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Re: Docket FSIS-2025-0001-0001

The American Pastured Poultry Producers Association, a producer and processor organization of over twelve hundred members, represents the majority of the very small state and USDA-inspected poultry processors, and is the largest collective of on-farm and exempt poultry processors in the United States. FSIS has requested comments about changing to a monthly production model, instead of the current daily production model, to assign testing frequencies and how it could potentially affect the very lowest volume establishments. This comment begins with a brief account of how FSIS testing frequencies have changed over time.

In January 2015, about the time that FSIS added Salmonella testing for parts and comminuted chicken to its program, a chart from FSIS was publicly shared, shown below:

Chart #1	
Number of Samples Assigned to Poultry Slaughter Establishments	
Average Daily Production Volume in Pounds from Previous Month	Samples Assigned per Month
1000 – 3000	0-1
3001-6000	1-3
6001-50,000	2-4
50,001-250,000	2-4
250,001-600,000	4-5
600,001-1,000,000	5
>1,000,000	5

From this chart one can see that those plants that produced less than 1000 pounds daily production (or about 20,000 lbs. monthly production, assuming 20 work days / month) were exempt from any testing. On the other hand, larger plants producing over one million pounds per day (or the equivalent of 20 million pounds per month) received

a maximum of 5 tests per month, or 60 tests per year. The above chart is reproduced below and includes the total of possible yearly tests assigned by the FSIS:

Chart #2		
Number of Samples Assigned to Poultry Slaughter Establishments		
Average Daily Production Volume in pounds from Previous Month	Samples Assigned per Month	Total Samples Assigned per Year
1000 – 3000	0-1	0-12
3001-6000	1-3	12-36
6001-50,000	2-4	24-48
50,001-250,000	2-4	24-48
250,001-600,000	4-5	48-60
600,001-1,000,000	5	60
>1,000,000	5	60

Notice that the number of samples FSIS tests in a year tops out at 60 tests for any establishment producing any amount over a million pounds of daily production.

On July 26, 2019, without warning or comment period, FSIS announced in the FSIS Constituent Update that it would increase the testing frequency of small and very small establishments that heretofore had not had production levels that would subject them to categorization. "FSIS…determined that the agency could significantly reduce the number of uncategorized establishments by scheduling at least 2 samples per month at all establishments producing between 1001 and 250,000 lbs. per day, and 5 samples per month to those eligible establishments producing over 250,000 lbs. per day." The above chart is reproduced below with the addition of a column showing the adjusted monthly production in pounds and the total yearly tests assigned to these Establishment Categories by FSIS:

Chart #3			
Number of samples Assigned to Poultry Slaughter Establishments			
Average Daily Production in Lbs.	Adjusted Monthly Production in Lbs.	Assigned Testing Samples per Month	Assigned Testing Samples per Year
1001-250,000	20,001-5,000,000	2	24
>250,000	>5,000,000	5	60

With this scheduling frequency of samples, it is possible to see the following scenario:

Chart #4				
Daily Production in Pounds	Monthly Production in Pounds (assuming 20 production days / month)	Frequency of Samples Assigned per Month (after August 2019)	Pounds of Product Represented by each Sample (monthly production / test frequency)	Testing Rate Comparison (monthly production of large plants / monthly production of very small plants)
1200	24,000	2 samples	24,000 / 2 = 12,000	12,000 / 12,000 = 1
240,000	4,800,000	2 samples	4,800,000 / 2 = 2,400,000	2,400,000 / 12,000 = 200
600,000	12,000,000	5 samples	12,000,000 / 5 = 2,400,000	24,000,000 / 12,000 = 200

This chart demonstrates that very low-volume establishments are currently being tested at a rate of 200 times that of much larger plants. This testing frequency puts very low-volume establishments that produce just over 1000 pounds a day (or about 24,000 pounds per month) in the same production category as those larger plants that produce upwards of 250,000 pounds a day (or 5 million pounds a month). These arbitrarily assigned testing frequencies put very low-volume establishments at a distinct disadvantage for successfully meeting the Salmonella Performance Standards with their limited space and resources.

In the recently posted "FSIS to Modify Procedures to More Accurately Sample Raw Poultry Establishments" currently open to comment, FSIS proposed that very small volume plants that only produce1000 pounds of product per month be eligible for testing by FSIS. This is a reenactment of what FSIS did in 2019 by reaching down into the very lowest levels of establishment production to "bring them into the fold". There is no justification given by FSIS to subject these plants to testing for their miniscule amounts of product. In fact, on page 81 FR 64744 of the proposed Salmonella Framework, FSIS admits that "Low and very low-volume establishments, combined, account for 0.08% of the total chicken carcasses produced in 2021. In that same year,

low volume establishments represented 0.1, 2.8 and 0.5 percent of the total production of chicken parts, comminuted chicken, and comminuted turkey, respectively." What tiny fraction of production would these extremely small-volume establishments represent? What is the goal of FSIS with this proposed change? The true goal of FSIS is to be found in the echo from the July 26, 2019 Constituent Update… "(T)he agency could significantly reduce the number of uncategorized plants…" This excessive testing might be construed as harassment of these very small establishments as FSIS is not averaging daily production over a month but is actively lowering the entrance level of product to be tested to 1000 pounds production for an entire month, which translates to a 2000% increase of inspection by FSIS.

