

Remarks of Tony Corbo

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before

Consumer Federation of America's Food Policy Conference

October 3, 2011

I would like to thank the Consumer Federation of America for inviting me to participate in this panel discussion to present a consumer viewpoint on reforming the meat, poultry and egg processing food safety laws. I would like to acknowledge the expertise of my fellow panelists – Dane Bernard from Keystone Foods who is well-respected in food safety circles and who I have found to be very receptive to listening to consumer viewpoints on food safety issues. Brian Ronholm, the new deputy undersecretary for food safety at USDA with whom I had to pleasure to work with while he served as the appropriations associate to Congresswoman Rosa DeLauro, but now I am finding that I have to keep him honest because he is starting to drink the Kool-Aid at USDA. And, finally, our moderator, Helena Bottenmiller, who has developed into an effective food safety reporter at Food Safety News.

Food & Water Watch is a member of the Safe Food Coalition that is made up of several national consumer advocacy organizations, food borne illness victims groups, a whistleblowers group, and the United Food & Commercial Workers Union. The coalition has been in existence since the mid-1980's and has focused most of its work on the food safety program at USDA. The past two years, the Safe Food

Coalition did shift its focus to updating the food safety laws for products that are regulated by the Food & Drug Administration and we played a role in the enactment of the FDA Food Safety Modernization Act.

As you know, the Federal Meat Inspection Act dates back to 1906 and has had several revisions since then – the last major one occurring in 1967. The Poultry Products Inspection Act was first enacted in 1957 and had major amendments made to it in 1967. The laws have some very strong components to them. For example, the laws require that there be continuous inspection of any facility that puts meat or poultry products into interstate commerce. A slaughter facility cannot even begin operations unless there is an inspector from the Food Safety and Inspection Service present. Processing facilities receive inspection from FSIS on every shift of production. FSIS does have the authority to withdraw inspection whenever there are serious food safety violations occurring – and when that happens, a meat or poultry facility cannot operate.

On the import side, FSIS does have a very unique system in place. Unlike foods regulated by the Food and Drug Administration, FSIS requires an equivalency determination to be made of any country wishing to export meat, poultry or egg products to the United States. So, before any trade can commence, an exporting country has to prove that its food safety system is equivalent to that of the United States. It means that the exporting country's laboratory testing capacity has to be similar to ours; government-paid inspectors are performing food safety activities;

the inspection has to be continuous. The equivalency determination is subject to rulemaking and is open to public comment. As a result of this procedure, only 34 countries can export meat and/or poultry and/or egg products to the U.S – as opposed to the over 150 countries that are eligible to export food regulated by the FDA.

On both the domestic side and on the import side, the USDA has had a preventive food safety model. But there are aspects that need modernizing. The 1993 Jack-in-the-Box outbreak in which four children died and hundreds others became sickened by eating undercooked hamburgers that were tainted with E.coli 0157:H7 became a watershed moment in food safety policy in the U.S. E-coli 0157:H7 was declared to be an adulterant, so no meat product contaminated with this pathogen could enter the food supply. USDA also decided that its command-and-control model of inspection needed to be modified and the food companies themselves should be made more accountable for the safety of the products they put into commerce. So, in 1996, the Hazard Analysis Critical Control Points – Pathogen Reduction (or HACCP) rule was published. It required meat and poultry processors to develop food safety plans that identified the points in their processes where contamination was likely to occur and what interventions the company took to mitigate that contamination from occurring. The plans were supposed to be validated. In processing facilities, the roles of FSIS inspectors were altered so that they would verify whether the food safety plans were being followed by the companies.

Science would be added to the inspection process. Microbial testing by industry was encouraged and FSIS established a microbiological verification testing program.

The HACCP rule also called for the establishment of industry-wide salmonella performance standards in meat and poultry products that were enforceable and that were regularly updated so that the standards were made more strict as the meat and poultry industries made progress in reducing that pathogen from their products.

While HACCP has made a difference in improving meat and poultry safety, some aspects of HACCP were never completely fulfilled. There have been successful court challenges that have threatened some of the key elements of HACCP. In 2000, a beef processor, Supreme Beef, successfully challenged FSIS' ability to withdraw inspection when the company continually failed to meet the FSIS performance standard for salmonella in ground beef; in 2003, another beef processor, Nebraska Beef, successfully got an injunction against FSIS when the agency withdrew its inspectors from that plant because the company was not following its standard sanitary operating procedures. FSIS inspectors were never thoroughly trained on what their new roles would be under HACCP; enforcement of the validation of HACCP plans never occurred, and it is only recently that FSIS has put the industry on notice that it is going to enforce that aspect of HACCP. Because of funding issues, the regular revision of the pathogen performance standards has never occurred. It was only this past July that the salmonella performance standards in young chickens and turkeys were revised – updating standards that were in effect since 1998. We are still operating under a performance standard for ground turkey that allows the

industry to “pass” with nearly half of the product to be contaminated with salmonella.

Consumer advocates say that it is time for the Obama Administration and the Congress to take a hard look at the meat and poultry food safety laws. The FDA Food Safety Modernization Act contains some provisions that we believe can be transferred to USDA to start the process to modernize those laws. The Administration and the Congress have already approved many of these new authorities for FDA, so we believe that there should be minimal opposition to granting them to FSIS:

- 1) The establishment of enforceable industry-wide pathogen performance standards that are regularly updated;
- 2) Granting FSIS mandatory recall authority in the event a meat or poultry processor refuses a request to recall contaminated products voluntarily;
- 3) Providing USDA more flexibility to declare emerging pathogens as adulterants;
- 4) Requiring traceback procedures to slaughter facilities to pinpoint the source of contamination;
- 5) Establishing a procedure to revoke equivalency status of any country that refuses USDA access to food establishments that export products to the U.S. or that are habitually violating their equivalency agreement with us;
- 6) Updating FSIS’ enforcement authorities

- 7) Giving FSIS the authority to assess re-inspection and recall fees to help recoup the costs the FSIS incurs in conducting more intense inspection activities in those food establishments that are encountering major food safety problems.
- 8) Granting FSIS the authority to develop its own research capabilities so that it does not have to rely on other government agencies to set food safety standards for the products it regulates;

Senator Kirsten Gillibrand from New York has recently introduced S. 1529, the Food Borne Illness Reduction Act of 2011 that contains many of these ideas, and we hope to work with her as this bill makes its way through the legislative process.

Finally, the Safe Food Coalition is urging the Administration and the Congress to provide our food safety agencies – whether it be FSIS or the FDA -- with the necessary resources so that they can do their jobs effectively to protect the American public and the other consumers around the world who eat our food. The most recent food recalls point to a food safety system that is under a lot of stress. This is not the time to cut back on funding.

Thank you