

Dioxin in Animal Feed

In a recent national survey, USDA and EPA detected high levels of dioxin in 2 Tyson Foods poultry samples. EPA subsequently found that ConAgra products on supermarket shelves in New Orleans contained similarly high levels. USDA, FDA, and EPA traced the source of dioxin to contaminated ball clay from a Mississippi mine. Riceland Foods and Quincy Soybean Company had added the ball clay to soybean meal as an anti-caking agent. The soybean meal was then used in animal feeds, principally for catfish, poultry, and layer hens.

On July 3, FDA determined that adulterated animal feed could no longer be sold or fed to animals. FDA also determined that animals that had consumed the feed presented only a moderate health hazard. FDA and USDA therefore are not recalling affected products already in commerce. However, FDA and USDA have ruled that no additional affected animal products can enter commerce unless they are first tested and shown to have less than 1 part per trillion of dioxin. This testing requirement became effective July 13 for poultry, eggs, cull cattle, and hogs. FDA extended the effective date for catfish until July 20 to give the industry time to develop testing and sampling methods.

There has been considerable Congressional and consumer concern about this issue. Members of Congress, including Senators Lott and Bumpers and Congressmen Marion Berry and Jay Dickey, have met with the Federal agencies regarding their actions. Attached is a more detailed discussion of the issue.

THE WHITE HOUSE
WASHINGTON

OFFICE OF THE STAFF SECRETARY

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The Honorable William J. Clinton
President
The White House
Washington, DC 20500

Dear Mr. President:

I am writing to provide a brief outline of the actions taken by federal authorities regarding dioxin contaminated poultry and catfish feed, and to express my resulting concerns with their handling of the situation.

First, let me state clearly that the public's safety will always be my top priority. As you may be aware, during routine testing of dioxin levels in poultry the Environmental Protection Agency (EPA) discovered higher than expected levels of 2,3,7,8 TCDD (dioxin). In cooperation with the poultry industry, it was soon discovered that the source of the dioxin contamination was "ball clay" added as an anti-caking agent to soybean meal used in animal feed. It is still unknown why dioxin is in the clay. This particular feed was produced in two facilities in Arkansas: Riceland in Stuttgart and Quincy in Helena, both of which are in the 1st Congressional District. The feed is used extensively by the poultry and catfish industries in the region, and is also distributed around the country and used to feed a variety of animals.

Upon learning of the contaminated clay, several steps were immediately taken to ensure that no more dioxin would flow into the food chain. The first move was to cease shipments of clay from this contaminated clay mine to any feed production facilities. Next, the Riceland and Quincy *voluntarily* halted shipments of feed containing the contaminated clay and immediately discontinued use of the clay in their products. The poultry producers, due to their initial involvement in discovering the source, also voluntarily discontinued use of the contaminated feed.

This chain of events had effectively halted any further introduction of contaminated clay into the human food supply. On July 3, 1997, the Department of Health and Human Services' Food and Drug Administration (FDA) ordered a *mandatory* cessation of distribution of the contaminated feed - despite the voluntary cooperation of the feed manufacturers and distributors. This action was followed on July 8, 1997, by another notice by FDA to egg producers and catfish farmers and processors that foods produced by animals that consumed this feed would be considered "adulterated" unless tested and proven to contain below 1 part-per-trillion of dioxin. Later the same day, the Department of Agriculture's Food Safety and Inspection Service (FSIS)

issued a similar notice to poultry producers.

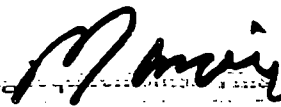
By issuing such notices, FDA and FSIS essentially quarantined a large quantity of produce in Arkansas and the surrounding region, closing food processing plants and laying off workers within hours. This notice was apparently issued notwithstanding the stated opinion of FDA that, "...the agency believes the dioxin levels found in animal feed, and in the foods produced by animals that consumed the feed do not present an immediate public health hazard." Furthermore, the food safety authorities did not deem the situation serious enough to issue a recall of product from stores, indicating again the non-emergency status of the situation. I believe that the federal government is stepping beyond its authority and implementing dioxin level standards for food without the requisite scientific evidence, deliberative processes, or Congressional oversight.

