

**Politics, Passion, Perceptions:
What Keeps the Food Industry in Line**

**Remarks of Caroline Smith DeWaal
Director of Food Safety
for
Institute for Food Technologists Hot Topic Session
Chicago, Illinois
July 26, 1999**

Food Safety

Politics, passion, perceptions. What a great title. And clearly, each of these elements plays a major role in food safety policy. But I want to marshal one other element that is central to development of good policy: the facts.

My name is Caroline Smith DeWaal and I am director of food safety for the Center for Science in the Public Interest (CSPI). CSPI is a non-profit organization based in Washington, D.C. Since 1971, CSPI has been working to improve the public's health, largely through its work on nutrition and food-safety issues. CSPI is supported primarily by the one million subscribers to its *Nutrition Action Healthletter*, the largest circulation health newsletter in North America.

In the fight for a safer food supply, newspaper articles regularly cite the estimates that contaminated food causes up to 33 million illnesses and 9,000 deaths each year.¹ These estimates illuminate the magnitude of the problem with food borne illness in the U.S. For many consumers, the aggregate numbers mean less than the specific outbreaks and recalls, which have

¹ These estimates are based on data collected in the 1980's. More recent data will likely result in an adjustment to these numbers in the near future. Council for Agricultural Science and Technology, *Foodborne Pathogens: Risks and Consequences*, (Ames, IA: Council for Agricultural Science and Technology, 1994), p. 4.

awakened consumers' to the fact that the level of risk from contaminated food is higher than we thought. Parents shouldn't have to fear the consequences of serving their children apple cider or a meal out at a local restaurant. Yet, food poisoning outbreaks have taught us that today we must.

In the last thirty years, the U.S. consumer has seen many changes in the way food is produced that impact food safety. Food production has evolved from being a primarily local industry to one that is becoming centralized in different regions of the country. Improved transportation has also given consumers greater access to foods from around the world, with both their benefits and the potential hazards. The increase in imported foods presents new challenges because it is especially difficult to police the safety of food grown and processed in foreign countries.

Other changes are affecting U.S. consumers as well. Foodborne pathogens have developed increased virulence, while at the same time the public has grown more vulnerable to foodborne illnesses due to the aging of the population.

While the food marketplace has changed dramatically, the regulatory tools available to the federal government to prevent food poisoning have changed only minimally. The advent of new systems of preventive controls -- so called "HACCP" systems -- coupled with the expanded use of new technologies both have the potential to enhance the safety of food. But these benefits will not be fully realized until the underlying regulatory systems are modernized as well.

One area of food safety oversight that needs improving is the area of surveillance. Foodborne-disease outbreak investigations tell the stories of who gets sick from food and why. Today, while headline after headline alerts consumers to food-poisoning outbreaks, no agency in the federal government maintains a comprehensive and current inventory of these outbreaks.

Such an inventory would allow policy makers, the food industry and the public to monitor trends, issue public health alerts, change production practices, and, ultimately, reduce the number of illnesses and deaths caused by contaminated food.

CDC is the only entity that would be capable of releasing comprehensive and timely information on foodborne-illness outbreaks, but it discontinued its annual listing of foodborne illness outbreaks in the 1980s. To fill this gap, CSPI has been maintaining its own list of foodborne-illness outbreaks that have occurred from 1990 to the present, which today contains over 350 outbreaks. That list is the only one of its kind available today, but even it includes only a small fraction of the outbreaks being reported to CDC and the other federal agencies.

Outbreaks are defined generally as two or more illnesses from a single source. The outbreaks that CSPI has listed were those that could be relatively easily identified, such as highly publicized, novel, or large outbreaks. We also used CDC lists for specific pathogens, such as *Salmonella enteritidis* and *E. coli* 0157:H7. Here are our most recent findings:

First, looking at the data in the context of our current regulatory system, over three times as many outbreaks were linked to FDA-regulated foods as were linked to USDA-regulated foods. FDA regulates all foods other than meat, poultry, and some processed egg products.

Out of 262 outbreaks linked to FDA-regulated foods:

- **123 outbreaks were linked to eggs and egg dishes.** Most of the egg-related outbreaks were caused by *Salmonella enteritidis*, a bacterium that can survive in raw or undercooked eggs and egg dishes. Egg dishes involved in several outbreaks include pudding, stuffing, baked ziti, and ice cream made with shell eggs.

- **41 outbreaks were linked to fruits and vegetables**, including cantaloupe, tomatoes, strawberries, watermelon, potatoes, scallions, lettuce, raspberries, sprouts, basil, and parsley.
- **39 outbreaks were linked to seafood**, including mahi mahi, salted whitefish, tuna, buffalo fish, blue marlin, surgeon, grouper, ahi, crab, and shrimp. **Of the seafood outbreaks, 19 were linked to shellfish**, including oysters, clams, and mussels.
- **12 outbreaks were linked to dairy products**, including cheese, pasteurized and raw milk, and ice cream.
- **Eight outbreaks were linked to juices**, including apple cider, apple juice, and orange juice.
- **39 outbreaks were linked to FDA-regulated foods with multiple ingredients**. These include salads, baked goods, breakfast cereal, and soups.

Out to 78 outbreaks linked to USDA-regulated foods:

- **50 outbreaks were linked to beef, including 38 to ground beef**. Other types of beef were prime rib, roast beef, corned beef, raw beef, sliced beef, and beef jerky.
- **40 outbreaks were linked to meats other than beef, including chicken, pork, turkey, game, and multiple-meat products**. Poultry products caused 14 of these outbreaks and pork caused 10. Although *Campylobacter* is the leading bacterial cause of foodborne diarrhea and current data suggest that more cases are linked to poultry than to any other food, outbreaks linked to poultry are rarely recognized. The illnesses resulting from

poultry products are more likely to occur individually or as part of a family outbreak that is never reported, according to CDC.²

Contrary to our findings, FDA's foods are generally, but erroneously, thought to pose a lower risk than the meat and poultry products regulated by USDA, and Congress appropriates accordingly. FDA's budget for regulating foods is approximately one-third of USDA's food inspection budget. In essence, FDA regulates more food with less money.

FDA's food program also doesn't fare well when compared with other priorities at FDA. When you compare funding of the food program to the programs that approve drugs, biologics and medical devices, the food safety office at FDA only received 38% of the total program budget. This is despite the fact that food represents more than 50% of FDA's mission area.

This data shows that there is a big imbalance in the way Washington directs food safety resources. If food safety resources were applied either equitably or on the basis of risk, FDA's food program should be entitled to a much bigger budget.

While CSPI has broken down the data on foodborne illness outbreaks into nice, neat little categories, let's not forget the impact that each outbreak has on consumer perceptions of food safety. Consumers have to eat and feed their families several times a day. They want to know that everything is being done both by the food industry and by the government to assure the safety of that food.

² Telephone conversation with Dr. Patricia Griffin, Chief of Foodborne Diseases, Foodborne and Diarrheal Branch, Division of Bacterial and Mycotic Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention, Atlanta, GA, January 14, 1999.

Public concern about the safety of the food supply has increased, especially following the Jack in the Box outbreak in which fast food hamburgers were linked to 700 illnesses and 4 deaths. In poll after poll, food safety ranks high on the list of things that consumers would like to see improved. Consumers' concerns are registering with the White House and with many in the government who are promoting new programs that will have a beneficial effect on food safety. Over the last three years, a national initiative on food safety has resulted in over \$110 million in new federal dollars going to the food safety programs, and we are urging Congress to add another \$75 million this year. In addition, the Clinton administration has racked up an impressive number of food safety accomplishments, including new regulatory, research and education programs. There has also been great emphasis on improving communication between the multiple departments with food safety responsibilities.

While these initiatives are good, they are not good enough. The National Academy of Sciences completed a report last August, called *Ensuring Safe Food From Production to Consumption*, that concluded that the "current fragmented regulatory structure is not well equipped to meet the current challenges."

Last summer, at the IFT conference in Atlanta, I enumerated many of the concerns about the current structure that CSPI documented for that NAS panel. One year later, little has changed. CSPI remains concerned that:

- food safety problems, like the use of animal manures on food crops, can fall through the cracks of agency jurisdiction;
- issues, like egg safety, can remain unaddressed for over a decade because shared jurisdiction discourages agencies from developing needed regulations;

- inspection resources are being duplicated in some areas and are completely absent in others;
- HACCP is a different program at FDA and at USDA;
- new technologies are delayed because they face multiple approvals at the different agencies;
- and imported food products are treated entirely differently depending on whether FDA or USDA has jurisdiction over them.

Those of you who have heard me speak before know that I can easily spend hours describing the current absurdities in the regulatory system. Let me add a few new examples.

The first example involves laboratory testing of food products. State laboratories who analyze food samples for chemical or microbial contamination have complained about the lack of uniformity among the protocols that the federal agencies require for the samples. Apparently, FDA, USDA, EPA and CDC have all developed their own protocols for food samples and it is driving the state lab directors crazy. Before they can run a food sample, they have to know which federal agency might need the information and then run it according to that agency's instructions. They have run into similar problems in reporting the information to the federal agencies, as they each want the information transmitted in a specific — non-uniform — way.

