

**Senate Committee on Agriculture, Nutrition, and Forestry
Nomination Hearing: September 22, 2022**

***Dr. Jose Emilio Esteban, of California, to be Under Secretary of Agriculture for Food Safety,
United States Department of Agriculture***

Chairwoman Debbie Stabenow

1. If you are confirmed, I look forward to working with you. If confirmed, do you agree, without reservation, to:
 - a. Promptly reply to any request for information from me or any duly constituted committee of the Congress and provide the requested information?

Yes, if confirmed, I commit to replying to requests for information promptly.

- b. Respond to my requests for data and technical assistance in informing or drafting legislation or implementation of the law?

Yes, if confirmed, I commit to responding to requests for data and technical assistance to assist with drafting legislation or implementation of the law.

- c. Notify me or my staff in advance of any public announcement of any major changes made by you or within the Department of Agriculture during your tenure?

Yes. If confirmed, I will ensure you and your staff are notified about public announcements of major changes made during my tenure.

Ranking Member John Boozman

1. Regarding the poultry Salmonella Pilot Projects:
 - a. What is the current status of this endeavor?

My understanding is that at this point FSIS has received four proposals for pilot projects from poultry establishments. If confirmed, I would be happy to provide additional information to you and your staff about the Pilot.

- b. How many projects has the Agency approved?

At this time, no proposals have been approved.

- c. How many regulated establishments and companies are involved in these projects?

As Chief Scientist I have supported a team that is working with stakeholders to develop the pilot program. I am uncertain as to how many establishments may be involved with the current proposals but if I am confirmed, I commit to learning about all the elements of this program and providing additional information to you and your staff.

- d. Will these projects continue given the recent announcement to establish a new Salmonella framework and to declare Salmonella an adulterant in not ready to eat but appears ready to eat products?

Again, I support a team at FSIS that is considering these pilot projects. If I were to be confirmed, I commit to reviewing the applications in full and determining how the data that results from them could supplement the data and studies FSIS is compiling to inform the final strategy.

2. Inspector shortages impact plant operations and have posed challenges to regulated establishments during the pandemic. Can you discuss the status of the FSIS inspector force, what is the current vacancy rate and how does that compare to historical figures? What efforts are you pursuing to attract professionals to these positions?

FSIS continues to prioritize scheduling and staffing to ensure all establishments' inspection needs are met, while proactively recruiting to reduce the vacancy rate. FSIS offers competitive monetary recruitment and retention incentives to attract highly qualified professionals to its workforce and retain them. However, as Chief Scientist, this is not an area in which I have been deeply engaged.

If confirmed, I will ensure I am brought up to speed on FSIS workforce challenges and strategies in place to hire and retain qualified professionals across the agency.

This is an important issue and I would welcome the opportunity to discuss this issue with you and your staff in future.

3. In recent years USDA and FDA signed a Formal Agreement for the regulation of foods produced using "animal cell culture technology", or "cell-based meat". The Agreement recognizes that USDA enforces the misbranding and adulteration of meat products in commerce and provides that USDA will "require that the labeling of human food products....be preapproved and then verified through inspection as required by FSIS regulations." The agencies also mutually agree that USDA and FDA will "develop joint principles for product labeling and claims to ensure that products are labeled consistently and transparently."
 - a. What is the status of finalizing this framework?

USDA and FDA worked together to develop a framework for regulating meat and poultry products made from cultured animal cells. It is currently being followed as both agencies work with companies seeking approval to bring these products to market.

- b. Can you describe the role that FSIS will both play as it relates to labeling of these food products?

As it does for conventional meat and poultry products, USDA will review labels for cell-cultured meat and poultry products to ensure they are not false or misleading before they can be sold to consumers. USDA plans to issue a proposed rule that will govern the labeling of meat and poultry products made from cultured cells.

- c. Do you envision labeling that describes cell-based meat and poultry as distinct from traditional or conventional meat and poultry production?

