

**STATEMENT OF
THE HONORABLE BART STUPAK
SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS
“REGULATORY FAILURE: MUST AMERICA LIVE WITH UNSAFE FOOD?”**

MARCH 12, 2008

Since the 110th Congress began in January 2007, this subcommittee has been investigating the Food and Drug Administration’s ability to protect Americans from unsafe food. This is the Subcommittee’s sixth hearing regarding the Safety and Security of the Nation’s food supply. While the previous five hearings have focused on a variety of topics including companies who have produced contaminated food, unsafe food imports, and the ability of the FDA and USDA to protect our Nation’s food supply, today’s hearing will focus on what steps the regulators have taken or need to take in order to ensure the safety of our food supply.

Since our investigation began 14 months ago, there have been at least 163 recalls and health alerts associated with FDA-regulated products. Despite USDA’s hefty budget and large inspection force, it too is not immune from problems. Since 2007, there have been at least 67 meat recalls totaling approximately 180 million pounds of meat. There has also been an alarming jump in the number of recalls and illnesses associated with *E. coli*-contaminated meat. In 2007 alone, there were 20 recalls of meat products due to being tainted with this deadly pathogen e-coli. These recalls affected about 33 million pounds of meat. This compares with just eight recalls and just over 155,000 pounds of meat in 2006 due to *E. coli* contamination.

These numbers alone indicate that there is a serious problem with our food safety system. Still, there is even greater support to this assertion. The Centers for Disease Control and Prevention now estimate that there are 76 million cases of food borne illness every year in the United States. These illnesses result in an estimated 5,000 deaths and 325,000 hospitalizations. It is clear that our food safety system is broken. We must address this stark reality and remedy this dire situation.

The Subcommittee has had the unfortunate experience of watching firms that have sold contaminated food falsely assure the American public that the safety problems have been solved only to learn that yet another outbreak or recall has occurred within a few months. Cargill and Dole both are repeat offenders and ConAgra has had three recalls in the past year. On Monday the newly re-opened Castleberry plant - whose parent company witness testified 2 weeks ago that Castleberry had learned its lesson from the botulism contamination - was shut down by FDA and USDA’s Food Safety Inspection Service again. This shut down was due to processing violations that could lead to pathogen contamination.

Today, we will hear from the company responsible for perhaps the most notorious recall over the past year. Steven Mendell, the President of Westland/Hallmark Meat Company, will testify regarding his company’s recall of more than 143 million pounds of raw and frozen beef products. This was the largest meat recall in the history of the United States. The most troubling aspect of this recall is that approximately 50 million pounds of the beef were sold to the National School Lunch Program

and other Federal nutritional programs for the poor and elderly. Thankfully, to date, there have been no reported illnesses associated with this meat.

Mr. Mendell was invited to testify at the Subcommittee's previous food safety hearing on February 26, 2008, regarding the circumstances surrounding his company's recall. Despite extensive efforts by Committee staff to reach out to Mr. Mendell, he avoided contact with Committee staff and chose not to appear at the February 26th hearing. Because of Mr. Mendell's unwillingness to appear voluntarily, the Subcommittee was forced to issue a subpoena to compel Mr. Mendell's testimony here today. We look forward to finally hearing from him.

Through out our prior 5 food safety hearings, one thing has become evident: there are increasing concerns about the safety of the Nation's food supply and it is necessary to utilize more technology to make our food supply safer. Due to the interest raised by our last hearing, today, we will explore one such technology— food irradiation.

Food irradiation is a technology which destroys organisms that cause foodborne illness. Proponents of food irradiation believe it is a safe and effective technology that can guarantee the safety of food. Some claim irradiation is the only sensible "kill step" for leafy greens and meats. Others, such as the President of Dole, claimed last month that it was not workable and harmed fresh produce.

Today, we will hear testimony from Dr. Dennis Olson, a Professor of Animal Science at Iowa State University and an expert on the use of food irradiation. Dr. Olson will testify regarding the potential benefits of irradiation. We will also hear from Mr. Daniel Wegman, the CEO of Wegmans Food Markets. As a CEO of a supermarket chain that sells irradiated meat, Mr. Wegman will discuss why his company chooses to offer irradiated products to its customers. While food irradiation will be the only technology discussed at this hearing, the Committee is also exploring other food safety technologies. We hope to examine these as our food safety investigation continues.

We will also hear testimony today from Target Corporation. In November, Target sent a formal letter to USDA requesting approval for a label that would alert consumers that certain meat products Target sells are packaged in an atmosphere containing carbon monoxide. Amazingly, USDA did not approve the label. I look forward to hearing why USDA would not approve such a label and I look forward to hearing what other efforts Target Corporation has made to inform their customers of the carbon monoxide packaged meat they sell.

Finally, we will hear from the two primary regulators of our food supply, the FDA and USDA. Dr. Stephen Sundlof, the Director of the Center for Food Safety and Applied Nutrition at FDA, and Dr. Richard Raymond, the Under Secretary for Food Safety at USDA, are here. Each will testify about the steps their agencies have taken or need to take to ensure the safety of this Nation's food supply.

As I stated previously, today's hearing is our sixth hearing regarding the Safety and Security of our Nation's food supply, and it probably will not be our last. The American public can be assured that we will continue hold as many hearings as necessary to fix our country's broken food safety system. When we have companies, government agencies, or individuals before the Committee, we expect them to follow through on the promises they make. We will do follow-up and we will bring them back before the Committee to account for any failures on the promises they made to the American people.