



March 4, 2019

Freedom of Information Act Officer  
USDA, Food Safety and Inspection Service  
Room 2168 South Building  
1400 Independence Ave., SW  
Washington, DC 20250  
fsis.foia@usda.gov

Dear FOIA Officer:

Under the Freedom of Information Act, I am requesting the following information on behalf of the Center for Science in the Public Interest:

- The name, address, establishment number, and date of positive sample(s) for all samples of raw turkey that tested positive for the outbreak strain of *Salmonella* Reading in the multistate outbreak linked to raw turkey products currently being investigated by the Centers for Disease Control and Prevention (CDC) and the U.S. Department of Agriculture (USDA).<sup>1</sup> This includes samples from at least 29 turkey slaughter and/or processing establishments.<sup>2</sup>
- The name, address, establishment number, and date of positive sample(s) for all samples of raw chicken that tested positive for the outbreak strain of *Salmonella* Infantis in the multistate outbreak linked to raw chicken products recently investigated by the CDC and the USDA.<sup>3</sup> This includes samples from 76 chicken slaughter and/or processing establishments.<sup>4</sup>

In addition to granting the current FOIA request, which may be done by delivering the data to CSPI directly or posting it on the USDA website, CSPI also requests that the USDA develop a practice for reporting this information publicly in all similar multi-source outbreaks moving forward.

Both recent deadly outbreak strains have been detected in products across wide swaths of the poultry industry. Both outbreaks also involve strains of multidrug-resistant *Salmonella* that have the potential to cause further human illnesses and deaths. The *Salmonella* Reading raw turkey outbreak has now been linked to 279 illnesses in 41 states, including 107 hospitalizations

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<sup>1</sup> Centers for Disease Control and Prevention. Outbreak of Multidrug-Resistant *Salmonella* Infections Linked to Raw Turkey Products. February 15, 2019. [www.cdc.gov/salmonella/reading-07-18/index.html](http://www.cdc.gov/salmonella/reading-07-18/index.html).

<sup>2</sup> Centers for Disease Control and Prevention. Outbreak of Multidrug-Resistant *Salmonella* Infections Linked to Raw Turkey Products. February 15, 2019. [www.cdc.gov/salmonella/reading-07-18/index.html](http://www.cdc.gov/salmonella/reading-07-18/index.html).

<sup>3</sup> Centers for Disease Control and Prevention. Outbreak of Multidrug-Resistant *Salmonella* Infections Linked to Raw Chicken Products. February 21, 2019. [www.cdc.gov/salmonella/infantis-10-18/index.html](http://www.cdc.gov/salmonella/infantis-10-18/index.html).

<sup>4</sup> Centers for Disease Control and Prevention. Outbreak of Multidrug-Resistant *Salmonella* Infections Linked to Raw Chicken Products. February 21, 2019. [www.cdc.gov/salmonella/infantis-10-18/index.html](http://www.cdc.gov/salmonella/infantis-10-18/index.html).

and one death, and the investigation is ongoing.<sup>5</sup> While several raw turkey products linked to this outbreak have been recalled, the USDA has stated that it “is continuing to investigate illnesses associated with this widespread outbreak,” and more recalls may be required in the future.<sup>6</sup> Similarly, the *Salmonella* Infantis raw chicken outbreak has been linked to 129 illnesses in 32 states, including 25 hospitalizations and one death.<sup>7</sup> While the CDC recently closed that outbreak investigation, the agency has stated that “illnesses could continue because this *Salmonella* strain appears to be widespread in the chicken industry.”<sup>8</sup>

The USDA can help prevent more illnesses by publishing the names of slaughter and processing establishments whose meat tested positive for the outbreak strains. Consumers and retailers have the right to know that information, which can inform purchasing decisions and allow people to take greater precautions with raw poultry products that may have been exposed to the outbreak strains. Publishing the names will also provide companies with stronger incentive to identify and eliminate the two multidrug-resistant pathogens that have caused serious illness and death.

The names of those establishments are particularly important because both outbreak strains have been found in multiple locations throughout the industry. Whole-genome sequencing and other technological advances are providing new insights into how new disease strains emerge and move across our food system. Public health officials are now able to track with better precision than ever before the type of slow-moving, widespread outbreaks that are now affecting the U.S. poultry industry.

To take full advantage of these new advances, the USDA must make its outbreak investigations more transparent. Currently, the USDA allows the sale of raw poultry contaminated with antibiotic-resistant *Salmonella*,<sup>9</sup> and considers a poultry product adulterated only in cases where an outbreak investigation links specific products with specific human illnesses.<sup>10</sup> Only then will the agency name the slaughter establishments that have been implicated in the outbreak. This policy has proved inadequate in the two immediate outbreaks, since so many establishments are affected that it is difficult for the USDA to make a causal link between specific establishments and specific cases of human illness.

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<sup>5</sup> Centers for Disease Control and Prevention. Outbreak of Multidrug-Resistant *Salmonella* Infections Linked to Raw Turkey Products. February 15, 2019. [www.cdc.gov/salmonella/reading-07-18/index.html](http://www.cdc.gov/salmonella/reading-07-18/index.html).

<sup>6</sup> U.S. Department of Agriculture. Jennie-O Turkey Store Sales, Inc. Recalls Raw Ground Turkey Products due to Possible *Salmonella* Reading Contamination. December 21, 2018. [www.fsis.usda.gov/wps/portal/fsis/topics/recalls-and-public-health-alerts/recall-case-archive/archive/2018/recall-124-2018-release](http://www.fsis.usda.gov/wps/portal/fsis/topics/recalls-and-public-health-alerts/recall-case-archive/archive/2018/recall-124-2018-release).

