition.

A Waiver Program Would Add Support to American Businesses

A line speed waiver program for NPIS establishments would remove a significant and arbitrary impediment on American businesses. The current line speed limits impede innovation and force companies to set their line speeds based on arbitrary rules, not the speeds that their food safety systems can support. Moreover, the current system tilts the competitive landscape between former HIMP plants and other NPIS plants, with no basis in food safety. And it places the American chicken industry at a disadvantage compared to global competitors in South America, Asia, Canada, and Europe who may safely operate at line speeds in excess of 200 birds per minute.

The requested waiver program will create an incentive to enhance food safety systems by rewarding those establishments that are willing to invest the money and expertise to develop food safety systems that can maintain process control at higher line speeds, and it will ensure that food safety, not arbitrary limits, drives line speed decisions. In doing so, the waiver program would further a key Administration goal of removing burdensome regulation and making the most efficient use of public funds.

* * *

NCC continues to believe that a line speed waiver program as detailed in our Petition would enhance the competitiveness of the American poultry industry without jeopardizing food safety, worker safety, or bird welfare. Newly released data not available when our Petition was filed only reinforces this conclusion. For the reasons stated in our original Petition and these supplemental comments, we respectfully request that FSIS grant our request.

Thank you for your consideration, and please do not hesitate to contact me if I can provide additional information.

Respectfully submitted,



Michael J. Brown
President



United States Department of Agriculture

One Team, One Purpose



Food Safety and Inspection Service

Protecting Public Health and Preventing Foodborne Illness





United States Department of Agriculture

Update on Preliminary Analysis of Modernization of Poultry Slaughter

Christopher Alvares, Director
Office of Data Integration and Food Protection
Data Analysis Staff

Presentation to Stakeholders
October, 2017

Outline

- Summary of Findings
- Overview
- Analysis Highlights
 1. Mandatory Requirements Implementation
 2. Inspection Task Findings at NPIS Establishments
 3. Comparison of pre-Conversion to post-Conversion
 4. Comparison of NPIS to non-NPIS
- Preliminary conclusions
- Moving Forward

Summary of Findings

1. *Salmonella* and *Campylobacter* levels are lower after implementation of the mandatory requirements
2. Inspectors are performing increased off-line verification tasks as intended under NPIS
3. Establishments that convert to NPIS are able to maintain process control
4. NPIS-converted establishments have similar *Salmonella* levels to other like establishments

Overview

- Poultry Slaughter Modernization introduced a new inspection system
 - Mandatory requirements for all establishments
 - Have pathogen levels changed since implementation?

For NPIS:

- IPP spend more time doing certain off-line inspection tasks
 - Are IPP performing tasks at expected rates?
- Establishments expected to take greater responsibility controlling pathogens
 - Are establishments that convert able to maintain process control?
 - Are establishments in NPIS performing as well as similar establishments in other inspection systems?

Salmonella Rates Before and After Modernization

- All poultry slaughter establishments were required to implement certain provisions of the rule
- A comparison of *Salmonella* and *Campylobacter* rates shows overall decreases since implementation of the rule.
 - 176 chicken and 41 turkey slaughter establishments analyzed
 - Timeframe is pre-nBPW

