



August 10, 2023

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Ave, SW
Mailstop 3758
Washington, DC 20250-3700

**RE: *Salmonella* in Not-Ready-To-Eat Breaded Stuffed Chicken Products
FSIS-2022-0013**

Thank you for the opportunity to provide comments on the proposed determination and request for comment regarding "*Salmonella* in Not-Ready-To-Eat Breaded Stuffed Chicken Products." We support the agency's commitment to public health and share your concern with reoccurring illnesses in specific product categories. We encourage the Food Safety and Inspection Service (FSIS) to consider all available options to assure that not ready-to-eat (NRTE) breaded stuffed chicken products produced in inspected establishments are safe for consumption by consumers and are labeled appropriately.

As the food industry association, FMI works with and on behalf of the entire industry to advance a safer, healthier and more efficient consumer food supply chain. FMI brings together a wide range of members across the value chain — from retailers that sell to consumers, to producers that supply food and other products, as well as the wide variety of companies providing critical services — to amplify the collective work of the industry. www.FMI.org

FSIS Should Clearly Define the Product Type and Narrow the Scope of the Determination

Inclusion should be specific to product type, source ingredients, state of product (fresh or frozen) and take into consideration past outbreaks and consumer handling. In the *Federal Register* notice published on April 28, 2023, the product type of concern is described on page 26252.

II. NRTE Breaded Stuffed Chicken Products

NRTE breaded stuffed chicken products contain raw, comminuted chicken breast meat, trim, or whole chicken breast meat, but the finished product is heat-treated only to set the batter or breading on the exterior of the product, which may impart an RTE appearance.¹⁵ The product typically is stuffed with ingredients, such as a raw vegetable, butter, cheese or meat such as ham, and is typically cooked by household consumers from a frozen state. NRTE breaded stuffed chicken products do not include other types of stuffed products that are not breaded, such as turducken or whole stuffed chickens. NRTE breaded products that are not also stuffed, such as chicken nuggets and other par-fried products are not included in this product type. Only NRTE products that are both breaded and stuffed are the subject of this policy.

The description of NRTE breaded chicken products that are both breaded and stuffed is too broad and could lead to the inclusion of many products that do not share characteristics of the proposed included products. To provide consumers with value added meal solutions, retail stores commonly offer raw chicken products that are combined with other ingredients and packaged for easy preparation and serving. For example, stuffed chicken breasts with light breading are sold packaged and/or offered in meat and poultry service cases. These products are not frozen, and the products are not pre-browned. We are not aware of food safety concerns for value-added stuffed chicken products that appear raw. Safe handling instructions are always included according to regulatory requirements.

We encourage FSIS to more clearly define the specific products that are included in the product type of "NRTE Breaded Stuffed Chicken Products" and ensure that the definition is unambiguous to avoid the unintentional inclusion of products without a history of outbreaks. Products that are not frozen and/or appear raw should not be included in the determination. Additionally, we encourage FSIS to limit the scope of products to those most closely associated with past outbreaks based on ingredients (raw stuffed

comminuted chicken), processing practices, appearance of product, state of product (i.e., frozen) and consumer handling and education messages.

We also encourage FSIS to revisit the recommendations of the subcommittee of the National Advisory Committee on Meat and Poultry Inspection.¹

Enforcement

Enforcement and control of all identified hazards should be at the processing facility which is the FSIS inspected establishment. We encourage FSIS to focus all inspection and enforcement actions at the inspected establishment and not product in commerce.

Enforcement needs to be at the USDA inspected establishment and should not take place at the retail establishment. Once products are in the distribution network and released to wholesalers and retailers, they have likely been sold to consumers and the industry cannot protect public health at that point.

Consumer Food Safety Education

We commend FSIS on the extensive food safety education efforts over past decades and the continued commitment to promoting science-based food safety education messages including ongoing research and outreach.

We think there is more work to be done in this area and encourage the agency to continue in your leadership and ongoing education efforts.

Summary

FMI and its members encourage the agency to evaluate alternative policies to achieve the intended goal of protecting public health and avoiding foodborne illnesses.

Sincerely,



Hilary Thesmar, PhD, RD, CFS
Chief Science Officer and SVP Food & Product Safety

¹ https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/NRTE-Labeling.pdf