



## Consumer Federation of America

TO: OBAMA FDA TRANSITION TEAM  
 FROM: CAROL TUCKER-FOREMAN/CHRIS WALDROP  
 DATE: DEC. 8, 2008

Thanks for meeting with us about current and future food safety challenges that the new Administration will have to address and actions that can be taken in the first 30-90 days.

Based on that meeting we feel compelled to repeat the rationale for establishing a new organization within HHS to provide the leadership and visibility that food and nutrition issues require. As President-elect Barack Obama takes office, food safety is a particularly pressing issue:

1. Increased awareness of the link between diet and health has led government officials to urge Americans to consume more fruits and vegetables. At the same time, major outbreaks of serious foodborne illness have been associated with fresh produce. People will not eat more produce to avoid long term disease if they fear it is going to make them sick now.

2. U.S. trade policies have vastly expanded the market for imported foods. Much of the increase has come from countries that don't have highly developed food safety systems. Serious foodborne illness outbreaks have been traced to imported foods, especially produce and seafood. Both are regulated by FDA.

### Percentage Volume of Imported Foods Consumed By Americans 1995-2005

YEAR	Overall	Fish/ Shellfish	Fresh Fruit noncitrus	Processed Fruit	Tree Nuts
1995	11-12%	55%	34%	20%	40%
2005	15%	84%	43%	37%	54%

3. There has been little progress reducing foodborne illness over the last eight years. We are still short of meeting the 2010 National Health Objectives for reducing foodborne illness. Each outbreak of foodborne illness gets 24/7 coverage on cable television and the Internet.



#### 4. Americans' confidence in food safety is declining.

--A Thomson-West survey in December 2007 said 61% of Americans were worried about food safety.

--The Food Marketing Institute's 2007 Trends shows consumer confidence in the safety of food purchased at the supermarket declined 16 percentage points between 2006 and 2007. While there was a rebound in 2008, the FMI authors pointed out that the survey was done in January before massive recalls of meat in February and tomatoes/peppers through the summer.

--According to a United Fresh Produce Association poll taken just before and during the Salmonella Saintpaul outbreak last summer, the number of consumers concerned about produce safety rose from 46% in April to 54% in August.

--The 2008 FMI Trends report said only 5% of Americans are "very comfortable" with the safety of imported food.

#### FOOD SAFETY AND PUBLIC HEALTH

Food safety is a public health function and leadership should come from the nation's health department rather than from officials primarily concerned about free trade policies or production agriculture. However, HHS and FDA have not provided the leadership required.

Inadequate funding is only part of the problem. FDA leaders have usually been chosen for their expertise in drugs. Food issues have garnered little attention and few resources. In the food arena emphasis has been on nutrition education and the safety of food additives, not on preventing foodborne illness. Increasing FDA's budget will not make up for lack of leadership and a strong administrative structure.

The new Secretary of HHS has been given primary responsibility for health care reform. That will consume the overwhelming majority of his time. Serious drug and device regulation issues await the new Commissioner, again they'll consume most of his/her time. When tobacco regulation is added, there will be even less time and attention for food and nutrition concerns.

Although leadership on food safety should be in the public health agency, FDA and HHS have never taken on that responsibility and are not prepared to do so now. The USDA's Food Safety and Inspection Service is much more vigilant in preventing contaminated imports from entering the U.S. food supply. Congress, distressed by FDA's ability to assure the safety of imported fish, moved catfish inspection from FDA



to FSIS. In doing so, Congress assured that there will be continuous inspection of catfish processing plants, that countries exporting to the U.S. will have to show their inspection system is equivalent to the U.S. system and that USDA's inspectors will actually inspect imported catfish at the point of entry. Some members of Congress were eager to move all seafood inspection to USDA.

At USDA food safety programs are under the direction of a congressionally established position, Under Secretary for Food Safety at USDA. The position outranks the FDA Commissioner and has authority to establish budgets and staffing patterns. The FDA's "food czar" by contrast, has no line responsibilities and no control over the agency's budget.

When President Obama names a strong food safety advocate to the USDA Under Secretary position, USDA's role will become more visible and more powerful. It is likely that, in the absence of major change in the way the Department of Health and Human Services manages food safety, leadership will continue to move away from HHS to USDA or to a separate food safety agency.