The second example is genetically modified foods, also called GMO's for the uninitiated. Approval of the use of these new plant varieties is done by three different federal agencies. USDA's Animal and Plant Health Inspection Service (APHIS) has a mandatory review process to protect against plant diseases and pests that might emerge from genetically modified seed stock. The Environmental Protection Area (EPA) has a mandatory review process for genetically

modified seeds with pesticidal qualities. FDA, meanwhile, utilizes a voluntary review process to address food safety problems that might emerge from genetically modified foods. Under this system, FDA relies on an industry honor system that allows the biotech companies to decide whether and when it should consult with FDA prior to putting a product on the market.

This scheme certainly demonstrates that with respect to GMOs, plant health issues, rather than human health issues, have garnered the principle focus of government agencies so far. While every plant species using genetically modified techniques has to go through a review at APHIS to determine the impact on plant health, some of these species could avoid any government review for food safety. This situation makes clear that FDA has let resource deficiencies drive some policy issues. The agency simply has not had the staff to police emerging food issues properly. Given FDA's other priorities, it is unclear if it ever will.

In its report last summer, the NAS found similar glaring disparities that result from the multiple agency system of food safety regulation and concluded that:

“[A]n identifiable, high-ranking, presidentially-appointed head, [is needed] who would direct and coordinate federal activities and speak to the nation, giving federal food safety efforts a single voice. The structure created, and the person heading it, should have control over the resources Congress allocates to the food safety efforts; [and] the structure should have a firm foundation in statute Many members of the committee are of the view that the most viable means of achieving these goals would be to create a single unified agency headed by a single administrator -- an agency that would incorporate the several relevant functions now dispersed ... among three departments and a department level agency. ” The NAS also issued a call for new

federal food safety statutes so that resources could be better allocated according to assessments of risk to public health.

The NAS has provided further documentation of the problems that drove CSPI and other consumer organizations to call on President Clinton in April 1997 to form a single independent food safety agency. But NAS was hardly the first major advisory body to call for fundamental reform of our food safety agencies.

In 1969, the White House Conference on Food recommended that there be one federal regulatory policy with respect to the safety, sanitation, identity and labeling of food and advised consideration of the establishment of a single federal regulatory agency for foods.

In 1972, Ralph Nader published a report, *Sowing the Wind*, that found that food inspection “remains embarrassed by department conflicts of interest and overlapping jurisdictions in USDA and FDA.” The report recommended the creation of a food safety agency to enhance the protection of public health.

In 1977, the Senate Government Affairs Committee issued a report that said, “We believe the bifurcated food regulatory system should be unified in a single agency.”

The United States General Accounting Office (GAO), which advises Congress, has consistently documented problems with the current food safety structure and has recommended that Congress evaluate options for revamping the federal food safety and quality system. In 1993, the GAO concluded that:

“GAO believes that creating a single food safety agency is the most effective way for the federal government to overcome long-standing problems, deal with emerging food safety issues, and guarantee the safety of our nation’s food.”

The GAO has reiterated this finding in numerous reports and testimonies before Congress since the early 1990's and it will provide testify on the issue again next week before the Senate Government Affairs Committee.

Which brings us finally to our discussion of Congress. While the White House has initiated needed changes and Congress has appropriated funding for the President's Food Safety Initiative, members of Congress are just beginning understand the problems with having multiple agencies charged with assuring the safety of the food supply.

Senator Richard Durbin, the esteemed Senator from Illinois, has played a leading role in initiating legislation on the creation of a single food safety agency. This bill, called the Safe Food Act of 1999, calls on the President to establish a single, independent food-safety agency at the federal level.

The Safe Food Act also was introduced this year in the House by Representatives Rosa DeLauro, a Connecticut Democrat, and Tom Latham, an Iowa Republican. Following the hearing next week in the Senate, we hope to see action on the bill before the end of next year.

Other important food safety legislation has been introduced this year. Most notably, a bill called the Consumer Food Safety Act of 1999 was filed by Senators Byron Dorgan (ND-D), Tom Harkin (D-IA) and Representative Frank Pallone (D-NJ) to revamp FDA's food safety program. With respect to FDA-regulated foods, this bill answers the National Academy of Sciences' call for Congress to "change federal statutes so that inspection, enforcement, and research efforts can be based on scientifically supportable assessments of risks to public health."

The Consumer Food Safety Act of 1999 sets up a scientific, hazard-based system for overseeing the safety of FDA-regulated foods, using a number of tools recommended by the

NAS. First, it requires the Secretary of HHS to establish a national food-safety program following an evaluation of public-health risks. Second, it mandates a single set of science-based inspection procedures for foods regulated by FDA. Third, it sets up incentives to ensure that most imported food comes from countries with food-safety standards deemed equivalent to US standards. Fourth, the bill requires the development of a comprehensive national food-safety plan, including research and education. Finally, it gives FDA the tools necessary to integrate and unify its food safety efforts with the efforts of state and local governments.

These bills represent the most far-reaching and concrete changes to the federal food safety system that have been proposed in the last several decades. Consumer and industry groups, which ultimately must be served by these systems, will have to come together to examine and fine tune these proposals. Some have expressed concerns that changing the federal system without a thorough analysis of the impact of the changes on the current programs, especially the new HACCP programs, would be unwise. The bottom line is that any new system must work better than the existing system in the long run, or it is not worth the trouble.

While everyone agrees that change must be done thoughtfully, there are important reasons to make improvements in our food safety programs now. First, imports have increased dramatically in the last few years due to several trade agreements which have expanded food trade with our closest neighbors. This is creating tremendous problems, especially for the Food and Drug Administration because of the acute lack of resources directed towards food safety at that agency. For example, FDA inspects fewer than 2% of food products coming into the US, not including meat and poultry. Several major outbreaks in the last few years have demonstrated the weaknesses in FDA's system of inspecting imports. These outbreaks have set the stage for

legislation to improve FDA's efforts to oversee imported foods, where two bills have already been introduced. Clearly, increasing food imports require a more systematic and uniform approach to import inspection than we have today.

Second, HACCP systems are being implemented at both FDA and USDA for seafood, meat and poultry. However, FDA's weak regulatory program may be responsible for jeopardizing the credibility of HACCP with the American public. Seafood plants inspected last year showed a distressingly low level of compliance with the new HACCP regulation. Approximately 70% of seafood plants inspected by FDA were not fully in compliance with FDA's seafood HACCP rule. While FDA's failure is troubling, many hope that the widespread use of regulatory HACCP can and will fundamentally change government's role in food safety oversight, but it won't happen without more uniform enforcement.

Finally, there are many discussions in Washington about how to better utilize our existing inspection force. Technological innovation may make our current system of inspecting meat and poultry obsolete within the next few years. Those inspectors are urgently needed to provide inspections at the tens of thousands of food plants under FDA's jurisdiction. However, in Washington, you cannot simply transfer resources across agencies. Appropriate, efficient and flexible utilization of the inspection resources in the next century requires the reorganization of the government structure.

In the past twenty minutes, we have discussed foodborne illness outbreaks, imported foods, HACCP, inspection, revamping federal food safety systems, and the rationale for a single food safety agency. All these are weighty matters, especially for those Washington insiders who make decisions of this magnitude. However, for everyday consumers who shop and prepare food

for their families, or who treat them to meals at a local restaurant, most don't give a hoot whether there is one agency or a thousand regulating their food. All they care about is that the food they are about to serve their families is safe to eat.

In Vermont, where I grew up, there is a joke about a city slicker who asks directions from an old Vermont farmer. The punch line was: You can't get there from here. Today we must ask whether we can achieve a safer food supply in the 21st century without radically redesigning the current food safety regulatory system? Like that old Yankee farmer, I am afraid that you can't get there from here.

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Changes in Food Production Affecting Food Safety

- Localized production to centralized production
- Improved transportation
- Increased imported foods