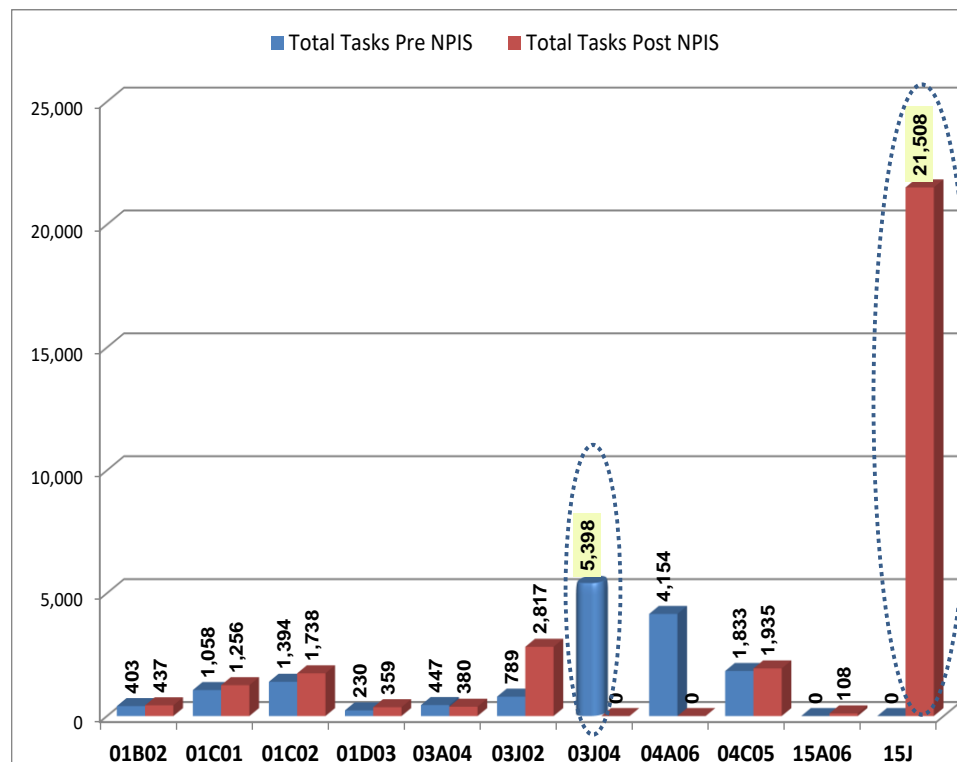
Salmonella Positive Rates in Chicken, Turkey and all Poultry Slaughter Establishments

	Salmonella Positives Before	Salmonella Negatives Before	Salmonella Positive Rate Before	Salmonella Positives After	Salmonella Negatives After	Salmonella Positive Rate After
Chicken	255	8,212	3.01%	122	7,711	1.56%
Turkey	42	2,011	2.05%	18	1,645	1.08%
All Poultry	297	10,223	2.82%	140	9,356	1.47%

Before the mandatory testing rule: July 1, 2013 to June 30, 2014 and
 After the mandatory testing rule: July 1, 2015 to June 30, 2016.

Inspection Task Findings

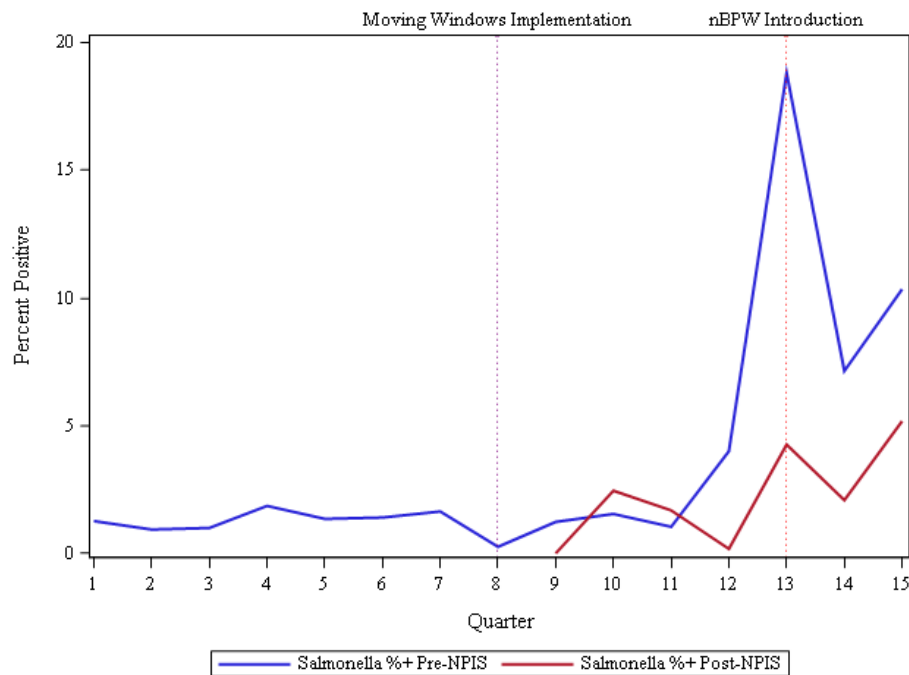
- PHIS tasks were evaluated in the 30-120 days prior to conversion and the 30-120 days after.
 - 18 non-HIMP establishments used in this analysis
 - The NPIS Zero Tolerance Food Safety Verification task (15J) was performed 4 times more often than the Poultry Zero Tolerance Verification task (03J04)
 - The non-food safety Finished Product Standards task (04A06 for pre-NPIS and 15A06 post-NPIS) frequency was reduced to monthly



pre-Conversion vs post-Conversion

- FSIS Pathogen testing data evaluated in 55 chicken and turkey establishments that converted to NPIS
 - Accounted for other factors including
 - Seasonality and different conversion dates
 - Former-HIMP
 - nBPW introduction
 - Implementation of moving window based sampling
- No significant change was seen in pathogen levels for converting establishments

Salmonella Percent Positive (unweighted) Pre- and Post-NPIS Implementation Periods, July 1, 2013, through March 31, 2017, Young Chickens and Young Turkeys Combined.



