

**President's Food Safety Working Group Listening Session
May 13, 2009**

**Rapidly Respond to Outbreaks and Facilitate Recovery
Breakout Listening Session Notes**

Note: These meeting notes do not represent the views of the United States government, and are only intended to capture the various views of participants, including non-government participants, during the listening session. The points listed below describe these views and do not necessarily represent a consensus opinion of the group.

Moderators:

Dr. David Acheson, Assistant Commissioner for Food Protection, United States Department of Health and Human Service (HHS), Food and Drug Administration (FDA)

Ms. Terri Nintemann, Assistant Administrator for Public Affairs and Consumer Education, United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS)

Participants: Georges Benjamin, American Public Health Assoc.; Barbara Blakistone, Scientific Affairs; Mark Cohen, Government Accountability Project; Lauren Gilchrist, U.S. Senate; Will Hughes, Wisconsin Department of Agriculture; Keith Jones, U.S. House of Representatives; Margaret Mellon, Union of Concerned Scientists; Maria Oria, Food and Nutrition; Stephen Pretanik, National Chicken Council; Andrew Rowe, U.S. Senate; Ruth Saunders, International Dairy Foods Association; Jacquelyn Schneider, U.S. House of Representatives; Michael Smith, Assoc. of Public Health Laboratories; Jean Spence, Kraft Foods Global, Inc.; Chris Waldrop, Consumer Federation of America

Question 1: Do you agree that this Principle should be a priority area of focus for the Obama Administration and that the Principle is framed properly?

Clarification on moderator's part

“*Recovery*” does not refer just to product recovery, but also to recovery for the affected industry and recovery of consumers' confidence.

- From a State perspective, Federal agencies need to provide a framework to oversee response and recovery and to support those State and local authorities that lack the capacity to respond adequately.
- The industry, State, and local authorities, all have important roles during outbreaks and recovery.
- We need to recognize there are differences between the laws of the various States.
- We should rely on and build from the government legislation that already exists – not reinvent.
- The current system is not built for rapid response; States do not have adequate resources and people are responding “in the moment.” For example, when the Food and Drug

THIS PAPER DOES NOT REFLECT THE VIEWS OF THE UNITED STATES GOVERNMENT

Administration (FDA) finds a problem that requires the state to take action, resources are not available for the state to respond rapidly.

- If the response does not occur rapidly, the situation may change and may not lead to the right solution.
- Rapid Response involves having rapid product tracing
- USDA currently has better-defined the criteria for response and recovery than the states or the FDA. USDA appears to be more coordinated.
- When the outbreak and assessment is slow, it then takes a long time for products to recover.
- Should consider product indemnity. Who would be eligible?
- Adequate communication with consumers will facilitate the process. (This concern was brought up many times during the session.)
- Communication is key. Federal agencies should utilize state partners and institutes.
- Recalls have a big impact on all companies and especially on smaller companies.
- Consumer confidence is very important; we need to adequately communicate to consumers about the product or problem. Between outbreak and assessment a lot of the product is still being consumed providing limited recovery of recalled product
- Response and recovery not linked now. Responses can vary.
- Very little information in local media outlets about recalls.
 - Referenced the peanut recall; widget was placed on the Web site and was more effective.
- Concerned that consumers may not be getting the message. Reportable Food Registry needs to be up and running.
- The longest period of time (during the recall process) is spent figuring out what caused the problem.
- Concern there could be even more recalls and less targeted ones.
- The number one priority is prevention all across the chain.
- Better to over-recall than to send out an initial recall and subsequent recalls regarding the same product. This impacts consumer confidence and recovery.
- Use online and local media to reach consumers and other entities; showcase recall information on the Web site to inform consumers.

Question 2: What should be the roles and responsibilities of the federal government, state and local governments, industry, and consumers, individually and in relation to each other?

- The Federal Government should define the roles and responsibilities of each agency so the current gaps the system can be addressed. This way, if something occurs, a clear line of authority has been put in place for referencing purposes.
- Observe current roles and their definitions, and then fill in the gaps.
- Free text message to consumers about recalled products.
- Federal, State and local governments do not have a clear understanding of their respective roles and responsibilities – one of the first jobs of the FSWG should be to define the roles and responsibilities. We should determine how each agency's role fits in the big picture and how they interact to clarify lines of authority.

