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FOOD SAFETY

A Unified, Risk-Based System Needed to Enhance Food Safety

Statement of John W. Harman,
Director, Food and Agriculture Issues,
Resources, Community, and Economic
Development Division



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Mr. Chairman and Members of the Subcommittee:

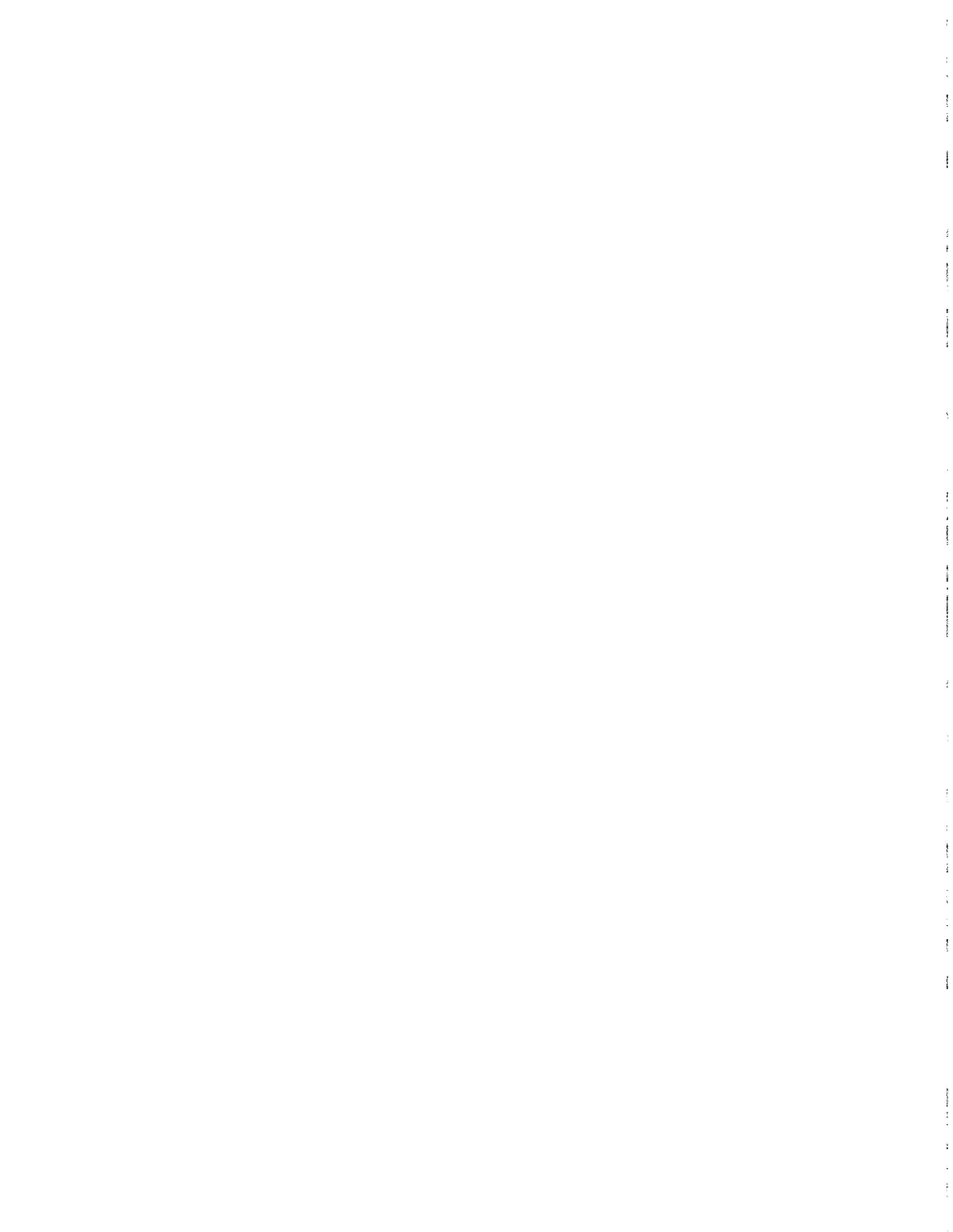
We are pleased to be here to discuss the current federal food safety system--particularly meat and poultry inspection--and whether this system should be revamped. Our testimony is based on over 60 reports and studies issued over the last 25 years by GAO, agency Inspector Generals, and others.¹

In summary, the current food safety system--which costs the federal treasury \$1 billion annually--does not effectively protect the public from major foodborne illnesses. The current system was not developed under any rational plan but evolved over many years to address specific health threats from particular food products and has not responded to changing health risks. Efforts to address food safety continue to be hampered by inflexible and outdated inspection methods, inconsistent oversight and enforcement authorities, inefficient resource use, and ineffective coordination efforts.