Other Changes Impacting Food Safety

- Increased virulence of foodborne pathogens
- Aging of the population

Food Safety Regulatory Tools

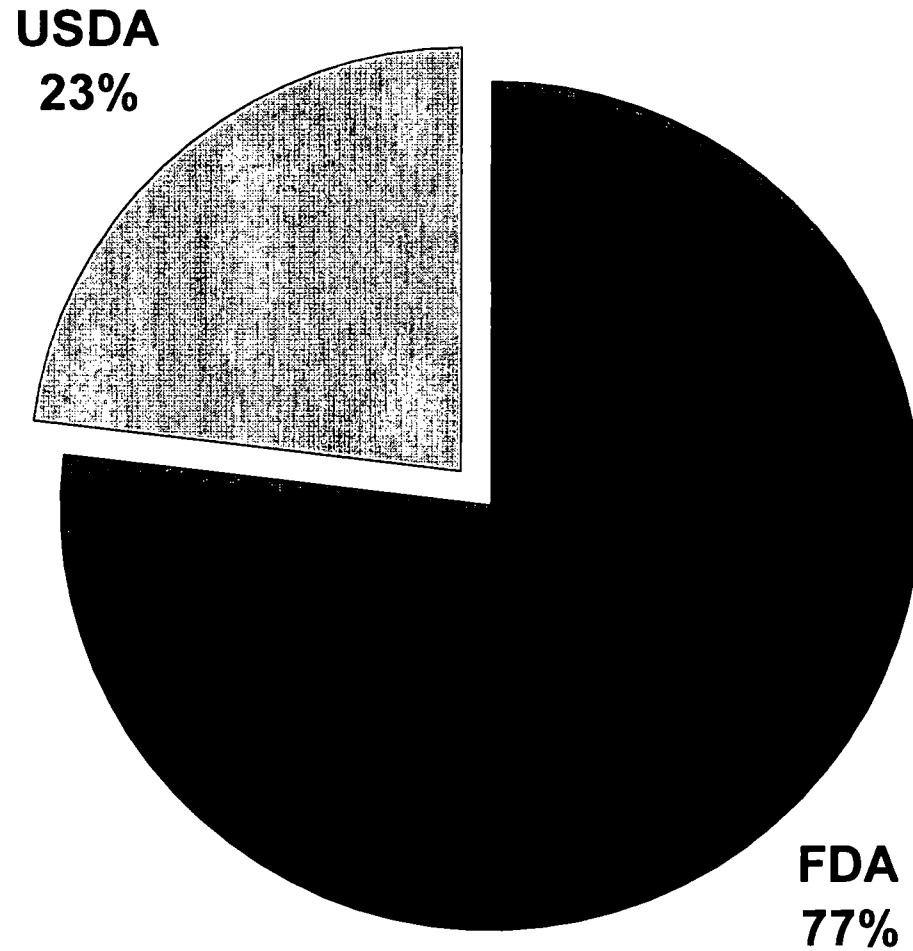
- Minimal regulatory changes have occurred to address dramatic changes in the food marketplace
- Potential benefits of HACCP systems and new technologies may not be fully realized
- Underlying systems of regulations must be modernized

Outbreak Alert!

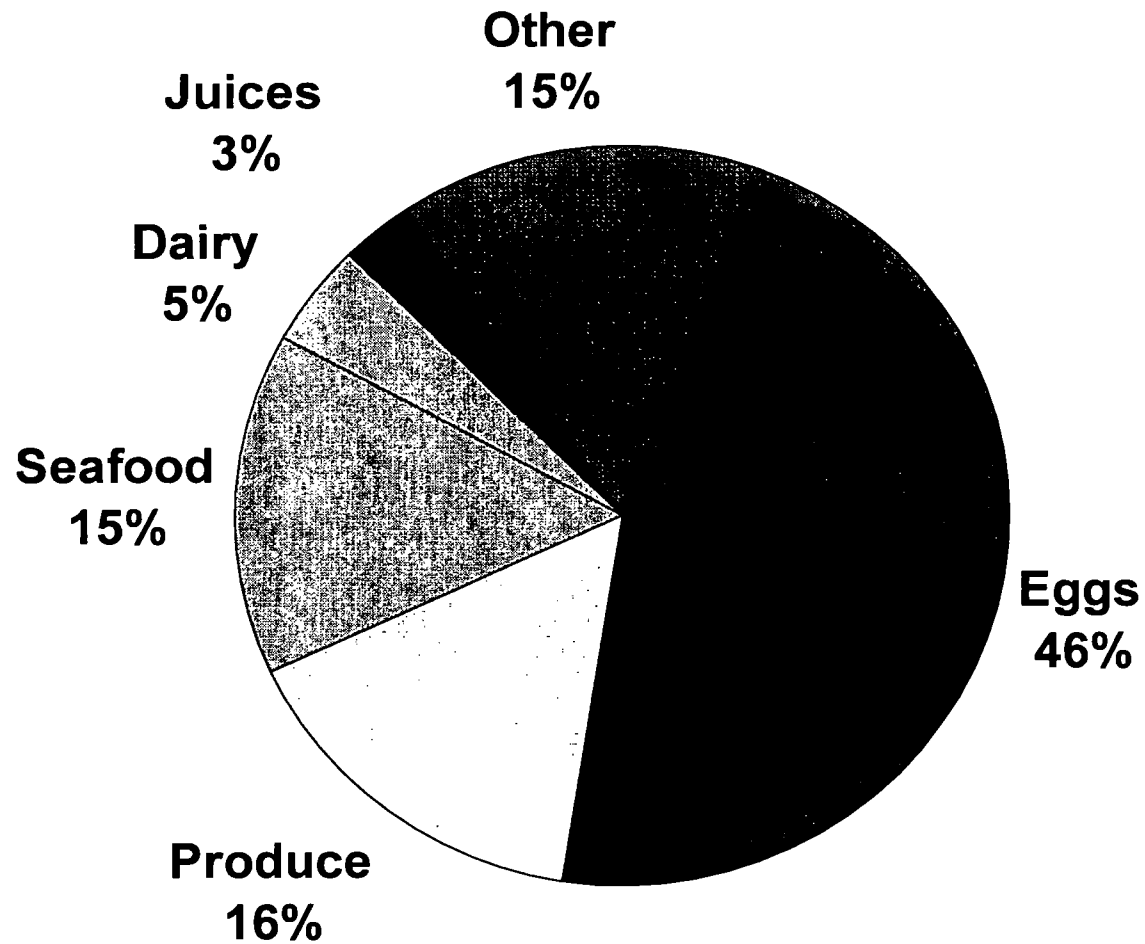
Closing the Gaps in Our
Federal Food-Safety Net

Center For Science in the Public Interest

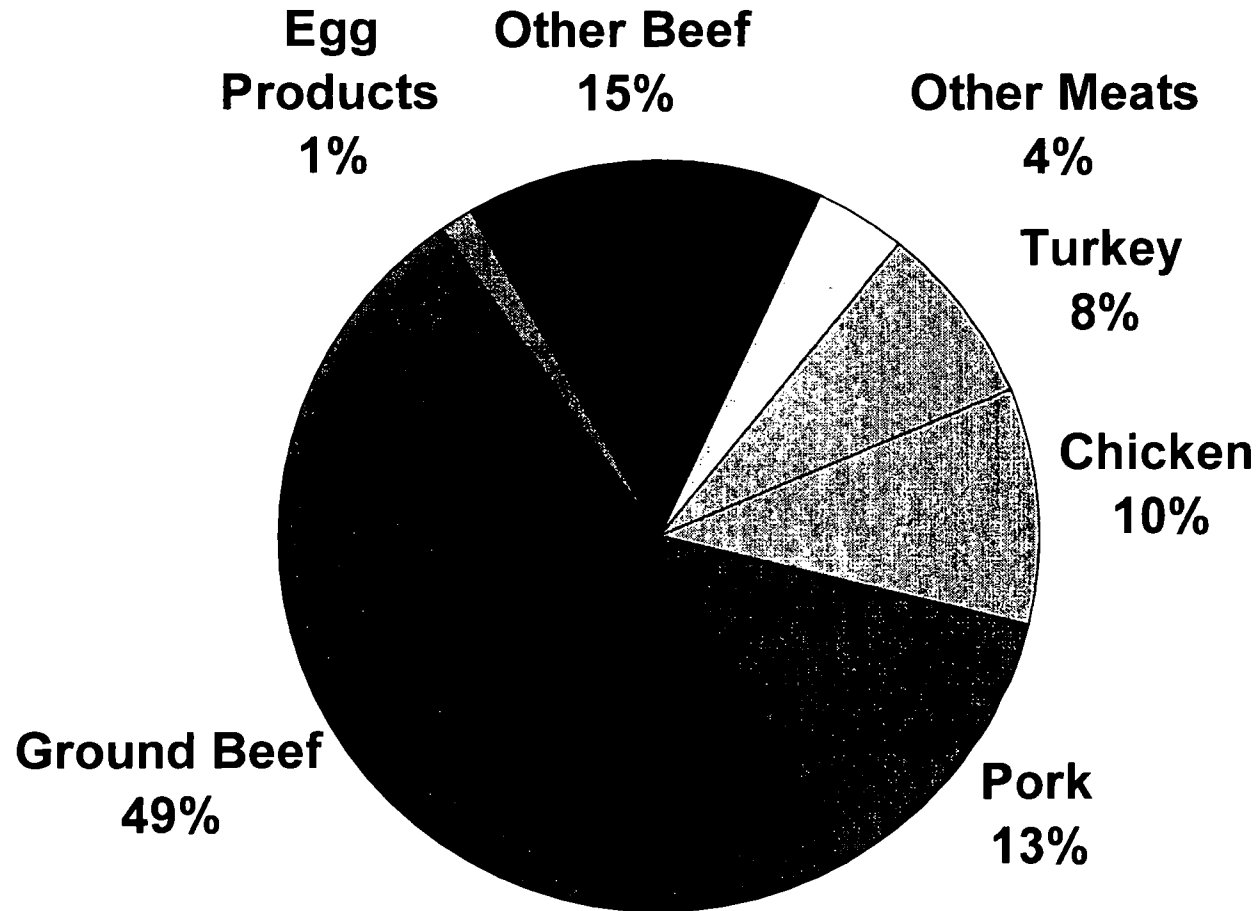
Percent of Outbreaks Traced to USDA and FDA-Regulated Foods



