

## The Forces Driving Change in Food Safety

An invited presentation at the Esther Peterson Consumer Policy Forum, 44<sup>th</sup> Annual Conference, American Council on Consumer Interests, Georgetown University, Washington, D.C., March 28, 1998.

### Carol Tucker Foreman, Safe Food Coalition<sup>1</sup>

I am pleased and honored to be invited to participate in the Esther Peterson Consumer Policy Forum. I met Esther 35 years ago. I was teaching at a small women's college in the middle of Missouri and learned that the Assistant Secretary of Labor Esther Peterson, was coming to make a speech in nearby Jefferson City. I was new to teaching, distressed at my students lack of interest in careers, government, politics or, seemingly, anything except finding a husband, and eager to get them interested in the world beyond the local fraternity houses. What better way than a stirring speech by the highest-ranking woman in the Kennedy Administration. I called the Department of Labor and asked if the assistant secretary would consider a little side trip to speak at my college and inspire some young women. The yes came back within hours.

I insisted the entire student body be gathered in assembly to hear this honored guest. Esther took the stage and spent ten minutes talking about her husband and children. She had not gotten my message. Then, suddenly, sensing that she had reached an appropriate comfort point, Esther shifted tone and subject, leaned into the podium, and delivered a stirring appeal for better working conditions and wages for women. By the end, we were all dazzled.

A year later, I was in California working on the Johnson/Humphrey presidential campaign and learned Esther was coming to spend a day campaigning in Los Angeles. I immediately claimed to be her dear friend and wangled the assignment of being her escort for the day. It was wonderful for me to watch her work the same charm on one group after another, starting slow, letting them get to know her, figuring them out, and then capturing their hearts, minds and votes.

When I returned to Washington the next year, Esther had become President Johnson's consumer affairs adviser. I wanted to work for her. So did thousands of other people and she had almost no staff. In 1967 I learned that Esther was forming Consumer Federation of America. A friend of mine was approached about being executive director and I told her -- if you don't want that job, recommend me, I want to work with Esther Peterson. I didn't get the job that time either. Another six years passed before I was hired by CFA and had the opportunity to really watch Esther at work. She was a terrific teacher.

Esther would have been particularly pleased at the theme of this year's conference, Global Policy: Local Issues. She was an actor in the global marketplace, working for the International Organization of Consumers Unions, fighting to keep unsafe products, banned in the country of manufacture, from being exported to developing nations.

But Esther always understood that, in the end, all policy and politics are local. As she did with my college students, Esther had the ability to connect on the most personal level with the people she worked with, worked for, and worked on. Washington, D.C. shoppers who had never been closer to Esther than a Giant Food poster or television commercial nevertheless *knew*-- and would tell you-- that Esther *cared* about them and would represent *their* interests. Esther wanted to know how the policy options in the briefing paper affected people.

ACCI has come to Washington at a time when change is the dominant characteristic of food safety policy. After remaining virtually the same for most of the last century, the basic concept of food inspection is changing and the structure of the federal food safety apparatus may follow soon. To understand the change, why it is happening now and why it took so long to come to pass, it is necessary to do examine some of the social, technical and political factors that are influencing this period of change.

Food policy debates are always especially interesting because we have such an immediate and intensely personal connection with our food supply. Every day, three times a day, we have to choose, for our families, and ourselves what to buy and eat.

We eat to sustain life and health. But all too often our food ends up poisoning us. Food-borne illnesses strike between six million and 80 million Americans each year and kill up to 9,000. They cost our nation as much as

\$5 billion in health care costs and lost wages annually. The personal toll of illness and death is incalculable. Yet, until recently, neither government nor industry devoted much time, attention, or resources to combating the problem.

Societal changes are major contributors to food-borne illness.

- Changes in the way food is grown, processed and shipped. Our food is mass produced, shipped long distances, processed and reprocessed.
- Changes in demography. We are an aging population, living with chronic diseases. Thanks to advancing science, more of us live longer periods of time with compromised immune systems.
- Changes in life styles. Women used to stay home and cook pot roast. They cooked it all day long-- nothing survived, including the flavor. Today, 40 cents of every food dollar is spent on food eaten away from home. With most Americans working outside the home, we rely on restaurants and carry-outs and the deli counter at the supermarket. Every time food is handled, there is an opportunity for disease causing bacteria to be introduced or to multiply to a critical point.
- Changes in the type of food we eat. Because research shows that a diet with abundant fresh fruits and vegetables may bring health benefits, these products have acquired new popularity. But uncooked food is more likely to harbor pathogens.
- Changes in the source of our food. We eat from a global plate. We can have fresh tomatoes, melons and berries in February. They often come from countries where the water and sanitary facilities are scarce. And we may get a dose of interesting and unusual pathogens along with them.
- Even the pathogens are changing. Bacteria were here before us and they'll be here after we're gone. They continue to evolve, constantly challenging existing knowledge and containment efforts. When I left USDA in 1981, we had not yet discovered that *campylobacter jejuni*, *listeria monocytogenes*, *E.coli* O157:H7, and *salmonella enteritidis* were human pathogens. In fact, some of them probably didn't even exist. Today, they cause millions of illnesses each year. Over reliance on antibiotics in human health and animal agriculture is generating new, antibiotic resistant bacteria.

