

CHASING TOMATOES?

STATEMENT OF CAROLINE SMITH DEWAAL

DIRECTOR OF FOOD SAFETY, CENTER FOR SCIENCE IN THE PUBLIC INTEREST

NATIONAL PRESS CLUB, JULY 3, 2008

Good morning. First we want to acknowledge the hard work that is going on at the FDA and the CDC to investigate and solve this ongoing nationwide outbreak of illnesses linked to *Salmonella* Saintpaul and I want to make clear that any criticism we may offer today is not intended as criticism of the hard working public professionals at the federal, state and local level who are on the front lines of this investigation. New tools in the federal government are uncovering new clusters of illness faster than the government and the states can investigate or respond. To better understand these outbreaks will take new resources at the federal, state and local levels but the benefits of preventing these illnesses will accrue to both consumers and to the food industries involved. That is why there are new efforts on Capital Hill uniting consumer and industry associations to support strengthening FDA. But the job is clearly far from done.

I would like to thank Chris Waldrop, director of the Consumer Federation of America's Food Policy Institute, and Representative Diane DeGette, for lending support to our effort today. She unfortunately couldn't join us here in Washington.

Each outbreak causes huge losses, both for the consumers who become severely ill and for the growers, who often can't sell their products. Unfortunately, as this investigation has dragged on, the produce industry is reaping what it sowed when it sought and received special exemptions that allowed the industry to avoid the country-of-origin labeling requirements Congress passed in 2002. Though new requirements are scheduled to go into effect later this year, FDA needs to go beyond country-of-origin labeling and give public health officials the ability to trace produce from the fork all the way back to the farm.

Today, we issue an urgent call to FDA Commissioner von Eschenbach to take action to prevent future produce outbreaks. We urge the Commissioner to propose new emergency regulations – known as “interim final rules” – to accomplish three things.

First, FDA should establish tracing systems for produce. Second, the agency should require all growers and others handling produce to have written food safety plans for their operations. Finally, the agency should place tighter controls on repacking produce to ensure that information regarding the origin of the items are preserved. The steps we urge are entirely within the realm of what is technologically feasible, and what is already being used in many sectors of the food industry.

Behind me are examples of fruits and vegetables that already carry the types of tags that would allow FDA to better trace products during an investigation. With the adoption by FDA of standardized codes, information on products could be carried along the distribution chain and be recorded and amended by new handlers or processors. Existing systems could be used, from the simplest stickers popular with elementary school children, to sophisticated RFID tags, so long as each carried the code that could be read by FDA, and recorded and transferred from point to point in the distribution system.

Written plans are another simple concept that could have a revolutionary impact on the safety of vegetables and fruits. We all know that if we need to improve in one area or another, we develop a plan. For food producers, written plans have proven invaluable to manage food safety hazards in seafood, meat, poultry, and juice. While problems can still occur, it becomes much easier to audit systems and identify failures when plants are operating under food safety plans, such as the so-called HACCP systems.

Requiring food processors and producers to identify possible hazards and outline a control plan would put clear responsibility on the industry to know the food safety profiles of their products and to have management plans to address those hazards. Designing these written plans would be the responsibility of the farmer or processor that knows their systems best. Farmers, for example, know the environmental conditions and weather in the area better than any regulator and therefore should be in the driver's seat when it comes to food safety. But the written plans would enable the FDA to understand the thinking of those in charge of food production at every factory or farm. Instead of starting from zero with every inspection, FDA could begin with an understanding of the

process controls that are in use. If there were gaps in the hazard analysis, those could be pointed out and addressed. If there were failures in the system, they could be identified and addressed more rapidly. Most importantly, more failures could be caught before food gets to the market and before people get sick.

Finally, the practice of mixing and matching produce items at distribution centers should not take precedence over the need for tracing these products. FDA has indicated that this practice, known as repacking, has significantly hamstrung its investigations, and we call on the Commissioner to place whatever limits on this practice as are necessary to preserve a record of the product's origin.

When an outbreak happens, it exposes many gaps. There is a lot of frustration that FDA can not tell us with specificity where the tomatoes came from, or even whether tomatoes are the real cause. Yet, this is a very common situation. Most outbreaks are never fully investigated. In fact, the majority of those reported to CDC lack an identified food or pathogen. While CSPI has tracked over 750 produce outbreaks in the last 16 years, many more escaped our review because critical information was lacking. If we want to get better and faster identification of the causes of outbreaks, food safety programs at the federal, state, and local levels must be funded and given the tools to complete their investigations. If we want to prevent future outbreaks, Congress needs to give FDA and USDA the funding, authority, and personnel to implement and inspect new systems for overseeing the safety of food coming from factories and farms both in the U.S. and from other countries. Finally, to minimize the size of outbreaks, like the current one, new tools like mandatory tracing and recall systems and stronger enforcement authorities, like civil penalties, are essential. Ultimately replacing our antiquated food safety laws with modern authorities under the mandate of a unified federal food safety agency would offer the most effective and most efficient system for making improvements.

This latest outbreak provides another lesson in how not to run the federal government. CSPI first petitioned FDA in 2006 to put these new systems in place. By

failing to act then – in 2006 – to give FDA’s food safety managers the essential tools to correct these problems, they have become little more than bean counters, racking up more illnesses and hospitalizations, and even deaths, from yet another outbreak that was entirely predictable. While the goal of prevention is given lip service in the Bush Administration, new regulations that could prevent the next outbreak are rarely proposed, or finalized, unless Congress specifically orders them and sets timelines. Yet this time when safeguards are solely needed. We urge Commissioner von Eschenbach to take action. Further delay is simply indefensible.