



March 12, 1998

*Food
Safety
NA 3-
SW*

Ms. Charlotte Kirk Baer
Senior Staff Officer, Board on Agriculture
Suite HA397
2001 Wisconsin Avenue, NW.
Washington, D.C. 20007

Dear Charlotte:

As discussed with you yesterday, a USDA group met on March 10 to coordinate our plans for the March 23 afternoon presentation to the NAS Committee to Ensure Safe Food from Production to Consumption. The following are our suggestions:

1. As study contract officer, I will provide opening remarks on expectations, but a 15-minute period should be sufficient. This picks up a little time on your original draft agenda.
2. The 30-minute time allotment for the overview of the President's Food Safety Initiative might be a little tight, given that there will be two spokespersons. We suggest this be increased to at least 40 minutes. This will allow 20 minutes each. Dr. Catherine Woteki, Under Secretary, Food Safety, plans to make this presentation on behalf of USDA.
3. For the USDA program reports on food safety, we propose a four-part presentation, starting with a USDA overview statement by Deputy Secretary Richard Rominger. This will require about 10 minutes. We are in the process of checking the availability of Mr. Rominger's calendar for this purpose. In the event he is not available, another USDA spokesperson TBD would make this presentation.

This overview would be followed by three 20-minute presentations at the USDA Mission Area level: (1) Food Safety; (2) Research, Education, and Economics; and (3) Marketing and Regulatory Programs. The suggested spokespersons are:

(1) Food Safety

Mr. Tom Billy, Administrator, Food Safety and Inspection Service
Room 331-E, Jamie Whitten Federal Building
1400 Independence Avenue, SW.
Washington, D.C. 20250 (202) 720-7025

(2) Research, Education, and Economics (REE)

Dr. Eileen Kennedy, Deputy Under Secretary, REE
Room 217-W, Jamie Whitten Federal Building
1400 Independence Avenue, SW.
Washington, D.C. 20250 (202) 720-8885

Dr. Kennedy's presentation will cover USDA food safety research and education programs in the Agricultural Research Service (ARS); Cooperative State Research, Education, and Extension Service (CSREES); and the Economic Research Service (ERS).

(3) Marketing and Regulatory Programs (MRP)

Dr. Isi Siddiqui, Deputy Assistant Secretary, MRP
Room 228-W, Jamie Whitten Federal Building
1400 Independence Avenue, SW.
Washington, D.C. 20250 (202) 720-7813

Dr. Siddiqui's presentation will cover USDA food safety related programs in the Animal and Plant Health Inspection Service (APHIS), Agricultural Marketing Service (AMS), and the Grain Inspection and Packers Stockyard Administration (GIPSA).

Key staff persons from the individual USDA agencies will be in attendance to help address questions that arise and to be introduced to the panel for future reference and contact.

4. Regarding the membership of the study panel, USDA feels that a consumer organization should be represented. We are providing the following names for your consideration:

- (1) Carol Tucker Foreman
Safe Food Coalition
- (2) Caroline Smith Dewaal
Center for Science in the Public Interest

5. I will arrange to deliver to you by tomorrow copies of several relevant food safety documents for advance distribution to panel members.

I will be in continuing contact with you on these and other matters. In the meantime, let me know if additional input is needed.

Sincerely,



EDWARD B. KNIPLING
Associate Administrator

The Public Health Problem

- 6.6 - 33 million food-related illnesses each year in the US with 9,000 deaths
- Medical costs and lost productivity associated with these illnesses and deaths
- Several populations have increased susceptibility: young children, the elderly, pregnant women and their fetuses, the immune compromised (HIV/AIDS and those on medications for cancer treatment or for organ transplantation).
- Developing trends justify additional resources and a change from the status quo
 - an aging population
 - increased imports
 - increase in food prepared and consumed outside the home
 - emerging pathogens
- Specific examples highlighting need for change
 - e-coli in hamburgers
- other serious outbreaks occurred to underscore this--from hepatitis, crypto sporidium, cyclospora and other pathogens.