FDA-Regulated Foods Linked to Outbreaks

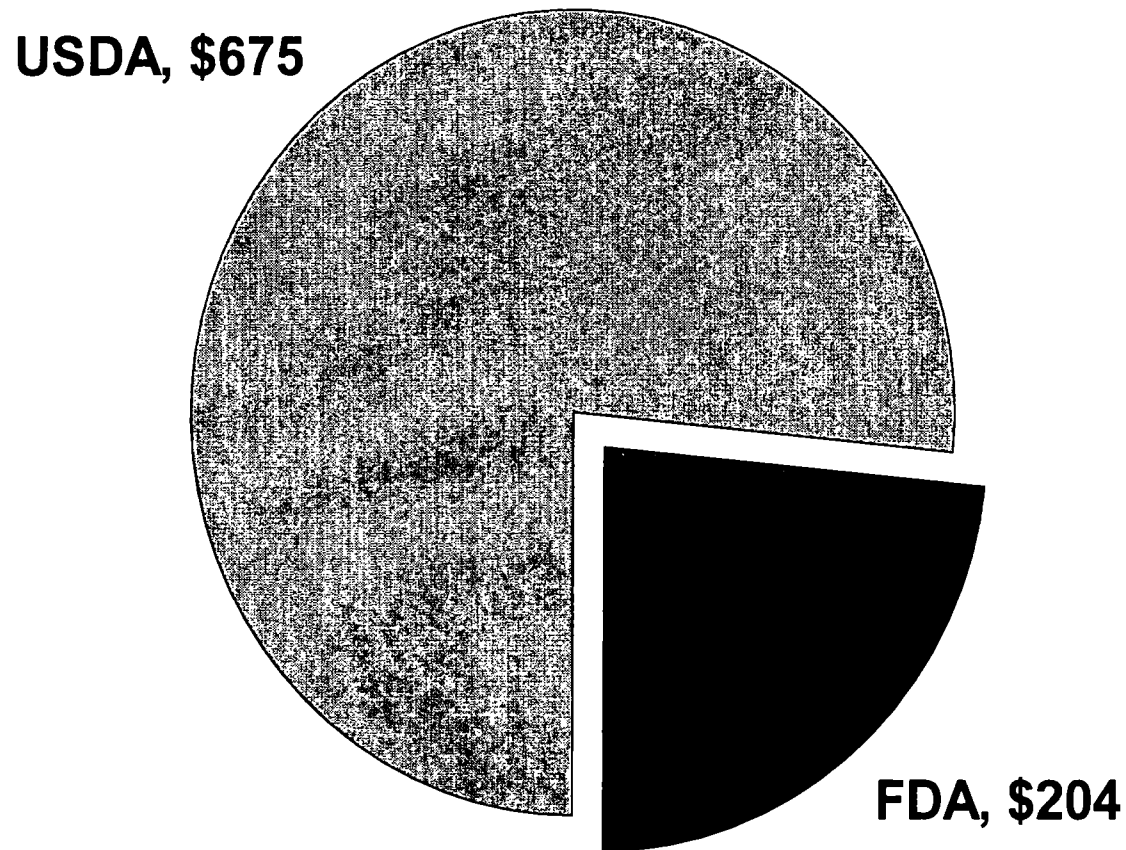


USDA-Regulated Foods Linked to Outbreaks



Food Safety Funding at FDA and USDA

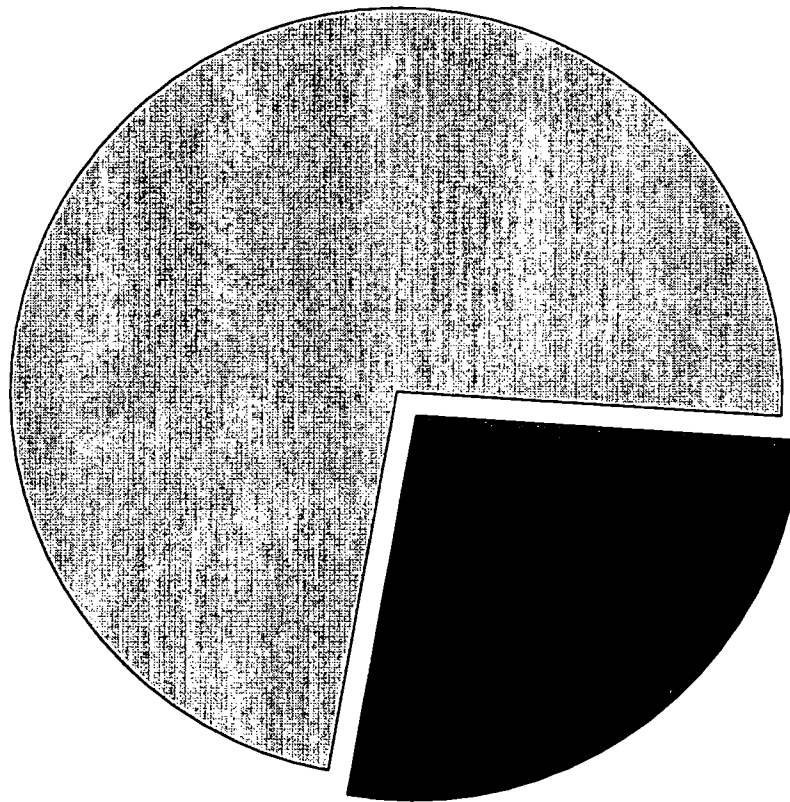
FY 1998, Millions of Dollars



Funding at FDA

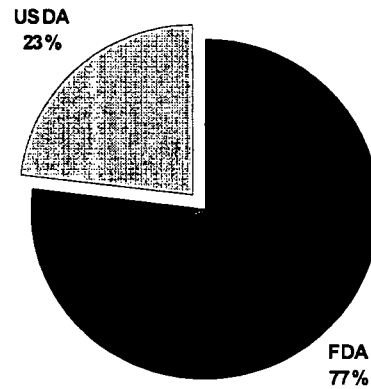
FY 1998, Millions of Dollars

**FDA Drugs,
Biologics,
and Medical
Devices
Budget,
\$564**

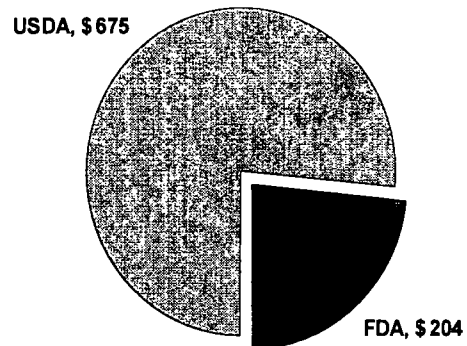


**FDA Food
Safety
Budget,
\$204**

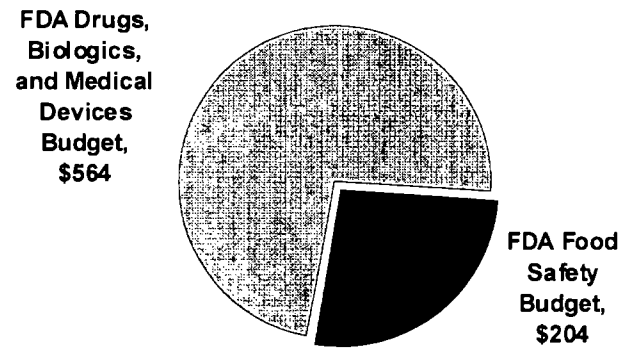
Percent of Outbreaks Traced to USDA and FDA-Regulated Foods



Food Safety Funding at FDA and USDA FY 1998, Millions of Dollars



Funding at FDA FY 1998, Millions of Dollars



President Clinton's Food Safety Accomplishments

- Issued new standards to reduce and prevent contamination of meat, poultry and seafood
- Issued a presidential directive to prevent the importation of unsafe foods
- Signed the Food Quality Protection Act
- Issued new regulations that improve the safety of fruit and vegetable juices
- Created President's Council on Food Safety

CSPI Concerns About Food Safety Regulatory Structure

- Food safety problems can fall through the cracks of agency jurisdiction
- Many issues remain unaddressed because shared jurisdiction prevents needed regulation
- Some inspection resources are duplicated or absent

CSPI Concerns About Food Safety Regulatory Structure (Con't.)

- HACCP is a different system at FDA and at USDA
- New technologies are delayed by multiple approvals at different agencies
- Imported products are treated differently depending on whether FDA or USDA has jurisdiction

State Laboratory Complaints with Federal System

- Lack of uniformity
- FDA, USDA, EPA, and CDC each have own protocol for food samples
- State laboratories must run tests according to a specific agency's instructions
- Each federal agency wants information reported in different way

Regulation of Genetically Modified Foods

- Three different agencies approve seed varieties
- APHIS protects against plant diseases
- EPA reviews seeds with pesticide qualities
- FDA protects against food safety problems (mostly voluntary)

NAS Findings on Current Food Safety Regulatory Structure

- “[A]n identifiable, high-ranking, presidentially-appointed head, [is needed] who would direct and coordinate federal activities and speak to the nation, giving federal food safety efforts a single voice. The structure created, and the person heading it, should have control over the resources Congress allocates to the food safety efforts; [and] the structure should have a firm foundation in statute”

NAS Findings on Current Food Safety Regulatory Structure, Con't.