USDA is in the process of completing its review of the more than 1,000 comments received for the Advance Notice of Proposed Rulemaking on the labeling of cell-cultured meat and poultry products. The comments will inform labeling regulations to ensure labels for these products are not false or misleading to consumers, promote transparency, and allow for fair competition.

- d. How will USDA's exclusive jurisdiction be preserved while the two agencies develop these "joint principles" and begin regulating cell-based meat and poultry products?

The agreement that USDA and FDA entered into regarding cell-cultured meat and poultry products clearly defines the scope of each agency's authority, and we are not concerned at this time that either agency's jurisdiction will be infringed upon.

4. Producers and regulated establishments have been frustrated over regulatory uncertainty involving FSIS that has a significant impact on their businesses' day to day operations and staffing. Recent actions related to line speeds in swine and poultry processing facilities leaves these businesses struggling when the rules of the road are constantly changing. If confirmed as Under Secretary what is your plan for rebuilding the relationship with the regulated community?

This is a very important issue. Throughout my career, I have sought to build relationships across government and with stakeholders to address important challenges. If I am confirmed as Under Secretary, I am committed to open communication and will prioritize engagement with industry on a host of issues, including line speeds.

5. In evaluating the instances of worker injuries in chicken processing facilities, USDA and the Department of Labor (DOL) determined they had insufficient resources to evaluate the safety record of approximately 50 poultry processing establishments operating at higher line speeds. USDA and DOL are instead relying on third party to conduct this evaluation. Why did the Administration forgo involving individuals with expertise in training poultry processing workers and familiarity with the daily tasks performed by these workers in the third-party review?

As Chief Scientist, I have not been involved in recent plans related to FSIS' action related to line speeds. However, I recognize this is an important issue and one that will require my attention should I be confirmed. I will prioritize getting fully briefed on all aspects of issues related to poultry line speeds and how USDA is responding.

6. I am sure you are aware of the recent modification of poultry line speed waivers and the new data submission requirements for waiver holders. Can you describe the steps the agency will take to protect sensitive data collected pursuant to these modifications, especially data subject to HIPAA protection?

In my role as the Chief Scientist, I have not been involved in the development of the FSIS' plans for waiver holders, however I am aware of USDA's recent announcement to modify poultry line speed waivers and study of the effects of increased line speeds on worker safety. If confirmed, you have my commitment that I will investigate the issues you have raised and work to ensure sensitive data is appropriately protected.

Senator Sherrod Brown

Mr. Esteban, COVID-19 shined a light on the vulnerabilities in our food system, including issues surrounding extremely fast line speeds in meat and poultry processing facilities and the serious harms this system has on workers, animals, and consumers.

1. Given the negative implications of higher line speeds on worker safety, food safety, and humane handling laws, please share what steps you would take to address this issue if you are confirmed?

FSIS is currently undertaking two evaluations of the impact of higher line speeds on worker safety, one in swine establishments and the other for poultry. However, as Chief Scientist, line speed is not an issue I have had experience working in previously, but I am committed to being fully briefed should I be confirmed. In addition, if confirmed as Under Secretary, I am committed to ensuring that the findings of these evaluations are accurate, the recommendations are sound, and the agency makes appropriate changes to its policies.

2. Mr. Esteban, COVID-19 also revealed how long supply chains and vertically integrated meat and poultry processing, which is controlled by only a handful of large corporations, undermines food security and drives food price inflation. My colleagues and I responded by providing USDA significant resources through the American Rescue Plan to build a more resilient food system. One area in which the USDA has invested heavily in is the development of local and regional food systems in particular small meat and poultry processing facilities through the USDA's Meat and Poultry Processing Expansion Program. Looking past the pandemic and the initial response through programs like the USDA's Meat and Poultry Processing Expansion Program, what role do you see FSIS playing in supporting small, very small and niche meat processors?

One of the most important things we do to assist small, very small, and niche meat processors is to provide technical assistance before and after they receive a grant of inspection. In addition, we consider the impact of any new regulations on small, very small, and niche meet producers and make adjustments in compliance dates, record-keeping, and other requirements as appropriate. Thanks to investments provided by Congress we have also been able to successfully implement a program that reduces the overtime and holiday inspection fees paid by small and very small establishments and would like to see that program continue.