In hearings earlier this year on the highly publicized outbreak of illness in the Northwest caused by E. coli 0157:H7, a strain of deadly bacteria, we made several recommendations to improve the meat and poultry inspection program. However, we stated that the types of problems that plague the meat and poultry inspection program are systemic to the entire food safety system.

During the past 20 years other organizations--most recently, the Vice President's National Performance Review--have issued reports detailing similar problems and made numerous recommendations for change. While many of these recommendations have been agreed to and acted on, improvement efforts have fallen short largely because the agencies continue to operate under different regulatory approaches contained in their basic laws. Consequently, we believe it is unlikely that basic, long-term improvements in food safety will occur unless fundamental legislative and structural changes are made to the entire food safety system. In our view, creating a single food safety agency responsible for administering a uniform set of laws is the most effective way for the federal government to resolve long-standing problems, deal with emerging food safety issues, and ensure a safe food supply.

¹In particular, Food Safety and Quality: Uniform, Risk-based Inspection System Needed to Ensure Safe Food Supply (GAO/RCED-92-152, June 26, 1992) and Food Safety: Building a Scientific, Risk-Based Meat and Poultry Inspection System (GAO/T-RCED-93-22, Mar. 16, 1993). See app. I for a listing of GAO and other reports issued since 1969 on the federal food safety inspection system.



carcass be examined by a USDA inspector.² Under this traditional inspection, largely unchanged for 85 years, inspectors make judgments about disease conditions, abnormalities, and contamination in animals and carcasses on the basis of what they see, feel, and smell--a process known as organoleptic inspection. Although inspectors may identify some contamination using this traditional method, they cannot see, smell, or feel microbial pathogens, which cause nearly all cases of acute foodborne illness in the United States. Furthermore, neither FSIS nor the industry is currently required to routinely test for such pathogens on raw product.

With advances in animal and veterinary science, many infectious diseases have been controlled. Thus, the human health hazard posed by animal diseases has decreased while microbial hazards associated with the crowding of animals and other factors have grown. Nevertheless, FSIS, by law, must examine each individual carcass for signs of disease. These labor-intensive inspection procedures drain resources and limit the agency's ability to adjust inspection methods and frequencies to respond to changing health risks. To illustrate the impact on resources of inspecting every carcass, we calculated that over 1,800 inspectors were needed to visually examine the 6.8 billion poultry slaughtered in fiscal year 1992. Yet studies, including some conducted by FSIS, show that one-fourth or more of the poultry carcasses are contaminated with pathogens like salmonella that cannot be detected by such methods.

Oversight and Enforcement Authorities Are Inconsistent

Firms that process food products that pose similar health risks to the public are inspected at widely different frequencies, depending on which agency--and thus which regulatory approach--governs them. For example, firms that process meat and poultry (under FSIS' rules) are inspected at least daily, while firms that process seafood, which may be of similar risk, are inspected about once every 3 to 5 years (under FDA's rules).

Resource constraints, rather than an agreed assessment of risk, can also influence decisions on which agency will assume jurisdiction, thus precluding assignments of similar food products to one agency. For example, the decision for FSIS to have jurisdiction over open-face meat and poultry sandwiches made with one slice of bread, while FDA has jurisdiction over traditional meat and poultry sandwiches made with two slices of bread, was partly due to the resources that would be required for daily

²In fiscal year 1992, FSIS inspectors visually checked the carcasses of about 89.2 million swine, 30.8 million cattle, 5.1 million sheep and lambs, 1.8 million other livestock, and 6.8 billion chickens and other poultry.

inspection of all traditional meat and poultry sandwich plants by FSIS. According to FSIS officials, although the agency has over 7,000 inspectors, it lacked the resources to inspect all meat or poultry sandwich processors every day, so it decided to inspect the less common open-face sandwich, while leaving inspections of other sandwiches to FDA. As a result, processors of traditional sandwiches are unlikely to be inspected more often than once every 3 to 5 years by FDA, while processors of open-face meat and poultry sandwiches are inspected daily by FSIS. FDA and USDA officials said that there is no difference in the risk posed by these products.

Enforcement authorities granted to the agencies also differ. USDA's agencies have the authority to (1) require food processors to register so that they can be inspected, (2) presume that food firms are involved in interstate commerce and are thus subject to regulation, (3) prohibit the use of processing equipment that may potentially contaminate food products, and (4) temporarily detain any suspect foods. Conversely, FDA, without such authority, is often hindered in its ability to oversee food processors. In fact, because firms under its jurisdiction are not required to register, FDA is not aware of and does not oversee or inspect some domestic food processors. For example, in past reports we have noted that FDA was unaware of bottled water, deer, buffalo, and seafood processing plants involved in interstate commerce.

