

Testimony on Food Traceability
before the Subcommittee on Horticulture and Organic Agriculture
House Committee on Agriculture
Rep. Diana DeGette
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Thank you, Chairman Cardoza and members of the subcommittee. I would like to start by thanking you for giving me the opportunity to testify before this distinguished subcommittee.

I also want to commend you for taking up such an important topic at such a critical time. The events over the past few months have crystallized the need for a comprehensive food traceability system in this country, particularly with regard to fresh produce.

I have been working on traceback legislation for about six years. H.R. 3485, the "TRACE Act," would require the USDA and FDA to set up a food product traceability system that would track foods at all points along the supply chain.

In my opinion we cannot begin to address updating our nation's food safety laws without looking at the ability to track our food.

Obviously our primary focus needs to be on building quality into the system and avoiding outbreaks altogether. Being able to fully trace tainted food is not an ideal situation.

But the fact remains that we must have procedures in place to deal with an emergency, to get food off store shelves quickly, avoid the kind of mass panic we saw in this most recent outbreak of salmonella, and most importantly prevent more people from getting sick.

To a certain extent, we have limited product traceability right now. Most food companies know their own suppliers and customers, and in fact the Bioterrorism Act requires companies to have the ability to trace one step up and one step back. While this is a good start, it is not enough, and we need to find out whether these requirements are even being enforced. And I think we can all agree that whatever traceability system that exists today certainly did not work in the tomato/pepper salmonella outbreak.

In this case, the FDA sifted through boxes and boxes of paper records to determine suppliers and customers. In the meantime, over 14 weeks went by and over 1,200 people got sick- not to mention the endless news stories, tons and tons of spoiled food, and entire industries damaged unnecessarily.

It has become clear that this system is agonizingly slow and simply incapable of keeping up with a globalized food distribution system.

And it's not over. Despite the discovery of a tainted jalapeno pepper recently, the FDA cannot say with any certainty whether or not tomatoes were ever to blame, and it still does not know where the contamination occurred. And given the new warning that consumers should not eat

jalapenos, despite their origin, it's obvious that they have no idea where the tainted peppers were distributed.

Mr. Chairman, there is a better way.

As I mentioned before, H.R. 3485 would require the USDA and FDA to set up a system to trace foods throughout the supply chain. Not only is this legislation technologically feasible and cost effective, but it's absolutely critical.

I am not saying that we should be in the business of mandating certain technology. There is a whole host of ways to electronically track foods, and it is already being done by certain companies and certain industries all over the world, using labels, bar coding, wireless RFID readers, lasers, even GPS.

Where I think the government can be useful is to help coordinate. What we need is an integrated system, rather than a patchwork of different traceability systems. And because of the valuable public health and economic benefits to full traceability, I feel the FDA and USDA have a responsibility to help.

We must ensure systems are interoperable and can talk to each other, so food can be continually tracked along the distribution system, especially when there is a transfer of ownership.

What I don't want to do is create a system that is overly burdensome for business, or to put a whole new set of costly regulations on our nation's food distributors or small farmers. Quite the contrary. In fact, I am being approached by businesses from across the country that want to get going now.

Full traceability is going to be good for business. IBM Consulting has written a report that recommends its clients develop full traceability to improve consumer confidence, which has eroded in recent years due to recall after recall.

As we have seen in the latest salmonella outbreak, as well as previous recalls in spinach and other products, when contamination happens at even a single facility, an entire industry can be devastated. Despite the fact that nearly all spinach was harmless in 2006, and the vast majority of jalapeños are probably safe now, and the distinct possibility that not a single tomato was ever contaminated, growers and distributors suffered catastrophic losses.

Nationwide, blanket recalls and generalized consumer warnings with no connection to actual distribution chains create mass panic, causing customers to avoid certain products and altogether. In an industry where brand preservation is everything, we can't allow this to continue.

A comprehensive traceback program would allow for targeted recalls; if an outbreak occurs we will know exactly what lots were potentially contaminated instead of targeting the entire universe of products like we did with spinach, tomatoes, and peppers.

We can find out within seconds where tainted food was sent and where it originated, and have an orderly process of notifying affected consumers and pulling products from shelves. Therefore the 99.9% of businesses selling perfectly safe food from perfectly sanitary facilities will be protected against contamination that occurs elsewhere.

And electronic traceability has benefits to business that go beyond brand preservation and insurance against recalls caused by other parts of the market. Traceability brings better inventory control and supplier/customer monitoring practices, and is a good marketing technique to attract and retain customers.

To be sure, the outbreaks of foodborne illnesses in recent years have spurred action in the private sector. Traceability systems are being implemented by industries as diverse as fresh produce and alcohol, from processed food to fast food, just to name a few.

But the USDA and FDA need to play a key role. My legislation will build upon this important work that is already happening by linking all of the pieces together without being overly burdensome.

Mr. Chairman, we cannot waste any more time postponing food safety reform. Why wait for the next outbreak, the next 1200 illnesses, the next mass panic that devastates our farmers, before we act?

There is much to be done. It is time to create a unitary food agency, so 12 different agencies aren't sharing the jurisdiction yet passing the buck. We need to provide the USDA and FDA with mandatory recall authority. And we have to start rebuilding the FDA and USDA to be able to better operate in a 21st Century, globalized food distribution system.

But the latest salmonella outbreak has shown that food traceability must be a part of the mix. Consumers want to know where their food is coming from, businesses need insurance against risk, and as policymakers our first priority must be public health.

Thank you so much for the opportunity of appearing before this subcommittee.