food&waterwatch

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August 17, 2011

Senator Herb Kohl, Chair
Senate Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies Appropriations
330 Hart Senate Office Building
Washington, DC 20510

Senator Roy Blunt, Ranking Member
Senate Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies Appropriations
260 Russell Senate Office Building
Washington, DC 20510

Dear Senators Kohl and Blunt:

On behalf of the non-profit consumer organization Food & Water Watch, I am writing to you about the report language that appears in House Report 112-101 that accompanied H.R. 2112, the FY 2012 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations that recommends the expansion of the HACCP Based Inspection Models Project in Slaughter (HIMP). I urge you not to include that language when you consider the Senate version of this bill because the Food Safety and Inspection Service (FSIS) does not appear to have the data necessary to justify the expansion of HIMP and to do so without an independent study of the pilot project could have major food safety implications.

As you know, House Rept. 112-101 contains the following report language:

> *"HACCP Based Inspection Model Project-* FSIS has a pilot inspection program for poultry slaughter inspection called the Hazard Analysis and Critical Control Point Based Inspection Model Project (HIMP) that is operating in 20 facilities. After 10 years of data collection and several formal science-based studies, FSIS informed the Committee the HIMP model is not only a more efficient means of ensuring the safe and humane slaughter of young chickens (broilers) than the current model, but that this model reduces incidence of salmonella when compared to non-HIMP broiler establishments. By transitioning to this more effective and more efficient poultry slaughter model, FSIS would improve food safety, reduce foodborne illness, and deliver consumer protections by implementing this system industry-wide. The Committee encourages USDA to

> eliminate any barriers to the expansion of this safer and science-based system."

In July 1996, FSIS published the final Hazard Analysis Critical Control Points – Pathogen Reduction (HACCP) rule.[1] The rule was designed to establish HACCP in meat and poultry processing facilities regulated by FSIS. In July 1997, FSIS issued a Federal Register Notice requesting comments on how HACCP could be applied in slaughter establishments because the agency argued that the traditional inspection system in slaughter did not allocate inspection resources to maximize public health benefits.[2] The agency argued that certain inspection functions that were normally performed by FSIS inspectors – such as removing poultry carcasses and poultry parts that are visibly adulterated or unwholesome from production lines – could be transferred to company employees. It was argued that FSIS inspectors could spend more time performing food safety verification activities rather than being on the slaughter line "sorting."

Beginning in 1998, certain poultry and hog slaughter facilities volunteered to become part of a pilot project to evaluate a revised inspection model called the HACCP Based Inspection Models Project in Slaughter or HIMP. No cattle slaughter facility has ever come forward to become part of the HIMP pilot. Today, there are twenty broiler, four young turkey, and five market hog slaughter plants participating in the HIMP program.[3]

While FSIS held public meetings on the development of HIMP in 1997, it has not held any public meetings since then to discuss the progress of the pilot program. The last time the National Advisory Committee on Meat and Poultry Inspection discussed HIMP was on November 7, 2002 when it reviewed a third-party report that was commissioned by the agency on the pilot project. The validity of that report was questioned by several members of the advisory committee and no formal action was ever taken.[4]

The only independent review of the HIMP pilot came in 2001 when the U.S. Senate Agriculture, Nutrition, and Forestry Committee requested that the General Accounting Office (GAO) conduct a study on the revised inspection scheme.[5] In its report to the Committee, the GAO stated:

> "The pilot has several design and methodology limitations that compromise the overall validity and reliability of its results. For

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[1] 61 FR 38806
[2] 62 FR 31553
[3] See http://www.fsis.usda.gov/Science/Himp_Plant_List/index.asp
[4] See http://www.fsis.usda.gov/Regulations_&_Policies/2002_NACMPI_Reports/index.asp#Nov ; and http://www.fsis.usda.gov/About_FSIS/NACMPI_Transcripts/index.asp#2002
[5] U.S. General Accounting Office. "Food Safety: Weaknesses in Meat and Poultry Inspection Pilot Should be Addressed Before Implementation," GAO-02-59, December 2001.

> example, the lack of a control group prevents valid comparisons between the inspection system of participating plants and that of nonparticipating plants. In addition, the participating plants were not randomly selected; therefore results from these plants cannot be generalized to the entire population. Finally, the pilot does not appropriately explain how variables, such as seasonal changes and plant modifications, could affect the project's results."[6]

There has been no follow-up to that GAO report, yet the HIMP pilot has continued to operate for nearly a decade since that report was published with no updated study.