Background Leading up to the President's Food Safety Initiative

- Current regulatory approach
- Formation of 1996 working group
- Key points discussed
 - needed focus across the agencies on food safety
 - dispersion of responsibility at the federal, state, and local levels
 - serious gaps in our knowledge
 - real opportunities for us to work together to make major advances in public health protection
- Key conclusions reached
 - need for strengthened surveillance of food borne illness in humans
 - better coordination at the federal, state, and local levels
 - need for upgraded inspections of facilities that process and handle food
 - improved risk assessments
 - more research
 - better education of food processors, retailers, and consumers e.
- Support from Administration

Segue to the President's Food Safety Initiative

[Turn program over to Cathy to talk about what the 6 areas are, what's being done, what is being proposed in FY 1999]

1 ☐**U.S. Department of Agriculture****Food Safety and Inspection Service**

Thomas J. Billy, Administrator

2 ☐**FSIS Responsibilities**

- Ensure the safety, wholesomeness, and proper labeling of meat, poultry and egg products
- Legal authority
 - Federal Meat Inspection Act
 - Poultry Products Inspection Act
 - Egg Products Inspection Act

3 ☐**FSIS Budget**

- FY88—\$589 million
- FY99 proposed—\$623 million (proposed user fees from industry to recover \$573 million)

4 ☐**FSIS Workforce**

- 10,556 employees (includes permanent full time and other)

5 ☐**Foodborne Illness—the Problem**

- Meat, poultry and egg products are high-risk foods
- 5 million illnesses and 4,000 deaths attributed to meat and poultry
- Traditional food safety program did not adequately address microbiological hazards

6 ☐**Most Common Pathogens**

- *Campylobacter jejuni/coli*
- *Salmonella*
- *E. coli* O157:H7
- *Listeria monocytogenes*

7 ☐**FSIS Activities**

- Set food safety, wholesomeness, and labeling standards
- Domestic and import inspection
- Emergency response and epidemiological investigations
- Enforcement
- Food safety education

8 ☐**Set food safety standards**

- Microbiological
- Chemical
- Sanitation
- Labelling
- Codex

9 ☐ **Inspection**

- Domestic

- 6,000 Federal plants and 2,550 State plants
- Inspect 137 million livestock and 8 billion birds each year
- Inspect allied industries

10 ☐ **Inspection (cont.)**

- International

- Review foreign inspection programs for equivalence
- Point-of entry inspection

11 ☐ **Emergency response and epidemiological investigations**

- Retention, detention, or voluntary recall
- Investigate reports of foodborne hazards and disease outbreaks

12 ☐ **Enforcement**

- Withhold mark of inspection from adulterated product
- Suspend inspection if process not under control
- Withdraw inspection if plant does not adequately address problem
- Prosecute individuals and establishments for criminal acts.

13 ☐ **Food Safety Education**

- Safe handling of meat, poultry, and egg products by food handlers
- Farm-to-table food safety education

14 ☐ **Strategy for Change**

- Expert studies
 - NAS report on meat and poultry inspection-1985
 - NAS report on poultry inspection-1987
- Groundwork began in 1990
- Policy and strategy in 1995
- Implementation in 1996

15 ☐ **Strategy for Change-Elements**

- Reorganization
- Inspection modernization
- Improved public health focus
- Regulatory reform