Quarter	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
pre-NPIS Ests	28	20	22	23	26	21	14	52	52	32	17	13	9	5	2
post-NPIS Ests									17	34	39	43	46	51	54

Establishments that converted mid-quarter would be counted in both pre- and post-NPIS counts for that quarter

NPIS vs non-NPIS

- Focused on more recent data, 12 months post nBPW
- 39 Large (23 former HIMP) NPIS converted establishments compared to 126 Large non-NPIS establishments

	<i>Salmonella</i> Positive Percentage (Number)			<i>Campylobacter</i> Positive Percentage (Number)		
	chicken carcasses	chicken parts	turkey carcasses	chicken carcasses	chicken parts	turkey carcasses
NPIS	4.5% (67)	14.5% (147)	0.4% (3)	1.5% (22)	3.2% (32)	0.3% (2)
HIMP	2.9% (31)*	14.8% (102)	0.4% (1)	0.8% (8)*	3.2% (22)	0.0% (0)
Non-HIMP	8.9% (36)	13.9% (45)	0.4% (2)	3.5% (14)	3.1% (10)	0.4% (2)
Non-NPIS	4.1% (214)	13.3% (494)	0.2% (1)	1.6% (79)	2.6% (96)	0.0% (0)

* Statistically significant compared to Non-NPIS (chi-squared, $p < 0.05$)

- Comparable results are seen between the NPIS establishments and similar non-NPIS establishments
 - Note: the non-HIMP data is skewed by one outlier establishment. With that establishment excluded, chicken carcass *Salmonella* rates in former non-HIMP sub-group is 4.0% (14 positive) and in all NPIS is 3.1% (45 positive)

Preliminary Conclusions

- *Salmonella* and *Campylobacter* levels are lower after implementation of the mandatory requirements
- Increased off-line food safety verification tasks are occurring as instructed
 - Off-line bird checks are 4X more frequent
- Plants that convert to NPIS are able to maintain process control
- The group of NPIS converted establishments are comparable to those who have not converted in terms of both *Salmonella* and *Campylobacter* rates
 - Converted HIMP plants have lower carcass *Salmonella* rates in this analysis

Next steps

- Continue to monitor and evaluate
 - Monitor converted establishments to ensure a smooth transition
 - Track pathogen rates as more establishments convert and as more data is collected
 - Evaluate the public health impact and compare to the estimates in the risk assessment
 - Provide periodic updates

Supplemental Info

Inspection Task Code Key

InspTaskCode	InspectionTaskName	Description
01B02	Pre-Op SSOP Review and Observation	Review the establishment's SSOP and become familiar with the procedures
01C01	Operational SSOP Record Review	Verify operational SSOP records
01C02	Operational SSOP Review and Observation	Verification of the establishment's operational SSOP
01D03	Poultry Sanitary Dressing	Verification of sanitary dressing in poultry slaughter
03A04	Review of Establishment Data	Weekly review of establishment data per Directive 5000.2
03J02	Slaughter HACCP	Verification of all 5 HACCP regulatory requirements through the review/observation and recordkeeping components
03J04	Poultry Zero Tolerance Verification	Verification of zero tolerance for feces on poultry carcasses entering chilling system
04A06	Poultry Finished Product Standards	Verify poultry products are produced in a safe, wholesome manner and not misbranded
04C05	Poultry Good Commercial Practices	Poultry Good Commercial Practices
15A06	NPIS Poultry Ready-to-Cook	Ready to Cook Task for NPIS establishments
15J	NPIS Zero Tolerance Food Safety Verification	Verification of zero tolerance for feces in NPIS system establishments

Notes: When establishments convert to NPIS they perform 15J and 15A06 tasks in lieu of 03J04 and 04A06, respectively

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