

USDA OFFICE OF FOOD SAFETY
Statement of
Jerold R. Mande, Deputy Under Secretary
before the
House Committee on Agriculture

July 16, 2009

Chairman Peterson, Ranking Member Lucas, and members of the Committee, thank you for inviting me to appear before you today at this hearing to review the current issues in food safety.

First of all, I would like to introduce myself to the Committee. My name is Jerold Mande, and I am the new Deputy Under Secretary for Food Safety at USDA as of last week. Before coming to USDA, I was the Associate Director for Public Policy at the Yale Cancer Center, where I developed a national model to increase support for cancer prevention and control, including diet, exercise, and obesity. Prior to Yale, I served on the White House staff as a health policy adviser specializing in key food safety, tobacco control, and cancer initiatives. Among the food safety initiatives were the expansion of FoodNet and PulseNet. I was also Deputy Assistant Secretary for Occupational Health at the U.S. Department of Labor, and I was Senior Advisor and Executive Assistant to the Commissioner of the Food and Drug Administration (FDA), where I led the design of the Nutrition Facts food label. I began my career right here in Congress where I was first hired to work on food safety legislation. Having the opportunity to serve as Deputy Under Secretary for Food Safety returns me to the topic that originally attracted me to public service and I continue to remain passionate about food safety issues. I look forward to working with the Committee in the coming months and years.

Food safety is a priority for this Administration and the USDA's Food Safety and Inspection Service (FSIS). I commend President Barack Obama and Secretary Tom Vilsack for taking on this difficult issue and making review of the current state of our food safety system a top priority. I also appreciate this Committee's work to support FSIS and to explore ways to improve the nation's food safety system.

I would like to begin my testimony today with a description of the mission and a brief overview of FSIS and then I will move on to discuss the President's Food Safety Working Group and the important recommendations it has proposed to improve food safety.

Mission and Overview of FSIS

FSIS is the public health-focused inspection agency within the U.S. Department of Agriculture. It is responsible for ensuring that the Nation's commercial supply of meat, poultry, and processed egg products is safe, secure, wholesome, and accurately labeled and packaged,

whether those products are domestic or imported. We administer and enforce the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, portions of the Agricultural Marketing Act, the Humane Methods of Slaughter Act, and the regulations that implement these laws.

FSIS Workforce

Our statutes require us to be present for all slaughter operations and to inspect each carcass, and we inspect each processing establishment at least once per shift. Inspection program personnel perform approximately nine million food safety and 1.5 million food defense verification procedures annually at these plants. In fiscal year (FY) 2008, FSIS personnel inspected about 50 billion pounds of livestock carcasses, about 59 billion pounds of poultry carcasses, and about 4.3 billion pounds of processed egg products. Additionally, FSIS personnel inspected 3.3 billion pounds of imported meat and poultry products at our borders.

In addition to in-plant personnel in Federally-inspected establishments, FSIS employs a number of other field personnel, such as laboratory technicians and investigators. Program investigators conduct surveillance, investigations, and other activities at food warehouses, distribution centers, retail stores, and other businesses operating in commerce that store, handle, distribute, transport, and sell meat, poultry, and processed egg products to the consuming public. These in-commerce businesses do not operate under grants of inspection and are not inspected on a daily basis by FSIS. However, the Agency verifies that FSIS-regulated products moving in consumer distribution channels continue to be safe and wholesome.

All products that FSIS inspection program personnel find to be not adulterated receive the USDA mark of inspection. This is one of our most powerful tools in protecting the public health. Denying the mark of inspection means that the product cannot legally be shipped in commerce and sold to the consuming public.

Data-driven Science-based Policies

Since 2000, FSIS has required that all meat and poultry plants operate under the Hazard Analysis and Critical Control Point (HACCP) system. Under HACCP, plants are responsible for identifying the hazards presented by the products they produce and the processes they implement, and for determining how to prevent, eliminate, or control the occurrence of those hazards. Our responsibility is to verify that plants are following their own food safety or HACCP plans. The HACCP system is designed to both prevent problems from occurring and facilitate the rapid identification and correction of problems before they occur.

In late 2001, FSIS began to employ food safety assessments (FSAs), further strengthening the public health protection provided by FSIS' program. These FSAs, carried out by highly trained scientific personnel, thoroughly assess the design of the plant's food safety plan, looking closely at whether the establishment has fully assessed the relevant hazards, and they verify that the establishment has put in place controls or preventive measures that are effective. These intensive reviews, now done on a routine basis, are valuable not only for what they accomplish but also because they provide data that the Agency analyzes and uses to determine whether changes or

refinements in Agency policy are necessary. FSIS has committed to conducting routine FSAs in every plant every four years, and more frequently as needed.

