

**Written Statement of
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**before the
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on
Food Defense: Post-Harvest Preparedness
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Mr. Chairman and members of the Committee, thank you for the opportunity to testify on the safety and protection of our Nation's food and agriculture system against terrorist attacks, major pests and diseases and other emergencies. My name is Lee Myers. I am the State Veterinarian and Assistant Commissioner of Animal Industry for the Georgia Department of Agriculture, and I appear here today on behalf of the National Association of State Departments of Agriculture (NASDA).

NASDA represents the commissioners, secretaries and directors of agriculture in the fifty states and four territories. States clearly form the first line of defense against the threat of a terrorist attack against our food supply. Today, I would like to broadly outline the critical role the state agriculture departments play in food safety and defense, and describe our efforts and challenges to prepare for food and agriculture emergencies.

Complexity of Regulation for Food and Defense of the Agriculture Sector

The "farm to table" food supply chain is a complex system that includes millions of acres of cropland, billions of livestock and poultry, thousands of feedlots, processing plants, warehouses, and packaging and distribution networks that bring food from around the nation and the world to neighborhood markets and restaurants across the nation.

The threat of a terrorist attack on the food and agriculture industries is likely to involve the contamination of commodities rather than the destruction of infrastructure. However, the diverse and widespread nature of the industry makes it extremely difficult to identify and secure every facility that might be a potential target. In the case of food, for example, introduction of minute levels of certain hazardous agents could cause widespread harm, including serious economic and social disruption. Local, state and federal partners as well as the industry itself have already taken important steps to help protect the food and agriculture industry from terrorist attack. NASDA believes there needs to be a greater linkage at all levels of government and the private sector of resources, expertise, and initiatives to achieve our shared security and emergency preparedness goals.

Roles of State Agriculture Departments in Food Safety and Defense

Protecting the nation's food and agriculture industry demands the coordinated effort of public, private and university partners in the same way that all of these stakeholders have cooperated for decades on issues of food safety, animal health and plant protection. In the area of food safety, for example, the statistics are surprising: while this is the shared responsibility of all partners, approximately 80% of all food safety inspections are conducted by state and local agencies.

State agriculture departments need sufficient field inspection forces to promote biosecurity of food and agriculture businesses; enhance prevention by enforcing uniform food and agriculture safety and security laws with industry; provide routine surveillance of food, plant and animal products; respond quickly in the event of an attack; and provide the means to restore confidence in the food and agriculture sector. States agriculture departments are the lead agencies in the prevention, detection and eradication of plant and animal pests and diseases in accordance with the national and state response plans.

Vulnerability

Recent food safety events have made regulatory agencies and industry realize the landscape of food safety and defense is changing. Risks include the tremendous growth of the imported foods market with limited regulatory oversight and centralized food production, processing and storage. According to USDA's Foreign Agriculture Service (FAS) statistics, 48 percent of America's agricultural consumption was imported in 2007. This includes "bulk" products such as wheat and cotton, "intermediate" products such as oils and livestock, "consumer oriented" products such as butchered meat and vegetables, and "other" products such as timber and seafood.

State regulatory programs and laboratories are currently the backbone of the Nation's food safety network. However, threats to the food supply typically cross state borders and have national implications. There are limited resources to develop preparedness and response plans for animals and plants (i.e. crops, hay, pasture, and rangeland). "Point source" facilities exist in agriculture (plans to protect them are similar to other fixed facilities). The "nonpoint sources" are more difficult to plan for, but need to be carefully considered in any agriculture preparedness and response plans.

Vulnerability Assessments in the Food and Agriculture Sector

The assessment of terrorist threats to food and agriculture and evaluation of the agriculture industry's vulnerabilities will form the basis for developing a preparedness and response strategy for the Nation's food and agriculture industry. The challenge is to determine the likelihood of various forms of attack and identify on a priority basis the gaps in the existing systems.

