



SUMMARY Testimony of Caroline Smith DeWaal
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before the Senate Committee on Health, Education, Labor, and Pensions
on S. 510, the FDA Food Safety Modernization Act
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The American public cannot wait longer for Congress to address a broken food safety system. Successive outbreaks caused by numerous foods have demonstrated that our hundred-year-old legal foundation and outdated strategies are inadequate to protect our citizens. CDC estimates that foodborne diseases cause 76 million illnesses, 325,000 hospitalizations and 5,000 deaths annually. These illnesses pose a huge burden to society, with estimates of the financial toll ranging from 40 billion to well over 100 billion dollars annually. Recent polling shows that nine out of 10 voters support the federal government adopting new safety measures, like those contained in S. 510, the FDA Food Safety Modernization Act.

Outbreaks are the result of an antiquated legal system that limits FDA's ability to ensure the safety of the food supply. S. 510 contains many of the essential elements to re-orient FDA from a reactive to a preventive system. It should require every food processor 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. Congress must also give FDA the authority and funding to enforce compliance through regular inspections and access to company records. Additionally, FDA needs the authority to set performance standards for the most hazardous pathogens and to require food processors to meet those standards.

A few elements of S. 510 should be strengthened to ensure that FDA can prevent

many future outbreaks and address the other hazards that can impact so many consumers. First, provisions on federal inspection should establish a minimum of three risk categories and set inspection frequencies based on these categories. Second, food companies must be required to test for the types of contaminants most common in their products to verify that their systems are working and positive results from these verification tests must be reported promptly to FDA. Third, the import provisions of the legislation should require government-to-government certification for high-risk foods; clarify that FDA has the principle responsibility for accrediting the import programs of foreign governments; and clarify that private accrediting bodies must be under strict FDA oversight. Finally, the law must ensure inspectors can access plant records that may allow them to prevent outbreaks.

Two years ago, Congress expressed its commitment to adopt a modern regulatory oversight program at FDA and fund it adequately to fulfill its mission. Congress has increased the FDA food budget by 50 percent in that period, which lays the ground work for this legislation. There is strong consensus among diverse consumer and industry organizations on the need to fix our national food safety system. The public debate has defined the issues and we have a consensus for action. Congress can, with simple changes, take action this year to make food safer for all American consumers.