

Re: Food Safety Legislation and the Recent Spinach *E. coli*
outbreak

19 September 2006

Dear Representative/Senator:

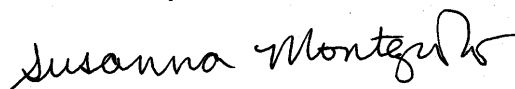
By all indications, it appears that state and federal officials were able to work effectively together to identify the recent outbreak of fresh spinach tainted with *E. coli* O157:H7 bacteria, advise the public expeditiously, and engender a voluntary recall of potentially tainted products. Consumers Union, the nonprofit, independent publisher of *Consumer Reports*, is writing to highlight this issue and to suggest that much needs to be done to ensure that the food we eat is safe and does not expose us to public health risks.

Federal and state officials need to do more to prevent outbreaks like this one, which has led to at least 114 cases of *E. coli* infections, including one death and 18 cases of liver failure. Yet Congress unfortunately is moving in the opposite direction. Earlier this year, the House passed H.R. 4167, the "National Uniformity for Food Act of 2006," and in July the Senate Health, Education, Labor and Pensions Committee held a hearing on the companion Senate bill, S. 3128. The bill would wipe out hundreds of state laws designed to protect the safety of our food and would not add any new federal protections. We urge Congress not to take any final action on this bill.

Instead, Congress should pass S. 729/H.R. 1517, the "Safe Food Act," which would create a single federal food safety agency, the Food Safety Administration. Currently, at least a dozen agencies share responsibility for ensuring food safety. The attached July 2001 *Consumer Reports* article highlights the many problems that arise in our fragmented food safety system and why a single food safety agency would be more focused and accountable.

Thank you for your time and consideration. If you have any questions, please call me at (202) 462-6262.

Sincerely,



Susanna Montezemolo
Policy Analyst

Attachment: July 2001 *Consumer Reports* article, "Food Safety Roulette"

Food-safety roulette

For years, like many consumers, I didn't think twice about the safety of the food at the supermarket, assuming it was effectively protected by government standards and careful oversight. Much of the time our trust in the food supply is justified. But we've learned that some staples, such as hot dogs, lettuce, and ground beef, can and have caused outbreaks of food poisoning. Recent reports and statistics—and Consumers Union's own work—emphasize that our food-safety system could be better.

The national Centers for Disease Control and Prevention estimates that each year, food-borne pathogens cause 325,000 hospitalizations and 76 million illnesses, resulting in 5,000 deaths. Though technological advances, such as pasteurization, have nearly eradicated some forms of disease, other hazards have cropped up.

Changes over the past century in how food is produced, processed, and transported have created new risks for contamination. For example, with mass production, a single batch of hamburger could contain meat from more than 100 cows. If just one of those cows were contaminated with enough *E. coli* 0157:H7, hundreds of people could get sick from burgers made with the contaminated meat, if it were not properly handled and cooked. Environmental hazards can also endanger the food supply, as we found when we tested canned tuna for mercury (see page 17).

Changes in our lifestyles and eating habits can create some unexpected risks. If food from a salad bar or open buffet is not held at the proper temperature—or, again, is not properly handled—it could make you ill.

Our present food-safety system is simply not designed to meet today's needs or tomorrow's threats. With responsibility spread among a dozen agencies interpreting some 35 different laws—some of them almost 100 years old—there's no clear authority or coordination of food-safety oversight. Cheese pizza, for example, is regulated by the Food and Drug Administration (FDA), while pizza with



pepperoni is regulated by the U.S. Department of Agriculture (USDA). Shell eggs are regulated by the FDA; most processed egg products by the USDA. Meat slaughtering and packing plants, which fall under USDA jurisdiction, undergo daily inspections, while years can pass between inspections at facilities under FDA jurisdiction.

Imports from all over the world line the shelves of our supermarkets, some from countries where food-safety standards and practices are not as stringent as ours. Yet, on average, only 1 percent of shipments of imported food under the FDA's jurisdiction is inspected.

The patchwork of regulations and agencies—and the inconsistent enforcement of standards—leaves American consumers playing a kind of food-safety roulette. Our current food-safety system is ill-equipped to stem the tide of food-borne illnesses caused by the organisms we know to be dangerous or to deal effectively with new, unfamiliar threats, such as mad-cow disease.

The General Accounting Office (GAO) has concluded that "it is unlikely that fundamental, lasting improvements in food safety will occur until systematic legislative and structural changes are made to the entire food safety system."

CU, along with other consumer groups and the GAO, recommends establishing a single federal agency to set up-to-date food-safety standards, enforce them, and carry out safety research. This new food-safety agency would be more focused and accountable, and better able to direct resources to areas of greatest need, than the present piecemeal system.

To further this mission, many of our laws on food safety should be amended and updated, incorporating the latest scientific methods, to protect public health. One example: the Federal Meat Inspection Act, which was last rewritten in 1967 and lacks appropriate enforcement powers.

In 21st-century America, we should no longer have to worry about getting sick—much less, dying—from unsafe, contaminated food.


Jim Guest
President