The states have been conducting this activity for several years. In July 2004, NASDA and its affiliate organization, the Association of Food and Drug Officials (AFDO) conducted a survey of states to collect information about homeland security activities in state departments of agriculture. The purpose of the survey was to obtain a baseline assessment of state initiatives, including emergency response and planning, vulnerability assessments, specific funding for agriculture and food defense, and training. All fifty states responded to this baseline survey. The survey data found that many states had completed a substantial number of vulnerability assessments utilizing a variety of methods from formal surveys and expert panels to informal assessments during regular inspections. The survey found that many states had developed plans across all sectors of the plant, animal, and food areas to mitigate perceived vulnerabilities. The survey also found that states have participated in dozens of exercises or drills to test emergency response capability and most included other state or federal agencies. Specific highlights of the survey results are:

- 52% of respondents indicated that their food program had received some level of funding for food security initiatives.
- 56% or 28 states have developed a written food emergency response plan.
- 44% or 22 states have conducted some type of food and agriculture vulnerability assessment.

- 18% or 9 states have developed some type of vulnerability reduction plan to address food and agriculture vulnerabilities.

The baseline survey results indicate that states are engaged in many areas of food and agriculture defense, but more needs to be done.

In addition, states are working with our federal partners in several activities. We are participating in the Administration's Food and Agriculture Coordinating Council (FACC) and Government Coordinating Council (GCC) to help meet the goals of Homeland Security Presidential Directive 9 (HSPD-9). Many state agriculture departments have participated in vulnerability assessments through the Strategic Partnership Program on Agroterrorism (SPPA), and we commend USDA for this collaboration. SPPA is a Federal Bureau of Investigation (FBI)-led partnership with FSIS, the Food and Drug Administration (FDA) and the Department of Homeland Security (DHS) that brings a variety of stakeholders together to conduct vulnerability assessments on a variety of food commodity systems. One goal of the SPPA initiative is to identify countermeasures that need to be developed.

However, state departments of agriculture need access to the findings of SPPA to help develop cost-effective measures to enhance our ability to prevent an attack, detect an attack at the earliest possible time, respond to protect both the public health and industry and recover from an attack by restoring public confidence and the economic viability of affected sectors. NASDA urges USDA, FDA, DHS, and other federal partners to complete risk and vulnerability assessments in all areas of the food and agriculture industry and share information relevant to the development of specific state preparedness strategies. Such information sharing is imperative as states develop and refine individual State Homeland Security Strategies (SHSS) and will be important for the seamless integration of state plans into the National Homeland Security Strategy.

These initial efforts have strengthened our ability to prevent, rapidly detect, and respond to bioterrorism incidents, but need to be expanded. One key issue at the state level is the amount of effort required to accomplish this huge task. DHS, FDA, and UDSA have funding to accomplish vulnerability assessments, but the availability of funding is a "catch as catch can" basis from state to state. Funds need to be targeted directly to the state departments of agriculture to accomplish this work.

Without better targeted and consistent funding, we will have to compete with other non-agriculture in-state homeland security entities. For example, the state homeland security grants have an 80/20 split, with the local governments receiving 80% of the funding. We realize that all emergencies are local, and for the most part this is a model that works well. However, there is no local authority for agriculture agencies as exists for public health, fire services, or law enforcement. The agricultural authority in most states rests with the state agriculture department; but since these departments are considered a "state" entity, they do not qualify for the local funding. This discrepancy needs to be remedied to benefit state food defense capability.

Challenges for State Departments of Agriculture

- **Emphasis Needed on Food Defense**

The President's National Homeland Security Strategy recognizes the importance of securing the Nation's food supply and designated agriculture as a "critical infrastructure." However, "food defense" is difficult to achieve and needs to be considered one of the highest priorities for DHS. NASDA has been concerned that the emphasis on homeland security in border protection overshadows the need to remain vigilant in protecting the food and agriculture industry from the introduction of pests and disease at the border. We strongly believe that prevention of animal and plant terrorism and protection for the Nation's food supply must be considered a critical priority of DHS.

- **Federal Funding and Support**

Managing the short and long term consequences of an attack on the food supply is among the responsibilities of state and local government supplemented by the resources of the federal government. Issues related to activities such as initial response, animal and plant quarantines, withhold orders, tracing of contaminated product, secure communications following an event, and short and long term recovery are some of the many responsibilities faced by state governments.

