

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

January 19, 2016

The Honorable Tom Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

Dear Secretary Vilsack,

We write to urge you to delay releasing a proposed modernization of hog slaughter inspection rule until the USDA addresses public health concerns related to the hog Hazard Analysis and Critical Control Point-based Inspection Models Project's (HIMP). Until data from the recent implementation of poultry HIMP can be analyzed, we believe it is too early to expand this regulatory regime.

While we strongly support modernizing our food safety system and making it more efficient, modernization should not occur at the expense of public health, worker safety, or animal welfare. According to the North American Meat Institute, in 2013, 113 million hogs were processed into pork products and consumption of pork in the United States is estimated to be 49 pounds per person in 2016. We are concerned that these new rules are being pushed by the industry to increase profits at the expense of public health.

According to the Centers for Disease Control and Prevention (CDC), every year, *Salmonella* is estimated to cause 1 million illnesses in the United States, and is the country's leading foodborne killer with 19,000 hospitalizations and 380 deaths. *Campylobacter* is one of the most common causes of diarrheal illnesses in the United States, affecting over 2.4 million people every year. It is estimated that each year approximately 100 persons with *Campylobacter* infections die. In addition, this food-borne illness is associated with Guillain-Barré Syndrome, a condition that causes temporary or permanent paralysis. Both *Salmonella* and *Campylobacter* are concerning for two other reasons: 1) these pathogens are developing multi-drug resistant strains that will make treating ill patients more difficult and 2) these pathogens are a major concern for children's health, since most of those sickened by *Salmonella* and *Campylobacter* are under 10 years of age.<sup>1</sup>

We must improve hog inspection and reduce contamination from pathogens associated with pork such as *Salmonella* and *Campylobacter*. However, FSIS has not demonstrated that its hog slaughter pilot program actually reduces contamination, and therefore illness, rates. To the

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<sup>1</sup> Shea KM et al. American Academy of Pediatrics Committee on Environmental Health and AAP Committee on Infectious Diseases. Non-therapeutic use of antimicrobial agents in animal agriculture: Implications for pediatrics. *Pediatrics*, Sept 2004; 118 (2): 195-200.

contrary, the available evidence suggests that hog HIMP will undermine food safety. In 2013, both the U.S. Government Accountability Office (GAO) and the USDA Office of Inspector General (OIG) issued reports questioning the efficacy of hog HIMP, and the adequacy of USDA's evaluation of the program.<sup>2</sup> The OIG, which issued its report first, concluded that FSIS "did not adequately oversee" the hog HIMP program, and that the agency "could not determine whether [food safety and plant efficiency] goals were met."<sup>3</sup> OIG further noted that "3 of the 10 plants cited with the most NRs [noncompliance records] from FYs 2008 to 2011 were HIMP plants," and that "HIMP plants that are continually noncompliant—such as the swine plant with the most NRs nationwide—have less assurance of food safety than a traditional plant."<sup>4</sup> For its part, the GAO, which considered poultry as well as hog HIMP, concluded that "[w]ithout collecting and analyzing additional data, it will be difficult for USDA to draw conclusions about whether the pilot project at young hog plants is meeting its purpose."<sup>5</sup>

Following the GAO and OIG reports, FSIS issued an evaluation of hog HIMP plants that purports to demonstrate the program is "meeting FSIS expectations."<sup>6</sup> However, the evaluation does not support that conclusion. Rather, it makes three sets of findings that are either irrelevant to HIMP plants' food safety performance, or lack an adequate evidentiary basis.

First, the FSIS evaluation indicates that because company sorters and USDA on-line inspectors condemn a comparable number of carcasses, they perform a comparable inspection function. But company sorters may condemn a similar number of hogs, and nevertheless miss the ones that threaten food safety. FSIS does not require HIMP plants to train company sorters, in contrast to USDA inspectors, who undergo extensive classroom instruction and hands-on practice. The evaluation also suggests that HIMP and non-HIMP plants must have comparable condemnation rates. However, unique characteristics of HIMP plants—e.g. higher line speeds—could plausibly result in a higher rate of contamination and other factors that lead to more condemnations.

