

US: FDA knew of food contamination for years

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For years, the federal Food and Drug Administration knew about contamination problems on California spinach farms and at a Georgia peanut butter processor that sickened at least 600 people and caused at least three deaths, according to agency documents and interviews obtained by the *Washington Post*.

The spate of recent outbreaks in the US underscores not only the vulnerability of the country's human and animal food supplies at every stage of production and distribution, but also the role of government agencies, which are understaffed and rely on the agriculture companies to voluntarily police themselves. The *Post* reported on the documents in an article published April 23 ("FDA Was Aware of Dangers to Food," by Elizabeth Williamson).

Food poisoning is excessively common in the US, with as many as 81 million cases each year, according to federal Centers for Disease Control and Prevention estimates, although for the most part only very serious cases are reported.

The country has experienced numerous outbreaks and recalls over the past nine months. Since August, thousands of reported illnesses have been attributed to tainted spinach, lettuce, carrot juice, tomatoes, candy, milk, green onions, ice cream, oysters and peanut butter. Other products, including potato salad, cantaloupes, and pancake mix have also been recalled.

Throughout these outbreaks, the FDA, which lacks the authority to issue mandatory recalls, has relied on the food industry to enforce its own voluntary safety standards—and what little authority the federal agency does have is not regularly exercised.

A case in point, the FDA was aware of contamination problems in California's Salinas Valley agricultural region for years. A particularly virulent strain of the food borne pathogen *E. coli*, associated with manure

and run-off from large industry cattle farms, had repeatedly been detected in spinach and other leafy greens fields in the region.

In 2005, Robert Brackett, director of the FDA's food safety arm, wrote to California produce growers, "FDA is aware of 18 outbreaks of foodborne illness since 1995 caused by [*E. coli*] for which fresh or fresh-cut lettuce was implicated ... In one additional case, fresh-cut spinach was implicated. These 19 outbreaks account for approximately 409 reported cases of illness and two deaths."

The following year saw an *E. coli* outbreak associated with spinach from the region that sickened over 200, killed 3, and prompted the largest produce recall in US history. No fines were levied against Natural Selection Foods, the processor of the tainted spinach, after the outbreak. In the months since, 35 lots of the company's spinach have been found to have *E. coli* contamination. Clearly, the problem is ongoing in spite of dangerous public health consequences.

Likewise, in the case of the tainted peanut butter, contamination problems found by agency inspectors were not pursued by either the agency or the producer. In its report, the *Washington Post* quoted a 2005 FDA review that described unsanitary conditions at the Georgia ConAgra peanut butter processing facility pinpointed in February as the source of tainted Peter Pan and Great Value brands that sickened over 400 people.

A leaking roof and malfunctioning sprinkler system at the facility had fostered the growth of the bacteria salmonella, and FDA inspectors were looking into "an alleged episode of positive findings of salmonella in peanut butter in October of 2004 that was related to new equipment and that the firm didn't react to ... insects in some equipment, water leaking onto product,

and inability to track some product.”

During that inspection, the FDA report said, ConAgra admitted to inspectors that it had destroyed some peanut butter in October 2004, but did not explain why. When inspectors asked the company to provide documentation, ConAgra representatives told the agency to put the request in writing, which the FDA never did. “We did not receive a written request,” a ConAgra spokeswoman told the *Washington Post*, “they filed the report and that was that.”

Brackett defended the lack of follow-up by saying, in the paper’s words, that inspectors had not seen anything “truly dangerous.” He told the *Post* that the unsanitary conditions found in 2005 do not “necessarily connect to the salmonella outbreak right now. It’s not unusual to have it in raw agricultural commodities.”

The division’s medical officer, David Acheson, told the *Associated Press* that the moisture in the facility was “a logical explanation” for the salmonella, but added, “Whether it’s the sole explanation, I don’t think we’ll ever know.” Shrugging off the notion that the outbreak could have been prevented or that the company bears some responsibility, he said, “It doesn’t automatically follow that a company, just because they had a recalled product that made people sick, did anything wrong that they could have done differently and did it deliberately.”

Indeed, some responsibility for the outbreak is also owned by the FDA, and in turn by the Bush administration, which has appointed pro-industry figures to the agency and implemented drastic cuts to its inspection budget.

Since 2003, the FDA’s food safety division has had its budget nearly halved, to \$25 million. The number of full-time positions in the division fell from 950 to 817, even as the number of food processors in the industry has grown to 80,000 and imports have exploded into the US market. Congress has approved a \$10 million increase in food safety funding—yet the USDA received an increase of ten times that amount to oversee far fewer facilities.

In response to the public distress over the rising incidence of food contamination, Congressional Democrats have made various gestures towards strengthening oversight. In January, the newly Democratic-controlled Congress added the FDA to its “high risk” list, suggesting that its inefficiencies left it

open to waste and fraud.

Connecticut House Democrat Rosa DeLauro, who chairs the subcommittee appropriating the FDA’s budget, suggested she would cut salaries to top agency officials for fiscal year 2008 unless they immediately articulated a plan to improve standards.

The posturing of the Democrats ignores the fact that the voluntary self-policing of the agricultural industry has been a long-standing policy of the US government, including under Democratic administrations. In the late 1990s, the Clinton administration issued a series of guidelines in response to the rise of E. coli and salmonella illnesses that were entirely voluntary. The agricultural industry has long resisted even the most minimal federal regulations for fear that safety restrictions will cut into corporate profits.

In March of this year, in response to the more recent outbreaks, the FDA issued another series of guidelines for fresh food processors, likewise voluntary.



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