The two agencies have since stated to me and other Members of Congress that they will not begin enforcement action until July 13, 1997. This information is not being adequately disseminated to the farmers with whom I have spoken, and in some cases is not being provided during the initial contact between farmers and agency officials. While I appreciate the concept of giving farmers a brief reprieve, it is totally worthless if the farmers are unaware of it. At a meeting in Arkansas yesterday, farmers and Administration officials discussed issuing a temporary moratorium on these testing requirements. This would result in farmers having more time to understand and comply with agency requests, and the agencies having more time to gather information and inform their field agents as to proper procedures.

I am fully committed to protecting the interests of the people of the 1st Congressional District, while protecting the safety of the public at large. The actions taken by FDA and FSIS do not achieve either of these goals.

I respectfully request that you personally review the actions taken by Administration officials responsible for unnecessarily causing extreme emotional and economic distress to our mutual friends. Please do not hesitate to call on me if I may provide further assistance in resolving this matter.

Sincerely,



MARION BERRY
Member of Congress

MB/pgc

During the course of the investigation, many feed users had
In a recent nationwide survey carried out by USDA and EPA, some unusually high levels of dioxin were found in 2 of 80 poultry samples. The samples containing the high levels were from Tyson Foods. EPA investigators subsequently tested two grab samples taken from supermarket shelves in New Orleans, both of which were ConAgra products and contained similarly high levels.

After an extensive investigation involving FDA, USDA, and EPA, the source of the dioxin contamination was identified as ball clay from a mine in Mississippi operated by the Kentucky Tennessee Ball Clay Company, which was added to soybean meal as an anti-caking agent by Riceland Foods and Quincy Soybean Company, both located in Arkansas. The soybean meal was then added to animal feeds, principally catfish, poultry, and layer hens as well as lesser amounts to dairy cows and hogs.

After learning of the source of the contamination, the producers of the feed voluntarily discontinued use of the ball clay. During the course of the investigation, many feed users had also been contacted by FDA and had voluntarily stopped using the contaminated feed. On July 3, 1997, FDA determined, in consultation with USDA and EPA, that all animal feed produced using the contaminated ball clay was adulterated and could no longer be sold or fed to animals.

FDA's health hazard board, which advises the agency on appropriate steps to take in response to possible public health issues, determined in consultation with USDA and EPA, that these levels of dioxin were a moderate health hazard. This meant there would be no recall of food products that have already entered commerce.

However, no additional food products which had been contaminated would be allowed to enter commerce unless they were shown to be under 1 part per trillion for the particular component of dioxin present in the contaminated clay. The 1 part per trillion level was set by FDA scientists. It is not a general action level or standard for dioxin in foods. It is the response of Federal public health agencies to a specific source of dioxin contaminated animal feed.

On July 8, 1997, USDA and FDA officially advised food producers under their respective jurisdictions (USDA--poultry, egg products, cull cattle, hogs/ FDA--catfish, fresh eggs) of the one part per trillion level of concern. Dairy products, cull cows, and hogs are not expected to be affected by this level. At the request of industry, the agencies agreed to provide an effective date of Sunday, July 13, 1997.

Industry had expressed concerns because the tests for dioxin are fairly costly and time-consuming, with an approximate 5-day turn-around time for results. On Friday, July 11, 1997, FDA agreed to suspend the effective date in order to develop an industry wide testing and sampling for catfish. USDA did not change its effective date because the poultry industry had been testing their product and had received test results. USDA is allowing the poultry industry to reprocess poultry, principally by removing the fat and the skin, so that parts of the food animal may enter commerce. Some poultry plants have temporarily shut down operations and some are using the option of reprocessing. This is a short term problem in terms of poultry that should be resolved in a few weeks because the contaminated feed is no longer being used.

FDA met this week with representatives of the industry and the primary states, Arkansas and Mississippi to develop a feasible plan to protect the public from any additional exposure with as minimal disruption of industry as possible. On July 16, 1997, FDA officially advised the catfish industry of an effective date of July 20, 1997, at which time catfish products must meet the level of concern.

FDA is also working with the National Marine Fisheries Service (NMFS), which may have broad statutory authority to assist the catfish industry, including compensation. NMFS, however, has no funds at this time for this purpose. FDA has been asked to contact OMB regarding possible compensation for farmers who suffer income loss from this action.

There has been considerable Congressional interest in this issue, including Majority Leader Lott, Senators Bumpers, Cochran, Hutchinson, and Congressmen Marion Berry and Jay Dickey.