- “Many members of the committee are of the view that the most viable means of achieving these goals would be to create a single unified agency headed by a single administrator -- an agency that would incorporate the several relevant functions now dispersed among three departments and a department level agency.”

Supporters of a Single Food Safety Agency

- 1969 White House Conference on Food
- 1972 Ralph Nader Report -- Sowing the Wind
- 1977 Senate Governmental Affairs Report
- 1992 GAO -- Risk-Based Food Safety Inspection Report

GAO Recommendation on a Single Food Safety Agency

“GAO believes that creating a single food safety agency is the most effective way for the federal government to overcome long-standing problems, deal with emerging food safety issues, and guarantee the safety of our nation’s food.”

Current Food Safety Legislation

- Safe Food Act of 1999
 - Creates a single food safety agency
- Consumer Food Safety Act of 1999
 - Establishes a comprehensive food safety program for FDA-regulated foods.

Consumer Food Safety Act, cont.

- Risk assessment used in establishing national food safety plan
- Science-based inspection procedures
- Incentives for trading partners to enter equivalence agreements
- National plan for research and education
- Integration of state and local food safety efforts

“Why Change Now?”

- Increasing Imported Foods
- Standardize HACCP Implementation
- Build a Coherent Risk-Based Inspection System

A Safer Food Supply?

“You can’t get there from here.”

-Old Vermont Farmer

Memorandum

*Food
Safety*

To: President Bill Clinton

From: S.T.O.P. -- Safe Tables Our Priority -- *representing the families and friends of food poisoning victims*
Center for Science in the Public Interest -- *representing over 900,000 consumers who are concerned about food safety and nutrition*
Consumer Federation of America
Public Voice for Food and Health Policy
Government Accountability Project
United States Humane Society

Re: The President's Food Safety Initiative

Date: April 2, 1997

Consumers trust that government has measures in place to assure the safety of the food they feed their families. However, many families have learned through personal tragedy that their trust was misplaced after suffering devastating illnesses and the deaths of loved ones from contaminated food.

The fact is, with the exception of meat and poultry products, the government rarely inspects our food. And in the case of meat and poultry, the inspection is based on turn-of-the-century techniques rather than on modern science. Fortunately, your administration has recognized these inadequacies and has made food safety a priority, beginning with new regulations to modernize the meat, poultry and seafood inspection systems. But these piecemeal reforms are not enough.

Mr. President, we are grateful that you have recognized the gaps in our nation's food safety regulation with the introduction of your Food Safety Initiative. While this initiative makes much-needed incremental reforms in the current systems, it contains a fundamental flaw. It relies on the existing system in which multiple agencies share joint responsibility for food safety: USDA inspecting meat, poultry, and egg products; FDA inspecting and overseeing the safety of all other products; and EPA setting tolerances for certain chemicals in food. These food safety

agencies each have other competing responsibilities. In addition, the agencies compete with each other for jurisdiction and fail to coordinate food safety activities. This system is so filled with inefficiencies and inconsistencies that it does not adequately protect consumers from the hazards in the food supply.

We need fundamental reform if we are to benefit from a more effective food safety system. We need a single federal food agency to address the unacceptably high rate of foodborne illness and inconsistent food safety policies across the federal government. We need the government to adopt food safety assurance systems that are proactive in identifying and preventing contamination rather than waiting until large food poisoning outbreaks and public outcry make action a political necessity.

As taxpayers and citizens, we invest nearly one billion dollars in the government programs for assuring food safety. What do we get for our money?

An unacceptably high rate of foodborne illness.

- Each year, contaminated food causes huge numbers of foodborne illnesses. Between 6.5 million and 81 million cases of foodborne illness and as many as 9,100 deaths occur annually.¹
- Secretary Donna Shalala stated at a March public meeting on the Food Safety Initiative that the incidence of foodborne illnesses and deaths is likely to increase between 10% and 15% over the next decade. This is because new and more virulent bacteria are emerging. In addition, established pathogens are showing up in new and unexpected places. For example, in 1996, we experienced numerous outbreaks from *E. coli* O157:H7 in lettuce and unpasteurized juice.
- As our population ages, we are becoming more vulnerable to foodborne diseases. The two groups most likely to suffer the severest forms of foodborne illness are children and the elderly. In addition, many more people are living with chronic illnesses or with impaired immune systems that make them especially susceptible to foodborne disease.
- The economic cost of inaction is exorbitant. The annual cost of foodborne illnesses may be as high as \$22 billion per year.² Even this estimate is understated, however, because it includes only the cost of deaths from a limited number of pathogens. It fails to include the human toll of pain and suffering from illness experienced not only by the victims but by their families and extended communities.

¹ U.S. General Accounting Office, *Food Safety: Information on Foodborne Illnesses*, (Washington, D.C.: U.S. General Accounting Office, May 1996), p. 4 [hereinafter *Food Safety: Information on Foodborne Illnesses*.]

² *Food Safety: Information on Foodborne Illnesses*, p. 7.

Weak, reactive, and industry-oriented food safety programs.

- FDA's program for food safety assurance is operated more like a recall management program than a program to prevent food safety problems from occurring. The agency has failed in its responsibility to address known hazards in shellfish, eggs and cider through research and action. The agency waits until foodborne illness outbreaks and public outcry occur before ever considering needed policy changes. And sometimes even then, the FDA refuses to act.
- USDA's program for inspecting meat and poultry has for decades served the needs of the meat and poultry industry rather than the needs of consumers. While recent changes have attempted to shift the program's focus more toward consumer health and safety, its placement in the Department of Agriculture makes this change highly vulnerable to reversal. Because of USDA's joint responsibility for safety and promotion of US products, safety concerns can easily play second fiddle to other missions of the agency.
- Programs at both FDA and USDA focus too much on cleaning up contamination after it is on the food, rather than on developing sure-fire methods to keep contamination off the food to begin with. A comprehensive approach to identify sources of contamination and prevent their entry into the food supply is needed if we are to stop the spread of deadly pathogens, such as *E. coli* O157:H7, to new segments of the food supply. These agencies have been unable to coordinate this type of effort with respect to specific food products, much less for the entire food supply.

The bottom line is that consumers are paying a terrible price for the inefficiencies and ineffectiveness of the existing system of foodborne illness prevention. It is time to reinvent and rationalize the system.

RECOMMENDATION

Combine the inspection, food safety, food additive approval and labeling functions of the federal government into a single federal food agency. The agency should be an independent oversight agency, which would be given the functions of USDA's Food Safety and Inspection Service, FDA's Center for Food Safety and Applied Nutrition, the Department of Commerce's Seafood Inspection Program and the food safety functions of USDA's APHIS and ARS and EPA's Offices of Pesticide and Water Programs. The agency should be funded with the combined budgets from all of these agencies.

Vice President Al Gore promised us a government that works better and costs less. At a time of federal government downsizing and reorganization, we cannot afford to continue to have multiple systems for food safety. The only way to achieve a successful hazard-based system of food safety regulation is to combine these programs into a single agency with uniform standards for addressing food hazards. There are many benefits to this approach:

- The development of uniform safety standards for foods that represent comparable risks would rationalize the existing haphazard system. You recognized this when you signed the Food Quality Protection Act (Public Law 104-170) in August 1996, which established a uniform safety standard for pesticide residues for both processed and raw foods.
- Food safety inspections could be based on food hazards rather than on which agency has jurisdiction over the food product. This is especially important as the Administration proceeds with implementation of new reforms in the meat, poultry and seafood programs. Inspection resources should be applied in a uniform manner to all hazardous food products. Resources could be shifted from fully processed products that represent a minimal safety hazard.
- A single food agency with uniform food safety standards and regulations based on food hazards would provide an easier framework for implementing our standards in an international context. Recent agreements governing international trade call for the US government to allow foods to be imported that meet an equivalent safety standard to our own. However, when our own agencies don't have uniform safety and inspection standards for all potentially hazardous foods, the establishment of uniform international standards will be impossible.
- Food safety measures should be applied farm-to-table, where appropriate. A single food safety agency should be empowered to apply measures wherever along the food chain they can be most effective, including at the animal or plant production level.
- Research could be better coordinated within a single agency than among multiple programs. Currently, federal funding for food safety research is spread over at least 20 federal agencies, and coordination among those food safety agencies is ad hoc at best. At least one of the principal food safety agencies, USDA's Food Safety and Inspection

Service, is barred from doing research and must rely on other agencies to fund projects that meet its needs.

- New technologies to improve food safety could be approved more rapidly with one food safety agency. Currently, food safety technologies can go through multiple agencies for approval, often unnecessarily adding years of delay.

Mr. President, we appreciate the tremendous leadership that you have shown in recognizing the very real gaps in our food safety assurance systems and giving them your personal attention. However, it is time to look beyond piecemeal reform and to consider the fundamental reform that we are recommending.