Second, the FSIS evaluation assumes that "the number of inspection tasks performed per establishment is correlated with production of a safe product," but it does not justify that assumption. Comparing off-line inspection tasks at HIMP and traditional facilities is an apples to oranges comparison. A HIMP plant's management may become adept at avoiding NRs during more frequent off-line inspections, but through means other than thorough online inspection and generally assuring a safe product. In its report, OIG cited stakeholder concerns that increased off-line inspections would not compensate for inadequate training of sorters, higher line speeds, and government inspectors' reduced ability to see potential defects and to enforce standards such as zero-tolerance for fecal contamination.<sup>7</sup>

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<sup>2</sup> See GAO. "More Disclosure and Data Needed to Clarify Impact of Changes to Poultry and Hog Inspections GAO-13-775: Published: Aug 22, 2013. Publicly Released: Sep 4, 2013, *available at*: <http://gao.gov/products/GAO-13-775>; USDA OIG. "Inspection and Enforcement Activities at Swine Slaughter Plants" *available at*: <http://www.usda.gov/oig/webdocs/24601-0001-41.pdf>

<sup>3</sup> OIG Report at 17.

<sup>4</sup> *Id.* at 17-18.

<sup>5</sup> *Id.* at 1.

<sup>6</sup> United States Department of Agriculture Food Safety and Inspection Service. Evaluation of HACCP Inspection Models Project (HIMP) for Market Hogs, Final Report (November 2014). *Available at*: <http://www.fsis.usda.gov/wps/wcm/connect/f7be3e74-552f-4239-ac4c-59a024fd0ec2/Evaluation-HIMP-Market-Hogs.pdf?MOD=AJPERES>

<sup>7</sup> OIG Report at 20.

Third, the FSIS presents data in its evaluation showing an “exceedingly small” level of fecal contamination and other food safety and consumer protection defects at HIMP plants. Yet the agency does not attempt to compare similar data from non-HIMP plants, referring only to a baseline study conducted in 1998 to suggest that HIMP plants exceed the 75th percentile of slaughter facilities’ food safety performance. This comparison assumes that non-HIMP hog slaughter facilities failed to make any improvement in reducing food safety defects over a 14-year period. At the same time, the evaluation presents impressive performance gains tallied by HIMP plants during the two-year period between the “snapshots” considered in the study.<sup>8</sup> The evaluation also touts lower numbers of chemical residue violations in HIMP plants as evidence of better operational controls, without mentioning that participants in the HIMP program must agree to source younger, more uniform animals that are less likely to receive treatments with persistent residues. And the evaluation concedes that its *Salmonella* testing regime, which the agency discontinued in 2011, did not reveal any statistically significant improvements in HIMP plants, in part because of small sample sizes.

Before expanding the HIMP program to hog slaughter facilities across the country, FSIS should provide some assurance that removing government inspectors from these facilities, and relying on company employees to take over many of their duties, would not lead to process control shortcuts, increased fecal and other adulteration of meat products, higher incidences of microbial contamination, and ultimately, a rise in foodborne illness. Thus far it has not provided such assurance.

In addition to general public health considerations, the work environment in slaughterhouses poses “risks greater than those faced by workers in many other manufacturing operations,” according to the U.S. Government Accountability Office (GAO). A 2005 GAO report acknowledged that underreporting in official records does not disguise the fact that “the meat and poultry industry still has one of the highest rates of injury and illness of any industry.” FSIS has claimed that hog production in HIMP plants is between 1,085-1,295 hogs per hour; regular hog processing plants run between 571-1,106 hogs per hour according to the Agency. However, we recently learned of a HIMP plant operating at 1,400 hogs per hour. According to a Human Rights Watch Report, the single largest factor contributing to worker injuries is the speed at which the animals are killed and processed. The thousands of disabling injuries that result are well-documented including cuts, lacerations, and musculoskeletal disorders. Infections in workers as a result of lacerations and exposure to pathogens may be exacerbated by the speed of the line.