- Farm-to-table food safety
 - International
- 16 ☐ **Reorganization**
- Streamlined management structure
 - Consolidated field force
 - Increased public health focus
 - Increased focus on policy, rulemaking, and program development
- 17 ☐ **Inspection Modernization**
- Pathogen Reduction and HACCP final rule
 - HACCP
 - Performance standards for *Salmonella*
 - Standard operating procedures for sanitation
 - Testing for generic *E. coli*
 - New inspection methods
- 18 ☐ **Improved public health focus**
- Reorganization created Office of Public Health and Science
 - Heightened focus on pathogens, including emerging
 - FoodNet active surveillance network
- 19 ☐ **Improved public health focus (cont.)**
- Improved emergency response system
 - Greater reliance on epidemiology and risk assessment
- 20 ☐ **Regulatory Reform**
- Review of existing regulations-1996
 - Goal is to revise regulations
 - Consistent with HACCP
 - Performance standards
 - Remove unnecessary regulatory obstacles to innovation
- 21 ☐ **Regulatory Reform (cont.)**
- Accomplishments
 - Eliminate prior approval for facility blueprints, equipment, and PQC plans
 - Proposal to merge sanitation regulations for meat and poultry and change to performance standards
- 22 ☐ **Regulatory Reform (cont.)**
- Accomplishments
 - Proposal underway to amend standards of identity
 - Proposal on cooked, ready-to-eat products
 - Proposal on rules of practice
- 23 ☐ **Farm-to-table food safety**

- Animal production
- Transportation
- Retail
- Consumer

24 ☐ **International**

- International consensus on food safety standards
- CODEX

25 ☐ **Partnerships**

- Federal, State, local government
- Industry
- Consumer
- Foreign governments

26 ☐ **Research**

- Guide and support research addressing public health needs
- Food Safety Research Agenda—1997

27 ☐ **Future Directions**

- Complete HACCP implementation
- Redeploy resources
- Farm-to-table food safety
- Risk assessment

NATIONAL ACADEMY OF SCIENCES
COMMITTEE TO ENSURE SAFE FOOD FROM PRODUCTION TO CONSUMPTION
2101 Constitution Avenue, N.W. Washington, D.C. 20418

FOOD AND NUTRITION BOARD
INSTITUTE OF MEDICINE
Phone: (202) 334-1732
FAX: (202) 334-2316

BOARD ON AGRICULTURE
NATIONAL RESEARCH COUNCIL
Phone: (202) 334-3062
FAX: (202) 334-1978

February 25, 1998

Edward B. Knipling
Associate Administrator
Agricultural Research Service
U.S. Department of Agriculture
Whitten Building, Room 302A
1400 Independence Avenue, SW
Washington, DC 20250

Dear Dr. Knipling,

I am pleased to provide you with the roster and biographical sketches for the members of the National Academy of Sciences' Committee to Ensure Safe Food from Production to Consumption (enclosed).

We have just set the first meeting of the Committee for March 23-25, and are now working on the agenda. As the program officer for this study, I'd like to invite you to meet with the Committee during an open session in order to discuss your understanding of the focus of the study and any comments you may wish to provide to the Committee.

We are in the process of asking some of the other federal agencies involved in food safety issues to name individuals who could provide information to the Committee on their agency's programs.

The new Federal Advisory Committee Act Amendment of 1997 that pertains to the committees of the National Academy of Sciences became effective December 17, 1997. Thus, we have modified some of our procedures accordingly. I have enclosed a description of the operating system, and the required posting of the committee for 20 days prior to finalizing the committee. Thus, the appointment process is not completed until after the first meeting.

I would like to invite you to suggest background materials regarding food safety that you think would be useful for the Committee to have. We have already provided the Committee with a copy of the President's Food Safety Initiative.

Edward Knipling
February 25, 1998
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We will contact your office by the end of the week to determine a mutually convenient time for the committee to meet with you.

Thank you for your assistance in this endeavor.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allison A. Yates".

