Inside the Beltway: Regulations that are Ruffling our Feathers

Tennessee Poultry Association
2015 Annual Meeting

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August 7, 2015

Outline

• Chicken Parts Performance Standard
• Establishment-Specific Data Release Plan
• New Poultry Inspection System
  o Sampling Frequency
  o Agency buy-out
• Antibiotics
Chicken Parts Performance Standard

• Jan – Aug 2012, FSIS collected chicken parts to establish a baseline
• Results published in May 2013
• Primarily sampled breasts. Did not collect enough samples to set a performance standard for each part.

Chicken Parts Baseline

<table>
<thead>
<tr>
<th>Chicken Part by Type</th>
<th>Number of Samples</th>
<th>Number of Salmonella Positives</th>
<th>Number of Campylobacter Positives</th>
<th>Percent Salmonella Positives</th>
<th>Percent Campylobacter Positives</th>
</tr>
</thead>
<tbody>
<tr>
<td>A - Breast</td>
<td>776</td>
<td>210</td>
<td>125</td>
<td>27.06%</td>
<td>16.11%</td>
</tr>
<tr>
<td>B - Neck</td>
<td>22</td>
<td>12</td>
<td>12</td>
<td>54.55%</td>
<td>54.55%</td>
</tr>
<tr>
<td>C - Leg</td>
<td>584</td>
<td>141</td>
<td>119</td>
<td>24.14%</td>
<td>20.38%</td>
</tr>
<tr>
<td>D - Wing</td>
<td>321</td>
<td>107</td>
<td>75</td>
<td>33.33%</td>
<td>23.36%</td>
</tr>
<tr>
<td>E - Half Carcass</td>
<td>149</td>
<td>33</td>
<td>29</td>
<td>22.15%</td>
<td>19.46%</td>
</tr>
<tr>
<td>F - Quarter Carcass</td>
<td>330</td>
<td>68</td>
<td>92</td>
<td>20.61%</td>
<td>27.88%</td>
</tr>
<tr>
<td>G - Giblets</td>
<td>57</td>
<td>25</td>
<td>25</td>
<td>40.35%</td>
<td>43.86%</td>
</tr>
<tr>
<td>M - Other</td>
<td>348</td>
<td>59</td>
<td>55</td>
<td>15.94%</td>
<td>22.18%</td>
</tr>
<tr>
<td>NP</td>
<td>9</td>
<td>4</td>
<td>2</td>
<td>44.44%</td>
<td>22.22%</td>
</tr>
<tr>
<td>Totals</td>
<td>2,496</td>
<td>657</td>
<td>534</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Industry Concerns

- Get industry feedback
  - Agency started collecting chicken parts March 25, 2015 without the benefit of industry comments (Notice 16-15)

- Limit scope of application
  - Focus performance standard on breast, wing, leg and not all chicken parts and certainly not further processed parts
    - Pending Notice
  - Marinated parts were not included in the baseline so therefore should be exempt
    - Pending Notice
  - Can small-bird plants meet the Campy performance standard of 7.7% (lower that std for whole birds)?
Industry Concerns

• Rolling window approach
  o Increases the likelihood of establishments falling into Category 2 or 3
  o If you have a few bad tests in a row, you could be “stuck” in Category 2 or 3 for over a year

• Posting of Categories
  o The Agency intended to post all establishments by whole bird categories starting in July
  o Why post Category 1 and 2? These establishments are meeting the performance standard.
  o Plan to merge new rolling window samples with a portion of an establishment’s last set in order to get 52 samples (statistically valid?)

Chicken Parts Performance Standard

• Challenges
  o Live production, first processing, and second processing may have impacts on Salmonella prevalence on chicken parts
  o Not all reduction practices are effective in all establishments
  o Just because a practice has been successful does not mean it can be used as a sole method in reducing Salmonella
  o Even if a practice has been successful it may not be able to be validated as a technique to reduce Salmonella
  o A multi-step approach throughout production and processing is necessary to reduce Salmonella contamination
  o Ensure complete coverage of product
  o Ensure worker safety
  o Must be cautious of organoleptic and quality impacts
Sidebar: Industry Concerns

• HACCP Reassessment Notice, December 6, 2012
  o “When NRTE poultry or meat products are associated with an illness outbreak and contain pathogens that are not considered adulterants, FSIS likely will consider the product linked to the illness outbreak to be adulterated….”
  o Recent Outbreaks
    • Weak attribution information
    • Unique PFGE

Establishment-Specific Data Release Plan
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• In 2009, President Obama issued a “Memorandum on Transparency and Open Government”
  o Calls for publishing information online in an open format available to the public without restrictions
• In 2011, FSIS collaborated with the National Academies National Research Council (NRC) who concluded that releasing establishment-specific information would be beneficial
• In 2014, FSIS released a draft plan to the National Advisory Committee on Meat and Poultry Inspection (NACMPI) who suggested that FSIS go even further with their release plan

Establishment-Specific Data Release Plan

• In January 2015, FSIS released their draft plan to the public
• Some of the proposed datasets include the following:
  o Demographics of FSIS-inspected facilities (HACCP size, plant #)
  o STEC sampling data for ground beef, trim, and beef components
  o LM and *Salmonella* in RTE products
  o *Salmonella* sampling and serotype data for chickens
  o *Salmonella* sampling and serotype data for turkey
  o *Salmonella* sampling and serotype data for comminuted poultry
  o *Campylobacter* sampling data for young chickens
  o *Campylobacter* sampling data for young turkeys
Will this improve public health?