All these changes have created a serious public health problem. Now, after far too long, government and industry are responding. After years of ignoring, even denying the problem, government and industry are attacking food-borne illness vigorously and, I think, effectively.

### **The Transformation in Federal Food Safety Programs**

In January 1997, President Clinton announced the creation of a federal Food Safety Initiative to fight food-borne illness. The initiative includes: expansion of the federal food safety surveillance system, improved coordination between Federal, state and local health authorities, improved risk assessment capabilities, increased food inspections, expanded research, consumer education and strategic planning. Congress voted an increase of \$43 million in this fiscal year to support the program and the President has now requested another \$101 million increase this year.

This, I can assure you, is a major change. FDA's food inspection programs have been hampered by a severe lack of resources. There has been insufficient cooperation between FDA and the Food Safety and Inspection Service of USDA.

In January 1998, the Department of Agriculture launched a completely new approach to meat and poultry inspection. The Pathogen Reduction Hazard Analysis and Critical Control Point Program represented a paradigm shift in the approach to federal food safety regulation. Each plant must take responsibility for preventing contamination and must test raw product to show that it does not have excessive amounts of fecal bacteria. The USDA has set limits on the amount of salmonella in products and will conduct regular tests to make sure salmonella counts remain below the federally established maximum. The change is the equivalent of moving from the quill pen to a modern laptop computer.

From its inception in 1906, the meat inspection program has relied upon federal employees to assure that the meat coming out of an inspected plant was wholesome. Every animal was examined before slaughter; every bird and animal carcass was examined after slaughter. Inspectors look for filth or signs of disease, and watched sausage and pizza being made.

Under the old organoleptic system, it was the inspector's responsibility --often only the inspector's--to stop bad meat from leaving a plant. The tools he used were his eyes, fingers and nose -- to peer, poke and sniff. Unfortunately, you can't see, feel or smell pathogenic bacteria.

The most extraordinary thing about the old meat and poultry inspection system is that none of the 5,000 inspectors ever tested any raw meat or poultry product for the presence of harmful bacteria. It was USDA's official position that bacteria are natural constituents of raw meat and poultry, not an adulterant.

### **Why Has the Change Taken So Long?**

The increase in food poisoning started back in the early 1980's. Many lives could have been saved if action had been taken sooner. USDA, instead, actively opposed microbial testing. Government was slow to act because:

- USDA has traditionally seen its role as advocate for industry, not protector of public health. Throughout the 1980's, former executives of the meat and poultry industries held high positions within the Department, including Secretary, Deputy Secretary and Assistant Secretary in charge of inspection. This important public health program was merely a tool to sell more meat.

The inspection agency according to the National Academy of Sciences isolated itself from the rest of the scientific and public health community and viewed the industry as its peer group. In 1989, there was a major food poisoning incident among school children in Minnesota that was almost surely *E. coli* O157:H7. According to a Pulitzer-prize winning series published in the *Kansas City Star* in December 1991, the department decided not to recall the meat. They wouldn't even test it for the deadly bacteria that had already killed four persons

- In Congress, jurisdiction over meat and poultry inspection resides in the Agriculture Committees. Members choose these committees because they have a constituent interest in production agriculture, not in order to protect public health.

The permanent Secretary of Agriculture, Rep. Jamie Whitten served as chairman of the House Appropriations Committee Subcommittee on Agriculture, which also controlled the budget of the FDA for 44 years. He was a friend of the poultry industry and he liked inspection just the way it was -- it's no surprise that in Washington, DC, the USDA's main administration building is now named after him.

- The regulated industries are a constant and large source of campaign contributions to key agriculture committee members and congressional leadership. From 1987 to 1996, the meat and poultry industry contributed more than \$9 million in and the entire food industry contributed \$41 million to members of both parties.

### **How Did the Change Take Place?**

What finally tilted the balance in favor of change? The West Coast outbreak of *E. coli* O157:H7 in 1993 was the catalyst.

First, the pathogen involved was virulent and the illnesses dramatic. Hemolytic Uremic Syndrome was more than just a belly ache. Children died terrible deaths from progressive organ failure. Subsequent outbreaks followed and it was clear that the organism is not rare.

Second, a new and activist Administration was just taking office. After 12 years of Republican rule. The new Secretary of Agriculture, a black congressman from Mississippi, was a bright, young politician on his way up. The Vice President was a student of food safety issues.

Perhaps most importantly, the president was a master of the human touch and adroit use of media. Informed of the Seattle outbreak, he immediately sent the Secretary of to Seattle. By contrast, in 1987, when a shipment of tainted beef killed four patients and hospitalized fifty other residents at two Utah mental institutions, the USDA did nothing.