Allison A. Yates, Ph.D., R.D.
Study Director

c: M. Phillips
S. Schlicker
C. Kirk

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COMMITTEE TO ENSURE SAFE FOOD FROM PRODUCTION TO CONSUMPTION
2101 Constitution Avenue, N.W. Washington, D.C. 20418

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NATIONAL RESEARCH COUNCIL
Telephone: (202) 334-3062
Fax No.: (202) 334-1978

Committee Roster

John Christian Bailar III, M.D., Ph.D.
Chair
Department of Health Studies
The University of Chicago

Carole Ayres Bisogni, Ph.D.
Associate Director for Academic Affairs
and Associate Professor
Division of Nutritional Sciences
Cornell University
Ithaca, NY

David L. Call, Ph.D.
Professor Emeritus
Cornell University
Ithaca, NY

Marsha N. Cohen, J.D.
Professor of Law
Hastings College of the Law
University of California, San Francisco

Michael P. Doyle, Ph.D.
Professor and Director
Center for Food Safety and Quality
Enhancement
University of Georgia, Griffin

Lonnie J. King, D.V.M.
Professor and Dean
College of Veterinary Medicine
Michigan State University, East Lansing

Gilbert A. Leveille, Ph.D.
President
Leveille Associates
Denville, NJ

Richard A. Merrill, LL.B.
Daniel Caplin Professor of Law
University of Virginia School of Law
Charlottesville

Sanford A. Miller, Ph.D.
Professor and Dean
Graduate School of Biomedical Sciences
The University of Texas Health Science
Center at San Antonio

Harley William Moon, D.V.M., Ph.D.
F.K. Ramsey Chair in Veterinary Medicine
Veterinary Medical Research Institute
Iowa State University, Ames

Michael T. Osterholm, Ph.D.
State Epidemiologist and Chief
Acute Disease Epidemiology Section
Minnesota Department of Health
Minneapolis

Thomas D. Trautman, Ph.D.
Principal Scientist
Toxicology and Regulatory Affairs
General Mills
Minneapolis, MN

Staff
Allison A. Yates, Ph.D.
Study Director and Director, Food and
Nutrition Board

Sandra Schlicker, Ph.D.
Senior Staff Officer, Food and Nutrition Board

Charlotte L Kirk Bacr, M.S.
Senior Staff Officer, Board on Agriculture

Biographical Sketches

Dr. John C. Bailar (JOM) is Chair of the Department of Health Studies at the University of Chicago. He received his M.D. from Yale University and his Ph.D. from American University. His research involves quantitative health risk assessment with emphasis on the erosion of standards for scientific inference, pressures causing this erosion, and the ways the pressures might be reduced and quality preserved. He retired from the Commissioned Corps of the Public Health Service in 1980, served as a Senior Scientist at the Environmental Protection Agency from 1980 to 1982 and the Department of Health and Human Service's Office of Disease Prevention and Health Promotion from 1983 to 1992. In 1989, Dr. Bailar became a Professor in the Department of Epidemiology and Biostatistics at McGill University and assumed his present position at the University of Chicago in 1996. He has served on numerous committees including those of the National Academy of Sciences, American Medical Association, American Statistical Association and the Society for Risk Analysis. In 1993, Dr. Bailar was elected to membership in the Institute of Medicine. A well-known lecturer on science and public policy, Dr. Bailar is the author of over 200 scientific publications.

Dr. Carole A. Bisogni is Associate Professor and Associate Director for Academic Affairs in the Division of Nutritional Sciences at Cornell University, where she also holds joint appointments in the Institute for Food Science and the Institute for Comparative and Environmental Toxicology. She received her Ph.D. in Foods, Nutrition, and Microbiology from Cornell University. Her research interests include consumer food choices, risk communication and public perceptions about food safety. She has published in scientific journals, written about food safety for the public, and worked with community nutritionists and other professionals in developing educational programs for adults and youth in different settings.