Food is mass-produced and shipped all over the country and the world like no other time in history. It is every bit as important today as it was in 1906 for consumers to trust that the government is watching over the food industry to assure the safety of the food they produce. Only a single federal food agency using uniform standards to address true food hazards can restore some of the trust we have lost in the safety of the American food supply.

TOM HARKIN
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TTY (202) 224-4633
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United States Senate

WASHINGTON, DC 20510-1502

COMMITTEES:
AGRICULTURE
APPROPRIATIONS
SMALL BUSINESS
LABOR AND HUMAN
RESOURCES

FACSIMILE

Food Safety

DATE: _____

TO: Tom Friedman

WITH: _____

FAX: 456-7431

FROM: Mark Halverton

COMMENTS: _____

PAGES TO FOLLOW: 3



FOR IMMEDIATE RELEASE:

Contact: Patrick Dorton/Christopher Moody

April 14, 1999

HARKIN INTRODUCES 'FRUIT AND VEGETABLE SAFETY ACT'

Agriculture Committee Ranking Member Continues Fight to Protect Consumers from Food Borne Illness

WASHINGTON --- Stating "this bill would bridge obvious gaps in our food safety system," U.S. Senator Tom Harkin (D-IA) today introduced the Fruit and Vegetable Safety Act. Harkin, who is the ranking Democrat on the Senate Agriculture Committee, has been a leader in the Congress calling for stronger food safety laws to protect consumers.

"American families are on the front lines of this battle three times a day -- breakfast, lunch and dinner," said Harkin. "Families are faced with illness or death each time they sit down at a meal or one of their kids grabs some fresh fruit or vegetables. Consumers are demanding stronger laws to protect themselves from food borne illness. My legislation moves American industry and our importers toward putting a safer product in our grocery stores and corner markets."

Consumption of fresh vegetables rose by 22% in the past decade. In that time, the proportion of U.S. fruit and vegetable consumption provided by imports has increased more than 38%. A number of these products, both domestic and import, have caused outbreaks of food borne illness related to failures of basic sanitation like use of filthy water, contamination by rodents or birds, and handling by workers who haven't washed their hands.

The Food and Drug Administration does not have clear mandatory standards of basic sanitation for processed and ready to eat produce products or for other foods sold raw. Instead there are "good manufacturing practices" which FDA recommends producers use to ensure food safety. Last year, the National Academy of Sciences, reviewing the federal food safety system, recommended that federal food safety agencies have the "authority to mandate adherence to minimal federal standards for products or processes."

"America has the safest food supply in the world, but far too many Americans are still becoming ill from the food they eat," said Harkin. "FDA needs strong mandatory guidelines on sanitation of produce to make the unscrupulous comply. Food safety should be a requirement -- not a suggestion."

**HARKIN INTRODUCES 'FRUIT AND
 VEGETABLE SAFETY ACT'**

Page 2 of 3

Harkin's legislation would:

- Require that processors of fresh produce adhere to "good manufacturing practices," which are simple guidelines for use of clean water, worker sanitary facilities, rodent control measures, and other basic sanitation practices.
- Give FDA the authority to require, and verify through inspection, that produce processors, both domestic and importing, adhere to these basic sanitation standards.
- Require FDA, in time, to develop guidelines for safe growing and harvesting of produce.
- Require FDA to conduct research on how consumers can become sick from produce, and how these problems can be prevented.
- Allow FDA to work with state and local agencies to inspect facilities to assure these standards are met in produce processing.
- Provide a safe-produce-handling education program for processors, food-service workers, retailers, and consumers.

"Agriculture is clearly our nation's largest employer — providing jobs for millions from the farm to the corner markets," said Harkin. "States like Iowa cannot afford to have the American public question the safety of the food in their grocery stores. This is not just a public health issue, it is also an economic issue."

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In 1998, Harkin led an effort in the Senate that restored an additional \$66 million to the Food Safety Initiative, which was ultimately funded at over \$75 million. The program had been funded at only \$16.8 million in the House and \$2.6 million in the Senate. Key components of the initiative include expansion of the federal food safety surveillance system, increased inspection, expanded research, consumer education, greater coordination between federal, state, and local health authorities.

"Food safety is a priority for the American people," said Harkin. "I will continue to lead the effort to make food safety a priority for Congress."

The Center for Science in the Public Interest, the American Public Health Association, and the Consumer Federation of America have all endorsed Harkin's legislation.

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 VEGETABLE SAFETY ACT'

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United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

FAX 6-7431
Tom Friedman

July 14, 1999

Dr. Neal Lane

Assistant to the President for Science and Technology
President's Council on Food Safety
436 Old Executive Office Building
1600 Pennsylvania Ave, NW
Washington, DC 20502

Dear Dr. Lane:

On Tuesday, August 3, 1999, the Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia will hold a hearing entitled, "Overlap and Duplication in the Federal Food Safety System." I invite you to testify at this hearing. The hearing is currently scheduled for 10:30 a.m. in room 342 of the Dirksen Senate Office Building.

Currently, 10 different agencies within four cabinet level departments, as well as two independent agencies, have some responsibility for food safety. The Subcommittee will examine this organization with these questions in mind: If the Federal Government were to create a food safety system from scratch, would it resemble the current system? Is this the best and most logical organization for Federal food safety agencies? In addition, the Subcommittee will discuss S. 1281, the "Safe Food Act of 1999," a bill introduced by Senator Durbin that has been referred to the Governmental Affairs Committee.

Committee rules require that 100 copies of your prepared statement be submitted 48 hours in advance of the hearing. Accordingly, I would ask that copies of your written statement be delivered to Julie Vincent, Chief Clerk, in 601 Hart Senate Office Building, no later than 10:00 a.m. on Friday, July 30, 1999. In addition, I ask that you submit your statement in text format on a 3.5" disk. While your complete written testimony will be included as part of the hearing record, the Subcommittee requests that all oral testimony be limited to five minutes.

Should you have questions regarding the hearing, please contact Andrew Richardson, Professional Staff Member, at (202) 224-3682.

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Food Safety Science
[Handwritten signatures and notes]

I hope your schedule allows you to testify at this hearing, and I look forward to receiving your testimony.

Sincerely,

A handwritten signature in cursive script, reading "George V. Voinovich".

George V. Voinovich
Chairman

Senate Subcommittee on Oversight of Government
Management, Restructuring and the District of Columbia

GVV/jlv

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WASHINGTON, DC 20510-1502COMMITTEES:
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 VEGETABLE SAFETY ACT'

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Contact: Patrick Dorton/Christopher Moody

April 14, 1999

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 VEGETABLE SAFETY ACT'

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The New York Times

A18 YNE + THE NEW YORK TIMES **EDITORIALS/LETTERS** TUESDAY, AUGUST 10, 1999

Food Safety Confusion

A year ago the National Academy of Sciences warned that the current governmental structure for protecting the public from unsafe or mislabeled food was a fragmented mess. Responsibility for administering the dozens of laws concerning food safety is scattered among a dozen different agencies, each with a different approach to its regulatory mission. The resulting gaps and inefficiencies impede a rational deployment of inspectors and other resources, thereby jeopardizing the nation's public health.

The Agriculture Department, for example, is charged with overseeing meat and poultry safety, while the Food and Drug Administration regulates fish. Setting safety standards for milk and eggs is the F.D.A.'s bailiwick. But once a cow is slaughtered for meat, or eggs are processed to make other foods, regulatory authority shifts to Agriculture. Although about two-thirds of the outbreaks of food-borne illness can be traced to foods regulated by the F.D.A., Agriculture's food safety budget is more than twice as large.

The solution proposed by the Academy and a long line of experts going back to a 1969 White House

Conference on Food is to consolidate responsibility for food safety in a single governmental authority. A promising measure pending in Congress — the Safe Food Act of 1999 — would achieve this sensible goal by replacing the present regulatory jumble with a streamlined system under the authority of a new independent Federal agency. Better coordination among existing food safety agencies, while it would be an advance, is no substitute.

At a hearing in the Senate last week, the director of the General Accounting Office division concerned with food and agriculture issues, Lawrence Dyckman, warned that "fundamental, long-lasting improvements in food safety" were unlikely until the current patchwork food safety system is changed to one that is uniform and risk-based. But top officials of the F.D.A. and the Agriculture Department expressed no sense of urgency. They said the idea was still under consideration by the President's Council on Food Safety, which plans to issue its formal recommendation a year from now.

The Clinton Administration has done much to improve food safety inspections. But further streamlining is clearly in order.

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The EPA was established in the executive branch as an independent agency pursuant to Reorganization Plan No. 3 of 1970 (5 U.S.C. app.), effective December 2, 1970. It was created to permit coordinated and effective governmental action on behalf of the environment. The Agency is designed to serve as the public's advocate for a livable environment.

"The EPA was established at a time when the nation was becoming increasingly concerned about declining air and water quality and a general deterioration of the environment. The dramatic blowout of an oil well in the channel off the coast of Santa Barbara, Calif., in January 1969 focused public attention on the seriousness of environmental problems. Miles of beaches were covered with oil, and thousands of fish and wildfowl were killed.