Small and very small establishments play an important role in the food system and in local rural economies. I am committed to open communication and collaboration with all stakeholders to ensure the strength of all of our processors, including our small, very small, and niche processors. Doing so will also ensure the production of safe food for consumers.

Senator Kirsten Gillibrand

1. Non-typhoidal Salmonella causes approximately 1.35 million illnesses, 26,500 hospitalizations, and 420 deaths each year in America according to the CDC. Over the past 25 years, the Salmonella illness rate in the United States has not substantially changed. Poultry products regulated by USDA are one of the top causes of these illnesses. Considering the advances in our scientific knowledge of this bacteria and the prevention tools available, this lack of progress is unacceptable. Current USDA regulations may be stifling improvement as the standards are not enforceable, meaning meat known to be contaminated with a high dose of the most virulent strain of antibiotic-resistant Salmonella can still be stamped “USDA inspected” and sold alongside uncontaminated products. The agency has not committed to removing these dangerous products from commerce until after they have caused an outbreak – increasing the chances of preventable harm and economic damage for consumers and industry alike. I was pleased to see USDA recently launch a new initiative to tackle Salmonella and propose an enforceable standard for raw breaded poultry. USDA should propose enforceable standards for more raw products, including the ones Americans are buying most often.

Can you commit to substantially reforming the current USDA poultry food safety regulations and creating enforceable final product standards for all raw poultry products to better prevent dangerously contaminated products from reaching consumers?

FSIS is hard at work developing a strategy that will reduce Salmonella illnesses linked to poultry products and is doing so in a transparent and collaborative way. If confirmed, I am committed to continue exploring ways to reduce Salmonella illnesses and ensuring safe poultry products are sold to consumers.

2. Dr. Esteban, meatpacking workers continue to face some of the most dangerous working conditions in the country with amputations occurring, on average, twice a week. Yet this work may become even more hazardous as large multinational meatpacking corporations continue to push for faster line speeds that further puts vulnerable workers at risk.

Under your leadership, what would FSIS do to prioritize worker safety over the profits of large meatpackers?

If confirmed, I am committed to ensuring a safe work environment for FSIS employees who are essential to the agency's mission. In addition, while FSIS does not regulate worker safety, it does have the authority to consider the impact of any of its regulations or policies on establishment workers.

With insight gained through study, I am confident that we can balance food safety, worker safety, and company viability without compromise. We must strike that balance and achieve all three if we are to maintain our status as having one of the best food safety systems in the world.

Senator Cory Booker

1. Two-thirds of medically important antibiotics sold in the United States are used to keep livestock healthy on factory farms. This gross overuse of antibiotics contributes to the deadly threat of antibiotic-resistant bacteria. Consumers are concerned about this issue – rightly so – and pay a premium to purchase meat with USDA approved label claims such as “raised without antibiotics.” But it turns out that consumers are being deceived. In April of this year, a new study published in *Science* magazine identified antibiotics in one or more of the cattle in 42% of the feedyards at a slaughterhouse approved by the USDA for processing beef with a “raised without antibiotics” claim.
 - a. If confirmed, will you commit to establishing a rigorous empirical testing system within slaughter facilities to ensure that claims such as “raised without antibiotics” are truthful and accurate?

FSIS' goal is to better ensure that claims made about antibiotic use are truthful and not misleading. Should I be confirmed, I am committed to ensuring that FSIS-regulated products are safe, and accurately labeled and packaged so that consumers are protected from misbranding.

