

THE INSIDE SCOOP ON HOW CR IS WORKING BEHIND THE SCENES FOR A SAFE AND HEALTHY FOOD SYSTEM

Is USDA Ignoring Modern Salmonella Testing Methods?



On Jan. 14, the U.S. Department of Agriculture (USDA) held a public meeting to gather input on reducing salmonella illnesses linked to poultry products.

At the beginning of last year, the USDA announced that it was scrapping a framework plan aimed at reducing salmonella illness rates. They followed that up with a decision in November to delay the implementation of a rule that declares salmonella an adulterant in raw frozen breaded chicken products. The reason, the USDA claims, is that current available test methods have inaccuracy limitations and have resulted in false positives. Because of these actions, CR was concerned that, despite holding this meeting, the USDA actually doesn't intend to do anything meaningful to combat salmonella in the next few years. Historically, convening public meetings has been used at times as a stalling tactic by agencies to delay or kill a proposal that they don't support.

During the public meeting, Consumer Reports Senior Scientist Michael Hansen, PhD, [said](#) that the USDA's claim about the test methods is inaccurate. He pointed to a May 2024 final determination [notice](#) published in the Federal Register, in which the USDA acknowledged that a verified test exists. The USDA's claims were also disputed by Milan Patel, CEO and co-founder of PathogenDX, a molecular diagnostics company, who

[said](#) that inaccuracy limitations have been resolved and modern methods can accurately quantify salmonella at very low levels.

A recent [op-ed](#) by Consumer Reports argued that because an accurate and reliable test method poses an inconvenience to the poultry industry, the USDA may be questioning the test's reliability in order to justify the delay in the rule. Consumer Reports recently met with the USDA to convey these concerns, and it indicated that it would be open-minded about the issue.

Industrial Food Complex Using Conflicting Messaging on Food Chemical Issues

Having spent millions of dollars to [form](#) the questionably named Americans for Ingredient Transparency, the food industry has demonstrated that it will do whatever it takes to block state laws that aim to require greater transparency on food chemicals. The latest example: employing conflicting messages when lobbying state and federal policymakers.

Additive use in foods is governed by the Food and Drug Administration under the Generally Recognized as Safe (GRAS) process. There are loopholes in this law that allow food companies to use additives without prior FDA approval. (For details, see this great [explainer](#) from our friends at the Center for Science in the Public Interest.)

In a December [letter](#) to the White House about an FDA proposal that would reform the GRAS process, a number of food industry trade associations asserted that Congress intentionally structured the review process so that determinations about food chemical use and safety could be made independently by companies without notifying the FDA. Translation: The food industry doesn't want to be transparent about the food chemicals they use and whose safety determinations were made by industry scientists.

Policy and legal analysts also interpret the letter's messaging as a veiled threat to file lawsuits to block this proposal from moving forward. The food industry has demonstrated a willingness to use the courts to challenge state laws, having successfully **blocked** the implementation of a West Virginia law that bans certain toxic food chemicals.

The messaging is different when the food industry lobbies state legislatures. In letters to state lawmakers over the past year, the food industry has argued that the FDA has accelerated its work on food chemical issues, thereby reducing the need for states to move forward with legislation. They fail to mention that they are intensively lobbying against the FDA proposal so they can continue avoiding greater transparency and accountability. As expected, none of these messages were highlighted during the food industry-driven, and questionably named, National Consumer Transparency Week back in **December**.

Questions Raised about Florida Test Results on Arsenic in Candy

Much has been made in the news and on social media recently about the elevated arsenic levels Florida officials found in their tests of popular candy products. However, a number of scientists have expressed concerns about the validity of the findings, according to Tom Neltner, the National Director of **Unleaded Kids** and a chemical engineer by training. He spoke with several lab experts who raised serious questions about Florida's testing documentation and suspect the results are not credible. In addition, some of the levels reported in the Florida tests were up to one hundred times higher than the average levels the FDA has found in similar candy products, which represents a substantial statistical anomaly. The lack of information about the testing methodology also makes it difficult to determine the legitimacy of the results.

Other States of Mind



- **California Legislation on Protein Powders.** As a follow-up to a Consumer Reports **study** that found unsafe levels of lead in numerous protein powders, California State Sen. Steve Padilla has introduced legislation that would require manufacturers to test their products for heavy metals and publicly disclose their test results. Consumer Reports is cosponsoring the bill, along with the Environmental Working Group.
- **Indiana Legislation on School Foods.** In addition to being the home of this year's college football champions, Indiana also has **legislation** moving through its general assembly that would prohibit foods containing certain dyes and chemicals from being served in schools. The bipartisan bill passed the Indiana House by an 83-7 vote and now moves to the Senate.
- **New York Legislation on Baby Food Testing.** Upon the convening of the 2026 session, New York State Sen. Michelle Hinchey introduced legislation that would require baby food manufacturers to test their products for heavy metal contaminants and disclose the results to the public.