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Denise Eblen,

Deputy Administrator.

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2025-0180]

Delayed Verification Sampling of Not Ready-to-Eat Breaded Stuffed Chicken Products

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice.

SUMMARY: FSIS is delaying the implementation of its verification activities related to *Salmonella* in not ready-to-eat (NRTE) breaded stuffed chicken product because of current testing method limitations. The current available test methods have accuracy limitations and have resulted in findings of false positives, especially at low levels of contamination.

DATES: FSIS will not begin sampling and testing NRTE breaded stuffed chicken or other verification activities related to that product on November 3, 2025.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development by telephone at (202) 205-0495.

SUPPLEMENTARY INFORMATION: FSIS is the public health agency within the USDA responsible for ensuring that meat,

poultry, and egg products are safe, wholesome, and properly labeled. In support of this mission, FSIS published a final determination in the **Federal Register** on May 1, 2024, declaring that NRTE breaded stuffed chicken products containing *Salmonella* at levels of 1 colony forming unit per gram (1 CFU/g) or higher are adulterated under the Poultry Products Inspection Act (PPIA)(21 U.S.C. 453 (g)(1) and (3))(89 FR 35033).

The final determination also announced FSIS' intention to implement sampling and testing of raw incoming chicken components used to produce NRTE breaded stuffed chicken products (88 FR 35033, 35050-35051). The testing program was initially set to begin on May 1, 2025. On April 11, 2025, FSIS extended the start date until November 3, 2025, to give the Agency additional time to finalize relevant guidance and instructions and to prepare laboratories for sampling and testing (90 FR 15433).

FSIS is now announcing a further delay in the implementation of verification sampling and testing and other verification activities for NRTE breaded stuffed chicken products. The available methods, including the reference method Most Probable Number (MPN) have accuracy limitations and have resulted in findings of false positives for *Salmonella* at 1 CFU/g; that is, there have been instances in which some product that in fact contains less than 1 CFU/g has tested positive.

Specifically, an evaluation study conducted by the Agricultural Research Service (ARS),¹ tested source material for NRTE breaded stuffed chicken, consistent with the sampling approach FSIS planned to use and found false positives. According to the study, under the specific method² FSIS planned to use, if a sample contains *Salmonella* at a concentration of 0.9 CFU/g, there is a 75% chance the method will report ≥ 1 CFU/g. If a sample is 0.5 CFU/g, there would still be a 40% chance the method would report ≥ 1 CFU/g. As a result, moving forward with the current testing method could lead to enforcement actions against products that are positive for *Salmonella* at less than 1 CFU/g and are, therefore, not

¹ Schmidt, J.W., Wu, W., Harhay, D.M. & Wheeler, T. L., (2025) Identification of Chicken Component Samples Containing *Salmonella* Concentrations Greater Than or Equal to 1 CFU/g. *Meat and Muscle Biology* 9(1): 18993, 1-8. doi: <https://doi.org/10.22175/mmb.18993>.

² More information about the "Confidently Above Threshold" (CAT) method and the CAT method protocol (CAT-80) is available in the article in *Meat and Muscle Biology* at: <https://doi.org/10.22175/mmb.18993>.

adulterated based on the final determination published May 1, 2024 (89 FR 35033).

Applying a quantitative threshold (i.e., 1 CFU/g) for *Salmonella* in raw poultry is a regulatory approach the Agency has not taken before. FSIS has historically relied on presence or absence testing to verify whether product is adulterated based on pathogen testing (e.g., when testing ready-to-eat product for *Listeria monocytogenes* or *Salmonella* or applicable raw beef product for Shiga toxin-producing *Escherichia coli*).

Given the implications of enforcement based on a specific numerical threshold, FSIS needs additional time to reevaluate the testing program and determine its viability moving forward.

This delay reflects FSIS' commitment to ensuring that enforcement decisions are based on data that are not only scientifically valid, but also operationally reliable, reproducible, and fair. This delay also gives industry more time to implement controls to reduce *Salmonella* in source components used to produce NRTE breaded stuffed chicken.

At this time, FSIS is not establishing a new implementation date. The duration of the delay will depend largely on whether the Agency is able to refine the current method or develop and validate an alternative method that can be reliably applied in a regulatory context. FSIS will provide advance notice in the **Federal Register** before beginning verification sampling and testing activities.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>.

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service that provides automatic and customized access to selected food safety news and information. This service is available at:

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Denise Eblen,

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DEPARTMENT OF COMMERCE

[Docket No. 251124-0174]

Membership of the Performance Review Boards

AGENCY: Department of Commerce, Office of the Secretary.

