

# Congress of the United States

April 26, 2021

The Honorable Tom Vilsack  
Secretary  
United States Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, DC 20250

Dear Mr. Secretary,

We are concerned about the future of the United States Department of Agriculture's (USDA) New Swine Slaughter Inspection System (NSIS) and the uncertainty being experienced by America's pork producers, businesses and rural economies due to the unknown future this program faces.

As you are aware, the NSIS was designed with the benefit of a 20-year pilot-program involving five pork processing establishments, known as the HAACP Inspection Models Project for Market Hogs (HIMP). During your first tenure as Secretary of Agriculture, USDA began work to develop a proposed rule to modernize swine processing inspection. That rule was finalized in late 2019. Numerous swine processing establishments have transitioned from HIMP or traditional inspection to the new NSIS, investing millions of dollars in an inspection program that fosters a scientific and forward-looking approach to food safety inspection. By directing USDA food safety inspectors to focus on duties more directly related to food safety and animal welfare, inspectors are able to prioritize oversight of humane handling, plant sanitation and important microbiological testing for dangerous pathogens—all culminating in a safer food supply.

Recently, the U.S. District Court for the District of Minnesota ruled in a lawsuit brought by the United Food and Commercial Workers that USDA did not adequately consider whether increasing line speeds under the NSIS would affect worker safety. The Court has allowed USDA until June 30 to develop a plan to conduct inspection for the numerous processing establishments that have converted to the NSIS.

As the Department considers its response to the court order, we implore you to consider all legal options, and weigh those options against the ramifications that will be felt by American farmers and businesses. The processing establishments enrolled or transitioning to enrollment in NSIS comprise nearly 25 percent of the country's market hog processing capacity. Some of those plants were financed and constructed around NSIS. Now, these businesses face reverting to an inspection model that increases costs, results in lost efficiencies, and likely means federal inspector shortages.

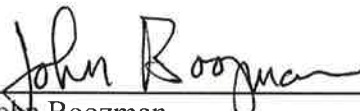
If these establishments have to revert to pre-existing line speeds, fewer animals will be processed, resulting in an over-supply of market-ready pigs and driving down prices paid to farmers. These problems are not theoretical. We have witnessed two recent examples in the livestock sector—a fire at a beef processing facility in 2019 and the slowdown of meat processing establishments across the country in the spring of 2020 due to COVID-19—that demonstrate the harmful effects, borne largely by farmers, when sudden changes in processing capacity occur. To compensate for these lost efficiencies, processing plants could in some cases resort to operating on Saturday. However, this option has its own challenges given the extraordinary labor shortages the industry faces and the strain continued Saturday operations has on the workforce.

Finally, running these establishments under less than optimal conditions, and having them operating an additional day each week to compensate for slower line speeds, is at odds with President Biden's goal of reducing greenhouse gas emissions from the U.S. agriculture sector. Plants would need to extend their operating hours, potentially increasing weekly operations by as much as 20%, just to maintain status-quo. In the recent President's fiscal year 2022 budget request sent to Congress, the President expresses the need for increased meat and poultry processing capacity. Abandoning NSIS and its line-speed allowances would conflict with the President's goal of increasing processing capacity and would hamper the livestock and meat sector's ability to reduce emissions.

For these reasons, please consider all options available to USDA for maintaining NSIS, including additional legal actions, collecting and analyzing current worker safety data, or reconsidering the rulemaking, to avoid the inevitable harm felt by our nation's hog farmers and businesses. America's 60,000 pig farmers have demonstrated tremendous resiliency despite the extreme market disruption experienced over the past year. We need to ensure against the government exacerbating the hardship felt by farmers due to a legal decision or administrative action that would have severe, unintended consequences on American farmers and businesses.


We appreciate your consideration and respectfully request a written response and briefing regarding the plan for responding to the court order within 30 days.

Sincerely,

  
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John Boozman  
United States Senator

  
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John Hoeven  
United States Senator

  
\_\_\_\_\_  
Glenn "GT" Thompson  
Member of Congress

  
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Jeff Fortenberry  
Member of Congress