Dr. David L. Call is former dean of the College of Agriculture and Life Sciences at Cornell University. Throughout his career, Dr. Call's research has focused on analyses of government food and nutrition programs, identification and analysis of factors causing changes in nutrition and food consumption, and international economic and development issues. He has served on numerous national advisory panels including the National Advisory Committee to the Commissioner of the Food and Drug Administration, the Office of Technology Assessment Food Advisory Panel and the White House Conference on Food, Nutrition, and Health. Dr. Call is a former member of the Institute of Medicine's Food and Nutrition Board, the 1978 National Academy of Sciences Committee for a Study on Food Safety and Food Safety Policy, and former chair of the National Academy of Sciences Committee on Technological Options to Improve the Nutritional Attributes of Animal Products. Having served as a member of the national level Board of Trustees for the Food Safety Council from 1979 through 1982, he has addressed food safety issues for many years. He has served at the state and local level on numerous commissions dealing with social and economic aspects of food and nutrition priorities. Dr. Call received his B.S., M.S., and Ph.D. degrees in agricultural economics from Cornell University and has published widely on food systems and consumer issues. He is currently a Director of The Seneca Foods Corporation and a Trustee of The Mutual of New York Insurance Company.

Marsha N. Cohen is Professor of Law at Hastings College of The Law University of California, where she has been since 1976. She received her undergraduate degree from Smith College and a J.D. from Harvard Law School. Professor Cohen teaches courses in Administrative Laws and Torts. She represents the interest of consumers on the Institute of Medicine's Food Forum and was a member of its Committee on State Food Labeling. Presently, she is a consultant to the Food Advisory Committee of the Food and Drug Administration and has consulted extensively on food safety issues for Consumers Union. Professor Cohen was a member of the Keystone National Policy Dialogue on Food, Nutrition, and Health.

Dr. Michael P. Doyle is Professor of Food Microbiology, Director of the Center for Food Safety and Quality Enhancement, and Head of the Department of Food Science and Technology at the University of Georgia. He is an active researcher in the area of foodborne bacterial pathogens and works closely with the food industry on issues related to the microbiological safety of foods. Dr. Doyle's research focuses on the study of the mechanisms of pathogenicity, the development of methods for pathogen detection, and the identification of means to control or eliminate pathogens from foods. He received his Ph.D. in food microbiology from the University of Wisconsin. He was with Ralston Purina Company from 1977 to 1980 and on the faculty at the University of Wisconsin from 1980 until 1991. He is currently a member of the Institute of Medicine's Food Forum and is a past member of the Food and Nutrition Board and Board on Agriculture's Panel on Animal Health and Veterinary Medicine. He has published more than 200 scientific articles including editor of two authoritative books, *Foodborne Bacterial Pathogens* and *Food Microbiology: Fundamentals and Frontiers*.

Dr. Lonnie King is currently Dean of the College of Veterinary Medicine at Michigan State University. He was administrator of the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture from 1992 to 1996. Before beginning his government career in 1977, Dr. King was in private veterinary practice for seven years in Dayton, OH and Atlanta, GA. Until joining APHIS, his experiences have included field veterinary medical officer in Georgia and station epidemiologist in Texas. He spent five years in Hyattsville, Maryland in staff assignments in Emergency Programs as well as Animal Health Information. While in Hyattsville, Dr. King directed the development of the Agency's National Animal Health Monitoring System. He left APHIS briefly to serve as the Director of the Governmental Relations Division of the American Veterinary Medical Association. From 1988 to 1991, Dr. King was the deputy administrator for APHIS Veterinary Services. He received his B.S. and his D.V.M. from Ohio State University. He also holds an M.S. in epidemiology from the University of Minnesota and an M.S. in public administration from American University.

Dr. Gilbert A. Leveille recently retired from his position as Vice President, Research & Technical Services with Nabisco, Inc. where he was responsible for fundamental science, analytical services, and extrusion research. He received his Ph.D. from Rutgers University. Previously, Dr. Leveille was Professor and Chairman of the Department of Food Science and Human Nutrition at Michigan State University and was Director of Nutrition and Health Sciences at General Foods Corporation. He is a past president of the Institute of Food Technologists and of the American Institute of Nutrition and is a member of numerous other professional organizations. Dr. Leveille lectures widely and has published over 300 scientific papers and several books.