There are many reasons why testing the very small-volume establishments that produce these very small quantities is unnecessary and not cost effective. There is much supporting documentation that food safety issues do not spring from very small poultry processors. US Public Law 90-294 was passed by the US Congress in 1986 that allowed on-farm, non-inspected processing of poultry for up to 20,000 birds annually. For almost 40 years this law has worked successfully, with no known product recalls or public illnesses. FSIS's own website shows that from 2012 to 2023 there were no recalls due to Salmonella in raw poultry from USDA very small processors. Very low-volume establishments keep a much closer relationship with their customers in their local communities and respond very quickly to their needs and feedback regarding any concerns about their product. As low-volume establishments cannot afford expensive advertising, they rely heavily on word-of-mouth recommendations for new customers.

If uninspected exempt plants and very low-volume inspected poultry slaughter facilities can achieve this successful history of responsible slaughter, we suggest that very small USDA poultry slaughter facilities do not need excessive sampling by FSIS. There are no regulatory requirements for final product standards in raw poultry. The microbiological sampling that is currently required by regulations in these very small volume establishments is sufficient to show process control. Very small-volume plants already maintain sanitation procedures and records of these activities. The oversampling of very small plants has not led to any significant reduction in public illness from salmonella. Instead, over-sampling and government overreach of these very low volume establishments has historically resulted in existing processors being shuttered and prospective processors discouraged from starting operations.

APPPA supports a change in sampling frequency if it moves towards fairness in sampling procedures. This proposed change only broadens the disparity in testing between the largest processors and the smallest. Can FSIS explain why there are no proposed increases in the testing frequency for the larger processors who experience

most of the Salmonella recalls? FSIS defends this proposed change in Salmonella sampling frequency *"To more accurately sample poultry establishments based on volume,"* however, they have only made changes to the very lowest volume processors. In previous comments submitted to the FSIS, APPPA has stated that small processors are sampled up to 200 times more frequently than large processors. FSIS appears to have ignored this proof of the over-testing of small processors.

FSIS currently has a very convoluted method of determining the frequency of sampling. Some production is based on pounds and others on the numbers of individual poultry. Sometimes daily production and annual production levels are given. The production levels assigned to the Establishment Volume Categories seem to be arbitrarily assigned and have no mathematical cohesion as seen in the following chart:

Chart #5 from the proposed Salmonella Framework, 89 FR 64744				
Table 38. Volume Categories for establishments subject to the final product standards				
Establishment Volume Category	Chicken Carcasses	Chicken parts	Comminuted Chicken	Comminuted Turkey
	(Birds Slaughtered Annually)	(Annual Production Pounds)	(Daily Production Pounds)	(Daily Production Pounds)
High	10 million or more	70 million or more	250,000 or more	250,000 or more
Medium	More than 1.1 million and less than 10 million	More than 1 million and less than 70 million	More than 6,000 and less than 250,000	More than 6,000 and less than 250,000
Low	More than 440,001 and less than 1.1 million	1 million or less	Less than 6,000	Less than 6,000
Very Low *	No more than 440,000	n/a	n/a	n/a
*Very low-volume establishments are defined in 9CFR 381.65 g(1)(i).				

Instead of trying to put a bandage on an already broken system, APPPA suggests that FSIS move to a simpler testing protocol based on pounds of product entering commerce. FSIS in the Salmonella Framework appears to be moving to a monthly production reporting period so converting daily and annual production amounts to monthly amounts would be appropriate. In an attempt to derive a protocol based on pounds of product entering commerce, the following chart was taken from Table 38 from the Proposed Salmonella Framework with the following changes for simplification: (1) The columns for comminuted chicken and turkey are combined as their volumes were identical for each volume category; (2) Only chicken products are

listed; (3) The annual and daily volume amounts are converted to monthly production and their values rounded:

Chart #6			
Establishment Volume Category	Annual Chicken Carcasses (individual birds)	Monthly Parts (Lbs.)	Monthly Ground (Lbs.)
High Volume	>10 million or more	>5.8 million	>5 million
Medium Volume	<10 million >1.1 million	<5.8 million >83 thousand	<5 million >120 thousand
Low Volume	<1.1 million >440,001 (~0.5 mil)	<83 thousand >20 thousand	<120 thousand >20 thousand
Very Low Volume	≤440,000 (~0.5 mil)	n/a	n/a

In a comment in response to the Proposed Salmonella Framework submitted to FSIS by January 17, 2025, the American Pastured Poultry Producers Association suggested that FSIS sampling should occur across all establishments on a pounds-produced basis. APPPA suggested that perhaps sampling should occur once for every million pounds produced entering commerce.

