My name is Caroline Smith DeWaal, and I am the director of food safety for the Center for Science in the Public Interest (CSPI). CSPI is a nonprofit health advocacy and education organization focused on food safety, nutrition, and alcohol issues.

The impact of the Peanut Corporation of America outbreak and recall are still reverberating through the food system. It has caused nearly 700 confirmed illnesses and 9 deaths, and the recall of 3200 products.

Despite its size and scope, this event is neither rare nor unexpected. Congress has held nearly 20 hearings in the last two years focused on similar failures in FDA’s food program linked to everything from spinach tainted with E. coli O157:H7, pet food containing ingredients intentionally adulterated with melamine and even a previous peanut butter/Salmonella outbreak.

These events are causing steep declines in consumer confidence both in the overall safety of the food supply and in FDA’s ability to protect the public. Nearly half of those questioned by Consumers Union in November said their confidence in food safety had declined. Also last fall, a poll conducted by Ipsos-McClatchy reported that 28 percent of those polled believed food safety had gotten worse and 46 percent gave food safety controls a failing grade. In July 2008, in the midst of a Salmonella outbreak attributed to tomatoes/peppers, an Associated Press-Ipsos poll found that 46 percent of people were worried that they might get sick from eating tainted products.

Now is the time for Congress to take action to fundamentally reform and fully fund our food safety system. My written testimony discusses the key elements of effective food safety reform. For my oral statement, I will outline several of the statutory elements that CSPI believes are essential to begin the process of reforming FDA’s food safety program.

The heart of any effective reform effort lies in prevention, not response. Legislation should include at least the following three components for prevention of food safety problems at
food processors:

- Congress should require every food plant regulated by FDA to have a food safety plan detailing that it has analyzed its operations, identified potential hazards, and is taking steps to minimize or prevent contamination.

- Legislation should set risk-based inspection frequencies for food plants, and establish clear auditing parameters when states are conducting inspections on behalf of the federal government.

- Specific authority should allow the agency to set testing frequencies and require food processors to report adverse reports to government inspectors. Without this check on the plant, a company can follow the practices of PCA, which instead of fixing its Salmonella problem, fixed the tests.

Consumer concerns extend up and down the food chain, from the farm to the table. Thus, legislation should also provide for on-farm food safety plans to give farmers tools to manage risks, like raw manure, unsafe water and worker hygiene. Imported foods pose special challenges, as they enter the U.S. from all over the world, including many countries where they are essentially unregulated. CSPI supports the use of certification audit systems operated by foreign governments and some third parties, if they are subject to oversight by FDA. Certifiers for imported food can give FDA “boots on the ground” and greatly increase the agency’s capacity to enforce our food safety requirements among the foreign facilities from 175 countries that export to the U.S.

President Barack Obama has promised a "government that works." These new authorities and increased funding will certainly help FDA improve. But to deal with the root of the problem, Congress and the Obama Administration will need to go beyond making a few quick fixes. Structural reforms are also essential. Although the FDA is responsible for the safety of 80 percent of the food supply, the FDA’s commissioner must divide his or her attention among drugs, medical devices, foods and cosmetics – and food issues frequently fall to the bottom of the pile. There is no single food safety expert in charge of the policies, budget and enforcement staff and no credible voice communicating to the public and the industry what can be done to prevent outbreaks.

It is time to elevate the food monitoring function within the Department of Health and Human Services. With both the public and the regulated industries clamoring for change there is no reason to delay. Preventing future outbreaks and recalls is within our grasp.