However, the Clinton Administration was tied to the same industry forces that had run the Department for years. Clinton and the Secretary had to choose between consumer groups urging a new inspection team and industry and congressional support for the existing group. The old team stayed. Poultry industry leaders also opposed efforts to move inspection from the marketing area of USDA to the jurisdiction of consumer advocate Ellen Haas. Further, when the Administration and Congress put together a bill to reorganize the USDA, they left inspection within the purview of marketing.

The Administration began to back up its early commitment to change only after victims groups began to tell their stories on television and after the news media began to suggest inappropriate financial ties between the Agriculture Secretary and Tyson Foods. But I'll get back to that later.

A third factor in this budding revolution was major change on Capitol Hill. In January 1993, a bright, ambitious young lawyer from Illinois, Dick Durbin, replaced Rep. Jamie Whitten. Durbin's first act in Congress was to introduce legislation banning smoking on airplanes. He succeeded. Durbin, now a Senator, had worked in a meat packing plant while going to school.

In 1995, the Republicans took over the Congress. They were joined at the hip with the food industry and their regulatory reform agenda would have shut down inspection changes.

In the spring of 1995, as Senator Bob Dole was traveling to New Hampshire to campaign for president, regulatory reform opponents ran a television commercial featuring a young mother from Kansas whose child had contracted HUS from undercooked hamburger. She charged that Dole's regulatory reform bill would stop USDA's efforts to reform inspection and reduce food-borne illness. Dole's enthusiasm for regulatory reform waned.

Fourth, the outbreaks of food poisoning coincided with a massive increase in the number of television news magazines on the air and the increase in total time devoted to news. NBC's Dateline was born and began to appear three times weekly. CNBC and MSNBC and other cable outlets were launched and had to fill the hours. The victims of food poisoning made a dramatic case for change. Even more importantly, television reporters managed to get secret cameras into packing houses. They came out with tape of filthy plants and carcasses being dragged across dirty floors. Meat slaughter is not a pretty sight under any circumstances.

Fifth, there were the victims' families who took up reform as a crusade. The families and friends of E. coli victims organized and told their stories to both public officials and the media. They studied the problems of the system. They became experts on food-borne illness and USDA's inspection system. They couldn't be dismissed as just another special interest because they did indeed have a very special interest. Their moral authority overwhelmed the industry.

Unlike many citizen groups that arise from some cataclysmic event, they did not fall victim to infighting and were not seduced by special interests that would have redirected their efforts. They wanted meat inspection reformed and they were not deterred.

Finally, there was politics. In an era of poll driven policy, the STOP activists were well placed to make their case. The activists had not only knowledge, and moral authority, but also timing. Most of the STOP activists were women, mothers of young children who died. They emerged on the scene just in time to meet an important political change.

Bill Clinton was elected president by carrying large majority of votes of non-college educated, younger women -- the so-called soccer moms. After the health reform fiasco of 1994, the soccer moms stayed home and did not go to the polls in that November. Republicans took the Congress, and Clinton was declared politically dead two years into his first term. But the polling numbers -- both generally and for the President -- indicated that food safety and the stories of the E. coli victims were powerful politics for the President. He signed the HACCP regulation in the White House on a Saturday, surrounded by victims families.

At the 1996 Democratic Convention, Senator Barbara Boxer, in a major address, used video tape of STOP member Rainier Mueller talking about his son's death. The war on food-borne illness is powerful politics. It contributed to the President's re-election.

And it is not surprising that last year, opponents of the President's fast track legislation rallied support from STOP and victims of food poisoning traced to imported produce to help defeat that legislation.

### **The Problems Ahead**

The fight for meat and poultry safety has been an extraordinary story. But it isn't complete yet. The new meat and poultry inspection system is in place in the 300 largest plants, but will not be implemented through the industry for another two years. There are dangers ahead:

- Many in the industry want to drop microbial testing -- or hang so many burdens on the new system that it will fail.
- Small businesses, not yet under the new program, are politically powerful and will try to secure exemptions for themselves.
- Inspectors are threatened and their elected leaders are charging that the new system is an industry honor system. When the inevitable food poisoning incident finally comes, they'll demand we go back to the old ways.
- Hundreds of reporters are waiting eagerly to write the first, new system fails article.

So, like that laptop computer I mentioned earlier, the new attack on food-borne illness has weaknesses. There is a multitude of opportunities for the system to crash. True reform is more than just change. It never comes easily. And it must be sustained by continued attention, support and even further reform.

Endnotes

1. Carol Tucker Foreman is founder and coordinator of the Safe Food Coalition, an alliance of public interest groups that led the successful ten-year campaign to reform the nation's meat, poultry and seafood inspection laws. As Assistant Secretary of Agriculture for Food and Consumer Services, 1977-81, Mrs. Foreman administered the nation's meat and poultry safety programs. She is president of Foreman Heidepriem & Mager Inc., a Washington, D.C. public policy consulting firm.