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The Senate Must Pass Strong FDA Food Safety Legislation This Year

Each year, 76 million Americans are sickened, 325,000 hospitalized and 5,000 die from consuming contaminated food.

Most at risk are young children, the elderly and people whose immune systems are weakened by other diseases or treatments like chemotherapy.

Multiple foodborne disease outbreaks in the past few years demonstrate that the Food and Drug Administration (FDA) is hampered by outdated laws, insufficient authorities, and inadequate resources. The House passed H.R. 2749 in July 2009 with strong bipartisan support. Now it's time for the Senate to consider and strengthen S. 510, a bill to improve the safety of the food supply.

S. 510 will protect the public by:

- Requiring food processors to identify where contamination may occur in the food production process, and then requiring them to take steps to prevent the contamination;
- Increasing FDA inspection of food-processing plants;
- Basing inspection frequency on the risk of the product being produced;
- Requiring imported food to meet the same safety standards as food produced in the U.S.;
- Establishing science-based minimum standards for safe agricultural production of fresh produce and directing FDA to consult with USDA and State agriculture departments on regulations to prevent the contamination of fresh produce;
- Improving coordination across federal, state, and local governments and providing grants to build state and local capacity for foodborne illness detection, surveillance, laboratories, and response; and
- Providing FDA with mandatory recall authority – something the agency does not now have.

Foodborne disease outbreaks in the past few years – linked to everything from spinach and peppers to peanut products and cookie dough – highlight the need to bring our food-safety laws into the 21st century. As Congress considers changes to the 70-year-old laws, it should make changes that will address the lessons we have learned from the slew of outbreaks in recent years.

S. 510 should be strengthened to require more frequent inspection of food facilities

Inspection is an important way for FDA to ensure that a processor's food safety plan actually produces safe food. A modern food safety system should employ a risk-based approach to inspection by basing the frequency of inspection on the risk to human health. Currently, FDA inspectors visit food processors an average of once every decade. This inspection frequency is woefully inadequate. Consumer expectations about government food inspection are high: In an October 2008 Consumers Union poll, two-thirds of respondents said the FDA should inspect food-processing facilities at least once a month.

S. 510 currently requires that high-risk facilities be inspected once a year and that lower-risk facilities be inspected once every four years.

The Senate should amend S. 510 to establish a minimum inspection frequency consistent with H.R. 2749 of once every 6-12 months for high-risk products, and at least once every 18 months–3 years for lower-risk foods. Food warehouses can be inspected once every four to five years.

S. 510 must require companies to test for and to report harmful contamination

To prevent food safety problems, processors must regularly test to make sure that company food safety measures actually work to eliminate or reduce contamination. Food companies should immediately report to FDA any test results that show significant contamination problems. This will help FDA identify where there may be problems *before* people get sick. The Peanut Corporation of America (PCA), the company responsible for the widespread *Salmonella* outbreak this past year, reportedly was able to hide multiple microbial test results that showed harmful contamination.

The Senate should amend S. 510 to include a testing and reporting requirement for all food processors to help FDA quickly identify food safety problems before people get sick.

S. 510 must better ensure the safety of imports

Imports of FDA-regulated foods present many challenges for the agency, given the large number of suppliers and the increasing number of imported food products. **The number of imported foods that FDA regulates has more than doubled in the past five years, and FDA currently inspects or samples approximately 1 percent of all imported food.** S. 510 provides a program for certifying foreign food as meeting our standards, and requires FDA to establish five foreign offices that can conduct on-site reviews of foreign establishments.

The Senate should strengthen S.510 by giving FDA the power to accredit foreign governments or independent certifiers who can verify that foods being exported here meet U.S. standards for safety. This would better protect Americans from foreign countries and facilities that have a history of poor food safety practices. S. 510 should also establish a dedicated corps of foreign inspectors who could be dispatched to any country, and not just static foreign offices in a handful of countries.

America needs strong food safety legislation to prevent the massive outbreaks and recalls that have left many consumers uncertain about the safety of our food.