Richard A. Merrill (IOM) is Daniel Caplin Professor of Law at the University of Virginia School of Law, where he has been since 1969 and is Special Counsel to the Washington, D.C. law firm of Covington & Burling. Professor Merrill earned his A.B. at Columbia College and his LL.B. at Columbia University School of Law. He also received a B.A. and M.A. from Oxford University where he was a Rhodes Scholar. From 1975 to 1977, he was Chief Counsel of the Food and Drug Administration. Professor Merrill teaches courses in Food and Drug Law, Administrative Law, and Environmental Law. He has served as a member of several committees of the National Academy of Sciences and was elected to membership in its Institute of Medicine in 1978. He has been a consultant to the former Office of Technology Assessment of the Congress and the White House Office of Science and Technology Policy. Professor Merrill is a fellow of the American Law Institute and the Virginia Law Foundation and serves on the board of numerous law foundations. He is the author of law school texts, as well as numerous articles on Food and Drug Law and Administrative Law.

Dr. Sanford A. Miller is Dean of the Graduate School of the Biomedical Sciences and Professor in the Departments of Biochemistry and Medicine at the University of Texas Health Science Center at San Antonio. He is the former Director of the Center for Food Safety and Applied Nutrition at the Food and Drug Administration. Previously, he was a Professor of Nutritional Biochemistry at the Massachusetts Institute of Technology. Dr. Miller has served on many national and international government and professional society advisory committees, including the Federation of American Societies for Experimental Biology Expert Committee on GRAS Substances, the National Advisory Environmental Health Sciences Council of NIH, the Institute of Medicine's Food and Nutrition Board and Food Forum, the Joint FAO/WHO Expert Advisory Panel on Food Safety (Chair), and the Joint FAO/WHO Expert Consultation on the Application of Risk Analysis to Food Standard Issues (Chair). He has received many honors including the Esther Peterson Consumer Service Award from the Food Marketing Institute and the Atwater Memorial Lectureship Award from the U.S. Department of Agriculture and the Institute of Food Technologists. He has authored over 200 scientific publications. Dr. Miller received his M.S. and Ph.D. from Rutgers University in Physiology and Biochemistry.

Dr. Harley Moon (NAS) is F.K. Ramsey Chair of Veterinary Medicine at Iowa State University. He has been a member of the National Academy of Science since 1991. Dr. Moon is most widely recognized for his contributions to the basic understanding of intestinal diseases of human and animals. His expertise includes the development of vaccines for preventing *E. coli* infection in farm animals, livestock disease eradication, infectious diseases affecting humans and animals, and prevention of edema disease in swine with genetically-modified vaccines. Dr. Moon has served on numerous advisory committees including the World Health Organization's Expert Panel on enteropathogenic *E. coli* and Working Group on Immunology and Vaccine Development for Bacterial Enteric Infections, the Department of Agriculture's Task Force on Scrapie and Bovine Spongiform Encephalopathy, Pioneer Hi-Bred International's Institutional Biosafety Committee, and the Council for Agricultural Science and Technology Task Force on Antibiotics in Animal Feeds. His scientific publications number in excess of 200, with numerous book chapters on aspects of infectious disease. Prior to his current position, Moon was director of the Plum Island and National Animal Disease Centers, ARS/USDA, and professor in the Department of Veterinary Pathology at Ohio State University. He received his B.S., D.V.M., and Ph.D at the University of Minnesota.

Dr. Michael T. Osterholm is State Epidemiologist and Chief, Acute Disease Epidemiology Section, Minnesota Department of Health. He is also an adjunct professor in the Division of Epidemiology, School of Public Health, University of Minnesota. Dr. Osterholm is considered a leader in the area of infectious disease epidemiology. He has led numerous investigations of infectious disease outbreaks, including foodborne diseases and is the author of more than 150 papers and 12 book chapters regarding infectious disease epidemiology. Dr. Osterholm is past president of the Council of State and Territorial Epidemiologists. He participates in the NAS IOM Forum on Emerging Infectious Diseases and recently served on the CDC Board of Scientific Counselor. He chairs the Committee on Public Health and serves on the Public and Scientific Affairs Board, the Task Force on Biological Weapons, and the Task Force on Antibiotic Resistance of ASM. Dr. Osterholm is a frequent consultant to NIH, FDA, CDC and currently serves as a principal investigator of CDC's Emerging Infections Program.