Inspection Resources Are Not Efficiently Used

Federal agencies are not using their inspection resources efficiently. Because the frequency of inspection is based on the agencies' regulatory approach, some foods and establishments may be receiving too much attention while others may not be receiving enough. What constitutes an appropriate level of inspection has been a long-standing issue in connection with FSIS' daily inspection requirement for meat and poultry processing plants. In addition, other inefficiencies result from duplicative inspections of the same firms by different federal agencies.

After slaughter, meat and poultry from government-inspected carcasses are inspected again if they are further processed. (Processing operations can include simple cutting and grinding, preparation of ready-to-eat products, or complex canning procedures.) FSIS has interpreted the federal inspection laws as requiring that all meat and poultry processing plants be visited at least once daily by a USDA inspector, who may spend from 15 minutes to several hours performing various inspection duties.

Our December 1977 report on FSIS' inspection program concluded that periodic unannounced inspections (referred to as discretionary inspection), instead of daily inspections, could be used to ensure the safety of meat and poultry, especially at plants with simple

operations and good compliance with regulations.³ We recommended that the Secretary of Agriculture develop criteria for deciding the optimal frequency of inspection for individual processing plants.

In 1986, the Congress passed a law giving FSIS authority to test the concept of discretionary inspection over 6 years. However, when the law lapsed in 1992, FSIS had not implemented discretionary inspection except for conducting preliminary pilot tests and issuing a proposed regulation. Although the FSIS Administrator told us that the agency continues to support the concept of discretionary inspection, FSIS is not pursuing any legislative initiative to reimpose such authority.

The inspection of food establishments by more than one federal agency also contributes to inefficient use of inspection resources. Food establishments are sometimes inspected by more than one federal agency because they process foods that are regulated under different federal laws or because they participate in voluntary inspection or grading service programs. For example, some federal agencies, such as USDA's Agricultural Marketing Service and the Department of Commerce's National Marine Fisheries Service, operate as service agencies to industry by providing reimbursable grading services for meat, poultry, egg, dairy, and seafood products. These grading agencies usually perform inspections to ensure that the products are produced under sanitary conditions before receiving a federal grade. These inspections are in addition to the ones performed by the regulatory agency, usually FSIS or FDA. Although each federal agency has different responsibilities, their inspection tasks are basically the same. As a result, the inspections are often duplicative.

Coordination Is Ineffective

The federal agencies with different food safety responsibilities and authorities depend on coordination and cooperation to avoid duplication and/or gaps in coverage. However, coordination agreements, which require agencies to notify other responsible agencies of problems encountered during inspections, have not ensured that food safety problems are corrected. Unsanitary and other unsafe conditions have persisted in food processing plants because such notifications do not always take place or the problems referred to the responsible agency are not always promptly investigated. Effective use of the agreements has been hindered by a lack of agency resources to complete follow-up investigations once a referral has been made and an absence of adequate internal systems for assigning and tracking reported problems.

³A Better Way for the Department of Agriculture to Inspect Meat and Poultry Processing Plants (CED-78-11, Dec. 9, 1977).

FEDERAL FOOD SAFETY SYSTEM NEEDS REVAMPING

In our 1992 report on the federal food safety system,⁴ we made a series of recommendations to the department secretaries to improve coordination among their agencies, eliminate duplicative inspections, and correct other problems identified during our review. In their official responses to our report, the secretaries generally agreed with our recommendations and indicated that they had various initiatives planned or underway to correct the problems cited in our report. Nevertheless, our report also recognized that, although implementing these recommendations would help improve certain elements of the food safety inspection system, improvement efforts had historically fallen short because the agencies continued to operate under different food safety statutes and appropriations. We said that it was unlikely that major, long-term improvements will occur unless basic changes were made to the overall federal food safety and quality inspection system.

We concluded that a uniform, risk-based inspection system could help ensure a safe food supply, reduce or eliminate duplication, enhance coordination, and improve consumer confidence in the safety of the nation's food supply. We recommended that the Congress hold oversight hearings to evaluate options for revamping the food safety and quality system. We presented various options for achieving such a food safety system but we also pointed out that our analysis of the advantages and disadvantages of the options indicated that creating a single food safety agency was the most effective way for the federal government to resolve long-standing problems, deal with emerging food safety issues, and ensure the safety of our country's food supply.

In our view, making a single food safety agency responsible for administering a uniform set of federal laws would (1) increase efficiency by eliminating overlapping and duplicative efforts; (2) eliminate illogical and inconsistent treatment of food products that pose similar risks; (3) consolidate federal food safety appropriations, thus allowing the agency to target food safety resources where they are most needed; and (4) reduce administrative costs by eliminating redundant overhead and by realizing economies of scale.