Food, drugs and devices all present the new Administration with challenging issues. Addressing them requires adequate resources, but it also calls for a modern administrative structure and high level, fully engaged and visible leadership. The best way to achieve that is through creation of a new Federal Food Administration within HHS that assumes all of the food related functions now assigned to the FDA.



FOR IMMEDIATE RELEASE  
Friday, December 12, 2008

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## **Consumer Groups Call on Obama Administration to Take Action on Food Safety During First 100 Days**

### *IOM Recommendation to Move Meat and Poultry to FDA Questioned*

WASHINGTON—The Institute of Medicine today stated that the Food and Drug Administration's food safety system remains ill-equipped to meet emerging challenges and that the legal authority underlying all government inspection programs should be updated to emphasize prevention of foodborne illness. The IOM further suggested there would be benefits to creating a new focused food safety entity within the Department of Health and Human Services rather than continuing at FDA. Consumer Federation of America and the Center for Science in the Public Interest endorsed that action and today are urging President-Elect Barack Obama to act quickly to advance it.

The groups are puzzled though, that the IOM, recommended moving well-functioning U.S. Department of Agriculture programs into the dysfunctional FDA. While consumer groups and numerous members of Congress have supported consolidating all food safety functions in a single independent agency, moving meat and poultry inspection to FDA would undermine the strengths of meat and poultry inspection and overwhelm the food safety apparatus in HHS.

It is also true that Congress has consistently refused to consider moving the Food Safety and Inspection Service's inspection programs to HHS. That recommendation from the IOM is dead on arrival on Capitol Hill, and it should be, according to CSPI and CFA.

Instead, the groups urged the Obama Administration to take immediate steps to re-invigorate the federal food safety effort, reduce the risk, and restore consumer confidence in the ability of the government to assure the safety of the food supply.

The groups said that the President, within the first 100 days in office, should:

- Issue an executive order re-establishing the White House Food Safety Council to provide him an overall view of food safety needs, and direct the Council to manage strategic coordination of all food safety efforts and create a long-term budget plan for food safety agencies.

- Direct the Food Safety Council to work with Congress to establish a commission made up of government officials, industry and consumer leaders, and food



safety experts to develop a proposal to bring together the various federal food safety efforts into a single agency charged with protecting the public from food-related illnesses.

--Instruct the Secretary of Health and Human Services to combine under a single HHS official, program and budget responsibility for all HHS food safety activities. The official should be directly accountable to the Secretary and responsible for leading food safety activities at FDA, including setting preventive safety standards for all FDA-regulated foods and assuring FDA inspection activities are carried out effectively. The Secretary should also direct this official to lead the effort to establish within HHS a Food Safety Administration, consisting of the food-related activities now undertaken by the FDA, operating under a modernized food safety statute.

“These steps will go a long way toward putting our food safety regulatory system back on track,” said Chris Waldrop, Director of the Food Policy Institute at Consumer Federation of America. “This is an opportunity for the new Administration to greatly improve the safety of America’s food supply.”

“The safety of America’s food supply has suffered from malign neglect under the Bush Administration,” said Michael F. Jacobson, executive director of the Center for Science in the Public Interest. “Comprehensive food safety reform is the kind of change we need. The status quo, after all, is killing about 5,000 and sickening tens of million Americans a year.”

“The President cannot alone fix the organizational problems that make Americans uncertain about the safety of our food but, by acting quickly to do what he can, he will help restore confidence that government is working to address the problems, added Carol Tucker-Foreman, distinguished fellow at CFA.

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Consumer Federation of America is a non-profit association of 300 consumer groups, representing more than 50 million Americans. It was established in 1968 to advance the consumer interest through research, education and advocacy. The Food Policy Institute at CFA works to promote a safer, healthier and more affordable food supply.

The Center for Science in the Public Interest is a nonprofit health-advocacy group based in Washington, D.C., that focuses on nutrition, food safety, and pro-health alcohol policies. CSPI is supported largely by the 950,000 U.S. and Canadian subscribers to its *Nutrition Action Healthletter* and by foundation grants.