

Congress of the United States
House of Representatives
Washington, DC 20515

October 16, 2013

The Honorable Dr. Elisabeth Hagen
Under Secretary for Food Safety
U.S. Department of Agriculture (USDA)
1400 Independence Ave., SW
Washington, DC 20250-3700

Dear Under Secretary Hagen:

We write to express our deep concern with the ongoing outbreaks due to *Salmonella* associated with raw chicken products produced by Foster Farms. We are particularly troubled by the repeated failure of our food safety regulatory system to protect American consumers from the clear public health threat posed by Foster Farm products. Those repeated failures are outlined below.

On July 10, 2013, the Centers for Disease Control and Prevention (CDC) determined that the first outbreak, which began in 2012 and emanated out of two Foster Farms' facilities, was over. A total of 134 people were infected, with 31 percent hospitalized. The investigation of this outbreak of *Salmonella* Heidelberg identified chicken produced by Foster Farms as the likely source of the outbreak, but no action seems to have been taken by the Food Safety and Inspection Service (FSIS).

Tragically, a second outbreak occurred this year. Last week, FSIS issued a public health alert due to concerns that illness, once again caused by strains of *Salmonella* Heidelberg, was associated with raw chicken product produced by three other Foster Farms' facilities. At the time of the alert, an estimated 278 illnesses had been reported in 18 states, with reports indicating that roughly 42 percent of the people with illness have been hospitalized. As of October 11, 2013, a total of 317 people infected with seven outbreak strains of *Salmonella* Heidelberg have been reported from 20 states and Puerto Rico.

According to your Department's October 7, 2013 Notices of Intended Enforcement to the Foster Farms' establishments that are the key source of the latest outbreak, FSIS and CDC have been investigating this outbreak, which began in March, since July 1, 2013. On July 25, 2013, Foster Farms officials were notified by FSIS management personnel of the ongoing illness outbreak associated with poultry products emanating out of three of the company's facilities. Yet, contaminated products were allowed to continue to enter the marketplace and it was not until September 9, 2013 that FSIS initiated intensified *Salmonella* verification testing of Foster Farms products produced at facilities of concern.

Moreover, according to the documents, the performance of these facilities prior to the recent outbreak was of concern with the facilities subject to multiple regulatory non-compliance

issues for unsanitary conditions. Yet, it was not until this week that the determination was made that Foster Farms failed to implement and maintain adequate Hazard Analysis and Critical Control Points (HACCP) plans, which resulted in a failure to maintain sanitary conditions at the facility.

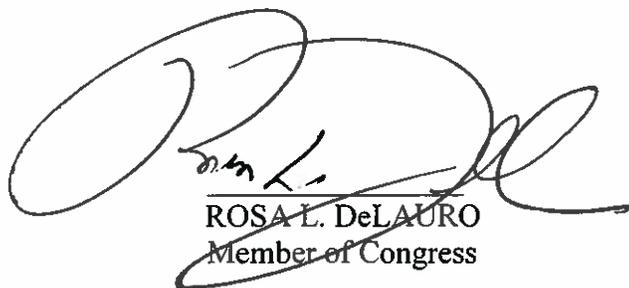
Accordingly, the Notices of Intended Enforcement were issued giving the establishments three business days to address all regulatory non-compliance issues. Yet, after the three days, FSIS, having already not recalled any Foster Farms products after over a year in which more than 400 people were sickened, announced it will not close any of its plants. We therefore respectfully request that you answer the following questions:

1. Given that FSIS knew in July 2013 of an ongoing illness outbreak associated with Foster Farms poultry products, why was additional *Salmonella* testing not conducted until September 2013? Please provide a timeline of FSIS interactions with Foster Farms from July through September.
2. FSIS issued a public health alert but no recall, despite the fact that over 400 people fell ill since 2012, many severely, as a result of consuming products produced by Foster Farms. Why was there no recall of the contaminated products? How does FSIS intend to protect the health of American consumers when it continues to allow contaminated products to enter the marketplace?
3. According to the Notices of Intended Enforcement, FSIS documented 12 Noncompliance Records at two facilities and 34 at another “for findings of fecal material on carcasses” as well as numerous other non-compliance issues. Please provide the inspection reports that led to these findings, as well as information on how these plants are monitored to determine whether these issues are being addressed. As the plants did not stop operating, what does FSIS know about the products that continued to enter the market after the notices?
4. In response to the Notices of Intended Enforcement, Foster Farms submitted a plan that your Department found sufficient for it to continue its operations. Why was no official regulatory action taken until these notices? What steps did Foster Farms take in the three days following the notices to create sanitary conditions in their facilities or did the company just develop plans to address these concerns? What steps are Foster Farms taking to implement and maintain HACCP plans in order to address the multitude of noncompliance issues identified by FSIS at all of its facilities of concern? How will FSIS ensure these changes are being implemented? Why will FSIS not stop production at Foster Farms until these changes are implemented?
5. FSIS completed an investigation of two Foster Farms slaughter establishments to determine the source of infections of the first outbreak. Please provide the report on the FSIS investigation, including conclusions reached, rationale for not taking any action at that time and your view on whether the two outbreaks are separate or in fact one inter-connected outbreak.

6. Were there any Noncompliance Records filed by FSIS inspectors that would have indicated process control issues at either of these two Foster Farms plants? If so, please provide a copy of those reports and detail any follow up to those reports.
7. The Public Health Information System (PHIS) assesses data gathered in regulated plants to determine trends in process control. That information can help determine what actions in-plant inspection personnel are to take in the event that process control problems arise. Please provide reports detailing what was found in all Foster Farms plants since June 2012 when the first outbreak occurred.
8. Foster Farms is a complete vertical integration poultry operation that can raise its own poultry for slaughter and processing. Given the magnitude of the outbreak, what is FSIS's view on the potential that the Foster Farms' system and flock, including the facilities associated with these outbreaks, may be contributing to the high number of pathogens in its products, and has FSIS engaged in any conversations with Foster Farms on this issue?
9. Is your Department considering whether to declare specific serotypes of *Salmonella* and *Campylobacter* adulterants in meat, poultry and/or egg products? If not, why not? If so, what is the timeline for these decisions? If you do not believe you have authority to make such a decision, have you asked Congress for such authority, and if so, when? If not, why not?
10. When were the most recent Food Safety Assessments conducted on these plants? Please provide a copy of those reports.

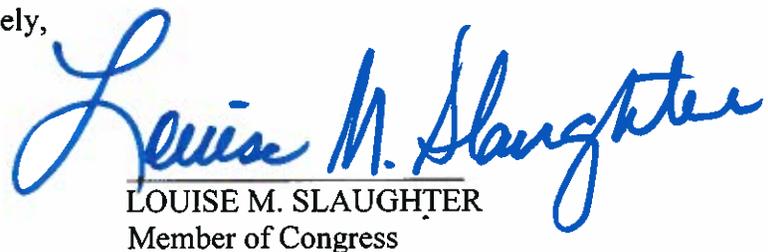
An outbreak of food-borne illness on the scale of that reported by the CDC in July is undoubtedly disconcerting to the American public. A second outbreak emanating from the same company is wholly unacceptable. It is FSIS's core mission to prevent such outbreaks, as well as quickly and adequately respond to such incidents when they do occur, a regulatory responsibility that FSIS appears to have failed to meet in this case.

Thank you for your attention to this critical matter and for your prompt response.



ROSA L. DeLAURO
Member of Congress

Sincerely,



LOUISE M. SLAUGHTER
Member of Congress

Cc: Secretary Tom Vilsack