

March 15, 2018

The Honorable George “Sonny” Perdue III
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Carmen Rottenberg
Acting Deputy Under Secretary for Food Safety
Food Safety and Inspection Service
U.S. Department of Agriculture
331-E Jamie L. Whitten Federal Bldg.
Washington, DC 20250-3700

RE: Docket No. FSIS-2016-0017

Dear Secretary Perdue and Acting Deputy Undersecretary Rottenberg:

The undersigned consumer, food safety, worker safety, animal welfare and public health organizations write to urge you to conduct one or more public meetings on the Proposed Rule, Docket No. FSIS-2016-0017 (RIN 0583-AD62) Modernization of Swine Slaughter Inspection. We also write to request that you extend the rule’s comment period for as long as necessary to allow the pending external peer review of FSIS’ assessment of the rule’s impact, so that the review may inform public comments on the proposed rule.

Many groups, including many of the signatories to this letter, have already written to request public meetings and an extension of the comment period for this proposed rule. FSIS has responded by extending the comment period from 60 to 90 days. That response is inadequate. The proposed rule raises serious food safety, food security, worker welfare, and humane slaughter concerns. A former FSIS chief veterinarian has [recently written](#) that the proposed rule’s reliance on plant workers to inspect live animals “is dangerous because it compromises the vital role FSIS serves in detecting animal diseases.” More generally, the proposed rule would expand the Hazard Analysis and Critical Control Point (HACCP)-based Inspection Models Project (HIMP) pilot program for swine slaughter, a program whose five participating slaughterhouses include three of the top ten establishments [most often cited](#) for inspection violations. A public forum is necessary to fully inform the public of the agency’s intentions, and how it plans to mitigate the public’s concerns.

Likewise, FSIS should proceed through the rulemaking process with the utmost deliberation. Recently, FSIS set the comment period for a comparatively uncontroversial proposed rule to amend egg products inspection regulations at 120 days. This proposed rule deserves no less time for consideration. Indeed, more time may be warranted.

In particular, FSIS should give the public adequate time to consider the findings of an external peer review of its “Assessment of the Potential Change in Human Risk of Salmonella Illnesses Associated with Modernizing Inspection of Market Hog Slaughter Establishments (Jan. 2018).” This assessment

offers critical support for the agency's contention that the proposed rule will improve food safety, yet it exhibits a number of troublesome irregularities. An external peer review would help the public to better understand the significance of these irregularities, and would meet a requirement that has applied to all federal agencies since the George W. Bush Administration.

Since 2004, the Office of Management and Budget (OMB) has [required](#) that "important scientific information shall be peer reviewed by qualified specialists before it is disseminated by the federal government." According to OMB, the peer review process must be transparent and provide "the public with the written charge to the peer reviewers, the peer reviewers' names, the peer reviewers' report(s), and the agency's response to the peer reviewers' report(s)." As OMB's memorandum laying out the requirement explains, "in the context of risk assessments, it is valuable to have the choice of input data and the specification of the model reviewed by peers before the agency invests time and resources in implementing the model and interpreting the results." In particular, if a risk assessment "is a critical component of rule-making, it is important to obtain peer review before the agency announces its regulatory options," in part because "[i]f review occurs too late, it is unlikely to contribute to the course of a rulemaking," and in part because an early peer review may "provide net benefit by reducing the prospect of challenges to a regulation that later may trigger time consuming and resource draining litigation." The OMB policy allows an agency to "waive or defer some or all of the peer review requirements," but only "where warranted by a compelling rationale." Here, FSIS has not fulfilled OMB's requirements for timeliness and transparency with regard to the peer review process, nor has it given a compelling rationale for a waiver.

At a recent stakeholder meeting with members of the Safe Food Coalition, FSIS officials informed some of us that an external peer review of the assessment is currently taking place, but to date, we have not seen the charge, nor do we know the names of the reviewers. The public should have this information, as well as access to the completed peer review, for at least thirty days prior to the proposed rule's comment deadline to provide for informed analysis of this rulemaking. If FSIS cannot publish a completed peer review in time for the public to consider it, the agency should suspend the rule and propose it again when the review is ready.

Thank you for considering this request. We look forward to your reply.

Sincerely,

American Public Health Association, Occupational Health and Safety Section

ASPCA: American Society for the Prevention of Cruelty to Animals

Center for Foodborne Illness Research & Prevention

Center for Progressive Reform

Center for Science in the Public Interest

Consumer Federation of America

Consumers Union

Food & Water Watch

Government Accountability Project

Institute for Agriculture and Trade Policy

Interfaith Worker Justice

International Brotherhood of Teamsters

Lady Freethinker

National Council for Occupational Safety and Health

National Employment Law Project

Nebraska Appleseed Center for Law in the Public Interest

Public Citizen

The Humane Society of the United States

United Food and Commercial Workers Union