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COMMITTEE ON

AGRICULTURE, NUTRITION, AND FORESTRY

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SAFE
MEAT
BILL

Fax Cover Sheet

From: Sarah Lister, DVM, MPH
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To: Tom Freedman @ DPC
Mary Smith

Re: S. 18, SAFER Meat & Poultry Act / TP's

Date: Feb 11 '99

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Re: a call about FSI \$, call me before 11, or after
3PM, if you get a chance.

The SAFER Meat and Poultry Act

S. 18, introduced by Senator Harkin on January 19, 1999

Why does the Secretary of Agriculture need expanded authorities to keep food safe?

Average consumers and members of the media are often dumbstruck when they hear that the USDA can't require a recall of tainted meat. Industry has argued that it is inherently fully motivated to produce safe products, or that the Secretary of Agriculture already has sufficient authority to ensure food safety. Most companies take their food safety responsibilities seriously, and have nothing to fear from laws that would force them to do what they already do. But the American consumer deserves better protection against a "low bar" of industry commitment which, sadly, does exist.

The bill provides four additional tools for the Secretary:

- the authority to mandate that a company recall unsafe meat and poultry products
- the requirement that companies notify the Secretary if they know that a product is adulterated
- the authority to levy civil fines for violations of meat and poultry laws
- the authority to withdraw or suspend inspections for violations of HACCP regulations

Senator Harkin introduced these provisions as S. 1264 in October 1997, but the bill did not receive serious consideration in the 105th Congress. In the subsequent year, the need for this legislation has been demonstrated repeatedly.

RECALL: The Secretary of Agriculture should be able to require that a recall occur, and set reasonable standards for actions that would ensure that a recall is timely and complete. In the past year, we saw the following problems with recalls:

- ***Deception:*** In December 1998, plant managers for Hudsons were indicted for misstating, to their advantage, the scope of the August 1997 ground beef recall. In February, 1999, the USDA launched a criminal investigation of Thorn Apple Valley for similar problems with a *Listeria* recall.
- ***Foot-dragging:*** There were instances in which companies challenged the validity of Federal tests, or wanted to wait for confirmatory tests when presumptive tests suggested a problem.
- ***Poor communication:*** Twice in 1998, state health officials complained that they did not receive timely notification of recalls affecting their states. As recalls become more broad, affecting more states, the USDA assumes ever larger burdens to contact dozens, if not hundreds, of parties. The Agency is not mandated to do so, and does so at taxpayers' expense. Companies should be responsible for this task, and the scope and timeliness of notifications should be determined by the Secretary.

Every day that a product remains in commerce, there is more chance for it to be purchased and consumed. A company's recall costs decrease as risk to the consumer increases.

Effective consumer protection demands that bargaining about test results, scope and speed of a recall cease. The Secretary of Agriculture must be able to oversee recalls that are truly protective.

MANDATORY NOTIFICATION: The bill would require all companies and distributors throughout the food processing system to notify USDA if they have knowledge that meat or poultry products are adulterated. This would prevent a single party from covering up or ignoring what could be a larger food safety problem. In January, 1999, a large packing company sought to prevent its customers from voluntarily testing for *E. coli* O157:H7. A provision for mandatory notification would strengthen the position of "good actors" in the distribution chain, those who have always wanted the highest levels of safety in their products.

CIVIL FINES: Presently, the only powers the Secretary has to address serious or repeated violations of food safety laws are to withdraw inspection and shut the plant down, or to refer cases for criminal prosecution. Plant closure puts blameless workers out of work. Civil penalties can be applied more quickly than criminal penalties, and are more appropriate for certain violations in the new HACCP inspection system. The bill provides for a scale of penalties appropriate to the size of the company and the seriousness of the problem. This is a sensible, "just-right" provision that fits with our new inspection system.

WITHDRAWAL OF INSPECTION: This provision simply clarifies that USDA can exercise its existing authorities for violations of HACCP regulations.