We became concerned with statements made by Chairman Jack Kingston during the March 15, 2011 FSIS hearing before the House Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations in which he alleged that the HIMP plants produced safer product than those plants that receive traditional inspection by FSIS. As GAO found in 2001, such conclusions cannot be reached without a thorough analysis of all of the production practices of the plants involved. To corroborate that point, FSIS recently admitted in a Notice that it issued to its inspection personnel that there may be problems with its salmonella verification testing program. Specifically, the agency has discovered that some companies manipulate their production practices by using stronger antimicrobials while the agency conducts its salmonella verification testing that are not normally used during non-testing periods.[7] This certainly calls into question the validity of the statistics that the agency publishes about its verification program.

Mr. Kingston further contended that the agency could save $20,535,000 per year by eliminating 562 permanent and 80 intermittent inspection personnel by expanding HIMP to all poultry slaughter plants.[8] No one seems to know where those figures came from because the agency has not substantiated them. Reducing inspection services without real scientific support seems premature.

We strongly believe that the report language on HIMP in House Rept. 112-101 is ill-conceived and not based on fact. The Government Accountability Office should be requested to conduct an updated study of HIMP. Consequently, we urge you to reject the House language both in the Senate version of the FY 2012 Agriculture Appropriations bill and in any conference report that might be written that covers appropriations for FSIS. Further, the subcommittee should request an updated GAO study be conducted so that Congress and the Administration have firm ground as how to proceed.

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[6] Ibid. p. 15.

[7] FSIS Notice 42-11, "Requesting the Scheduling of a Salmonella Verification Set When an Establishment's Process Changes." August 10, 2011.

[8] U.S. Government Printing Office. Hearings before the U.S. House Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations, March 15, 2011, pp. 59-61.

Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Wenonah Hauter
Executive Director

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United States Senate

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December 15, 2011

Mr. Gene L. Dodaro
Comptroller General of the United States
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Dodaro:

The American public depends on the federal government to oversee the safety of the U.S. food supply. In recent years, however, there have been a number of nationwide foodborne illness outbreaks, including many stemming from USDA-regulated poultry and pork products. The Centers for Disease Control and Prevention estimates that 50 million Americans get sick each year from foodborne illness, including about 3,000 who die. *Salmonella*, a bacteria often found in poultry, causes most of these illnesses.

In 1997, USDA announced the need to modify its slaughter inspection program to make industry more responsible for identifying carcass defects. This approach is consistent with the agency's previous adoption of the Pathogen Reduction: Hazard Analysis and Critical Control Point (HACCP) regulations. The HACCP approach is designed to be risk-based and makes industry, rather than federal inspectors, responsible for (1) identifying steps in areas of food production where food safety hazards are most likely to occur and (2) establishing controls that prevent or reduce it. USDA had not extended the HACCP principles to slaughter inspections because the agency has traditionally provided continuous inspection of each and every carcass. However, USDA believes that changing its traditional inspection system would, among other things, allow for a shift to prevention-oriented inspection systems based on risk and would permit redeployment of its resources to better protect the public from foodborne diseases. In the late 1990s, USDA conducted a pilot program under which plant personnel, instead of USDA inspectors, initially determine which carcasses and parts were unacceptable and should be removed from the slaughter line because they are diseased or unwholesome. USDA was thus able to use fewer inspection personnel at these plants.

The USDA pilot program, known as the HACCP-Based Inspection Models Project (HIMP), was tested at several volunteer chicken and hog plants. In 2001, GAO issued a report that described the project and identified certain limitations in the project's design and methodology; GAO made several recommendations to improve the system.[1] USDA is proposing to implement private inspections more broadly in the near future.

Please conduct a study of the HACCP-based inspection model for all plants enrolled in the project. In conducting your study, please address the following specific questions:

[1] GAO, *Food Safety: Weaknesses in Meat and Poultry Inspection Pilot Should Be Addressed Before Implementation*, GAO-02-59 (Washington, D.C.: December 17, 2001).

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1. How do the food safety and other consumer protection activities data from the traditional plant inspection system compare to the data obtained under the HIMP pilot project? To what extent do HIMP data suggest that this system may provide an advantage or disadvantage over traditional inspection methods for chickens, turkeys, and hogs? What data are used in this determination?

2. What are the strengths and weaknesses of the HACCP-based inspection model, as identified by USDA, and what are stakeholders' views on it?

3. Has USDA identified the what training is required for private sector inspectors, and how is proper training ensured?

4. What is the impact of this model on the costs borne by slaughterhouses relative to traditional inspection systems?

5. How much does FSIS spend on the HACCP-based inspection model annually? How does that compare to spending on its more traditional inspection model?

6. How do line speeds vary in traditional versus HIMP plants?

Thank you for your attention to this important issue. Please contact Kathryn Tanner in my office to discuss this request and associated reporting time frames.

Sincerely,

Kirsten E. Gillibrand

Kirsten E. Gillibrand
United States Senator