

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE**

In re: **Requiring Processing Plants to Test for
SARS-CoV-2 and Warning Consumers of
Possible Presence of SARS-CoV-2
on Meat and Poultry Products**

Docket No. ____

EMERGENCY PETITION

SUBMITTED TO

FSIS Docket Clerk
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DATE

May 20, 2020

REPLY TO

Physicians Committee for Responsible Medicine
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INTRODUCTION

Slaughterhouses produce meat and poultry products for retail stores, restaurants, and homes, where they are handled and consumed. Since the beginning of the COVID-19 pandemic, thousands of slaughterhouse workers have been infected with the SARS-CoV-2 virus. As of May 14, there were at least 14,259 infections and 59 deaths among U.S. slaughterhouse workers.¹

These slaughterhouses have been central points of viral spread in humans. In South Dakota, more than half the cases of COVID-19 statewide occurred in workers at the Smithfield plant in Sioux Falls. Workers have expressed grave concerns for their personal safety, due to the frequent transmission of the virus within slaughterhouses. Similar issues afflict workers at fish processing plants.²

Because these workers, who may be asymptomatic viral carriers, directly handle meat and poultry products, and because the SARS-CoV-2 virus is easily airborne, remaining detectable for 30 minutes or more in air samples,³ transmission of the virus to the products they handle is likely.

Poultry slaughterhouses collectively slaughter more than 20 million birds every day, typically on high-speed automated production lines. Chickens are stunned, killed, bled, and sent through scalding tanks, which help remove feathers but also act as reservoirs that transfer contamination from one carcass to another. After scalding, feathers and intestines are mechanically removed. Intestinal contents can spill onto machinery and contaminate the muscles and organs of the chicken and those processed afterward.

Some slaughter lines process as many as 175 birds per minute. Because the same machine eviscerates thousands of birds an hour—without intervening decontamination—contamination may easily spread to other birds. Near the end of the line, carcasses are typically chilled in ice water, effectively a communal bath in which contamination again spreads from bird to bird, permeating the carcasses. After chilling, a chicken may be cut up, allowing for further spread from carcass to implements. The remains are then packaged, carrying the contamination to consumers.

Slaughter of cattle and pigs is executed by workers, not machines. At more than 300 cattle slaughtered per hour and more than 1,000 pigs slaughtered every hour, the spread of contamination is unavoidable. This is especially true for pigs; because their hides are not removed during the slaughter process, pig carcasses are put through a communal scalding tank, similar to the defeathering tank for chickens. Contaminated carcasses enter the same water as do the other pig carcasses, potentially infecting the uncontaminated ones. Scalding is followed by

¹ Food & Env't Reporting Network, Mapping Covid-19 in Meat and Food Processing Plants (May 14, 2020), <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

² *Pacific Seafood Worker in Warrenton Tests Positive for the Coronavirus*, ASTORIAN, May 9, 2020, https://www.dailyastorian.com/coronavirus/pacific-seafood-worker-in-warrenton-tests-positive-for-the-coronavirus/article_624578a4-925d-11ea-a857-5b2114587db3.html.

³ Ren SY, Wang WB, Hao YG, et al. Stability and infectivity of coronaviruses in inanimate environments. *World J Clin Cases*. 2020;8:1391–1399.

dehairing, in which “rotating drums equipped with scraper blocks . . . rotate the carcasses to remove the hairs.”⁴ Recontamination of the carcasses occurs at dehairing.⁵

The U.S. Department of Agriculture (“USDA”) recommends that consumers refrigerate meat and poultry at temperatures below 40 degrees Fahrenheit (4 degrees Celsius).⁶ At these temperatures, infectious viruses thrive. Rather than killing viruses, refrigeration preserves them. According to a 2010 University of North Carolina study, viruses kept at 4 degrees Celsius remained easily detectable throughout the full 28-day study period.⁷ This is far longer than the time required for products to be transferred from processing plants to stores where they are purchased by consumers.