THIS PAPER DOES NOT REFLECT THE VIEWS OF THE UNITED STATES GOVERNMENT

- We should recognize the role of state inspection and ensure it is based on risk. For example, dairy farms must be inspected twice a year, but that this may not be the best use of inspection resources.
- Consumers need information about recalled product.
- The industry should take more responsibility during the recovery and informing the public.
- It is important to engage the local media to better communicate with consumers; maybe even use health care entities from local communities. Food preparers and handlers are also a good way to distribute information to public.
- Concern that we are not reaching those most vulnerable (e.g., older people) who don't have Internet access and rely on local papers and media. Utilize others who contact these vulnerable groups.
- Engage consumers more at local level.
- Encourage stores with membership cards to use that mechanism to communicate with customers about recalled products.
- Since August 2008, retail locations where product was sold have been posted on FSIS Web site and the public can subscribe to e-mail alerts.
- Provide as much information as possible about the recalled product such as name of product, labeling, and where it was sold. Potential problems and reasons why roles and responsibilities should be defined:
 - Unclear who inspects imported food subject to recall that also affects domestic food
 - Enforcement capabilities (for recalls)
 - Business relying on third party certification
- There were concerns about small business or farmers not being able to comply with new regulations (monetary limitations).
- Also, business should have common standards in place to facilitate product tracing.

Question 3: What new or expanded authorities, if any, should the federal government have?

- FDA and FSIS need to mirror each other on authority.
- Many are in support of mandatory recalls. One participant suggested that it should only apply under specific circumstances (based on the class of recall, and be risk/sciences-based)
- Several stated that too many agencies are involved in the same programs or tasks (too many voices of authority).
- Administrative detention authority may be helpful.
- Product tracing should use common standards – but a caution that small businesses may have an undue economic burden.
- Laboratories should be certified ahead of time; in order to have a quicker response during a crisis. Integrity of the laboratory results are a concern because the federal entities do not trust laboratory results from the company.
- Federal authorities do not have a systematic approach to viewing imports as they change in point-and-time.

THIS PAPER DOES NOT REFLECT THE VIEWS OF THE UNITED STATES GOVERNMENT

- Businesses are relying on third-party certifications. What standards apply to third-party certifications?
- What are the roles for independent certification?
- Concern that small producers will be mandated to keep records, which they don't currently keep. This may result in financial and operating burden to the small business e.g. a small farmer.
- Mandatory recalls should only apply under specific circumstances (based on the class of recall, and risk/science-based). Give consideration to the economic impact.
- Improve collaboration between federal agencies and industry in a transparent and careful way.
- Regulations - Sometimes new regulations are adopted in the middle of a crisis; this may be too reactive and not necessarily the solution to have a good impact on the long-term process. Avoid doing this.
- Provide monetary assistance for small businesses to encourage cooperation during the recall process and recovery communications, etc. Recalls have a big economic impact on businesses.

Question 4: What current federal government food safety activities should be expanded, scaled back, or stopped?

- More coordination on communication. Sometimes, too many briefings.
- Considering that there are multiple agencies involved, there needs to be an improvement on where the information is coming from.
- We should review how countries define risk.
- Outbreak is an opportunity to teach. Use as a teachable moment for all.
- Ensure that state and local data are used
- Expand the use of "non-implicated" foods lists during a recall.

Question 5: What actions should be taken, alone or in collaboration with others, by a) the federal government, b) industry, c) state and local governments, d) foreign governments, and e) others?

- International assurance of standards poses a challenge
- Consider using a CIPC-like structure to facilitate sharing of data during a foods related public health situation. They have a structure where they can bring in all involved but could still possibly protect confidential business information.
- Use Incident Command System structure and define roles
- Import standards should be reviewed
- We should establish partnerships with other governments.
- Make use of or establish Centers of Excellence for response communication and other response and recovery activities.

Question 6: What are the obstacles to and opportunities for success?

- Capacity of State and local system.

THIS PAPER DOES NOT REFLECT THE VIEWS OF THE UNITED STATES GOVERNMENT

- Training of State and local governments for regulatory response or to a nationwide standard.
- Lack of coordination between state, local, and federal governments.
- Everyone who shares the same goals should work together.
- Communications seems to be one-way with FDA
- FDA needs to change its culture to become more collaborative.
- Politics and creating legislation could be an obstacle.
- Could do post-mortems after recalls or other events and report back to public on findings.
- Observe the structure and the system and communicate to the public

General Question: Do you have other recommendations for the Obama Administration?

- Address apparent inconsistencies in budget request on registration fees for FDA and performance fees for FSIS.
- Benchmark what works and what does not (best practices).
- Encourage citizen representation on FSWG and more public involvement.
- Single food safety agency? Just moving boxes around with additional resources doesn't solve anything.
- Need to look at the foundation.
- Need to look at underlying laws.