Our policies at FSIS are rooted in science and based on data. Through science-based initiatives and efforts to continue to strengthen our infrastructure, FSIS works to prevent adulterated food from reaching the consumer. In 2008, FSIS personnel tested about 21,300 ready-to-eat product and environmental samples using risk-based criteria for *Listeria monocytogenes* and approximately 49,000 raw product samples for *E. coli* O157:H7 in ground beef and *Salmonella* in raw meat and poultry.

Recalls

Recalls are the last weapon that FSIS uses to combat foodborne illness and protect public health. The purpose of a recall is to remove meat or poultry from commerce as quickly as possible when FSIS has reason to believe it is adulterated or misbranded. The Agency issues information about a recall as quickly as possible to the public, stakeholders and public health partners through press releases which are also posted on FSIS' Web site at www.fsis.usda.gov. FSIS also posts lists of retail stores that received product if the product presents a significant (Class I) public health risk.

Imports

Finally, FSIS ensures the safety of imported meat, poultry, and processed egg products through a three-part approach. First, FSIS establishes the initial equivalence of the meat, poultry, or processed egg inspection system of a country that wishes to export to the United States. Equivalence is the foundation for FSIS' system of import safety. Second, we verify continuing equivalence of the foreign system through annual audits. Finally, FSIS import inspectors perform re-inspection of all shipments of meat, poultry, and processed egg products at the border, including statistically-based random sampling that is intended to verify the effectiveness of the foreign inspection system.

The country-to-country approach to food safety that FSIS applies is an efficient and effective means to ensure the safety of the products that FSIS regulates and illustrates that our trading partners' governments have appropriately invested in and exercised control of their food safety infrastructure. The equivalence principle recognizes that an exporting country can employ different sanitary measures than the U.S. to address food safety hazards if the country can objectively demonstrate that its safety measures achieve the same level of public health protection as the measures used by the United States for its meat, poultry, and processed egg products.

Food Safety Working Group

The Obama Administration has already begun to act on food safety. President Obama announced the formation of the Food Safety Working Group in March and called on Agriculture Secretary Vilsack and Health and Human Services Secretary Kathleen Sebelius to co-chair the Working Group. While FSIS and FDA have a major role in the Working Group, input from other agencies and stakeholders is critically important. At a Listening Session hosted by the

White House on May 13, representatives from industry, consumer advocacy groups, State governmental agencies, and even members of your own staffs participated in breakout sessions to discuss important food safety priorities. The members of the Working Group value all the comments heard that day and are dedicated to bringing all stakeholders into the picture. The public can post their comments on the interactive website, www.foodsafetyworkinggroup.gov. Summaries of the Listening Day breakout sessions are also available on the same Web site.

Just last week, the Key Findings of the Working Group, which incorporated some of the comments from the Listening Day, was released and identified three core principles: (1) prioritizing prevention; (2) strengthening surveillance and enforcement; and (3) improving response and recovery. The Key Findings highlights steps that FSIS, FDA, and other Federal Agencies will take in the near future to improve food safety by preventing *Salmonella* contamination, reducing the threat of *E. coli* O157:H7, and building a national traceback and response system.

Focus on Prevention

The most important conclusion reached by the Working Group is the critical importance of prevention. Too often in the past, the food safety system has focused on reacting to problems rather than preventing them from occurring. The Working Group recommends a shift to prioritizing prevention and moving aggressively to implement sensible measures designed to prevent outbreaks of foodborne illness.

FSIS fully supports the Working Group's recommendation to focus on preventing foodborne illnesses from occurring. In fact, FSIS has already begun moving in the direction of prevention by increasing its focus on risk. As stated previously, the Agency has already implemented HACCP for meat and poultry products. In addition, FSIS has used performance standards for some foodborne pathogens to reduce the occurrence of those pathogens in meat and poultry products. The Agency is conducting baseline studies that will provide the data necessary to establish new and up-dated performance standards for the foods that FSIS regulates.

FSIS will continue to develop and implement other preventative measures. The Key Findings highlighted two recommendations that will work to prevent the prevalence of two common foodborne pathogens in meat and poultry products. FSIS is moving forward to implement these recommendations. First, FSIS will develop a performance standard for use in reducing the prevalence of *Salmonella* in turkeys and will revise the current *Salmonella* performance standard for young chickens. In addition, FSIS will develop performance standards for *Campylobacter* for both turkeys and young chickens. Performance standards demonstrate the plant's process control by measuring the presence of the pathogen in product. By revising current performance standards and setting new ones, FSIS will ensure food safety improvements in the products it regulates. The Agency will also enhance its *Salmonella* verification program with the goal of having 90 percent of poultry establishments meeting the new standards by the end of 2010. FSIS will also provide our inspection program personnel with streamlined, consolidated instructions to inspect, sample, and act to reduce *E. coli* O157:H7 in beef. At the same time, we will begin sampling of a beef component not previously sampled. That component, called "bench trim," are the pieces left over from steaks and other cuts that are then used to make ground beef. These

actions build on a series of previous steps FSIS has taken to ensure our meat is safe. We have started with the most common beef cuts that are used to make ground beef, and added additional cuts step-by-step when the evidence supports it. We will continue to do that.