Slaughterhouses remain under intense pressure to produce, despite risks to workers and the public.⁸ Yet no U.S. slaughterhouse tests its products for the presence of the SARS-CoV-2 virus. It has long been known that viral pathogens on food products are routinely transmitted to consumers. According to one study, “infected handlers at slaughterhouses are repeatedly involved in transmission” of two such viruses—Norovirus and Hepatovirus A.⁹ But producers largely leave safe handling concerns to the consumer. However, while SARS-CoV-2 is as durable and transmissible as other pathogens, its risks are far greater.

Contrary to current USDA guidance, protecting consumers takes far more than requiring a processing plant to select the “appropriate disinfectant product.”¹⁰ According to the Centers for Disease Control and Prevention, one “can become infected from respiratory droplets when an infected person coughs, sneezes, or talks” or “by touching a surface or object that has the virus on it, and then by touching your mouth, nose, or eyes.”¹¹ Every animal carcass that speeds down the production line past an asymptomatic but infected worker is another object capable of transmitting that worker’s infectious respiratory droplets to consumers. It is therefore incumbent on USDA to exercise its broad authority under the Federal Meat Inspection Act¹² and the Poultry Products Inspection Act¹³ to more meaningfully protect consumers from COVID-19 as set forth below.

⁴ Food Safety & Inspection Serv., USDA, Public Health Risk-Based Inspection System for Processing and Slaughter Technical Report, at 13:503-06. (Apr. 18, 2008), https://www.fsis.usda.gov/wps/wcm/connect/80b289fd-839b-4403-a405-4e854927288e/Processing_Slaughter_Tech_Rpt_041808.pdf?MOD=AJPERES.

⁵ *Id.*

⁶ Food Safety & Inspection Serv., USDA, Refrigeration and Food Safety (Mar. 23, 2015), https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/refrigeration-and-food-safety/ct_index/#4.

⁷ Casanova LM, Jeon S, Rutala WA, Weber DJ, Sobsey MD. Effects of air temperature and relative humidity on coronavirus survival on surfaces. *Appl Environ Microbiol.* 2010;76:2712–2717.

⁸ *E.g.*, Exec. Order 13,917, 85 Fed. Reg. 26,313 (May 1, 2020).

⁹ Velebit B, Radin D, Teodorovic V. Transmission of common foodborne viruses by meat products. *Procedia Food Science.* 2015;5:304–307.

¹⁰ *See* Food Safety & Inspection Serv., USDA, Common Questions about Food Safety and COVID-19 (Mar. 18, 2020), <https://www.fsis.usda.gov/wps/portal/fsis/newsroom/Common-Questions-about-Food-Safety-and-COVID-19>.

¹¹ Centers for Disease Control and Protection, What You Should Know About COVID-19 to Protect Yourself and Others (Apr. 15, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>.

¹² 21 U.S.C. §§ 601–695.

¹³ 21 U.S.C. §§ 451–472.

LEGAL AUTHORITY

The Federal Meat Inspection Act requires USDA to conduct inspections of cows, pigs, goats, sheep, equines animals, and certain fish used for food before and after slaughter and during the processing operation to prevent the distribution and sale of meat that was unwholesome, adulterated, unhealthful, and not properly marked, labeled, and packaged.¹⁴ USDA must ensure that only unadulterated carcasses are approved for further distribution to consumers. If meat is unadulterated, USDA must affix an inspection legend indicating that the meat has been inspected by USDA, passed the inspection, and is safe to eat.¹⁵

The underlying principle of the act is that adulterated meat is unfit for consumption and cannot be passed at inspection by USDA for sale to the public.¹⁶ Meat is adulterated “if it bears or contains any poisonous or deleterious substance which may render it injurious to health . . . or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.”¹⁷ Meat is misbranded “if its labeling is false or misleading in any particular” or “if it fails to bear . . . the inspection legend and . . . such other information as the Secretary may require . . . to assure that it will not have false or misleading labeling.”¹⁸

Congress likewise enacted the Poultry Products Inspection Act to protect the “health and welfare of consumers” by assuring that products containing the meat of chickens, turkeys, ducks, geese, and guineas “are wholesome, not adulterated, and properly marked, labeled, and packaged.”¹⁹ The act requires inspections,²⁰ defines “adulterated” as shown above,²¹ and prohibits misbranding.²² Again, the basic principle underlying the act is that adulterated poultry is unfit for consumers to eat.

