

**STATEMENT OF
THE HONORABLE BART STUPAK
SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS
“CONTAMINATED FOOD: PRIVATE SECTOR
ACCOUNTABILITY.”**

FEBRUARY 26, 2008

Today we hold the fifth Subcommittee hearing on the safety of our Nation's food supply. Although it was purely coincidental that this hearing was set before the largest beef recall in American history, it is not a coincidence that recalls of this magnitude are escalating.

Since starting our investigation, Americans have witnessed one food safety disaster after another. In the last 18 months:

- In August and September 2006, *E. coli* in bagged spinach sickened 204 people and killed three.
- In September 2006, *Salmonella* found in tomatoes sickened 183 people.
- In December 2006, lettuce contaminated with *E. coli* at Taco Bell and Taco John restaurants sickened 152 people.
- In February 2007, Peter Pan peanut butter contaminated with *Salmonella* sickened 425 people.
- In February and March 2007, 100 brands of tainted pet food were recalled after sickening and killing thousands of pets.
- In June 2007, Veggie Booty snacks contaminated with *Salmonella* caused 65 illnesses.
- In July 2007, 90 canned food products with botulism contamination were recalled after sickening eight people.
- In August 2007, almost one year after the last spinach *E. coli* outbreak, another nationwide recall of fresh spinach occurred following discovery of *Salmonella* in a test batch.
- In October 2007, frozen pot pies carrying *Salmonella* were recalled after illnesses were reported in 31 States.
- In September 2007, nearly 22 million pounds of beef were recalled after *E. coli* contamination was found.

- Finally, just over a week ago, nearly 144 million pounds of beef were recalled by Westland/Hallmark Meat Packing Company after being determined to be unfit for human consumption.

Our food safety system is broken. So-called voluntary compliance—relying on the food industry to place safety before profits—does not appear to be working. The budgets and regulatory policies of this Administration have crippled both the Food and Drug Administration (FDA) and, the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA). In fact, some 76 million Americans – 1 out of every 4 - are affected each year by illness from contaminated food.

Since sickness from contaminated food is largely preventable, this Committee has actively pushed the public and private sectors to focus on preventing this epidemic. What have we learned so far? We have found a fragmented food safety system suffering from woefully inadequate resources, inconsistent oversight, and ineffective coordination. In December the FDA's own Science Board report noted that FDA's food safety program has put American lives at risk and the FDA "does not have the capacity to ensure the safety of food for the nation."

We have also learned that the problem is not limited to just the FDA. The once vaunted USDA seal of wholesomeness can no longer be relied upon to protect consumers. USDA, despite having about four times the food safety budget of FDA and a network of inspectors in many, if not all, meat processing facilities, is also failing to protect Americans. Last week's extraordinary recall of over 143 million pounds of beef by Westland/Hallmark Meat Packing Company follows more than 20 other beef recalls in the preceding 12 months – nearly 2 meat recalls per month.

My colleagues and I are fully aware that product recalls by the USDA do not indicate success; rather each recall means that the system has failed. Recalls tell us that contaminated beef made it into the marketplace, restaurants, schools and our kitchen tables.

Last fall's hearing drew attention to a 22 million pound recall that included beef packed in carbon monoxide deceiving consumers into thinking that the meat was fresh, wholesome, and free of contaminants. I am troubled to tell my colleagues that despite our investigation and despite one major retailer's request to label their meat as having been packed with carbon monoxide, the USDA is still refusing to allow retailers to label their meat as such.

Today's hearing focuses on the role of private industry in protecting our Nation's food supply. Responsibility for supplying safe and wholesome foods does not rest solely with the Government. It is always the food processor that has the first opportunity to ensure the safety of their product and prevent these tragic food illnesses. We intend to ask food processors what they have learned from food recalls, illnesses, and deaths of last year and what they are doing today to protect the American consumer and ensure their food is safe?.

Some of the food processors whose food products were recalled last year, will testify today. Eating vegetables such as spinach was once every parent's refrain. But as we learned last year, eating vegetables and spinach nearly led to the serious injury and death of a defenseless children. Unfortunately, the problems associated with the Salinas Valley, known as America's salad bowl, continue to plague us. Is America any safer today? Hopefully, the CEO of Dole, the largest distributor of the *E. coli* spinach that sickened and killed people last year, will tell us what he is doing to stop these problems.

ConAgra, a firm that blamed the problems relating to its Peter Pan peanut butter on a leaky roof in testimony before us last April, is also back to explain why the same strain of *Salmonella* got into their peanut butter jars six months after the leak was fixed. ConAgra still has to explain to the American people how *Salmonella* infected its Banquet brand turkey pot pies. We also need to understand from ConAgra and their supplier, Butterball, how fully cooked turkey could sicken people who ate their pot pies.

We also planned to ask Steve Mendell, the CEO of Hallmark/Westland Co., to explain how he could produce and ship over 143 million pounds of raw and frozen beef products that the USDA determined was “unfit for human consumption.” Hallmark/Westland’s February 17th recall is the largest meat recall in the history of the United States. Fifty-five million pounds of this meat was shipped to feed children in federally sponsored school lunch programs. How could children and seniors be fed beef from cattle that could not be legally slaughtered? USDA inspectors were in the plant. Where were they? Why didn’t federal inspectors catch the illegal slaughter of downer cows before millions of children were put at risk of Mad Cow Disease and other health problems from eating meat from cows that were too sick to even stand up.

We will also hear from the CEOs of Bumble Bee and New Era about the deadly botulism bacteria that were found in their food. We need to know how botulism, a very deadly but rarely found bacteria, survived the sterilization process required for low acid canned foods, in the Bumble Bee plant in Georgia and the New Era facility in Michigan. I believe this is the first time in over 30 years that botulism has been discovered in our food. If we can no longer trust our food companies to provide us with food that is supposed to be pasteurized, then America’s food safety has sunk to a new low. How many other foods that are supposed to be sterilized before being sent to our grocery stores but are not being pasteurized before being sold to American consumers?

Today, we will also have more testimony of banned antibiotics found in imported seafood that FDA is unable to keep off our tables. We also have with us today a witness from a private laboratory that tests imported food for safety. We expect to learn how easily companies can manipulate the current inspection system to allow contaminated imported food into our food supply.

Fifteen years ago, America’s trust in its food supply was shattered when four children died and more than 700 people became sick after eating Jack-in-the-Box hamburgers. USDA responded to this tragedy in 1995 with creation of industry-supported Hazard Analysis Critical Control Point or HACCP system. HACCP was promoted as a science-based strategy for protecting public health. Although the scientific principles of HACCP remain sound, many experts contend that it actually has decreased Federal oversight because of industry reliance on self-inspection under HACCP.

Today our food safety system is broken. The overarching question for the corporate CEOs testifying today is simply how do we fix our critical food safety net? Chairman Dingell, myself, and a number of our colleagues are determined to restore confidence in our food safety system. We need your support. I hope today is a start to correct the problems that created the litany of recalls and illnesses of food recalls last year. Members of this committee look forward to working with you in this effort.