2. Under current policy, instead of defining animal-raising claims itself, the FSIS allows meat producers to create their own definitions for claims such as “humanely raised” or “ethically raised”. FSIS, without verifying whether producers are even meeting their own self-created standards, then approves labels on meat and poultry products that make these animal-raising claims. Neither the Federal Meat Inspection Act, 21 U.S.C. §§ 601-695, nor the Poultry Products Inspection Act, 21 U.S.C. §§ 451-472, grant FSIS the authority to regulate the on-farm treatment of animals or to inspect the farms where these animals are being raised. FSIS has acknowledged that it “does not regulate food animal production” and therefore “may not always have all the relevant information necessary to the proper evaluation of the animal raising practices described in a producer’s animal production protocol.”^[1] Often the producers self-defined humane practices are merely the industry standard of care. In addition, multiple undercover investigations have revealed that some companies that label their products with FSIS-approved labels, claiming the

animals are humanely raised, are in fact abusing animals. This is obviously not consistent with what consumers believe they are purchasing when they pay a premium to buy these products.

- a. Given this absence of FSIS jurisdiction and dearth of information, how can FSIS verify that what companies are including on the food label applications concerning how animals are raised is truthful and accurate?

It is important to clarify that while FSIS is responsible for ensuring that product labels are truthful and not misleading, the Agricultural Marketing Service (AMS) has a separate “Processed Verified Program” that allows companies to propose their own label claims. Should I be confirmed, I am committed to working with you to ensure labels are truthful, accurate, and provide consumers with information they need. In addition, I am committed to working with AMS to ensure that any changes made in FSIS regulations will be reflected in any consumer facing, Process Verified Program label.

- b. If FSIS is unable to verify that these animal-raising label claims are truthful and accurate, will you commit to ending the FSIS practice of reviewing and approving animal-raising claims on food products?

As noted above, USDA is in the process of updating its guidance to strengthen the verification requirements for the most widely used animal-raising claims. Should I be confirmed, I am committed to ensuring food product labels are truthful and accurate.

- c. Assuming FSIS continues to approve animal-raising label claims notwithstanding these problems, if FSIS receives information that the conditions on a farm are blatantly inconsistent with the approved term or the information the entity submitted for label approval, will you commit to referring for prosecution such fraudulent conduct, pursuant to §§ 21 U.S.C. 676 (providing penalties for misdemeanor and felony violations)?

In my role as Chief Scientist, I am not familiar with penalties related to fraudulent claims. If confirmed, I commit to being brought up to speed on this issue and consulting with our General Counsel’s office.

3. On numerous occasions, non-profit organizations requesting label approval files for a specific product label claim have been notified by the FSIS that it possesses no documentation related to the claim, suggesting that either the FSIS record-keeping system is flawed or the claim in question was not approved before entering the marketplace.
 - a. If confirmed, what actions do you intend to take to determine if unapproved label claims are a significant problem and, if so, how it can be addressed?

If confirmed, I will ensure that FSIS not only reevaluates the current guidance document but also reviews the documentation for existing claims and, if it is deficient, take appropriate action.

4. Downed animals are farmed animals being raised for food who are too injured, weak, or diseased to walk or stand without assistance. Farmed animals can become downed while at a farm, feedlot, market or auction; during transport; or at the slaughterhouse. The issue of downed animals has a long legislative and regulatory history. Currently, there are only pre-slaughter inspection regulations to prohibit the slaughter of downed cattle. There are no regulations for sheep, swine, goats, horses, mules, or other equines. In 2002 Congress required that the U.S. Department of Agriculture (USDA) investigate and submit a Congressional report regarding downed animals.^[2] Twenty years later, no such report has ever been issued by USDA for pigs.
 - a. Due to the extremely high number of downed pigs entering our food system^[3], and the serious public health impacts accompanying adulterated meat, if confirmed will you commit that FSIS will expand the current prohibition on the slaughter of downed cattle to also prohibit the slaughter of downed pigs?

USDA's role in ensuring that animals presented for slaughter are handled humanely is vital to promoting animal welfare, preventing food waste, and fostering a safer work environment for in-plant employees. Consumers and producers must be confident that USDA-inspected and passed products are not only safe, but that the animals were handled and slaughtered in a manner to reduce needless suffering. In response to a 2013 petition from Farm Sanctuary, FSIS carefully considered the issues you describe and concluded that existing regulations are effective in ensuring that pigs are handled humanely at slaughter and that diseased livestock do not enter the human food supply.

