

## TESTIMONY

**Testimony of Tim Hammonds**  
President and CEO  
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**Before the Subcommittee on Oversight of Government Management,  
Restructuring and the District of Columbia**  
U.S. Senate Committee on Governmental Affairs

**Hearing on Federal Food Safety Oversight:  
Does the Fragmented Structure Really Make Sense**

**October 10, 2001**  
**Washington, DC**

Good morning Senator Durbin, Senator Voinovich and members of the subcommittee. I am Tim Hammonds, president and CEO of the Food Marketing Institute. FMI is the national trade association representing the retail supermarkets and food distribution industry.

Thank you for holding this hearing on Federal Food Safety Oversight. In light of recent events, it could not be more timely. I'm honored to have the opportunity to testify before you today.

I will submit my oral testimony along with FMI's Board-adopted policy on Designating a Single Food Agency for the record. In the interest of the subcommittee's time, I will summarize the key points.

This hearing is especially timely because our current federal food safety guidelines are ill equipped to deal with today's challenges. More than a dozen federal agencies have jurisdiction over various parts of our food supply. There are over 35 laws that govern food safety. This patchwork quilt creates inconsistencies, gaps, overlaps and a duplication of effort that is becoming increasingly unworkable. As these agencies struggle to cope with the many inconsistent statutes and regulations under which they operate, more than 50 interagency agreements have been negotiated in an attempt to bring some degree of order to the process. As this system has evolved piecemeal over nearly a century, it has become primarily reactive rather than working to anticipate and prevent problems.

Clearly no one now designing a regulatory system to maintain the wholesomeness and integrity of our food would ever design anything remotely resembling what we have today. The case for designating a single food safety agency then centralizing resources and responsibility was compelling in May of 2000 when FMI's Board adopted that position; the need for such a system now is imperative. In addition, we believe this could be accomplished without disturbing the oversight authority of the current committees of jurisdiction in the House and Senate.

You will note that we are on record in support of *designating* a single food agency, not in support of creating an entirely new agency. We believe too much expertise would be lost, too much of our existing credibility would be squandered, and too much time would be wasted if we attempt to create an entirely new agency from scratch. In our view, the best course of action would be to centralize resources, responsibility,

and authority within one of the existing agencies then elevate the status of this group to a level appropriate to our new challenges.

In the wake of the attacks on America of September 11<sup>th</sup>, we have begun to look for vulnerable areas in our society. The safety of our food supply is a legitimate subject for inquiry. Put under that microscope, it's clear that now when additional funds are needed to assure food security, we can ill afford the current system's lack of coordination and the resulting waste of resources.

Should a crisis arise, real or manufactured as a hoax, the deficiencies of the current system would become glaringly obvious. For example, let's assume a tampering hoax is staged. The public needs rapid reassurance from a credible source. Under current policy, that could easily involve multiple government agencies. Since it is rare that a single agency has complete jurisdiction over the entire scope of a major food safety problem, it has been our experience that none of the Agencies step forward in times of crisis. It becomes impossible to find a spokesperson who can rapidly clarify the facts and reassure the public. Far more typically, the public is faced with a lengthy delay while our overlapping bureaucracies creak into some sort of action culminating in a message to the public.

To the issue of whether a coordinator would be enough to oversee the existing agencies, we have an open mind but are doubtful. Although some improvements could certainly be made, there would still be overlapping jurisdictions and gaps. Let's just consider the task of assuring the public as to the safety of imported foods. Responsibility for imported foods is split between the Food and Drug Administration and the Department of Agriculture, which rely in part on the Custom's Department's statutory authority over imports. FDA and USDA use very different approaches for imported foods under their jurisdiction. This was well documented in the 1998 General Accounting Office report with the unflattering title: *Food Safety: Federal Efforts to Ensure the Safety of Imported Foods are Inconsistent and Unreliable*.

Both USDA and FDA independently evaluate foreign country food systems. Under this system, a country may be acceptable for FDA purposes yet failed by the USDA. USDA and FDA inspectors work at the same ports of entry yet cannot share duties. A USDA inspector may be idle if there are no meat or poultry products at the dock, yet products under FDA-jurisdiction may go uninspected due to a lack of personnel. USDA maintains one database, and FDA maintains another. It's clear that the inspection of products arriving at our ports is inefficient. A more coordinated approach between all of our food safety agencies is needed along with a greater willingness to share resources.

Let me emphasize that none of this is due to a lack of skill or dedication of those working within our various food safety agencies. Quoting from the 1998 report of the *Committee to Ensure Safe Food from Production to Consumption*, a committee formed by the Institute of Medicine and the National Research Council.

*“Officials who direct or carry out diverse functions under the multiplicity of statutory mandates are capable and dedicated, as are their state and local counterparts. They perform remarkably well, given their budgetary and statutory constraints, but they operate within an institutional framework that is out of date and poorly designed to accomplish the critical goals that [food safety] regulation in this field must achieve. The*

*increasing complexity of food production and delivery and the exploding internationalization of the US food supply impose added pressure on the federal regulatory apparatus which was constructed in simpler times.”*  
[National Academy of Sciences report, page 79]

Our FMI Board of Directors is open to other solutions that would improve food safety oversight. However, we find it difficult to come up with a simpler or more direct approach than designating a single food agency.

Thank you Senator and members of the subcommittee for the opportunity to speak with you today on behalf of the members of the Food Marketing Institute.

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