To date, federal support for state departments of agriculture for agriculture and food defense has been very limited and inconsistent. Modest USDA support was provided to enhance animal and plant laboratories and to begin work on projects including rapid notification and other systems. While almost a billion dollars in FY03 was provided through the Centers for Disease Control (CDC) to state health agencies for uses including food security, agriculture departments have been excluded from receiving funds. In June 2003, NASDA released a state resource survey conducted by AFDO. The survey data indicated that of \$960 million federal counter-terrorism funding given to states, a mere \$43 million (4.5%) went to Plant and Animal Disease Response, Surveillance and Testing; and \$3.6 million (0.4%) was devoted to protecting all other elements of the food supply, such as manufacturing, processing, distribution, storage and retail levels for food.

Federal funds should be better targeted and consistent to help states accomplish many of the tasks described above. The Congressional Research Service (CRS) issued a Report to Congress on March 12, 2007 titled "Agroterrorism: Threats and Preparedness." The report notes that "as a percentage of non-defense budget authority for homeland security, agriculture receives about 2.1% of the total." The report further notes that "regular appropriations for agriculture in DHS are irregular and tied to particular initiatives, such as university research grants or facility construction."

- **DHS Grant Program**

NASDA has been very concerned that the overall decreased funding available to states under the DHS Homeland Security Grant Program will have a significant impact on states' abilities to prepare for emergencies affecting food and agriculture. The problem is further complicated by the fact that the grant program is currently one of the only sources of funding to states to support homeland security preparedness in all sectors. DHS could address this problem by assuring that the risk calculation—which is one of two components that is used to determine each state's allocation under the grant program—fully considers the risks, vulnerabilities, and impacts associated with threats to our food and agriculture sector.

With appropriate funding, states could:

-develop programs dedicated to food defense, animal defense, and plant defense;

- improve inspection, testing and surveillance activities;
- conduct additional threat, vulnerability and risk assessments;
- work with industry to identify critical infrastructure, key resources, and develop mitigation strategies and defense capabilities.

- **Food and Agriculture Defense Planning**

The states are particularly interested in one activity where DHS could assist in food defense planning and preparedness training for state agriculture, health and emergency management agencies. In February 2006, NASDA, in cooperation with USDA's Food Safety Inspection Service (FSIS), the Food and Drug Administration (FDA), and the Department of Homeland Security (DHS), announced the availability of a model Food Emergency Response Plan Template. The template is a tool that will enhance the protection of the Nation's agricultural industry and food security through increased prevention, detection, response, and recovery planning.

The template provides states with a guide for developing a food emergency response plan. It is designed to assist states with development of either a stand-alone plan for responding to a food-related emergency or an addendum to an existing all-hazard state emergency response plan. Because a food emergency could occur at any point in the food chain from farm to fork, including pre-harvest production and transportation, the application of this template assists in managing emergencies with varying magnitude and scope.

The template is also a "building block" in the national effort to develop a seamless system of food defense from local, state and federal perspectives. It identifies how these efforts will be effectively integrated with the National Response Plan (NRP) and state response plans, including descriptions for responding to, mitigating and recovering from a domestic incident. In addition, the template provides a baseline structure for preparing state-level plans to protect critical infrastructure and key resources identified through the National Infrastructure Protection Plan (NIPP).

The state agriculture departments and other state government agencies need assistance to develop and implement their food emergency plans, along with preparedness training and education. NASDA has asked DHS to provide initial funding for this activity. We believe it is cost-effective to provide state and local governments with a valuable readiness tool to facilitate seamless regional and national responses to food emergencies.

In addition to the food defense template, NASDA has partnered with others at the state and regional level to develop animal and plant defense planning and response templates. These templates are in a final stage of development, but additional funding is needed for full implementation and associated training. These templates should be incorporated into the context of an all-hazards approach.

- **Communications and Coordination of State and Federal Resources**

Providing the means for the food and agriculture sector to communicate during all phases of emergency management, particularly during a response, is the foundation for overall preparedness. There is a vital need to establish a well coordinated and efficient communication strategy that links agriculture stakeholders and allows for the rapid dissemination of information. Since local and state agriculture or health departments will often be the first to respond to a food emergency, communication channels between local, state and federal partners must be clearly defined and practiced. The same is true for any animal or plant emergency as well. Some of the information that needs to be efficiently shared includes: specific threat alerts from intelligence partners; incident notifications from field staff, industry or others; routine surveillance information from inspections, laboratory analyses and other local and state sources;

and other information deemed critical to preventing human illness, death or serious economic harm to the industry from a terrorist attack at any juncture from farm to fork.

