

New Final USDA Rule to Reduce Salmonella and Campylobacter in Poultry

PUBLISHED ON
February 11, 2016

On February 4, 2016, the U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) announced the issuance of its final rule designed to reduce *Salmonella* and *Campylobacter* in raw chicken breasts, legs and wings, as well as in ground chicken and turkey products. A draft of the rule was originally proposed in early 2015 and, following the comment period, the USDA has responded to the comments which were received and issued the final rule. The advance copy of the rule, Docket No. FSIS-2014-0023 (subject to changes by Office of Federal Register) may be found [here](#).

The USDA has indicated that poultry parts, such as breasts, wings and legs, represent 80% of the chicken available for Americans to purchase. By implementing the rule, FSIS estimates that an average of 50,000 illnesses will be prevented annually. FSIS implemented pathogen reduction performance standards for whole chickens, but not parts, in 1996.

FSIS will begin website postings, based on FSIS sampling results and product standards, whether an establishment meets the FSIS pathogen reduction performance standards, or what category the establishment is in with respect to compliance. FSIS will also begin pathogen reduction performance assessments and posting on its website of USDA inspected establishment performance no sooner than 90 days after publication of this final rule in the Federal Register. Initial website postings by FSIS will reflect existing poultry carcass pathogen reduction performance standards based on sample results from May 2015 to the present. After completion of a period of additional testing under the new pathogen reduction performance standards for chicken parts and ground chicken and turkey products, FSIS will begin web posting whether individual establishments are in performance category 1, 2 or 3: outperform, meet or fail to meet the maximum allowable percent positive for *Salmonella* or *Campylobacter* for all 52 week "moving windows" over the last three months. In addition, beginning sometime after 90 days of the filing of the publication of the new rule, FSIS will begin sampling three to four times per year the following products which had been excluded from *Salmonella* verification testing: broilers produced in poultry slaughter establishments operating under a religious exemption, minor species carcasses and product from low volume establishments that produce up to 1,000 pounds per day of poultry products subject to sampling.

Earlier, the National Chicken Council pointed out that the most recent FSIS quarterly progress report stated that, for the first quarter of 2008 through the first quarter of 2014, the industry has reduced the occurrence of *Salmonella* on whole chickens by 63% and, since FSIS began testing chicken for *Campylobacter* in 2011, the industry has reduced the incidence by 30%.

The new rule requires testing and public reporting regarding all establishments (not just "worst offenders"), but not recalls.

For processors, the public reporting of pathogen reduction performance may present challenges beyond scientific issues and technical compliance. The vast majority of the public is unlikely to understand the differences between the USDA *Salmonella* regulatory requirements and the FDA *Salmonella* prohibitions. Thus, consumer perceptions and attitudes will pose particular challenges for processors who ultimately find themselves listed on the FSIS webpage as "failing" the new standards.

:



Timothy G. Dietrich

Counsel

Tel: (610) 898-7154

Email: tdietrich@barley.com