

## Congressional Perspectives

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Although many people associate food-borne diseases primarily with meat, poultry, eggs and seafood products, other foods such as dairy products, fruits and vegetables have been implicated in food-borne illness in recent years. The Centers for Disease Control and Prevention (CDC) recognized four types of pathogens—*E. coli* O157:H7, *Salmonella enteritidis*, *Listeria monocytogenes* and *Campylobacter jejuni*—as being of greatest concern in food products. These pathogens can be easily transmitted and multiply rapidly in food, making them difficult to control. Historically, research studies revealed that consumer eating habits can contribute to potential risk of food-borne disease outbreaks; 50% of consumers eat raw or undercooked eggs, 23% eat undercooked hamburger, 17% eat raw clams and oysters, and 26% do not wash cutting boards after using them for raw meat and poultry. Consumers' food-handling practices, the eating choices they make, and how the food is eaten ultimately determines the risk of food-borne illness.

Meat and poultry have become the focal point for linking food-borne disease outbreaks with *E. coli*, *Campylobacter* and *Salmonella* pathogens to food products in recent years. Consumer Reports (March issue) conducted a bacterial test on 1,000 whole chickens at the supermarkets and discovered that 63% of the chickens tested contained *Campylobacter* and 16% *Salmonella*, whereas 8% had both of the organisms. Only 29% were free from either bacteria. Just last year Hudson Foods was implicated in an outbreak of 20 incidents of food-borne illness, caused by *E. coli* O157:H7, in Colorado. This company was required by the United States Department of Agriculture (USDA), Food Safety Inspection Service (FSIS), to recall 25 million pounds of frozen beef patties considered to be adulterated with *E. coli* O157:H7. These events and others are causing an ongoing debate among legislators, not only about the efficacy of the federal meat and poultry inspection programs, but also about the industry's attitude and responsibility to ensure food safety. Hudson Foods' recall

of beef patties prompted the Clinton Administration and Congress to initiate further statutory authority to address the enforcement of food safety standards. Part of this authority would require mandatory recall of contaminated meat and poultry products.

### Meat and Poultry Legislative Issues

#### Authority to mandate notification and recall (S.1264).

U.S. Senator Tom Harkin (D-IA), who is the ranking Democrat on the Senate Agriculture Committee, along with Senate Minority Leader Tom Daschle (D-SD) and Senators Patrick Leahy (D-VT) and Tim Johnson (D-SD), introduced the Food Safety Enforcement Enhancement Act of 1997 on October 7. This bill, S.1264, would give the USDA complete authority to recall all suspect adulterated or misbranded meat and poultry products quickly from the marketplace. It would require anyone in the supply chain—from the slaughterhouse to the retail store and restaurants—to immediately notify USDA if there is a reasonable discovery of contaminated or misbranded meat and poultry products. Also, USDA will be allowed to levy civil penalties as high as \$100,000 per day to processors who willfully violate food safety standards. Secretary of Agriculture Dan Glickman believes that mandatory notification and recall is the consumers' insurance policy for government to respond quickly to protect them from unsafe foods. Other supporters of this bill, particularly consumer groups, contend that the USDA needs more enforcement tools to ensure a rapid response throughout the food distribution system when meat and poultry products are found to be adulterated. The food industry disputes these claims because they believe this bill does not address the real concern for food safety—*prevention*. Industry would like additional federal resources toward education and training of FSIS personnel and to target more research funding toward prevention and risk assessment of pathogens.

**Single food safety agency (S.1465/H.R.2801).** The Safe Food Act of 1997 was introduced by U.S. Senator Dick Durbin (D-IL) and U.S. Representative Vic Fazio (D-CA) to consolidate the federal government's food safety functions under a single independent agency known as the Food Safety Administration. What these bills from the Senate (S.1465) and House (H.R.2801) will attempt to do is to

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combine the food regulatory laws from several federal agencies: USDA, FDA and EPA. To bring about a single food safety agency, Congress must be willing to merge the Federal Meat Inspection Act (1967), Poultry Products Inspection Act (1957), Eggs Products Inspection Act (1970), Federal Food Drug and Cosmetic Act (1938), and Federal Insecticide, Fungicide, and Rodenticide Act (1975) statutes relating to foods into one governing law without the overlapping jurisdictions of USDA, FDA and EPA that fragment food responsibilities. For example, the inspection oversight for shell eggs comes under the jurisdiction of the FDA but processed eggs plants, producing certain dried, frozen, or liquid eggs, are under USDA jurisdiction, and are inspected every day. Usually, the only daily presence of government inspection in shell egg plants is not the FDA inspector who has oversight inspection for the safety of eggs, but USDA's Agricultural Marketing Service, who grade the eggs for

quality. The diverse regulatory approaches and inspection differences for foods posing similar risks cause inconsistent government oversight. The FSIS regulates and inspects beef broth and dehydrated chicken soup products daily, whereas FDA inspects plants producing dehydrated beef soup and chicken broth products about every 3-5 years. These different forms of inspection oversight appear to be illogical and unsound. The bringing of all food safety responsibilities under a single agency should allow the government to operate its food inspection program the most effectively. The single food safety agency concept from industry and consumer perspectives are acceptable. The Safe Food Act of 1997 will have difficulty becoming law because of the jurisdictional differences between governing statutes and laws, and Agriculture, Commerce and Labor Committees of Congress.