



United States Department of Agriculture

Food Safety and
Inspection Service

March 26, 2021

1400 Independence
Avenue, SW,
Washington, D.C.
20250

William D. Marler, Esq.
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Dear Mr. Marler:

This is in response to your letter dated March 16, 2021, requesting a status update on the January 19, 2020, petition you submitted on behalf of Rick Schiller, Steven Romes, the Porter family, Food & Water Watch, Consumer Federation of America, and Consumer Reports, requesting that the Food Safety and Inspection Service (FSIS) declare certain “outbreak serotypes” of *Salmonella* to be *per se* adulterants in meat and poultry products. As noted in your letter, FSIS posted the petition to its website and requested comments on the petition through [regulations.gov](https://www.regulations.gov).¹ The comment period closed on May 22, 2020, and FSIS received 377 comments on the petition. On June 5, 2020, you submitted a letter to supplement the petition with additional and updated information, as well as to address some issues and criticisms raised by the comments. FSIS has been actively evaluating the issues raised in your petition, the comments submitted on your petition, and letter you submitted to supplement the petition.

On January 25, 2021, the Center for Science in the Public Interest (CSPI), Consumer Federation of America, Consumer Reports, STOP Foodborne Illness, and five individuals submitted a petition to FSIS (referred to hereafter as “the CSPI petition”) to initiate rulemaking to: 1) establish enforceable poultry finished product standards for *Salmonella* types of greatest public health concern and for *Campylobacter* and 2) require poultry establishments to identify and control food safety risks within their supply chain. The CSPI petition notes that it does not modify the actions requested in your January 19, 2020, petition, but instead lays out a regulatory framework and process for achieving the goals of your petition in poultry, while also addressing the risk of *Campylobacter*. FSIS posted the CSPI petition to the FSIS website and requested comments on that petition through [regulations.gov](https://www.regulations.gov).² The comment period for the CSPI petition is scheduled to close on April 6, 2021.

Because the CSPI petition raises issues that are closely related to the action requested in your petition, FSIS intends to consider the issues raised in both petitions together to ensure that any Agency actions implemented in response to

¹ [Petition for Interpretive Rule Related to Certain Salmonella Serotypes | Food Safety and Inspection Service \(usda.gov\)](#)

² [Petition Submitted by Center for Science in the Public Interest | Food Safety and Inspection Service \(usda.gov\)](#)

the petitions are consistent. After FSIS has thoroughly evaluated the issues raised in both petitions, as well as the comments submitted on the petitions and any supplemental information, the Agency will issue a response.

We have posted your March 16, 2021, letter requesting an update on the status of your petition to the FSIS petitions webpage. We intend to post this response as well.

Sincerely,

A handwritten signature in black ink that reads "Rachel A. Edelstein". The signature is written in a cursive style with a large initial "R".

Rachel Edelstein
Assistant Administrator
Office of Policy and Program Development