<sup>7</sup> Centers for Disease Control and Prevention. Outbreak of Multidrug-Resistant *Salmonella* Infections Linked to Raw Chicken Products. February 21, 2019. [www.cdc.gov/salmonella/infantis-10-18/index.html](http://www.cdc.gov/salmonella/infantis-10-18/index.html).

<sup>8</sup> *Ibid.*

<sup>9</sup> U.S. Department of Agriculture. Final Response to Petition by Center for Science in the Public Interest to Declare Antibiotic Resistant *Salmonella* an Adulterant. February 7, 2018. [www.fsis.usda.gov/wps/wcm/connect/b3f61f6e-47e5-4164-ac60-913c1ff66b26/FSIS-response-CSPI-020718.pdf?MOD=AJPERES](http://www.fsis.usda.gov/wps/wcm/connect/b3f61f6e-47e5-4164-ac60-913c1ff66b26/FSIS-response-CSPI-020718.pdf?MOD=AJPERES).

<sup>10</sup> U.S. Department of Agriculture. HACCP Plan Reassessment for Not-Ready-to-Eat Comminuted Poultry Products and Related Agency Verification Procedures. 72686 *Fed. Reg.* 72689 (December 6, 2012). (“When NRTE poultry or meat products are associated with an illness outbreak and contain pathogens that are not considered adulterants, FSIS likely will consider the product linked to the illness outbreak to be adulterated ... because the product is “\* \* \* unsound, unhealthful, unwholesome, or otherwise unfit for human food.” In such cases, the Agency would request that the establishment recall the product if it is still in commerce.”)

Similarly, the agency currently has a policy of providing individual companies with the test results from their own slaughter and processing establishments, so they can address the risk. This policy is likewise inadequate in the face of an outbreak that affects multiple competitors who may not all voluntarily share information with each other. Without such sharing, it is harder for food safety experts to understand how the disease has been able to move across different producers and establishments, so they can identify and eliminate the common source of the disease within the food supply.

**Rather than treat positive test results as a secret shared only with individual producers, the USDA should publicly release the information. By providing a more comprehensive picture of where the disease strain is appearing in the food supply, the USDA can help ensure that industry swiftly understands and eliminates the risk.**

CSPI and other consumer groups previously asked the USDA to name the establishments involved in the *Salmonella* Reading outbreak in raw turkey products.<sup>11</sup> The USDA declined, issuing an unsigned statement to reporters saying that “it would be grossly irresponsible and reckless to associate producers with an outbreak investigation, when a link from an establishment to an illness has not been made...”<sup>12</sup>

We have the highest respect for the rank-and-file USDA and CDC field staff who conduct outbreak investigations. We do not question that they have tried and failed in good faith to link specific cases of human illness to specific establishments in this widespread outbreak. Rather, we question the agency’s outdated policy of requiring this type of direct linkage prior to sharing vital health information with the public in the face of an ongoing epidemic of a serious illness. Sunlight is said to be the best disinfectant. We urge the USDA to apply that remedy here by shedding public light on data it has gathered that can help prevent people from getting sick or dying.

#### *Fee Waiver Request*

The Center for Science in the Public Interest (CSPI) is a nonprofit public-interest organization representing the interests of consumers on food safety, nutrition, alcohol, and other health-related issues. As such, CSPI requests a waiver of fees for processing this Freedom of Information Act request, including search, review, and duplication charges. The records subject to the request are not being sought for any commercial purpose, and their disclosure will be “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government.” 5 U.S.C. § 552(a)(4)(A).

In addition, CSPI requests a waiver of fees as a member of the media. CSPI publishes *Nutrition Action Healthletter* as well as reports based on information acquired through the Freedom of Information Act. Many reports can be accessed on our website at [www.cspinet.org](http://www.cspinet.org).

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<sup>11</sup> Center for Science in the Public Interest. USDA Should Disclose the Names of Turkey Suppliers Linked to Outbreak of Antibiotic-Resistant Salmonella. November 13, 2018. <https://cspinet.org/news/usda-should-disclose-names-turkey-suppliers-linked-outbreak-antibiotic-resistant-salmonella>.

<sup>12</sup> Beach, C. USDA won’t name turkey plants, despite 164 illnesses and 1 death. November 15, 2018. [www.foodsafetynews.com/2018/11/usda-wont-name-turkey-plants-despite-164-illnesses-and-1-death/](http://www.foodsafetynews.com/2018/11/usda-wont-name-turkey-plants-despite-164-illnesses-and-1-death/).

Those reports are distributed to consumers, journalists, public interest groups, academics, and members of the public.

If you deny any part of this request, please cite each specific reason that you believe justifies your refusal to release the information. Please notify me of appeal procedures available under the law. Additionally, please let me know if there is any reason why the agency will not be able to respond within the statutory time limit. If you have any questions concerning this request, you may contact me at 202-777-8397 (email: [ssorscher@cspinet.org](mailto:ssorscher@cspinet.org)).

Sincerely,

A handwritten signature in blue ink, appearing to read 'SS', is positioned below the word 'Sincerely,'.

Sarah Sorscher  
Deputy Director of Regulatory Affairs  
Center for Science in the Public Interest