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United States Senate

WASHINGTON, DC 20510-3205

September 4th, 2013

The Honorable Howard Shelanski
Administrator, Office of Information & Regulatory Affairs (OIRA)
Office of Management & Budget (OMB)
725 17th Street N.W.
Washington, D.C. 20503

Dear Administrator Shelanski,

I write today in order to urge your office to ensure that the U.S. Department of Agriculture (USDA) Food Safety & Inspection Service's (FSIS) proposed rule to modify poultry inspection does not move forward until further action is taken to protect food safety. The Centers for Disease Control estimates that one in six Americans will suffer a foodborne illness each year, over 128,000 will be hospitalized, and 3,000 will die from such illness. Food safety is imperative for public health, a strong agriculture system, and our domestic security. As the Chairwoman of the Senate Agriculture Subcommittee of oversight for the Food Safety & Inspection Service, I strongly believe OIRA should take all steps necessary to ensure food safety is not threatened in proposed changes to our inspection system for meat & poultry products.

Today, a Government Accountability Office study I commissioned will be released, which found that USDA FSIS needs more data and an appropriate evaluation before they can draw valid conclusions about how changing their poultry inspection program will impact public health and pathogen reduction. The GAO first found that FSIS's evaluation of its pilot program, which was the basis for their proposed rule, was deeply flawed and had significant limitations. The GAO study also found that the FSIS relied on limited data to estimate the economic impact of the proposed rule, and did not disclose the limitations of their data in the notice of proposed rule published in the federal register. This shows that the proposed rule is not formulated on a strong scientific basis and assumptions made in the proposed rule may not be correct. In addition, the GAO report demonstrates that the public and stakeholders have not been provided with transparent information by USDA FSIS. These serious issues warrant, in my opinion, a need to revisit the agency's proposal and to delay the rule-making process until the agency can provide a robust, scientific program evaluation of all aspects of their pilot system.

I have also commissioned a second GAO study to carefully evaluate what effective techniques can be devised in order to reduce pathogens such as Salmonella in our nation's poultry supply, which is currently underway. Beyond completing a thorough and scientifically rigorous evaluation of the agency's pilot program, the USDA FSIS should also wait for the results of this second study to consider additional strategies such as pathogen reduction performance standards and improved pathogen surveillance which may provide better strategies to improving public health and reducing pathogens in our food supply. We must carefully consider all options and available data before implementing major changes to our current food safety inspection system.

Thank you for your commitment to consumer safety and public health. I look forward to working closely with your office to ensure the significant flaws in USDA FSIS's proposed rule can be addressed before further action is taken in order to provide assurances that changes to our poultry inspection program will only be made on the basis of scientific analysis and in a manner that improves public health.

Sincerely,



Kirsten E. Gillibrand
United States Senator