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House food safety hearing praises FSIS, finds fault with FDA

By Agri-Pulse Staff

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House Agriculture Committee Chair Collin Peterson (D-MN) set the tone for Thursday's hearing on food safety issues when he asked witnesses to explain why the Agriculture Department's Food Safety and Inspection Service (FSIS) seems to do a far better job than the Department of Health & Human Services' Food & Drug Administration (FDA).

The witnesses' answers boiled down to FDA's lack of funding and FDA's "reactive," after-the-contamination approach versus FSIS's "preventive" strategy. Witnesses also pointed out that both FDA and FSIS operate with long outdated and grossly inadequate authority. George Washington University Professor Michael R. Taylor, a former FSIS Administrator and former FDA Deputy Commissioner, pointed out that "FDA's basic food safety legislative tools date back to 1938, while the principles governing FSIS slaughter inspection under the meat and poultry inspection laws were adopted in 1906." He also explained that "FDA regulates 80% of the food supply and the vast majority of food imports with a budget of about \$650 million" while "FSIS regulates about 20% of the food supply with a budget of about \$1 billion."

Texas A&M President Elsa Murano, former USDA Undersecretary for Food Safety, pointed to the high cost of operating FDA and FSIS under long outdated laws. She said that unlike FSIS which by law is required to carry out daily inspection of meat and poultry products, "most foods under FDA regulation are not inspected daily and are not subjected to the degree of scrutiny they should. Some don't see an inspector for years. This has certainly played a role in outbreaks of food-borne illness in foods inspected by FDA, such as tomatoes, spinach, and most recently, peanut butter."

Dr. John H. Hanlin, Vice President for Food Safety at Supervalu Inc. which operates major national grocery chains including Shaw's, Jewel/Osco, Cub Foods, and Albertson, warned that the result is that "Consumers are losing confidence in our food supply." He said major legislative changes are needed because "We have entered a new age of food safety. Scientific advances in the fields of epidemiology, DNA fingerprinting of pathogens and good laboratory practices, are showing that the same bacteria that were traditionally associated with beef, poultry, eggs and pork are contaminating raw agricultural commodities" such as spinach, peppers, sprouts, and most recently peanut butter and pistachios.

Hanlin said Supervalu recommends “taking the successful risk-based USDA surveillance, inspection and enforcement model that has helped reduce the incidence salmonella in poultry and has highlighted the challenges associated with reducing E. coli O157:H7 in ground beef and expanding to other agricultural commodities like spinach, and other leafy greens, tomatoes, fresh fruits, peanuts, pistachios, grains and other raw agricultural commodities. . . . In other words expand USDA’s risk-based inspection system to include commodities that today receive minimal inspection due to budget challenges at FDA.”

David Dever, CEO and President of Pandol Brothers which grows table grapes on 5,000 acres in California and imports grapes from Mexico, Chile, Peru and Brazil, said Pandol “has led the industry with transparent forms of self-regulation for many years.” But he told the committee that “Government regulation must be created to support the process, to provide the necessary enforcement policies to equalize the playing field and to strengthen the consumer confidence in the overall process.”

Carol Tucker-Foreman, Distinguished Fellow in the Food Policy Institute at the non-profit Consumer Federation of America and former USDA Assistant Secretary for Food and Consumer Services, listed recent food safety problems and said “The U. S. food safety system is broken.” She warned that “outbreaks like these will continue, threatening the health of consumers and the businesses of food processors and farmers until Congress acts to address the archaic laws, confused organizational structure and underfunded food safety system.”

Tucker-Foreman concluded that “Consistent with its reactive approach to food safety, FDA makes little investment in preventive inspections to assure a company is complying with the law. . . as the FDA has slipped into dysfunction, the food safety functions of the USDA have made some progress toward a more modern and science-based program. Little more can be done without rewriting the authorizing statutes.”

Congress currently is considering several food safety bills. At the hearing, the committee’s Ranking Member Frank Lucas (R-OK) warned that before making any changes, “As we examine food safety issues we should judge each proposal as to whether it contributes to or reduces the ability of our farmers and ranchers to provide our consumers with the safest, most affordable, most abundant food supply in the history of the world.” Committee Chair Peterson also struck a cautious note, saying that “While it’s true that our current food safety system and those entrusted to produce wholesome and safe products do a good job most of the time, it’s clear that there are gaps in the system, and some modernization and improvements are needed.”