If confirmed, I can commit to ensuring that USDA policies regarding downed animals are based on the latest available science and data. Should the science develop to support a connection between downer pigs and human health, it would be appropriate for USDA to take action to protect public health, just as USDA has taken action in the past to prohibit non-ambulatory cattle from entering the food supply. I will also ensure that FSIS continues to provide necessary training on humane handling and enforcement activities to its inspectors.

- b. If confirmed, will you commit that FSIS, in coordination with APHIS, will complete in 2023 the congressionally required report regarding downed pigs?

If confirmed, I commit to reviewing this issue, and providing Congress with any outstanding deliverables on this issue.

5. The Amazon Rainforest is being burned down so that more beef can be produced in Brazil. Big Companies like JBS slaughter those Brazilian cows in Brazil, ship the meat into the United States and repackage it here, and then USDA allows that meat to be sold in our stores labeled as a "Product of the USA". This fraudulent practice hurts our consumers, and it hurts ranchers here in the United States. A petition has been pending for four years at FSIS asking that FSIS address this issue.

- a. If confirmed, will you commit that FSIS will only allow “Product of the USA” label claims to be placed on meat that comes from animals that were born, raised and slaughtered in the United States?

Secretary Vilsack has committed to clarifying the definition for this label through rulemaking by the end of this year. FSIS is in the process of completing a comprehensive review of the label, which will guide the planned rulemaking. If confirmed, I am committed to working with FSIS to ensure this work continues. I look forward to working with you and members of the Committee as this process progresses.

6. More than ever, consumers are seeking to buy healthier products free from harmful chemicals associated with health risks. Meat manufacturers have taken advantage of this with claims like “uncured” and “no nitrates or nitrites added,” which make processed meat appear healthier. Unfortunately, these claims are misleading: these products are cured with nitrite, and they are no healthier than other processed meat. The only difference is the source of the nitrite: “Uncured” bacon is preserved using nitrite processed from celery or beets, and “cured” bacon is preserved using man-made sodium nitrite. Testing by Consumer Reports has also shown nitrates and nitrites, which have been linked to cancer, are found in processed meats labeled “Uncured” or “No Nitrates or Nitrites Added” at similar levels to those prepared with synthetic curing agents such as sodium nitrite. Not only has USDA allowed these misleading “no nitrites” statements to be placed on processed meat – it actually requires them, thanks to an outdated regulation that presumes meat can only be cured using synthetic nitrite. The USDA has adapted these rules slightly by requiring a small asterisk suggesting that “naturally occurring” nitrites may be present, but few consumers see or understand this disclaimer. Center for Science in the Public Interest and Consumer Reports petitioned USDA in 2019 to update its rules to eliminate these misleading statements and require “Nitrates or Nitrites Added,” disclosures on all processed meat where nitrites were used. USDA “granted” that petition in December 2020. But the regulations haven’t changed. A regulation now pending at OMB purports to amend the labeling requirements for processed meat, but it is not clear this regulation will remove these misleading “no nitrites” statements, or require consumers to be warned that nitrites have been added.

- a. If confirmed, will you commit that misleading “no nitrites” statements will be removed from processed meat labels, and that a disclosure “Nitrates or Nitrites Added” will be required wherever a source of these chemicals is used?

As stated in the Unified Regulatory Agenda, FSIS plans to propose to amend its labeling requirements for processed meat and poultry products to establish new definitions for “Cured” and “Uncured.” USDA is responsible for verifying that the labels of products under our jurisdiction are truthful and not misleading, and should I be confirmed, I commit to ensuring labels do not allow any misleading claims concerning nitrites or nitrates on product labels. FSIS policies must continue to promote consumer access to information they need to make informed decisions about the products they serve their families.

^[1] *Product Labeling: Use of the Animal Raising Claims in the Labeling of Meat and Poultry Products*, 73 Fed. Reg. 60228, 60229 (Oct. 10, 2008).

^[2] 7 U.S. Code § 1907.