Below is a chart showing theoretical testing frequencies based on this proposed sampling protocol for the vast array of sizes of FSIS-inspected establishments. Pounds of product were averaged and a possible level of distinction made between low and very low production of 50,000 pounds. For scale, two production volume categories were included to illustrate a more comprehensive picture: VERY HIGH VOLUME (representing the very highest production volume of the largest establishments) and EXTREMELY LOW VOLUME (representing the very lowest production establishments). If all the establishments were tested on production alone, and if the testing frequency was one per certain amount of product entering commerce, the following charts would illustrate the number of tests per year for each establishment depending on its production category:

Chart #7 showing one sample per 1,000,000 lbs. product entering commerce					
	Official Establishments	Annual Chickens Slaughtered (Individual birds	Monthly Parts (Lbs.)	Monthly Ground (Lbs.)	Tests per Year
	Very High Volume	>100 million	>50 million	>50 million	>50
	High Volume	<100 million >10 million	< 50 million >5 million	< 50 million >5 million	5-49
	Medium Volume	<10 million >1 million	< 5 million >100 thousand	<5 million >100 thousand	1-4
	Low Volume	<1 million >440,000 (~0.5 mil)	< 100 thousand >50 thousand	<100 thousand >50 thousand	0
	Very Low Volume	<440,000 (~0.5 mil) >20,000	<50,000 >20,000	<50,00 >20,000	0
	Extremely Low Volume	<20,000	<20,000	<20,000	0

Chart #8 showing one sample per 500,000 lbs. product entering commerce					
	Official Establishments	Annual Chickens Slaughtered (Individual birds	Monthly Parts (Lbs.)	Monthly Ground (Lbs.)	Tests per Year
	Very High Volume	>100 million	>50 million	>50 million	>100
	High Volume	<100 million >10 million	< 50 million >5 million	< 50 million >5 million	10-99
	Medium Volume	<10 million >1 million	< 5 million >100 thousand	<5 million >100 thousand	1-9
	Low Volume	<1 million >440,000 (~0.5 mil)	< 100 thousand >50 thousand	<100 thousand >50 thousand	0
	Very Low Volume	<440,000 (~0.5 mil) >20,000	<50,000 >20,000	<50,00 >20,000	0
	Extremely Low Volume	<20,000	<20,000	<20,000	0

Chart #9 showing one sample per 250,000 lbs. product entering commerce

Official Establishments	Annual Chickens Slaughtered (Individual birds)	Monthly Parts (Lbs.)	Monthly Ground (Lbs.)	Tests per Year
Very High Volume	>100 million	>50 million	>50 million	>200
High Volume	<100 million >10 million	< 50 million >5 million	< 50 million >5 million	20-199
Medium Volume	<10 million >1 million	< 5 million >100 thousand	<5 million >100 thousand	1-19
Low Volume	<1 million >440,000 (~0.5 mil)	< 100 thousand >50 thousand	<100 thousand >50 thousand	0
Very Low Volume	<440,000 (~0.5 mil) >20,000	<50,000 >20,000	<50,00 >20,000	0
Extremely Low Volume	<20,000	<20,000	<20,000	0

Chart #10 showing one sample per 100,000 lbs. product entering commerce

Official Establishments	Annual Chickens Slaughtered (Individual birds	Monthly Parts (Lbs.)	Monthly Ground (Lbs.)	Tests per Year
Very High Volume	>100 million	>50 million	>50 million	>500
High Volume	<100 million >10 million	< 50 million >5 million	< 50 million >5 million	50-499
Medium Volume	<10 million >1 million	< 5 million >100 thousand	<5 million >100 thousand	1-49
Low Volume	<1 million >440,000 (~0.5 mil)	< 100 thousand >50 thousand	<100 thousand >50 thousand	0
Very Low Volume	<440,000 (~0.5 mil) >20,000	<50,000 >20,000	<50,00 >20,000	0
Extremely Low Volume	<20,000	<20,000	<20,000	0

This exercise demonstrates that whatever volume of product is used for testing frequency, to be judged fairly, either the very large plants should be tested at a greater frequency, or low and very low-volume establishments should be exempt from frequent testing. The production of these very low-volume establishments is only a tiny fraction of the medium and large plants by comparison. Testing on production levels less than 1,000 pounds per month rises to the level of government overreach.

How can FSIS justify testing the very smallest of its establishments at the same level as the very largest establishments?

How can FSIS justify the excessive testing of very small establishments for their minuscule production that enters commerce?

APPPA is against the proposed change in Docket# FSIS 2025-0001-0001 and believes the implementation of such a change would result in government overreach by FSIS in the very low-volume poultry establishments.

Sincerely,

American Pastured Poultry Producers Association