Dr. Thomas D. Trautman is Principal Scientist, Toxicology and Regulatory Affairs for General Mills, where he has been for nearly 20 years. He received his Ph.D. in Comparative Pharmacology and Toxicology from the University of California at Davis. Dr. Trautman has been actively involved in food industry efforts to address numerous food safety and regulatory issues including: the safety of food and color additives, pesticide residues, food allergy, packaging and other indirect additives, and various aspects of current and emerging risk assessment methodologies. He is a Diplomate of the American Board of Toxicology and is Vice-Chair of the Food Safety Section of the Society of Toxicology. Dr. Trautman is a former member of the National Academy of Sciences Board on Agriculture, is a member and former Chair of the Toxicology and Safety Evaluation Division of the Institute of Food Technologists, and was the founding Chair of the Residence Committee of the International Life Sciences Institute.

105th CONGRESS
1st Session
IN THE SENATE OF THE UNITED STATES
November 10, 1997

AN ACT

To amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Federal Advisory Committee Act Amendments of 1997."

SECTION 2. AMENDMENTS TO THE FEDERAL ADVISORY COMMITTEE ACT

(a) EXCLUSIONS FROM DEFINITION

Section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended in the matter following subparagraph (C), by striking "such term excludes" and all that follows through the period and inserting the following: "such term excludes

- (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and
- (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration."

(b) REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

Such Act is further amended by redesignating section 15 as section 16 and inserting after section 14 the following new section:

REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION"
SEC. 15.

(a) IN GENERAL

An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless

- (1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

- (2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and
- (3) in developing the advice or recommendation, the academy complied with
 - (A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or
 - (B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

(b) REQUIREMENTS

The requirements referred to in subsection (a) are as follows:

- (1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that
 - (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable,
 - (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and
 - (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.
- (2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.
- (3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of title 5, United States Code. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

- (4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.
- (5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.
- (6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

(c) REGULATIONS

The Administrator of General Services may issue regulations implementing this section."

(c) EFFECTIVE DATE AND APPLICATION

(1) IN GENERAL

Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) RETROACTIVE EFFECT

Subsection (a) and the amendments made by subsection (a) shall be effective as of October 6, 1972, except that they shall not apply with respect to or otherwise affect any particular advice or recommendations that are subject to any judicial action filed before the date of the enactment of this Act.

SECTION 3. REPORT.

Not later than 1 year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to the Congress on the implementation of and compliance with the amendments made by this Act.

Passed the House of Representatives November 10 (legislative day, November 9), 1997.
Attest: Robin H. Carle, Clerk.

Food Safety
- NARS
- ew

NATIONAL ACADEMY OF SCIENCES
COMMITTEE TO ENSURE SAFE FOOD FROM PRODUCTION TO CONSUMPTION
2101 Constitution Avenue, N.W. Washington, D.C. 20418

FOOD AND NUTRITION BOARD
INSTITUTE OF MEDICINE
Phone: (202) 334-1732
FAX: (202) 334-2316

BOARD ON AGRICULTURE
NATIONAL RESEARCH COUNCIL
Phone: (202) 334-3062
FAX: (202) 334-1978

FACSIMILE TRANSMISSION COVER SHEET

NUMBER OF PAGES 3

DATE: March 18, 1998	NAME OF SENDER: Charlotte Kirk Baer 
TO: Ed Knipling	RETURN FAX NO: (202) 334-1978
FAX NUMBER: 202 720 5427	

If you have any problems with this transmission, please call (202) 334-3062.