Strengthening Surveillance and Enforcement and Improving Response and Recovery

FSIS is just as committed to the other two core principles identified by the Working Group. The Agency will be implementing regulatory and administrative actions over the next two years to strengthen its surveillance, inspection, and enforcement activities and to improve outbreak response and recovery such as enhancing the national surveillance networks for foodborne diseases like FoodNet and PulseNet and improving coordination and communication with food safety and public health partners in an outbreak.

To strengthen its surveillance through inspection, FSIS has been working on a number of actions related to data integration and analysis. The most significant initiative is the development of a Public Health Information System (PHIS), which will integrate the Agency's data systems to allow FSIS to quickly and accurately identify trends, including vulnerabilities in establishments' food safety systems, and thus allow us to more efficiently and effectively protect public health. It will be a truly remarkable new tool that will revolutionize how our inspection program personnel work by dramatically increasing the value of their observations in the field.

The Key Findings identified the following other recommendations for FSIS. First, within three months, FSIS will work with other Federal agencies to create a new incident command system to address outbreaks of foodborne illness. This approach will link all relevant agencies, as well as State and local governments, more effectively, facilitating communication and decision-making in an emergency. Second, FSIS, FDA, and the Centers for Disease Control & Prevention will work with State and local agencies to update their emergency operations procedures to be consistent with the new "Guidelines for Foodborne Disease Outbreak Response" to be issued by the Council to Improve Foodborne Outbreak Response this month. Implementation of these guidelines will lead to quicker response, better communication, and better coordination by all Federal, State, and local agencies. Third, FSIS will improve collaboration with States by increasing the capacity of its successful public health epidemiology liaison program to State Public Health Departments and expanding outreach within six to twelve months. Finally, the Web site www.foodsafety.gov will be enhanced to better communicate information to the public and include an improved individual alert system allowing consumers to receive food safety information, such as notification of recalls. Agencies will also use social media to expand public communications. The first stage of this process will be completed in 90 days.

Modernizing Food Safety Laws

The Working Group was charged with examining the whole picture of the U.S. food safety system and emphasizes the need to upgrade our food safety laws for the 21st century. The current system is hamstrung by outdated laws, some of which were enacted over 50 years ago. While the meat and poultry acts have been amended many times, they do not allow us to address the significant risks facing our food supply as effectively and efficiently as possible. These laws

should be modernized to allow for improved flexibility and coordination and to enable USDA to move quickly to address the emerging threats to the food supply.

We seek the support and commitment of this Committee to find ways to modernize the current laws. We are developing concepts, stemming from the legislative principles of the Working Group, on priorities we think should be addressed to modernize our statutes for the 21st century. I look forward to meeting with you in the near future to discuss our ideas. There are currently bills before Congress to address FDA's authorities, such as H.R. 2749, the Food Safety Enhancement Act of 2009, but we must also modernize FSIS' statutory authorities to create a national food safety system. There are many valuable provisions in H.R. 2749 and we would like to see similar legislation for FSIS. There has been unprecedented cooperation and collaboration between USDA and HHS on the Food Safety Working Group.

In the future, once Congress passes a bill and it is enacted into law, the cooperation and collaboration will continue as FSIS will work closely with Congress and FDA to implement the new legislation. We think that this modernization will be facilitated if we gather ideas from the public and our workforce through listening sessions and other means. For example, this hearing, as well as the one held by the Subcommittee on Livestock, Dairy, and Poultry in April, is very useful to gauge the input from Congress.

Not only will the modernization of FSIS' authorizing statutes improve public health outcomes, but, in conjunction with modernization of the Federal Food, Drug, and Cosmetic Act, it will be an opportunity to better coordinate food safety laws and regulations across the Federal government.

Next Steps

Mr. Chairman and Members of the Committee, I am proud to be joining the team at USDA and to have the opportunity to oversee the Food Safety and Inspection Service. It is an exciting time for food safety in this country. President Barack Obama, Secretary Tom Vilsack, and Secretary Kathleen Sebelius have clearly expressed a willingness to tackle food safety, and they are to be commended again for taking on this difficult and challenging issue. Members of Congress have also demonstrated their dedication to improving the food safety system. We cannot let this window of opportunity pass us by.

High profile outbreaks in everything from FSIS-inspected ground beef to FDA-inspected peanut products and cookie dough cause American consumers to lose confidence in the safety of their food supply. For its part, FSIS is ready to continue this dialogue and will remain committed to improving its preventative public health infrastructure in an all out effort to stop foodborne pathogens from reaching grocery store shelves and the dinner tables of American families.

Chairman Peterson, Ranking Member Lucas, and Members of the Committee, thank you again for allowing me the opportunity to be here today to discuss our current food safety system and future enhancements. I look forward to your questions.