Some months after the Santa Barbara incident, on June 3, President Richard Nixon established by executive order the Cabinet-level Environmental Quality Council (EQC). Congress was not satisfied and in December 1969 it passed the National Environmental Policy Act (NEPA), which made environmental protection a matter of national policy. The act required all federal agencies to submit environmental impact statements for all proposed actions and created the three-member Council on Environmental Quality (CEQ) within the executive office of the president to replace the EQC. Many industry groups denounced NEPA, but conservation organizations such as the Sierra Club hailed it as "an environmental Magna Carta."

During the early days of his administration, Nixon was widely criticized for lacking a strong commitment to environmental protection. As the pressure for corrective action mounted, the president in 1970 submitted to Congress a plan to consolidate the federal government's widespread environmental protection efforts into a single agency. Against little congressional opposition, the EPA was created by executive order. Most existing environmental programs were transferred to the EPA from other government departments. The EPA's first administrator was William D. Ruckelshaus, a vigorous enforcer of water and air quality standards; he infused the EPA with an enthusiasm and sense of mission not unlike that associated with the Peace Corps.

The CEQ continued to exist as an advisory and policy-making body. While the EPA was charged with setting and enforcing pollution control standards, the CEQ focused on broad environmental policies and coordination of the federal government's environmental activities." – Federal Regulator Directory, P. 51.

"The EPA was not created through an organic law, as environmental agencies in many countries were, but as part of a reorganization of the executive branch authorized by President Richard Nixon in December 1970. This reorganization combined health and regulatory responsibilities from across the federal government into one agency. The EPA was patched together from the Department of Health, Education, and Welfare (air quality, solid waste, and drinking water); the Department of the Interior (water quality, pesticides research); the Department of Agriculture (pesticides regulation); and other agencies, such as the Food and Drug Administration and the Atomic Energy Commission. Because the EPA and its many legal authorities were pieced together from several sources, it is not as fully integrated as environmental agencies in other nations. As a result, the EPA is "not a single organism with a single will but a series of different organisms with different wills" (Marcus, p. 201)." – A Historical Guide to the U.S. Govt. P. 203-

Detroit Free Press

Friday, August 27, 1999

IN OUR OPINION

Food Safety

Government must put public before industry

The U.S. food supply is touted as the world's safest. And we all like to believe it — especially with meat products that bear the stamp of approval from the U.S. Department of Agriculture.

But as a series in the Free Press detailed this week, a breakdown in one plant in Michigan can sicken 80 people across the country, kill 15, and cause six babies to be miscarried or stillborn.

And the government — with its hodgepodge of regulatory agencies and loyalty to industry — isn't vigilant enough in preventing it, nor aggressive enough in stopping it.

As evidence mounted that Sara Lee Corp.'s Bil Mar plant near Zeeland was responsible for an outbreak of *Listeria monocytogenes*, the USDA's response was weak. It didn't push for a recall, which made Sara Lee's decision tougher. And when Sara Lee launched the biggest meat recall in U.S. history, the USDA left it to the company to get the word out. The USDA's own press release didn't go out until a month after the recall began.

Like many other agencies, the USDA is hamstrung by being charged with promoting the very business it regulates. It's also under pressure from Congress to make sure food safety concerns outweigh business concerns before ordering a recall or changing the rules.

Putting profits ahead of food safety is no way to protect the public. Yes, consumers have to be their own best guard against disease, by buying fresh food and preparing it safely. But average folks can't know what goes on in meat and food processing plants. For that, they have to rely on government.

Currently, 12 federal agencies administer 35 food safety laws. That's 12 agencies that can drop the ball, as the USDA did. The system "hampers efforts to address public health concerns associated with ... food safety risks," Lawrence Dyckman of the General Ac-

counting Office told a Senate committee earlier this month. Dyckman said that won't change until food safety is handled by a single agency that makes its decisions based primarily on health risks.

One agency that makes food safety its primary mission makes all the sense in the world, especially if it makes better public education one of its priorities. In June, U.S. Sen. Dick Durbin, D-Ill., introduced the Safe Food Act of 1999, which calls for such an independent agency. A similar proposal is before the House. Congress should make exploring this idea a priority when it returns from recess. Food safety is not a partisan issue.

Because of medical advances, more people are living longer and living with diseases that require them to take drugs that suppress the immune system. That makes more people susceptible to food-borne illnesses such as the listeriosis outbreak. And more virulent strains of bacteria are popping up all the time.

Up to 33 million Americans contract food-borne illnesses each year, and 9,000 people die. It's time for the government to create an agency that puts people's health at the head of the table.

Prevention costs less than recall

Even while getting mixed signals from federal agencies, Sara Lee Corp. took the bold step of recalling millions of pounds of hot dogs and lunch meats ultimately held responsible for the outbreak of listeriosis.

Company officials knew it would be costly — not only in dollars but in Sara Lee's cherished reputation. But they did the right thing. A month later they made an even more daring move. Fearing folks had missed the recall news in the flurry over impeachment, they bought newspaper ads across the country, deciding it was better to be straight with people, and maybe save more lives, than hide and hope people forgot about it.

The instinct to hide is powerful. The meat industry is balking at doing better testing of its products and factories, worried that might lead to unnecessary recalls.

But if Sara Lee had done better testing to begin with, it might not have lost \$76 million in the recall, or seen its stock drop 19 percent. Extra tests may bring risk at first, but they should improve the sanitation of all plants in the long run. That's the best way to prevent losses like Sara Lee's — and deadly outbreaks.

U.S. food safety system a good excuse for a bellyache

WASHINGTON—It is fitting that an investigation into inefficiency in America's food safety system is led by a panel with the less-than-trim name of Subcommittee on Oversight of Governmental Affairs.

Subcommittee on Oversight of Governmental Affairs Management, Restructuring and the District of Columbia.

But there the hypersyllabic panel was last week, providing a tidy example of tax dollars run amok, with lots of blame to share on a life and death matter. Food safety has apparently inspired decades of good intentions, world-renowned science, inept legislation, turf-conscious pencil-pushers and status quo-loving lobbyists.

By stomach-turning coincidence, Chairman Sen. George Voinovich (R-Ohio) several days earlier had called an Emergency Medical Services crew to

SUNDAYWATCH

James Warren

his home at 1:30 a.m. when his wife was struck with food poisoning. He was left wondering "how she got it and how she could avoid it," and thus is even more sensitized to the issue.

But rather than my faking knowledge of complex matters of food-borne pathogens and other hazards, which are said to prompt an estimated 81 million medical cases and 9,000 deaths a year in the United States, let me offer you a pizza. No, make it two pizzas: one cheese, the other pepperoni.

I do so after being served a slice of insight by Lawrence Dyckman, director of food and agriculture issues in the resources, community and economic development division of the General Accounting Office.

He brought a chart delineating the different federal agencies responsible for ensuring the safety of both a frozen cheese pizza and a frozen pizza with pepperoni. In all, there are six agencies; these check out the chemicals, seed and animal feed at the "input" level; the wheat, tomatoes and cows at the farm level; the flour, tomato sauce, cheese and meat at the initial stage of processing; and the actual manufacture of the pie at the final level of processing.

A pre-hearing perusal of a Dyckman graphic inspired Sen. Dick Durbin (D-Ill.), chief sponsor of legislation to radically simplify food regulation, to devise a prop in the form of a fake pizza, which opened up to display a chart of confusing regulations, all topped by this scrumptious oddity:

The Department of Agriculture, which has jurisdiction over frozen pepperoni pizza, inspects such pizza processors daily, while the Food and Drug Administration, which has responsibility for frozen cheese inspects processors an average of just once every 10 years.

Ditto cheese and ravioli. As Durbin noted,

Federal agencies responsible for ensuring safe pizza

AGENCIES

EPA Environmental Protection Agency

AMS Agricultural Marketing Service

APHIS Animal and Plant Health Inspection Service

FDA Food and Drug Administration

GIPSA Grain Inspection, Packers, and Stockyards Administration

FSIS Food Safety and Inspection Service

Source: General Accounting Office

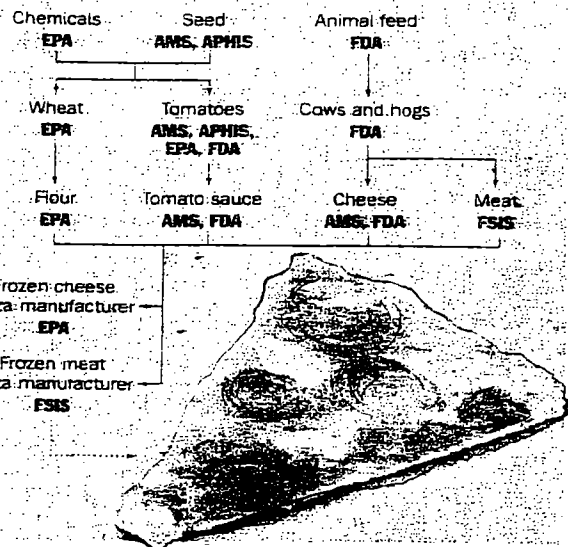
INPUTS ►

ON-FARM ►

FIRST-LEVEL PROCESSING ►

SECOND-LEVEL PROCESSING ►

CONSUMER ►



different agencies regulate each of them.