State and federal governments must effectively communicate and coordinate resources in an emergency using the Incident Command Structure (ICS). Despite the federal emphasis on ICS, the response to the recent melamine contaminated proteins was not managed using ICS. States had no situational awareness and could not effectively respond to their constituents. The Nation's slow response eroded consumer confidence in the pet food industry and threatened the confidence of the human food supply. While not a replacement for ICS in this event, NASDA set up and operated an information network to keep directly affected states informed.

The use of ICS would have allowed the federal government to leverage state resources during the response to the melamine incident and other national recalls. Resources include animal diagnostic laboratories, food testing laboratories, and regulatory and administrative personnel to respond to and support the concerted effort. As we strengthen our laboratory resources and other response capabilities, management of resources on a national scale using ICS will become increasingly important.

At present, there are serious impediments to establishing such a system which need to be addressed. These include:

- The loss of information through unnecessary "classification" of documents, and the inefficient processing of security clearances for state agriculture officials;
- Federal resistance to accepting investigation results, recalls and other actions from nationally accredited state and local laboratories;
- The lack of an operational, comprehensive and secure communications network to share threat alerts and other information linking local, state, federal and private partners, with appropriate security clearance;
- The lack of a comprehensive incident notification process for the food and agriculture industry;
- The lack of adequate risk communications preparedness and response planning and training; as a result, states are hampered in their ability to disseminate adequate safety and technical information to the media and public during an incident.

Many state agriculture officials have experienced substantial delays in the processing of their security clearances. In order for NASDA to function as an important organization, assisting in the liaison between state and federal governments, and participate fully in the homeland security initiatives of the food and agriculture sector government coordinating council, key staff have a need to know certain sensitive information. There is an immediate need for DHS to expedite security clearance applications for key state agriculture personnel.

NASDA also believes more effort is needed to address the communications gap between state and federal partners in the sharing of critical information and intelligence. Federal agencies should review currently classified information and make determinations about whether it needs to remain classified for security

purposes. The results of state and local inspections and laboratory analyses found to be consistent with federal requirements should be recognized as equivalent to federal inspections and analyses. Development of rapid communications and incident notification systems should have top priority and include both public and private sector decision-makers.

NASDA supports ongoing work being done by DHS to implement the Homeland Security Information Network (HSIN). HSIN could be a significant communications tool for local, state and federal partners, but the system is not yet operational, despite years in the making.

Another important area is the need to protect the confidentiality of information. Because the majority of agricultural assets are in the private sector, necessary information may be proprietary or pertain to trade secrets or business operations. Congress should require that such information obtained from the states be maintained as confidential.

Recommendations to Enhance Food and Agriculture Defense Capabilities

As we have emphasized throughout our testimony, states clearly form the first line of defense against the threat of a terrorist attack against our food supply. The federal government should capitalize on the proven strengths of the state programs by providing funding, guidance, and coordination of resources to effectively protect the agriculture and food sector. NASDA offers the following recommendation to enhance our food and agriculture defense capabilities:

- Congress and federal departments should develop a detailed integrated budget for food and agriculture defense, as requested by HSPD-9.
- DHS should survey state departments of agriculture to determine homeland security requirements; further DHS should fund these requirements as a priority through state grants or other federal legislation that directs resources for food and agriculture defense.
- DHS should develop an action review process for agriculture and food incidents of national importance; such review should identify the gaps, lessons learned, and solutions to improve response and coordination.
- DHS Office of Health Affairs should review the Homeland Security State Grant Program for food and agriculture defense and publish annual guidance for this sector to better target resources.

Conclusion

The state agriculture departments appreciate the efforts by Congress and the Administration to enhance the safety and security of the Nation's food supply and the agricultural production system which supports it. As partners in the federal system, we stand ready to work with the Committee and Congress to accomplish these goals.