^[3] Kimberly Kindy, *Downed Pigs are Turned Into Pork Products. A New Lawsuit Seeks to Stop That.*, Wash. Post (Feb. 6, 2020), https://www.washingtonpost.com/national/downed-pigs-are-turned-into-pork-products-a-new-lawsuit-seeks-to-stop-that/2020/02/06/3f8302ea-46c8-11ea-bc78-8a18f7afcee7_story.html (An estimated one million downed pigs arrive at meat processing plants annually, and there is no way for consumers to determine whether the meat they eat is from a downed pig. “The Centers for Disease Control and Prevention estimates that pork containing pathogens leads to about 525,000 infections, 2,900 hospitalizations and 82 deaths [in humans] annually. The USDA’s Office of Inspector General has issued numerous reports over the past decade criticizing the agency for its failure to stop the inhumane treatment of pigs in pork plants.”).

Senator Ben Ray Lujan

1. The American farmer population is dwindling while the global human consumption demand continues to rise. American farmers and American consumers are struggling to stay connected, especially with current beef labeling standards, which allow foreign meat that is processed in the U.S. to use the “Product of USA” label. This is misleading and confusing for consumers, while hurting American farmers and ranchers. Secretary Vilsack and other USDA officials have announced a review of the labeling standards to fix this “loop hole” and create a more accurate set of standards. Dr. Esteban, do you believe that the current labeling standards for the “Product of USA” label for beef is misleading and should be corrected to only be applied to products that come from beef that is born, raised and processed in the United States?

It is important that food product labels provide accurate information so that consumers can make informed purchasing decisions. USDA recognizes that the Product of USA label that can be applied to beef and pork products may be confusing to consumers. Secretary Vilsack has committed to clarifying the definition for this label through rulemaking by the end of this year. FSIS is in the process of completing a comprehensive review of the label, which will guide the planned rulemaking. I am committed to working with FSIS to ensure this work continues. I look forward to working with you and members of the Committee as this process progresses.

Senator Reverend Raphael Warnock

Congratulations on your confirmation, Dr. Esteban. Georgia is a national leader in poultry production, so if confirmed, I look forward to working with you to support our poultry growers and Georgia’s consumers. Ensuring the safety of our nation’s food supply is critical.

1. I believe that food safety regulations must be based in science to be effective and best protect consumers.

- a. How did FSIS utilize data and scientific information to determine that the agency should declare *Salmonella* as an adulterant in breaded and stuffed raw chicken products?

There have been at least 14 outbreaks attributed to these products, with the most recent one being in 2021. Even after significant improved handling instructions through labeling, consumers are not cooking this raw commodity properly. Declaring *Salmonella* an adulterant at a very low level increases public health protection while providing specific direction on how this product can be produced safely. If confirmed, I commit that policy and regulatory decisions will be made based on the latest available science and data. The decisions that we make on food safety must be based on the latest scientific information so that all stakeholders, from establishments to consumers, can have confidence in our policies.

- b. How will FSIS utilize data and science to develop the *Salmonella* framework expected to be published in the coming weeks?

FSIS has reviewed the relevant scientific literature, consulted with experts, convened roundtables with industry and consumer groups, and have active sampling projects collecting data that will support our ultimate strategy. The data gathering and exchange of information will continue to be a transparent and open process. If confirmed, you have my commitment that this effort will be supported by scientific data, including a peer-reviewed risk assessment, and that stakeholders will have an opportunity to provide comments on the framework.

- c. What effects does FSIS anticipate the declaration of *Salmonella* as an adulterant in breaded and stuffed raw chicken products will have on consumers, public health, and the companies producing these products?

FSIS expects a positive public health impact, as was found in Canada when it adopted a new policy towards these products. FSIS also expects industry to capitalize on new laboratory detection and quantification technology that is available to ensure that this is a safe product.

2. Regarding line speeds in poultry processing, I understand the necessary balance between worker safety and processing modernization.
 - a. How might the revocation of line speed waivers affect chicken product availability, consumer prices, poultry growers, and bird welfare?

