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Statement of
Senator Dick Durbin
for the

Senate Health, Education, Labor and Pensions Committee Hearing

on

“Food Safety: Current Challenges and New Ideas to Safeguard Consumers”

November 15, 2006

Years ago, a friend from Chicago went out and bought hamburger meat at a local grocery store. She took it home, cooked it, and gave it to her five-year-old boy. That poor boy was exposed to *E. coli* and died a few days later, a gruesome, horrible death.

In 1992, four children died and 700 people were sickened by an *E. coli* outbreak that was traced to hamburgers served at Jack in the Box restaurants. That outbreak proved to be a pivotal moment in the history of the beef industry. The federal government revamped the meat inspection program which has led a decline in the number of illnesses from beef since 2000.

The *E. coli* outbreak from packaged spinach that occurred just a few months ago may prove to be the critical event for the produce industry as the Jack in the Box outbreak was for the meat industry. Three people have died and 199 have been sickened in 26 states due to *E. coli* that was traced back to packaged spinach.

This isn't the first time fresh produce has been contaminated with *E. coli*. According to the Center for Science in the Public Interest, between 1998 and 2004 there were 492 *E. coli* outbreaks linked to fruits, vegetables and fresh produce products such as pre-packaged salads. That amounts to an average of 70 outbreaks a year.

Despite these statistics, our food supply is still the safest in the world; however, there are widening gaps in our food safety system due to the fact that food safety oversight has evolved over time and is spread across several agencies. The Centers for Disease Control and Prevention estimate that as many as 76 million people suffer from food poisoning each year. Of those individuals, approximately 325,000 will be hospitalized and more than 5,000 will die. Children and the elderly are especially vulnerable to foodborne pathogens.

At a time when consumers are being urged to eat more fresh vegetables, it is imperative that the government, consumer groups and those with an interest in the produce industry develop strong science-based standards that will minimize the risk of illness from fresh produce.

The produce industry has undergone many changes over the years. In the past, it was likely that produce that ended up in a local grocery store came from a farm not too far from the

retailer. Fast forward to today – produce grown on a single farm in one state could end up on dinner tables in many states across the country. We are trying to use a 1950s food safety model to oversee a 21st Century food distribution system. That's like asking a propeller plane to keep up with an F-18.

As the number of foods imported from outside the United States continues to increase so do concerns that terrorists could easily attack our food supply and distribute a harmful product widely. It is more important now than ever to reinforce any potential weak spots in our food safety system.

One of the first changes that should be made is to give the agencies charged with overseeing food safety the ability to issue mandatory recalls. Consumers depend on the federal government to ensure that their food is safe for them and their families. The inability of the government to issue a mandatory recall would be like telling public health officials that they can ask – but not require - a restaurant to temporarily close if the restaurant is found to have a rodent infestation. It defies common sense. Mandatory recall authority should be a tool in the FDA's arsenal.

Next, we must implement a regular inspection program for domestic food facilities, with inspection frequency based on risk. One stark example of the inconsistency in our food safety system is the lack of standardization for food inspections - processed food facilities may be inspected once every five or six years by the FDA, while meat and poultry operations are inspected daily by USDA. This is unacceptable. Must we wait for an even deadlier *E. coli* outbreak to occur before we address the most obvious and serious weaknesses in our food safety system?

Another change that is needed is to require food producers to code their products so that those products can be traced quickly in the event of a foodborne illness outbreak in order to minimize the health impact of an event like the spinach contamination. In that outbreak, it took several weeks from the time the first illness was reported to the day the FDA issued its general warning for consumers to avoid eating packaged spinach.

Finally, we should consider a complete overhaul of the piecemeal approach our country has taken to protect the public from foodborne illnesses. We need to create a single food safety agency. Factors such as emerging pathogens, an aging population at high risk for foodborne illnesses, an increasing volume of food imports, and people eating more frequently outside their homes, underscore the need for change. The Government Accountability Office has been calling for a single food safety agency for more than 25 years. In a 1998 study, the National Academy of Sciences concluded that "a model food safety system should have a unified mission and a single official who is responsible for food safety at the federal level and who has the authority and the resources to implement science-based policy in all federal activities related to food safety."

We need to change, to shed the old bureaucratic shackles that have tied us to the overlapping and inefficient *ad hoc* food safety system of the past and create a system fit for the 21st Century.