

Congress of the United States

Washington, DC 20515

September 30, 2024

Larry Helfant
Chief Operating Officer
Boar's Head Provision Co., Inc.
1819 Main St, #800
Sarasota, FL 34236

Kevin S. MacKinnon
Authorized House Counsel
Delicatessen Services Company, LLC
1819 Main St, #800
Sarasota, FL 34236

Dear Mr. MacKinnon and Mr. Helfant,

We write to inquire about the deadly *Listeria* outbreak linked to deli meats from a Boar's Head Facility in Jarratt, Virginia.

In what is now the deadliest *Listeria* outbreak since 2011, 19 states have been affected, 59 persons hospitalized, and 10 have died.¹

We are horrified by the reports of the conditions at the Boar's Head Facility in Jarratt, Virginia. According to records released by the United States Department of Agriculture (USDA), inspectors identified 69 records of "noncompliances" at this individual facility over the last year. Inspectors found and documented the following: mold and mildew around the hand washing sinks for staff working with meats that are supposed to be ready to eat; mold in holding coolers between the site's smokehouses; blood in puddles on the floor; and insects in and around deli meats at the plant.² The totality of the inspection records demonstrates a repeated pattern that has jeopardized food safety across the country.

Earlier this month, the New York Times reported that two years prior, "U.S. inspectors warned that conditions at [the] Boar's Head plant posed an "imminent threat" to public health, citing extensive rust, deli meats exposed to wet ceilings, green mold and holes in the walls."³ Despite posing an "imminent threat" to public health, Boar's Head apparently failed to engage in sufficient corrective actions to prevent further serious violations and a deadly nationwide outbreak.

These conditions show a complete disregard for food safety and for the public health of the American people. As a company that operates within the United States and sells to American consumers, you have an obligation to protect public health and prepare and sell food that meets safety standards. With the science we have available, there is no excuse for the tragic loss of life that has occurred as a result of this outbreak.

According to the career page on the Boar's Head website, Boar's Head is a company that embraces connecting "over a passion for the highest standards in food."⁴ Standards are not just about quality, but safety as well. We demand answers to the following questions to better comprehend the situation and prevent deadly outbreaks like this from occurring in the future:

- 1.) The Boar's Head Facility in Virginia opted for alternative 3 for the control of *Listeria monocytogenes* in post-lethality exposed RTE products as described in the Listeria Rule. Alternative 3, which consists of just using a sanitation program, is the weakest of the three alternative control options, since it does not include a post-lethality treatment or an antimicrobial agent or process (Alternative 2), or a post-lethality

¹ <https://www.cdc.gov/media/releases/s0925-listeria-outbreak.html>

² <https://www.cbsnews.com/news/bugs-mold-mildew-inspection-boars-head-plant-listeria/>

³ <https://www.nytimes.com/2024/09/10/health/boars-head-deli-meat-listeria.html>

⁴ <https://boarshead.com/careers>

treatment *and* an antimicrobial agent or process (Alternative 1) and requires more testing for Lm or an indicator organism, particularly for food-contact surfaces. Did Boar's Head explain to FSIS their thinking behind opting for Alternative 3, rather than the stronger alternatives? If yes, can you provide the reasoning and any communications to FSIS on this subject?

- 2.) Facilities using Alternative 3 must state the frequency with which the microbial testing will be done for food-contact surfaces in the post-lethality processing environment. How frequently did the Boar's Head Facility test food-contact surfaces for *Listeria monocytogenes* or an indicator organism? Did FSIS collect this data? If yes, please provide the data from such testing, especially for years 2000 to present.
- 3.) Did the Boar's Head Facility test nonfood-contact surfaces for *Listeria monocytogenes* or an indicator organism as part of its sanitation program? If yes, what did they test for and how frequently did they perform such tests? Did FSIS inspectors collect this data? If yes, please provide the data from such testing. If not, why not?
- 4.) If the facility plans to reopen, how does Boar's Head plan to remedy all instances of noncompliance and additional areas of concern regarding the conditions at the facility in Jarratt, Virginia? How does Boar's Head plan to prevent similar instances of noncompliance in the future?
- 5.) If the facility plans to reopen, will Boar's Head commit to investing in the clear infrastructure needs of the facility in Virginia, such as the numerous reported instances of leaking pipes⁵, before restarting operations there? Why were operations not halted to make needed renovations to protect food safety?
- 6.) Why did managerial staff not act sooner to address safety concerns? How will managerial staff at this facility be held accountable for repeated food safety concerns and instances of noncompliance?
- 7.) How were conditions at this facility allowed to remain so unsanitary for such a long period of time? What policies are in place to ensure food safety and general cleanliness of operations? How can the American public be assured other Boar's Head facilities are not experiencing the same problems?
- 8.) Please provide evidence for and of all third-party food safety audits and inspections.
- 9.) How are food safety decisions made at Boar's Head and specifically at the facility in Jarratt, Virginia? Who at Boar's Head headquarters manages food safety?
- 10.) Can you please provide the documented steps you did to manage the current recall for all the products you have voluntarily recalled over the last year? Please include the number of customers contacted, information that was shared with customers, the correspondence sent to customers, and if customer responses were tracked.

We appreciate your timely attention to this important matter and look forward to your response.

Sincerely,




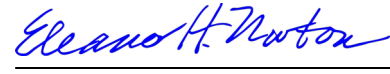
Rosa L. DeLauro
Member of Congress




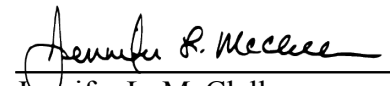
Cory A. Booker
United States Senator

⁵ <https://www.washingtonpost.com/dc-md-va/2024/08/29/boars-head-mold-bugs-listeria-deli-meat/>

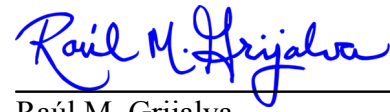

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Rashida Tlaib
Member of Congress

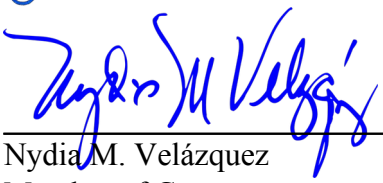

Dan Goldman
Member of Congress

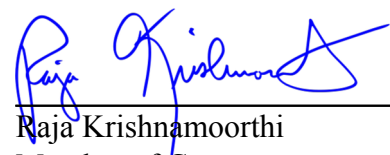

Bonnie Watson Coleman
Member of Congress


David Scott
Member of Congress


John B. Larson
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Jan Schakowsky
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Nydia M. Velázquez
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Raja Krishnamoorthi
Member of Congress



Julia Brownley
Member of Congress



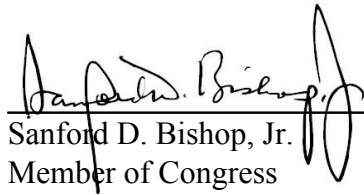
Barbara Lee
Member of Congress



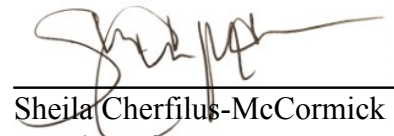
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Member of Congress



Danny K. Davis
Member of Congress



Sanford D. Bishop, Jr.
Member of Congress



Sheila Cherfilus-McCormick
Member of Congress

CC:

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