As Chief Scientist, I have not been involved in recent plans related to FSIS' action related to line speeds. However, I recognize this is an important issue and one that will require my attention should I be confirmed. I will prioritize getting fully briefed on all aspects of issues related to poultry line speeds and how USDA is responding.

With insight gained through study, I am confident that we can balance food safety, worker safety, and company viability without compromise. We must strike that balance and achieve all three if we are to maintain our status as having one of the best food safety systems in the world.

- b. Given that FSIS's statutory mandate centers on food safety, and that a separate federal agency is responsible for workplace safety, do you believe FSIS have the necessary internal expertise to conduct a worker safety study related to line speeds? How will this study inform future rulemaking?

As noted above, as Chief Scientist, I have not been involved in recent plans related to FSIS' action related to line speeds. However, I am committed to being fully briefed on this issue if confirmed.

Senator Joni Ernst

1. What do you see as some of the biggest potential safety concerns in our food supply chain?

Our biggest potential safety concern in the meat and poultry supply is the fact that pathogens are constantly evolving, and we are dealing with new strains and types of bacteria and viruses that are often more virulent.

While this is not a food safety issue per se, foreign animal diseases, such as hog cholera and avian flu, are infecting our national herds and flocks. We need to work closely with and collaboratively across agencies, such as the Animal and Plant Health Inspection Service and the Agricultural Research Service so that these diseases do not result in significant reductions in meat and poultry supplies, losses to producers, and higher prices to consumers. If confirmed, I am committed to working closely with other agencies to address evolving concerns and challenges facing our food supply chain.

2. How do we incentivize graduates to pursue careers in food safety to address the current shortage of inspectors facing our food processing facilities?

Ensuring FSIS has a workforce to meet the needs of processing facilities is important and the agency currently offers competitive monetary recruitment and retention incentives to attract highly qualified professionals to its workforce and retain them.

The mix of food inspectors (FI), consumer safety investigators (CSI), and public health veterinarians (PHV) that compose FSIS field operations requires a wide range of training, however this is not the case for all positions. As Chief Scientist, this is not an area in which I have been deeply engaged, however, if confirmed, I am committed to being brought up to speed on FSIS workforce challenges and strategies in place to hire and retain qualified employees, as well as exploring ways to expand efforts to attract, incentivize, and retain employees, including training and career development.

Senator Tommy Tuberville

1. Food production is under constant scrutiny which is enhanced by misleading marketing techniques. It is crucial we do not overregulate the industry to ensure a smooth flow of

products from farm to fork. Will you commit to supporting transparency while also helping promote commonsense legislation to maintain a safe and bountiful food supply?

I believe it is important for consumers to have accurate information so they can make informed decisions about the food they purchase. One of FSIS's responsibilities is to ensure that labeling is not misleading, and I take that role very seriously. Additionally, FSIS endeavors to be as transparent as possible in developing new policies and rules. If confirmed, I am committed to working with all stakeholders in a transparent manner and working with you to ensure a safe food supply for all consumers.

2. Please detail your vision, if confirmed as Under Secretary, to continue progress toward FSIS' strategic goal of "modernizing inspections systems, policies and the use of scientific approaches." I am particularly interested in Goal 2.1.1 to "modernize scientific techniques and inspection procedures."

My vision is to incorporate into our policies and regulations a flexible framework that allows and encourages the implementation of new technologies as they become available. Adjusting our regulatory framework to reflect new scientific approaches enables us to incorporate a truly preventive approach into our policies and to develop modernized inspection systems.

3. I am sure you are aware of the recent modification of poultry line speed waivers and the new data submission requirements for waiver holders. Please detail steps the agency will take, under your leadership, to protect sensitive data collected pursuant to these modifications, especially data subject to HIPAA protection.

In my role as the Chief Scientist, I have not been involved in the development of the FSIS' plans for waiver holders, however I am aware of USDA's recent announcement on modifying poultry line speed waivers and the plan to study the effects of increased line speeds on worker safety. If confirmed, I will investigate the issues that you have raised and work to ensure sensitive data is appropriately protected.