USDA permits several inspection legends for meat, including “Inspected and passed,” “U.S. Inspected and Passed,” or “U.S. Inspected and Passed by Department of Agriculture,”²³ For poultry, USDA authorizes only one inspection legend: “Inspected for wholesomeness by U.S. Department of Agriculture.”²⁴

Pursuant to these acts, USDA requires a “[s]afe handling label” on all raw meat and poultry products.²⁵ USDA also operates a massive and targeted food safety campaign to inform consumers about the handling and cooking of meat and poultry products via a nationwide food-

¹⁴ See 21 U.S.C. § 601.

¹⁵ See 21 U.S.C. § 601(n)(12).

¹⁶ See 21 U.S.C. § 608.

¹⁷ 21 U.S.C. § 601(m)(1), (m)(3).

¹⁸ 21 U.S.C. § 601(n)(1), (n)(12).

¹⁹ 21 U.S.C. § 451.

²⁰ 21 U.S.C. § 455.

²¹ 21 U.S.C. § 453(g)(1), (g)(3).

²² 21 U.S.C. § 453(h).

²³ See 9 C.F.R. § 301.2.

²⁴ 9 C.F.R. §§ 381.1, 381.96.

²⁵ 9 C.F.R. §§ 317.2(l), 381.125(b).

safety hotline and specialized campaigns directed at food handlers, institutions, health professionals, and at-risk populations, as well as food handlers in the home.²⁶

ACTION REQUESTED

USDA advises the public that its inspection system guarantees a wholesome food supply. Yet its inspection system does not prevent contamination by the SARS-CoV-2 virus. Thus, USDA must undertake stringent and proactive rules, policies, and enforcement measures to prevent the continued contamination of meat and poultry. At the same time, USDA must vigilantly warn consumers about the risks inherent to consuming meat or poultry products as a result of the COVID-19 pandemic and its long-lasting effects.

Accordingly, the Physicians Committee for Responsible Medicine hereby requests that USDA:

1. Require all processing plants operating in the U.S. and all facilities shipping meat and poultry products into the United States to test their products for the presence of SARS-CoV-2 and immediately make their findings publicly available.
2. Require all such facilities to report to local public health authorities, on a weekly basis, the number of workers or worker family members with presumptive or confirmed SARS-CoV-2 infection and those dying of COVID-19.
3. Report via the USDA web site, on a weekly basis, the number of meat and poultry plant inspectors with presumptive or confirmed SARS-CoV-2 infection and those dying of COVID-19.
4. Amend sections 317.2(l)(2) and 381.125(b) of Title 9 of the Code of Federal Regulations such that all meat and poultry products regulated by USDA carry, in their safe handling labeling, the following disclosure: “Warning: Workers in U.S. meat and poultry processing facilities have been sickened or killed by the SARS-CoV-2 virus, and this product has not been certified virus-free.”
5. Publish, and distribute to all major retail facilities, notices to be placed at meat and poultry counters and at check-out counters, stating as follows: “Warning: Workers in U.S. meat and poultry processing facilities have been sickened or killed by the SARS-CoV-2 virus, and this product has not been certified virus-free.”

WARNING

Workers in U.S.
meat and poultry
processing facilities
have been sickened
or killed by the SARS-
CoV-2 virus, and this
product has not been
certified virus-free.

²⁶ Mandatory Safe Handling Statements on Labeling of Raw Meat and Poultry Products, 58 Fed. Reg. 43,478, 43,481 (Aug. 16, 1993).