



**Testimony
of
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Hearing on Traceability in Fresh Produce

**HOUSE COMMITTEE ON AGRICULTURE
SUBCOMMITTEE ON HORTICULTURE AND ORGANIC AGRICULTURE
WASHINGTON, D.C.
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Thank you for the opportunity to testify today on traceability and its potential use in fresh produce. My name is Jean Halloran and I am Director of Food Policy Initiatives for Consumers Union, non-profit publisher of *Consumer Reports*.

This is a timely and important hearing because we are still in the midst of a serious foodborne illness outbreak involving *salmonella saintpaul* in produce, which has now been linked to peppers grown in Mexico.¹ This outbreak shows quite clearly that traceability offers a way to protect consumers better, use our regulatory resources more efficiently and effectively, and limit losses of produce growers when food safety problems emerge.

¹ FDA Statement, "U.S. Grown Jalapeño and Serrano Peppers Not Connected to Salmonella Saintpaul Outbreak," July 25, 2008

We are now in an era of a globalized food supply. Food products move around the United States and are imported from other countries as never before. Unfortunately our systems for insuring the safety of food have not kept up with the changes in production and distribution systems. Congress can and should address the need to modernize FDA to deal with these new challenges. We urge you to require full traceability as part of this much needed overhaul. Consumers overwhelmingly like this concept: an Associated Press-Ipsos poll shows that 86 percent of consumers support traceability.²

Food Safety Incidents

We are now facing significant problems as to the safety of our food. The current tomato/jalapeno *salmonella saintpaul* outbreak is just latest example. This foodborne illness outbreak has sickened more than 1200 people, sent more than 200 to the hospital, and contributed to 2 deaths. As is usually true in such disease outbreaks, the deaths tend to affect the very young, the very old and those with compromised immune systems, and in this case the *salmonella* contributed to the deaths of two elderly gentlemen.³

This outbreak follows several others in the last two years that have involved significant numbers of illnesses, including salmonella in peanut butter,⁴ where the problem originated in a Georgia processing plant, and e coli in spinach, where the contamination apparently occurred on a

² <http://www.latimes.com/news/nationworld/nation/wire/ats-ap-ap-poll-food-safetyjul20,0,428028.story>

³ <http://www.cdc.gov/salmonella/saintpaul/>

⁴ FDA News, "FDA Warns Consumers Not to Eat Certain Jars of Peter Pan Peanut Butter and Great Value Peanut Butter Product May be Contaminated With Salmonella," February 14, 2007

California farm.⁵ There have also been problems with prohibited chemicals in seafood, stemming from use of the chemicals at aquaculture facilities in China.⁶

The tomato/jalapeno case is still not resolved, in that the Food and Drug Administration and the Center for Disease Control have so far not traced the problem back definitively to its source or sources. Until they are able to do that, we cannot be sure that the outbreak is over, or that it will not start up again. Although some 1200 cases have been officially reported to CDC, it is likely that many more people have been and could still be affected. Experts estimate that for every reported case in an outbreak of this type, three to ten times as many people may be affected, but are not counted because they don't see a doctor, or their doctor doesn't seek to identify the bacterium causing their problem.

This case in particular has highlighted the need to establish traceability systems in produce. FDA's original hypothesis, based on case control analyses by CDC of what victims ate, was that tomatoes were the problem food. FDA then began the extremely labor intensive process of trying to trace back the tomatoes that the people had eaten, hoping to find the source of their salmonella infection. Unfortunately they found that tomatoes go through many hands and are mixed and repackaged often. Thus trying to trace back one person's tomato became an enormous task, with trails branching again and again. The mystery dragged on for weeks, resulting in confusion for consumers and hundreds of millions of dollars in losses for our nation's tomato growers.

⁵ FDA News, "FDA Finalizes Report on 2006 Spinach Outbreak," March 23, 2007.

⁶ FDA News, "FDA Detains Imports of Farm-Raised Chinese Seafood; Products Have Repeatedly Contained Potentially Harmful Residues," June 28, 2007.

We believe that had a good traceability system been in place for tomatoes four months ago, FDA would have gotten to the bottom of this problem much more quickly. With traceability, FDA investigators could much more quickly have followed what people ate back through the distribution chain, could much more quickly have sampled along that chain, and could much more quickly understood that tomatoes were most likely not the source of the problem. This would have helped it turn its attention earlier to foods eaten in association with tomatoes, and thus to jalapenos where last week the salmonella strain was identified.

Options for Traceability

We currently have very limited traceability for food, which are not sufficient. The current system, wherein those in the produce industry keep paper records that indicate one step forward and one step back in the supply chain, creates an enormous amount of work for any regulatory agency trying to follow a trail.