Additionally, it appears that the FSIS has not given adequate consideration to the welfare of the millions of hogs slaughtered annually. Rapid line speeds present one of the greatest risks of inhumane treatment, as workers are often pressured to take violent shortcuts to keep up. By law, hogs must be rendered insensible to pain prior to being slaughtered. However, faster lines carrying more hogs increase the chance of error during the critical stunning process, which can leave hogs conscious further down the line. Rough handling before hogs reach the stunning area is also a concern, as workers face immense pressure to move large numbers of animals that are frequently disoriented. These very sorts of violations causing unnecessary animal pain and potential worker safety issues were recently exposed through an investigation at a HIMP hog plant covered by the Washington Post and other outlets: hogs unable to walk being dragged by

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<sup>8</sup> GAO criticized a similar “snapshot” methodology in its analysis of the FSIS’ poultry HIMP evaluation. GAO Report at 11.

workers, hogs improperly stunned writhing after having their throats cut, and hogs trying to right themselves while hanging upside down from shackles. Such welfare violations are not simply a cost of doing business at higher speeds—they are illegal under the Humane Methods of Slaughter Act.

We question the degree to which FSIS has studied the effectiveness and impact of the hog HIMP inspection model on the humane slaughter of hogs, food safety and worker safety. Furthermore, we have yet to see the short- and long-term consequences of the recently implemented poultry HIMP plants. Due to these concerns, we urge FSIS to delay publishing a proposed rule until the agency has thoroughly addressed the hog HIMP inspection model's impact on the public, workers, and animals. We look forward to working with you to ensure that the modernization of hog inspection truly improves public health and the integrity of our food system.

CC:

Alfred V. Almanza, Deputy Under Secretary for Food Safety  
Brian Ronholm, Deputy Under Secretary for Food Safety

Sincerely,



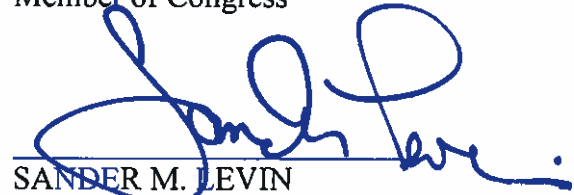
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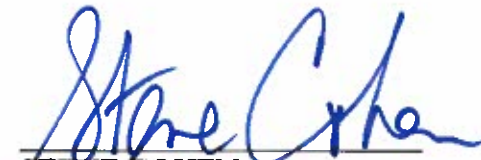
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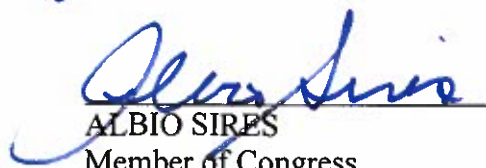
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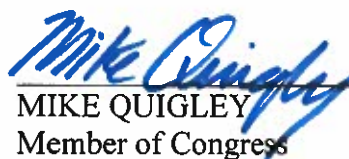
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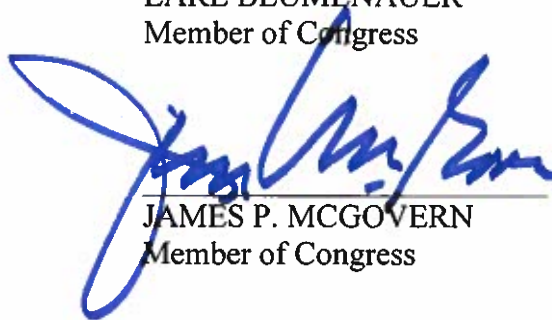
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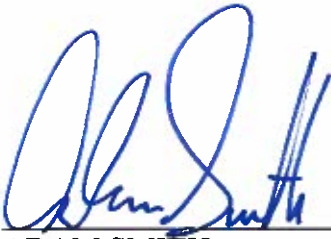
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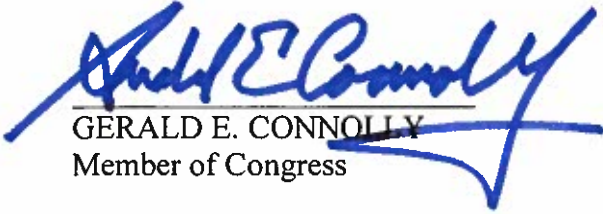
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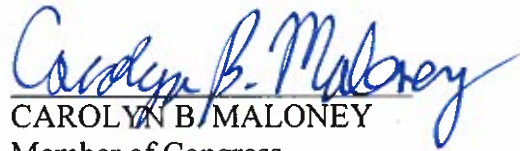
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