



1152 FIFTEENTH STREET NW, SUITE 430
WASHINGTON, DC 20005
PHONE: 202-296-2622

September 13, 2024

Submitted electronically via regulations.gov

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Avenue SW
Mailstop 3758
Washington, DC 20250-3700

Mr. Paul Kiecker
Administrator
Food Safety and Inspection Service
1400 Independence Ave SW
Washington, DC 20250-3700

Re: Docket No. FSIS-2023-0028: *Salmonella* Framework for Raw Poultry Products

Dear Mr. Kiecker:

The National Chicken Council (NCC) appreciates the opportunity to provide comments on the United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS or the Agency) proposed rule and proposed determination – *Salmonella Framework for Raw Poultry Products*. NCC is the national, non-profit trade association that represents vertically integrated companies that produce and process more than 95 percent of the chicken marketed in the United States. All NCC member companies will be significantly impacted by this proposed rule and proposed determination. We appreciate the 30-day extension of the comment period provided by the Agency. However, we are writing to emphasize that this proposal is incredibly complex and is based on voluminous technical information and to request the comment period be extended an additional 90 days.

Given the intricacy and sheer length of the proposal and crucial supporting materials, even the current ninety-day comment period is simply not adequate to provide the substantive feedback the Agency has requested. This increasingly has become apparent as we have begun to analyze the over 1,000 pages of text and hundreds of thousands of data points included as “Supporting and Related Materials” published along with the proposed *Salmonella Framework for Raw Poultry Products* that are critical to the proposal. Interested stakeholders simply need more time to marshal the scientific and technical details to meaningfully engage with the proposal.

As mentioned in our initial August 12, 2024, extension request, the proposed *Salmonella Framework for Raw Poultry Products* raises numerous questions about complex topics, including

risk assessment and public health modeling, detailed applications of highly technical Hazard Analysis and Critical Control Point (HACCP) systems, current and future laboratory testing technologies, and legal and technical considerations, to name but a few. NCC member companies – and all facilities that process broiler chickens – will be significantly impacted by the Agency’s proposal, and, to date, the Agency has provided little to no clarification on pertinent and critical questions that will have significant consequences to continuity of business and even the survivability of some broiler chicken companies. Further, the proposal is fundamentally based on detailed and complex risk assessments and public health modeling. These are extremely technical documents requiring substantial time and special skills to analyze fully, but understanding these documents and any limitations is critical for meaningfully evaluating the proposal. The Agency has spent years developing these materials, and stakeholders must have a real opportunity to properly review them to meaningfully provide comments.

We were very pleased when the Agency announced in its *Constituent Update* two webinars “to share information about the science behind its *Salmonella* Framework for Raw Poultry Products proposed rule and determination to reduce *Salmonella* illnesses linked to raw poultry products.”¹ NCC and our members anticipated this would be an opportunity to learn more about the complex risk assessments, models, and reports, and how they all supported the proposal. Further, as indicated in the August 16, 2024, *Constituent Update*, we appreciated the Agency’s announcement that “Participants will have an opportunity to ask clarifying questions or technical questions about the information shared during the webinar.” Unfortunately, these webinars failed to provide meaningful insights or clarification on most of the clarifying and technical questions asked by participants, including representatives from very small, small, and large establishments, public health officials, trade association representatives, and other stakeholders. NCC and our member companies made great efforts to develop and submit questions that would have been very helpful in aiding the industry’s understanding of the proposal. However, these webinars failed to fulfill their announced goal, as most clarifying and technical questions remain unanswered. In sum, it is evident that there are more questions than answers at this point. The lack of clarity around many aspects of the proposal directly impedes NCC’s and our members’ ability to meaningfully comment on the proposal.

As a result of the unfulfilling public meetings and a growing series of unanswered questions, we again request additional time to analyze the proposal and provide meaningful comments. One thing that was clear from the webinars is that the Agency has limited guidance to offer industry on how FSIS would expect to implement the proposal as written, which has the potential to negatively impact the entire industry, from the largest to the smallest of broiler chicken companies, with minimal public health benefits. Throughout the webinar and in other Agency statements, FSIS has continuously highlighted and underscored the need for comments on all aspects of the proposed *Salmonella* Framework. Even in the closing statements at both public meetings, Deputy Under Secretary Sandra Eskin highlighted the need for public comment. While we appreciate this message, the Agency simply has not provided adequate time for the industry to provide the necessary feedback, insights, and comments to aid the Agency in developing an implementable final rule.

On September 3, 2024, Representatives Steve Womack and Jim Costa sent a letter to Secretary Vilsack formally requesting that the Agency extend the comment period for an additional 180 days. NCC and our members would like to thank both Representatives Womack and Costa for this letter and for their interest in this issue. We are further underscoring this request with our letter submitted today.

¹ [Constituent Update - August 16, 2024 | Food Safety and Inspection Service \(usda.gov\)](#)

Again, although we appreciate the 30 days that were provided by the Agency extending the comment period until November 7, 2024, we reiterate the need to have an additional 90 days to provide a complete and comprehensive review of all aspects of the proposal. The voluminous amount of information required to be read, digested, analyzed, and responded to requires considerable time, resources, and scientific expertise. In light of the Agency continuing to encourage feedback on the proposed *Salmonella* Framework, additional time is needed to provide the Agency with the type of feedback required for a proposal of this magnitude.

Please feel free to contact us with any questions regarding the above request. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ashley B. Peterson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ashley B. Peterson, Ph.D.
Senior Vice President, Scientific and Regulatory Affairs
National Chicken Council