ACTION: Notice of membership on Performance Review Boards.

SUMMARY: The Department of Commerce (DOC) announces the appointment of those individuals who have been selected to serve as members of the Office of the Secretary Performance Review Board, International Trade Administration (ITA) Performance Review Board, the Bureau of Industry and Security (BIS) Performance Review Board, Census Bureau Performance Review Board (Census), Bureau of Economic Analysis (BEA) Performance Review Board, National Oceanic and Atmospheric Administration (NOAA) Performance Review Board, National Institute of Standards and Technology (NIST) Performance Review Board, Economic Development Administration (EDA) Performance Review Board, and National Telecommunications and Information Administration (NTIA) Performance Review Board.

DATES: The appointment for those individuals selected for the Performance Review Boards begins immediately upon publication of this notice. Service is expected to last through Fiscal Year 2026.

FOR FURTHER INFORMATION CONTACT: Shannon M. Thompson, U.S. Department of Commerce, Office of Human Resources Management, Office of Executive Resources, 14th and Constitution Avenue NW, Washington, DC 20230, at (202) 482-7460.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), DOC, Office of the Secretary (OS), announces the appointment of those individuals who have been selected to serve as members of the OS, ITA, BIS, Census, BEA, NOAA, NIST and NTIA Performance Review Boards. The Performance Review Boards are responsible for (1) reviewing performance appraisals and ratings of Senior Executive Service and Senior Leader members and (2) making recommendations to the appointing authority on other performance management issues, such as pay adjustments and bonuses. The members listed in this notice can serve on any of the eight (8) boards mentioned if alternate members are needed.

This notice supersedes the list published in the **Federal Register** on

October 20, 2023 (Docket No. 240906-0232).

The Performance Review Board Members: The name, position title, and bureau of each member are set forth below:

Abaroa, Patricia—Deputy Director, Bureau of Economic Analysis (BEA)
 Arora, Vipin—Director, Bureau of Economic Analysis (BEA)
 Bartlett, Joseph—Deputy Under Secretary for Industry and Security (BIS)
 Boehm, Jason—Chief of Staff for National Institute of Standards and Technology (NIST)
 Bolitzer, Benjamin—Deputy Chief Economist (Office of the Under Secretary for Economic Affairs)
 Brown, Hannah—Chief Information Officer for NIST (NIST)
 Carlis, DaNa—Director, National Severe Storms Laboratory (NOAA)
 Caro, Juan—Deputy Assistant Secretary for International Affairs (NOAA)
 Cassidy, Adam—Deputy Assistant Secretary to NTIA (NTIA)
 Chin, Joannie—Director, Engineering Laboratory (NIST)
 Christ, Katelyn—Deputy Assistant Secretary for the Supply Chain Center (ITA)
 Christy, James—Senior Advisor to the Deputy Director for Programs and Initiatives (Census)
 Clark, Terrance—Director, Radar Operations Center (NOAA)
 Dalal, Manan—Assistant Chief Information Officer, National Environmental Satellite Data and Information Service (NOAA)
 DeFalco, David—Executive Director for Europe (ITA)
 Doster, Kimberly—Director of Communications (NOAA)
 Epley, Brian—Chief Information Officer (OS)
 Folk, Alex—Director for Acquisition and Agreements Program Management (NIST)
 Fullerton, Scot—Associate Deputy Assistant Secretary for AD/CVD Operations (ITA)
 Garcia, Alexandra “Bonnie”—Director, Acquisition (NIST)
 Gardner, Stephen—Chief Counsel for Commercial Law Development Program, Office of the General Counsel (OS)
 Grimm, Laura—Chief of Staff for NOAA (NOAA)
 Hawkins, Anne—Chief of Strategy (NOAA)
 Jarmin, Ron—Deputy Director (Census)
 Kinkoph, Doug—Associate Administrator for Office of Internet Connectivity and Growth (NTIA)
 Kumar, Harry—Senior Advisor (OS)
 Kurland, Kevin—Principal Deputy Assistant Secretary for Export Enforcement (BIS)
 Luce, John—General Counsel (NOAA)(Detail)
 Martinez, Angela—Denver Regional Director (EDA)
 Meroney, Bart—Executive Director for Manufacturing (ITA)
 McKinney, Bradley—Deputy Assistant Secretary for U.S. Field (ITA)
 Muslu, Deniz—Director, Office of Enforcement Analysis (BIS)
 Netram, Christopher—Director, Office of Policy and Strategic Planning (OS)
 O'Connor, Kasey—Chief of Staff, Office of the General Counsel (OS)