It turns out that there are 12 federal agencies overseeing at least 35 food safety laws. They include the following:

The Food Safety and Inspection Service, part of the Agriculture Department, is in charge of meat, poultry and some eggs and some egg products.

The Food and Drug Administration is responsible for the safety of most of the rest.

The Department of Health and Human Service's Centers for Disease Control and Prevention have a piece of the action, as do the Agriculture Department's Agricultural Marketing Service; Animal and Plant Health Inspection Service; Agricultural Research Service; and Grain Inspection, Packers, and Stockyards Administration.

The Commerce Department is also in the fray, via its National Marine Fisheries Service.

The Treasury Department figures via the U.S. Customs Service and the Bureau of Alcohol, Tobacco, and Firearms.

The Environmental Protection Agency and Federal Trade Commission round out this regulatory battery.

Then, Mr. and Ms. Taxpayer, be informed that the Food Safety and Inspection Service inspects daily those U.S. plants producing the following:

Open-face sandwiches, hot dogs in a pastry dough, corn dogs, dehydrated chicken soup, beef broth, spaghetti sauce with meat stock, beans with (2 percent or more bacon), and

topping, and soups with more than 2 percent or poultry.

Retaining the status quo, for many government officials and industry lobbyists, seems paramount.

So the Clinton administration's suggestion of more cooperation, and creation of what it terms a "virtual food safety agency," struck Durbin as "impossible to defend as good government."

There's less there than meets the eye, he believes.

Listening to testimony from top government officials and industry lobbyists, one heard their essential defense of much of the current system. The regulated industries tend to repeat a similar mantra, namely refine and improve but, heaven forbid, don't dramatically alter the system.

Their views were derided by Carol Tucker Foreman, who oversaw meat, poultry and egg inspection as a top Agriculture Department official during the Carter administration.

Freed from what she termed the "institutional imperative to defend the status quo," she made clear the "system is broke" and that nobody in his right mind, if asked to start a system from scratch, would come close to replicating the current mish-mash.

Back in Chicago on Friday, Durbin said, "I really like [Health and Human Services Secretary] Donna Shalala and [Agriculture Secretary] Dan Glickman but cannot get over their resistance to harmonizing and modernizing this. I really think you have to leave government before you look at this objectively."

In 1906, Upton Sinclair's book "The Jungle" led to the federal regulation of meat. Back then, the title referred to the Chicago stock yards.

An updated version might refer to the regulatory world it spawned.

Now, be informed that the Food and Drug Administration has jurisdiction over, and inspects once every 10 years on average, those plants producing the following:

Sandwiches with two pieces of bread, hot dogs in a roll, bagel dogs, dehydrated beef soup, chicken broth, spaghetti sauce without meat stock, pork and beans (no limit on amount of pork specified), pizza without meat topping and soups with less than 2 percent meat or poultry.

And, fish lovers, be warned that oversight of chemical residues, and the methodologies for figuring out the amount of fish that can be safely consumed, is a mess too. Dyckman put it succinctly: "A fish considered unsafe to eat in one state may become safe to eat if it swims to another state."

Cheery, eh?

Even Durbin concedes that we have "the safest food supply in the world" but could be better, especially as we eat a greater diversity of food, with more of it prepared away from home. In addition, the number of virulent, food-borne pathogens has increased sharply.

And to say what plays out in food safety is wacky is not to degrade the serious and high-minded efforts of many federal officials and inspectors in the system. It is, instead, to see many of them as captives of bureaucratic history that has led to institutional irrationalities.

It's not that they are bad, conniving people undermining safety. No, it seems more as if there are generally well-intentioned souls who, of necessity, find way too much time protecting turf and bad-mouthing competing agencies.

Food Regulation Puts Consumers at Risk

By Caroline Smith DeWaal

ONE YEAR AGO, a single outbreak of food poisoning from Sara Lee luncheon meats and hot dogs sickened 100 people and killed 21.

Even after the food processor issued a press release recalling the food, people kept getting sick and dying. Why? Because despite recent efforts to modernize federal food safety systems, Washington still lacks comprehensive policies to prevent contaminated food from reaching consumers or, once it gets into stores, assuring that contaminated food is recalled effectively.

The Centers for Disease Control and Prevention estimates that each year 76 million people get sick and 5,000 die from tainted food. Raw meat and poultry are major culprits. But, increasingly, food safety hazards are showing up in unexpected places: ready-to-eat luncheon meats, raw-milk cheeses, fresh fruits and vegetables, seafood and eggs.

Although the Clinton administration initiated important improvements following several earlier food poisoning outbreaks, food safety oversight is still handled by 12 separate agencies under antiquated laws, some passed nearly 100 years ago.

The deadly outbreak from Sara Lee meats contaminated with *Listeria*, an aggressive and insidious pathogen that actually thrives under refrigeration, highlighted two gaps in consumer protection. First, although the government banned hazardous types of *Listeria* in ready-to-eat foods more than 10 years ago, it has never required food processors to check their products and plants to ensure that they are controlling this hazard.

Performing laboratory tests, as recommended by both by the government and the food industry, could prevent *Listeria* and other hazards from ever reaching the public. The Department of Agriculture currently tests some meat and poultry products for the harmful bacterium *Salmonella* and, as a consequence, has documented significant improvements. While a meat processor in Texas has challenged the legal basis for this testing, laboratory checks have proven to be a vital

component of an effective modern inspection system, one that the courts should uphold.

The Sara Lee outbreak clearly demonstrates that we need more testing for food-borne hazards in food, not less. Even after 21 people died, the Agriculture Department has refused to require meat

poultry processors to implement and police their own voluntary recalls.

As the Sara Lee case shows, relying solely on the company to recall contaminated food can be disastrous.

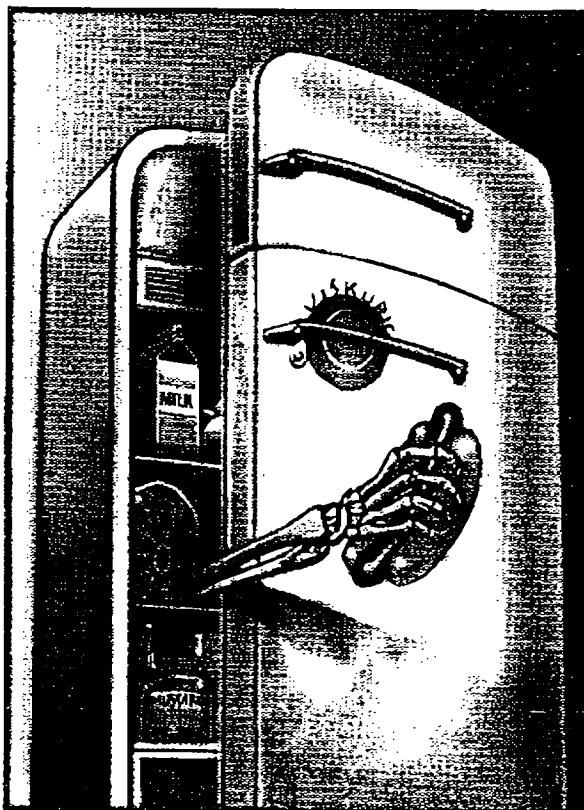
Although Sara Lee issued a press release in December, 1998, recalling the contaminated meat, the story was buried in many papers and few consumers understood the terrible risk that lurked in their refrigerators. Illnesses and deaths continued to occur weeks after Sara Lee issued its first recall notice. They did not stop until after the Agriculture Department finally issued its own press release in late January. To better protect consumers, Congress should put federal officials in charge of recalls by passing the Safer Meat and Poultry Act, sponsored by Sen. Tom Harkin (D-Iowa).

Even that legislation, however, won't cure food safety problems. Another food safety agency, the Food and Drug Administration, regulates cheese and other foods that may contain *Listeria*. However, that agency also lacks mandatory testing and recall authority. To ensure that all food products are covered, every improvement Congress makes in food safety laws must be made not once, but twice or even more, in separate bills covering different agencies. That is a nearly impossible feat in Washington, a town dominated by special interests.

Two years ago, the National Academy of Sciences, an independent scientific body, reviewed the current food safety system and found it inadequate. The academy concluded, "Congress should establish, by statute, a unified and central framework for managing federal food safety programs, one that is headed by a single official and which has the responsibility and control of resources for all federal food safety activities."

Legislation promoting a single food safety agency was proposed by Sen. Richard Durbin (D-Ill.), but it has been stalled for more than three years in a Congress more interested in tearing down government than rebuilding it.

The public shouldn't have to wait for more preventable outbreaks and unnecessary deaths to illustrate the gaps in our federal programs. President Bill Clinton and Congress should move forward to establish an independent food safety administration that has all the powers it needs to protect public health.



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processors to test for *Listeria*, saying it doesn't have enough data on how much such testing would cost the food industry. Such inaction is inexcusable. Consumers should not have to wait for another *Listeria* outbreak before the government takes action.

Second, the Sara Lee episode exposed dangerous weaknesses in the government's recall procedures. Because Congress has never provided federal food safety agencies with authority to remove contaminated food from supermarket shelves, the Agriculture Department must rely on meat and



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