Perceived Benefits

- Allow consumers to make more informed choices
- Motivate establishments to improve performance which may lead to:
  - Incentives to protect brand reputation in food safety or to protect or enhance customer base and profitability
  - Economic pressure to improve food safety
  - Enhanced performance benchmarking
- Provide better insights into strengths and weaknesses of different processing practices which could lead to industry-wide improvement in food safety practices
- Improve consistency of inspector performance

Perceived Consequences

- Potential for end users to draw inappropriate conclusions because of data misinterpretation
- Potential to encourage to improve in reported areas at the expense of unreported areas
- Cost of developing and maintaining a data disclosure system
- Potential adverse effects on:
  - Inspector performance
  - Brand reputation
  - International trade
- Unintended release of proprietary or confidential information
New Poultry Inspection System

- Proposed rule published in *Federal Register* on January 27, 2012
- Finally published in the *Federal Register* on August 21, 2014
  - 938 days after proposed
- What does this rule do?
- What does it mean for the poultry industry?
What does the final rule do?

- Some of the rule is voluntary – there is no requirement to transition into NPIS
- If you want to continue to operate under SIS, NELS, or NTIS you can continue to do so
- **ALL** establishments must:
  - Develop and implement written procedures to address fecal and other contamination during the slaughter process
  - Perform microbiological tests pre- and post-chill to demonstrate process control

Impact on all Poultry Establishments?

- Develop and implement written procedures to address fecal and other contamination during the slaughter process
  - Minimizing contamination during the evisceration process
  - Establishments will not be allowed to rely on upstream interventions to rid carcasses of contamination
  - In fecal control programs, establishments may consider including regular checks on the eviscerator to ensure proper function
- Perform microbiological tests pre- and post-chill to demonstrate process control (more details to follow)
  - All establishments will be required to select and validate an indicator organism
  - Indicator organism test must occur pre- and post-chill for every 22,000 birds
  - FSIS will no longer require the use of generic *E. coli* as an indicator organism
Impact on all Poultry Establishments?

- About 116 establishments have SIP waivers for time/temperature and on-line/off-line reprocessing
  - Those waivers are codified in the final rule
  - Establishments with these waivers can stop submitting SIP data to FSIS on October 20, 2014
- SPS waivers for FPS can only be maintained if establishments opt into NPIS
  - Establishments not opting into NPIS will no longer have FPS waivers

What if you opt into NPIS?

- Establishments will be responsible for training carcass sorters prior to FSIS inspection
- Line speed is capped at 140bpm
  - Industry can operate at this speed now
- Establishment must comply with OSHA regulations and annually demonstrate they have a program addressing worker injury and illness.
- One Carcass Inspector (CI) per line to conduct bird-by-bird inspection
- One Off-line Inspector (VI) per line to conduct verification activities
- CIs can no longer issue fecal NRs
What does this mean for current HIMP plants?

- “HIMP” will be essentially eliminated
- Current HIMP plants can continue to operate at 175bpm through a waiver process as long as they opt into NPIS
- Establishments must comply with all other requirements of NPIS
  - Sorters
  - OSHA compliance
  - Develop and implement written procedures to address fecal and other contamination during the slaughter process
  - Perform microbiological tests pre- and post-chill to demonstrate process control

Implementation

- To date 48 plants have opted into NPIS
  - 35 broiler
  - 13 turkey
- Started in July
- Have been asked to pull birds for the VI checks
- Fairly smooth to date
Cost Benefit (per FSIS)

- For 10% participation, FSIS will save $2.3 million and establishments will pay $1.6 million
- FSIS estimates public health benefit to average $1 million for 10% participation
- Mandatory testing requirements will cost the industry $9.1 million
- If 50% or more establishments opt into NPIS, there will be a net benefit
- FSIS expects 219 establishments to opt into NPIS (out of 289 poultry plants)

Sampling Frequency per NPIS
Sampling Frequency per NPIS

- On August 21, 2014, FSIS published the New Poultry Inspection System (NPIS) Final Rule which requires all poultry slaughter establishments to develop, implement, and maintain written procedures to prevent contamination of carcasses and parts by enteric pathogens include sampling and analysis for microorganisms.
- On November 11, 2015, FSIS published Notice 64-14 which:
  - Removes the requirement for generic E. coli testing allowing establishments to verify and utilize alternate indicator organisms.
  - Requires that broiler plants must take one sample per 22,000 birds processed.
  - Samples must be both pre and post-chill therefore the requirement is really 2 samples per 22,000 birds processed.
- This represented a significant increase in testing.

Sampling Frequency per NPIS

- Proposed alternatives to the 1 per 22,000 broiler (or 1 per 3,000 turkey) carcass sampling requirements.
- FSIS published a Compliance Guide in June 2015:
  - Can count annual production volume when calculating total number of samples needed;
  - Can include other relevant sampling data (e.g., SIP) towards 1/22,000
  - Can use statistical process control data gathered for a minimum of 6 months under selected inspection system in order to request a waiver to reduce below the regulatory minimum number of samples.
  - Can composite pre- and post-chill samples separately after 6 months of data generated to demonstrate on-going process control.
- NCC will be submitting comments – Due August 19th.
Inspector Buyout

- USDA announced a buy-out of approximately 300 eligible inspectors through the end of calendar year 2016
  - Meat and Poultry
  - ~5%
- Current inspector shortages
- Industry speculations
Antibiotics

• Various trends on the industry, QSR, and retail
• Much confusion about “antibiotic free,” “raised without antibiotics,” “raised without antibiotics of human significance”
• In the industry, clearly some movement away from shared-class antibiotics for growth promotion (subtherapeutic, FDA Guidance 209/213)
• Have access to all tools available to treat an animal if it is sick – shared-class or not.
Antibiotics

- Industry's biggest challenge is ionophores
- Important tool used to control coccidiosis and maintain gut health
- US vs. EU
- Label Issues
- Vaccinations
- Alternatives