NOTES:

Please find attached, an updated tentative agenda for the open sessions of the first meeting of the Committee to Ensure Safe Food from Production to Consumption. Immediately after I spoke with you, I received a call that indicates we need to ask you and Cathie (as well as William Schultz) to provide your presentations approximately 30 minutes earlier than is listed on this agenda. The presentations for Rominger, Billy, Kennedy, and Sidiqqi would remain the same (as they are scheduled on the attached agenda).

Would it be possible for you to speak from 1:30 to 1:45 pm on Monday, March 23, 1998? We would then ask Cathie and William Schultz to speak from 1:45 to 2:45 pm.

We are trying to accommodate a presentation from EPA on Monday.

It was a pleasure to speak with you today. I appreciate your assistance.

Schultz - 301-827-3370

COMMITTEE TO ENSURE SAFE FOOD FROM PRODUCTION TO CONSUMPTION
National Academy of Sciences
National Academy of Sciences Building (NAS)
2101 Constitution Avenue
TENTATIVE¹ OPEN MEETING AGENDA, MEETING #1
March 23–24, 1998

Monday, March 23, 1998

Open Session—Auditorium

- 1:00 pm Welcome; Opening Statement
 Review Statement of Task, Study Plan
 John Bailar, Chair
- 1:30 pm Congressional Expectations
 (invitations extended)
- 2:00 pm Focus and Expectations of the Project
 Edward Knipping, Associate Administrator, Agricultural Research Service
 Contract Officer for the Committee to Ensure Safe Food from Production to Consumption
- 2:15 pm President Clinton's Food Safety Initiative
 William Schultz, Deputy Commissioner for Policy, FDA
 Cathie Woteki, Undersecretary for Food Safety, USDA
- 3:15 pm Break

U.S. Department of Agriculture's Role in Ensuring Safe Food

- 3:35 pm USDA Overview of Food Safety
 Richard Rominger, Deputy Secretary, USDA
- 3:45 pm Food Safety and Inspection Service's Definition of and Role in Food Safety
 Thomas Billy, Administrator, FSIS
- 4:15 pm Research, Education and Economics Definition of and Role in Food Safety
 Eileen Kennedy, Deputy Undersecretary, REE
- 4:45 pm Agricultural Marketing and Regulatory Definition of and Role in Food Safety
 Isi Sidiqqi, Deputy Assistant Secretary, MRP
- 5:20 pm Committee General Discussion
- 5:30 pm Adjourn

¹ Individuals listed have not yet agreed to participate so others may represent agency programs; updated agenda with lists of all those who will be representing the agencies will be provided at the meeting.

Tuesday, March 24, 1998

Auditorium, NAS Building

Open Session

Department of Health and Human Service's Role in Ensuring Safe Food

8:30 am Food and Drug Administration
Michael A. Friedman, Lead Deputy Commissioner
Joseph A. Levitt, Director, Center for Food Safety and Applied Nutrition

9:15 am Centers for Disease Control
Morris Potter (invited)

Other Agencies

9:40 am Environmental Protection Agency's Role in Food Safety
Lynn Goldman, Asst. Admin., Office of Prevention, Pesticides, and Toxic Substances
(invited)

10:00 am Break

10:20 am National Marine Fisheries Service
Rolland A. Schmitten, Assistant Administrator for Fisheries (invited)

Executive Office of the President

10:40 am *Gerold Mande, Office of Science and Technology Policy (invited)*

11:00 am Initial Planning of Workshop on *Ensuring Safe Food*
Workshop Goals
Suggestions for Speakers
John Bailer

12:15 pm End of Open Session



United States Department of Agriculture
Food Safety and Inspection Service

FAX

To: Tom Friedman

Fax #: 456-5581

Subject:

Date:

Pages: including this cover sheet.

COMMENTS:

NAS Public meeting
and Background information

Tom

From the desk of

Thomas J. Billy
Administrator
331-E/James L. Whitten Building
Washington, DC 20250

202-720-7025
or 720-8217
Fax 205-0158