We see two options for upgrading traceability at this time. One would be relatively easy to implement. We believe that at a minimum, we should have labels or marks on produce packages and boxes, and where possible on the product itself (such as with fruit), that show country, facility, date and time where the item was first processed or shipped. The label or mark should allow the product to be traced all the way back to the farm. This can be implemented in the form of a numerical or bar code on the very same sticker that will already show the product's country of origin--which is mandatory for imported products in October of this year. Such facility/date/time of processing information was present on the packages of bagged spinach that were found to contain dangerous e coli in 2006, and it allowed FDA to quickly--within a couple of weeks, instead of months--identify and isolate the source of the contaminated spinach.

An even more effective option, though somewhat more difficult to implement, is what we think of as the “Fed Ex model.” In this model, each lot being shipped would get a label like that on a Fed Ex package that would enable its progress to be tracked throughout the food distribution system. Then if you had a contaminated pepper, you could look back and see all the places it had been, and therefore all the places it could have been contaminated. We do understand that there would be many issues to resolve to implement such a system, including how to ensure that all handlers log in and log out their shipments, and whose computer would process all the tracking data on shipments in process. Still, if Fed Ex can do it, why not the tomato industry?

The alternative to implementing one of these options is the present situation where it is enormously difficult for FDA in certain cases to pinpoint the source of an outbreak. This has unfortunate consequences for consumers, the regulators and the industry. First, FDA wastes enormous financial resources getting to the bottom of the problem. Second, FDA has no choice but to inform the public when it has strong suspicions about contamination--as it did in the case of tomatoes--even though we know that an initial hypothesis, no matter how sensible and justified, may turn out to be incorrect. FDA must do this because not to do so would be irresponsible. Salmonella, e coli and campylobacter infections can all result in deaths, particularly of the most vulnerable such as young children, the very old, and the sick. Consumers need to be able to take precautionary actions to protect themselves in such situations, and FDA cannot withhold information from them that would better allow them to protect themselves and their loved ones. But consumers may needlessly discard good produce and avoid healthful foods as a result, and growers may experience enormous financial losses.

To prevent such precaution-taking from having a devastating impact on an industry, FDA must be able to get to the bottom of a problem quickly and efficiently. To do this we need product traceability.

Additional Reforms Needed

As much as traceability will help, however, the ability to trace back in response to a disease outbreak is not the whole solution. FDA should be acting proactively to prevent these outbreaks from occurring in the first place. FDA also needs other enhancements to its resources and authority to be able to prevent as well as respond to food safety problems effectively. We urge Congress provide the following so that FDA can function as a 21st century food safety agency:

- **A Substantial Increase in Resources:** Significantly increasing appropriations for the agency is essential. Registration fees can also provide revenue, although they should not substitute for appropriations.
- **Process Controls:** Companies should build safe practices directly into production. Production facilities should be required to develop and use written food safety plans to identify hazards likely to occur in their facilities, and then implement measures to reduce those hazards. FDA should be required to develop standards for process controls in areas like tomatoes and leafy greens that have caused disease outbreaks.
- **Strong Food Safety Standards:** Contamination can occur at many points along the food chain, including production, processing, shipping, or handling. Such contamination can include bacteria, illegal antibiotic residues, heavy metals, and pesticides. FDA must establish and enforce clear performance standards for food products to reduce the risk of contaminated food being released into the marketplace.
- **Traceability:** As the recent *Salmonella* outbreak has demonstrated, we desperately need to be able to trace our food throughout the supply chain when an outbreak occurs.

- **Food Facility Inspection:** Between 2003 and 2006, FDA domestic food safety inspections decreased 47 percent.⁷ On average, domestic food production facilities are inspected once every 5 to 10 years, foreign facilities even less frequently. Congress should require FDA to create a risk-based system of routine inspections, based on the type of food produced, how it is processed, and history of the plant and region or country where it is located, among other factors. All facilities regulated by the FDA, foreign and domestic, should be subject to mandatory, regular inspection by officers of the FDA. Higher-risk facilities should be inspected on a more frequent basis - at a minimum once a year - and all facilities must be inspected at least once every two years
- **FDA Border Inspections:** FDA inspects less than 1 percent of food imports at the border. This must be significantly increased, especially for high-risk foods. For example, the European Union physically inspects either 20 percent or 50 percent of all imported seafood shipments, depending upon the risk of the individual product.⁸
- **Mandatory recall authority and disclosure of retail consignees:** When FDA discovers a problem, it is forced to ask companies to voluntarily recall an unsafe product. It is important that FDA be able to act quickly in such situations and order a mandatory recall. FDA should also be required to inform consumers of all retail outlets, schools, nursing homes, etc. that are involved in a recall.

⁷ Associated Press, "Risks of tainted food rise as inspections drop; Amid high-profile scares, FDA safety testing has fallen by half since 2003" February 26, 2007.

⁸ Food & Water Watch, "Import Alert: Government Fails Consumers, Falls Short on Seafood Inspections," FWW report, May 2007, at 6.

Although this Congress has much to do and little time to do it in at this point, this problem is urgent. We urge Congress to tackle it now, and require full traceability as part of a significant overhaul of FDA's regulation of food safety.