CONSOLIDATION OF FOOD SAFETY AGENCIES IS A LONG-STANDING ISSUE

While our 1992 report supported the creation of a single food safety agency operating under a uniform set of food safety laws with a clear public health mission, adequate resources, and appropriate enforcement powers, we did not try to answer such questions as where in the federal bureaucracy such an agency should

⁴GAO/RCED-92-152.

be located, whether an entirely new agency should be created, or whether USDA or HHS should house a consolidated food safety agency. Nevertheless, with the Vice President's National Performance Review recommending, just 2 months ago, that all food safety functions be transferred to FDA, these organizational questions have become the center of debate.

Consolidating food safety activities is not a new concept. Such a concept was debated in 1972 in connection with a proposed bill to transfer FDA's responsibilities, including its food safety activities, to a new independent agency, called the Consumer Safety Agency. This new agency was to be responsible for, among other things, ensuring the safety of the nation's food supply, although meat and poultry inspection was to remain in USDA.

Our position on this issue has not changed from the one we voiced in 1972, when we testified that whether an independent single agency was preferable to a component of an existing department was a matter of judgment upon which opinions can differ.⁵ We reasoned that what was important, no matter which setting was adopted, were certain principles: a clear commitment by the federal government to consumer protection, adequate resources devoted to that purpose, and competent and aggressive administration of the laws by the responsible agency. We said that, although these principles can be influenced by organizational placement, they probably depend more on public and political concern for the importance of the mission.

We also believe, as we testified in 1972, that it is important for the food safety mission to be housed in an agency that is not charged with responsibilities that might conflict, or appear to conflict, with its willingness to aggressively administer its public health protection responsibilities. In 1972, we pointed out that, although the Secretary of Agriculture had established a separate agency dedicated to meat and poultry inspection and related consumer protection functions, the agency still remained in a department having a principal mission of serving the agriculture industry. We suggested that such activities be given to a new independent agency or an existing agency not in USDA in order to consolidate similar functions, allow flexibility in the use of resources, and eliminate overlapping activities.

Although in 1981 meat and poultry inspection responsibilities were transferred to the current Food Safety and Inspection Service, they remained, as they do today, in USDA, which has the dual responsibility of promoting agriculture and protecting the consumer. This dual responsibility is considered a conflict of

⁵Hearings on the Consumer Safety Act of 1972 before the Subcommittee on Executive Reorganization and Government Research, Senate Committee on Government Operations, 1972.

interest by some groups, and tends to reduce public confidence in the federal government's ability to ensure the safety of the nation's food supply. For example, the Congressional Research Service, in a 1993 report on meat and poultry inspection, said that (1) the Government Accountability Project, an organization representing government and industry whistle-blowers, contended that FSIS' modernization initiatives were primarily to accommodate the industry's demands for faster production lines at the expense of public health and (2) the Safe Food Coalition, a coalition representing consumer, public health, whistle-blower, senior citizen, and labor interests, charged that USDA and FSIS consulted with industry before announcing the government's strategy for improving meat and poultry inspection but had not sought the views of consumer and labor groups.⁶ Transferring meat and poultry inspection activities to an agency independent of USDA--whether it is a newly created agency as proposed in 1972 or FDA as recommended in the Vice President's National Performance Review report--would eliminate this apparent conflict of interest and help improve public confidence.

Regardless of where it is housed, an effective and logical food safety system needs to be based on a system of uniform laws, adequate enforcement powers, and inspection methods that take into consideration the risk posed by the product, process, and processor, along with the ultimate needs of the consumer. Unlike our current system, a flexible, risk-based system could also more effectively address changes in dietary needs and the public's concerns about the safety of the foods we eat.

CONCLUSIONS

The current food safety system does not effectively protect the public from foodborne illnesses. The nature of the threat to public health from food products has changed over time, but the food safety system has not adjusted accordingly. The adoption of a risk-based approach to inspections could lead to safer products and reduced costs as scarce resources are redirected from low-risk operations to high-risk areas that require greater coverage.

Past efforts to correct deficiencies of the federal food safety inspection system have fallen short because the responsible agencies have continued to operate under different food safety statutes and appropriation acts. To obtain a uniform, risk-based inspection system, basic changes need to be made to the current regulatory system. In our view, creating a single food safety agency is the most effective way for the federal government to resolve long-standing problems, deal with emerging food safety issues, and ensure the safety of our country's food supply.

⁶Meat and Poultry Inspection: Background and Current Issues
(CRS-93-574 ENR, June 9, 1993)

Regardless of where the agency is located, there needs to be a clear commitment by the federal government to public health protection, adequate resources devoted to that purpose, and competent and aggressive administration of uniform food safety laws.

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Mr. Chairman, this completes our prepared statement. We would be happy to respond to any questions.

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