

June 11, 2026

The Honorable Mindy Brashears, PhD
Under Secretary for Food Safety,
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Dr. Brashears,

We are writing to express continuing concern over the lack of transparency and clarity regarding the delay in verification sampling and testing for not-ready-to-eat (NRTE) breaded stuffed chicken products. We urge you to release the data used by the Food Safety and Inspection Service (FSIS) to validate the BioMerieux GENE-UP QUANT *Salmonella* Test Kit for NRTE breaded stuffed chicken products, which was identified as an accurate test in the final determination regarding *Salmonella* contamination in NRTE chicken products.

As you know, in 2024, FSIS took a [step](#) towards enforceable product standards for *Salmonella* in poultry products by setting a limit of 1 Colony Forming Units per gram (aka 1 CFU/g) of *Salmonella* in the source material used for the manufacturing of these specific breaded stuffed chicken products. This final determination was initially scheduled to take effect on May 1, 2025, and FSIS was set to begin sampling and testing NRTE breaded stuffed chicken or other verification activities for *Salmonella*, after a six-month delay, on November 3, 2025 because of “current testing method limitations.”

However, on December 2, 2025 FSIS posted a [notice](#) explaining that verification sampling of NRTE breaded stuffed chicken products was being further delayed because the “current available test methods have accuracy limitations and have resulted in findings of false positives, especially at low levels of contamination.” In its explanation, FSIS cited a 2024 Agricultural Research Service (ARS) [study](#) about a new test method, known as “Poisson Limit One Tube” (PiLOT-95). This test method does experience issues with false positives when testing raw chicken components typically used to prepare NRTE breaded stuffed chicken products for *Salmonella* at low levels. However, it noted that the false positive rate would be lowered by using a “Confidently Above Threshold” (CAT) Method.

The December notice further states that all current available test methods have accuracy limitations at low levels of contamination. **However, this assertion is troubling.** The May 2024 [Final Determination](#) for *Salmonella* in NRTE breaded stuffed chicken products confirmed the existence of a validated test – BioMerieux GENE-UP QUANT *Salmonella* Test Kit – that did not

experience issues with false positives at low levels. **In various stakeholder meetings, you have stated that you have become aware of inaccuracies with this method, but have not been able to release any data to support this assertion.**

FSIS also noted that a number of industry groups had said that tests that were accurate at low levels (e.g., 1 CFU/g) had not been validated to be accurate at those levels. However, FSIS countered that a validated test did exist, stating, “FSIS laboratories performed a thorough verification of validated methods by independent organizations.” FSIS’ indicated that the current qPCR method is validated for 1 CFU/g in NRTE breaded stuffed chicken, as well as the BioMerieux GENE-UP QUANT *Salmonella* Test Kit identified in the [Final Determination](#).

Furthermore, during a [public meeting](#) convened this past January (Exploring Practical Strategies to Reduce *Salmonella* in Poultry Products), Dr. Milan Patel, CEO and co-founder of PathogenDx, a molecular diagnostics company, made it very clear that molecular techniques do indeed exist to detect *Salmonella* in poultry at low levels. He declared, “I want to emphasize one point clearly: the science and technology needed to support alternative parameters already exist today.” Dr. Patel explained that modern molecular technologies enable precise, fast, and cost-effective enumeration of *Salmonella* at low levels, overcoming the limitations of legacy methods like MPN, adding that these advanced tools allow for accurate quantification at 1 CFU/g.

Given that FSIS has previously stated that their GENE-UP QUANT *Salmonella* Test Kit has been validated for 1 CFU/g in NRTE breaded stuffed chicken products, we request that FSIS provide the data that support this assertion. We also would urge you to provide any data that supports the determination that there are inaccuracies associated with this method for NRTE breaded stuffed chicken products.

Thank you for your attention to this matter. A response is requested by June 29, 2026.

Sincerely,

Brian Ronholm
Director, Food Policy
Consumer Reports