

TESTIMONY

Statement of the Honorable Rosa L. DeLauro

Joint Hearing of the Senate Subcommittee on Oversight of Government Management and the House Subcommittee on Government Efficiency

April 30, 2002

Mr. Chairman and Members of both Senate and House Committees, thank you for the opportunity to testify on this important health issue that affects our children. I would especially like to thank Chairman Durbin for all his efforts to improve our nation's food safety. We have worked closely on this issue for many years, and I look forward to working together with you in the future.

The National School Lunch program was established to improve children's nutrition, increase lower-income children's access to nutritious meals, and help support our nation's agricultural economy. On an average day in 2001, more than one of every two children in America ate a School Lunch program meal. In my own state of Connecticut, 1,093 schools participated in the program, and about 272,000 students enjoyed healthy meals. The School Lunch program is a key component to improving the diet and health of our children.

There is no question that this program is vitally important, but we must remain vigilant to ensure the safety of the food that is served to our kids. This is a special concern because foodborne pathogens that might only mildly affect an adult could seriously sicken or even kill a child whose immune system has not fully developed. I have had personal experience with this problem. When I was child, I contracted salmonella, a food borne illness. I was put in a hospital quarantine for several days, away from my parents and family. I understand the devastating effects of foodborne illness.

A February 2000 GAO report concluded that "few outbreaks of foodborne illness" were reported in the School Lunch and School Breakfast programs. While this encouraging, we should still be concerned about contaminated food in these programs. Modern food processing systems and a patchwork of federal oversight expose food to deadly pathogens. To further ensure the safety of our children, we must address these issues.

As a recent Chicago Tribune series reported, some schools no longer prepare their meals from scratch. According to the series, 15 percent to 20 percent of schools currently contract out their lunch programs. Meals are factory-frozen and "pre-plated"; manufactured according to portion size and nutrition requirements of the school lunch contracts. As a result of these techniques, harmful pathogens can contaminate these food trays, and sicken more children. The largest cases of foodborne illness have included 400 children sickened by staphylococcus aureus in spaghetti in 1996 and the 213 students sickened at 23 Michigan schools from strawberries contaminated with hepatitis A.

Of greater concern is the current federal oversight of the safety of the food in the School Lunch Program. While the School Lunch and other federally assisted meal programs are administered by the Food and Nutrition Service at USDA, the safety of school meals is monitored by USDA's Food Safety and Inspection Service and the Food and Drug Administration. FSIS is required to ensure the safety of all meat, poultry and some egg products and FDA is responsible for all other foods including fruit, seafood, vegetables and other products. As a 2001 GAO report stated, "the current food safety system is a patchwork structure that hampers efforts to adequately address existing and emerging food safety risks." Further, "the resulting fragmented organizational and legal structure causes inefficient use of resources, inconsistent oversight and enforcement, and

ineffective coordination, which together hamper federal efforts to comprehensively address food safety concerns.” (GAO-02-47T)

In addition, even if contaminated food is identified, neither FSIS nor FDA has the ability to order a mandatory recall of the product. Instead, both agencies can only request manufacturers to start a recall voluntarily and announce if a manufacturer has started a recall to keep the public informed. But as the GAO reported, “the announcements do not include detailed information, such as whether the recalled food was delivered to a USDA food assistance program or was USDA-donated food.” (GAO/RCED-00-53)

How can we address these critical issues? First, schools must be given the tools they need to make sure the food they serve is safe. This includes ensuring that kitchens and cafeterias are clean and training food service employees in safe food handling practices. The Chicago Tribune series gave many examples of dirty kitchens, improperly handled food and undercooked meals. Ensuring that foods are properly handled from the farm to, in this case, the cafeteria is critical to the safety of our children.

At the federal level, we can also do more. I believe we need to consolidate and streamline the various agencies that are responsible for protecting our food and put authority into one food safety administrator. To that end, in May 2001, I introduced the Safe Food Act. Like Senator Durbin’s bill, the legislation would establish an independent agency called the Food Safety Administration with responsibility for all federal food safety activities. It would transfer all food safety activities to the new agency from parts of USDA, FDA and the Department of Commerce. Currently, my bill enjoys 43 bipartisan cosponsors who believe this is the right thing to do.

Second, I think we should give USDA and FDA the authority to conduct a mandatory recall to ensure that contaminated food does not make it into the school cafeteria. In looking at recent data, in some cases USDA has only been able to recover a small part of a contaminated product. For example, in 2000 one company initiated a voluntary recall of 22,000 pounds of ground beef tainted with e. coli. While the case is still open, so far only 10 pounds of the product have been recovered. We need to be able to move swiftly, and I believe giving USDA and FDA the authority to institute a mandatory recall would do that.

Finally, we must maintain the zero-tolerance salmonella standard for ground beef used in the School Lunch program. In July 2000, USDA instituted the standard so that children would not be exposed to this pathogen. While this has contributed to the rejection of millions of pounds of ground beef, in the spring of last year the Department proposed to reverse course and sample for other “indicator organisms” to identify contaminated products. I thought this was the wrong thing to do. Working with Senator Durbin and others, we made sure the zero-tolerance standard was maintained. I believe this is a critical component to the safety of the food used in the School Lunch Program.

Our school children need to be able to sit down at lunch and know that everything possible has been done to ensure their food is free from contamination. There is no higher priority than the safety and health of our children.

Thank you for the opportunity to testify today, and I look forward to working with you in the future.

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