

SAFE FOOD COALITION

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The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
The Capitol
Washington, DC 20515

The Honorable Charles Schumer
Majority Leader
U.S. Senate
The Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
The Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
The Capitol
Washington, DC 20510

April 8, 2021

Re: Foodborne Illness Risk from Meat and Poultry Inspection Deregulation

Dear Speaker Pelosi, Majority Leader Schumer, Minority Leader McCarthy and Minority Leader McConnell:

The undersigned members of the Safe Food Coalition write to urge you to vote against legislation that would lift prohibitions on the interstate sale of meat and poultry from state inspected facilities. In particular, we write to call your attention to H.R. 7425, the Direct Interstate Retail Exemption for Certain Transactions Act of 2021, and its consequences for food safety.

H.R. 7425 would amend the Federal Meat Inspection Act, 21 U.S.C. 661, and the Poultry Products Inspection Act, 21 U.S.C. 454, to allow establishments and retailers to “sell over the internet and ship by carrier in commerce” state-inspected meat and poultry, so long as the product “is shipped directly to household consumers and in normal retail quantities.”¹ Under the Act, consumers could potentially end up buying state-inspected meat and poultry on sites like Amazon.com, without even knowing it.

As we have expressed in previous letters opposing legislation to deregulate federal meat inspection, allowing interstate sales of meat and poultry from state inspected plants would expose consumers to increased foodborne illness risk. State meat and poultry inspection programs are not actually “equal” to federal inspection, with the possible exception of eight states from which USDA already allows state inspected processors to ship across state lines through the Cooperative Interstate Shipment (CIS) program. H.R. 7425 would force state governments to accept the sale of meat and poultry products inspected by state programs with variable levels of food safety

¹ <https://www.congress.gov/bill/116th-congress/house-bill/7425/text?r=66&s=1>

oversight. These potential impacts of H.R. 7425 have not been subject to sufficient scrutiny, with proposed changes never having been the subject of hearings in either house of Congress.

Before moving to deregulate sales of state-inspected meat processors, Congress should also examine whether such legislation would create unfair competition for small and very small processors, who have invested in meeting federal inspection requirements. On its face, H.R. 7425 would undermine recent federal investments in facilitating USDA inspection of small and very small establishments. These include \$60 million provided in the Consolidated Appropriations Act of 2021 for, in part, “making improvements ...and other such planning activities necessary to obtain a Federal grant of inspection” for small and very small meat and poultry processors,² and another \$100 million provided in the American Rescue Plan to, in part, offset the cost of Federal inspector overtime for small and very small establishments as they work through processing backlogs.³

The proponents of H.R. 7425 suggest that passing the law will help to avoid the type of shortages in meat processing capacity that resulted from the closure of dozens of large meatpacking establishments during the height of the COVID-19 pandemic. However, the capacity of state-inspected slaughter facilities is negligible compared to the massive federally inspected facilities that were closed during the pandemic. Moreover, the sponsors of bills like H.R. 7425 have failed to explain why state-inspected establishments need an exemption from federal inspection requirements when so many other facilities have been able to meet them. Indeed, federal inspectors currently work in literally thousands of small and very small meatpacking establishments across the country.⁴

Expansion of state-inspected slaughter should not come at the expense of consumer safety. Should states wish to accommodate the interstate-shipment of state-inspected meat and poultry, there is already a means to do so safely: the CIS program. That program requires states and participating establishments to undergo additional certifications, which ensure that they can meet all federal requirements for shipping products across state lines, including the determination that the state has adequate legal authority over establishments to enforce regulations and proper staffing. Efforts to further expand interstate shipment of state-inspected meat and poultry products are most appropriately channeled towards improving the CIS program.

We respectfully urge you to consider these issues, and to maintain the requirement that meat and poultry shipped in interstate commerce must be “USDA Inspected and Approved,” and that all meat and poultry entering into commerce be subject to reasonable inspection requirements to protect consumers.

Sincerely,

Center for Food Safety

² Pub.L. 116–260, Section 764(a), available at: <https://www.congress.gov/bill/116th-congress/house-bill/133/text>

³ See <https://agriculture.house.gov/news/documentsingle.aspx?DocumentID=2110>

⁴ See FSIS. “Meat, Poultry and Egg Product Inspection Directory,” <https://fsis-prod.fsis.usda.gov/inspection/establishments/meat-poultry-and-egg-product-inspection-directory> (last visited March 22, 2021) (listing 5,265 “small” and “very small” meatpacking establishments inspected by FSIS).

Center for Science in the Public Interest
Center for Foodborne Illness Research and Prevention
Consumer Reports
Consumer Federation of America
Food and Water Watch
Stop Foodborne Illness
National Consumers League