

# US: Nationwide salmonella outbreak forces major recall, plant closure

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On January 30, the federal Food and Drug Administration announced it was opening a criminal investigation into food safety violations at a Georgia peanut plant responsible for a nationwide salmonella outbreak that has sickened more than 500 people and killed at least 8 since September. Over 100 children under the age of five are among those who have been made seriously ill by the contaminated food.

After concluding a two-week investigation of the plant last week, the FDA issued an advisory to dispose of every product containing peanuts processed there within the past two years. The recall, one of the largest in US history, extends to over 430 different foods made with peanut products from the Blakely, Georgia facility run by Peanut Corporation of America. The recall has been extended to markets in Canada and Europe.

In a press conference Wednesday, FDA officials said that evidence indicated the company knowingly shipped out tainted batches of peanut products in a dozen instances spanning 2007 and 2008 alone. Officials told the press that the FDA became aware of the violations only after the agency reviewed previously undisclosed company documents, obtained by invoking a special bio-terrorism law.

Michael Rogers, the director of the FDA's regulatory field investigations, said that review of the company's records revealed "situations in 2007 and 2008 where the firm's own internal testing program identified salmonella contamination in a product."

After finding its products contaminated, the company did nothing to clean up or prevent contaminations.

Instead, Rogers said, the company simply drew another sample and tested to get a negative result. Rogers pointed out that salmonella bacteria could be present only in pockets of a batch of peanut butter, making it possible to draw a negative sample from a contaminated product lot. "And after getting a subsequent negative test result, sometimes using another lab sample," he told reporters, "the firm shipped the finished products."

Last month's preliminary investigation also documented numerous serious sanitation problems at the facility. Inspectors found open gaps in the ceiling near air-conditioner intakes that were over two feet long and half an inch wide, through which rainwater and bird feces could fall into the production areas.

Documents from previous state-level inspections described grease and dirt buildups throughout the facility, gaps in doors large enough for rodents to get in, a roach infestation, mold growing on the ceiling, and many other problems.

The layout of the facility itself contributed to contamination. Pallets of raw agricultural products and finished goods were stored in close proximity, encouraging re-introduction of bacteria. Employees and equipment passed from raw to processed areas of the plant. The report also noted that a single sink was used for washing hands, utensils, and mops. The inspection found poor ventilation and moisture problems throughout the plant. In the processing area there was no air filtration system to mitigate humidity.

Taken together, such issues suggest a lack of basic industrial planning to prevent product adulteration on

the part of the company, and that the plant was not properly designed to safely process dry goods. That the facility could be inspected year upon year without being shut down for such inadequacies underscores the lack of enforcement powers of government regulatory agencies.

Deliberately shipping a product made in unsanitary conditions is a violation of federal interstate commerce law, although the penalties are absurdly light. Former FDA food safety official Michael Taylor told the *Washington Post* in an article published January 31 that the investigation could result in misdemeanor or felony charges against Peanut Corporation of America.

“If the facts are true as have been reported,” Taylor told the *Post*, “you have a company that was knowingly and recklessly shipping products from a facility known to be contaminated with salmonella, sending over 100 people to the hospital and killing as many as eight.” He added: “The question is whether the criminal remedies in the Food and Drug Act are sufficient, given the severity of the harm.” Currently, penalties range from a mere \$1,000 to \$10,000 fine and one to five years imprisonment.

Last week FDA officials also revealed that the agency had refused to allow a shipment of Peanut Corporation of America’s products to re-enter the US after it was rejected from Canada in April 2008. According to the FDA, the batch of chopped peanuts was found to contain a “filthy, putrid or decomposed substance, or is otherwise unfit for food.” The shipment was later found to have contained metal fragments. After months of back-and-forth between the agency and the company—including an unsuccessful attempt by the company to “clean” the contaminated shipment—the batch was destroyed in November.

Following that incident, rather than pursuing an investigation into conditions that had led to the adulterated food, the FDA asked Georgia state agriculture department inspectors to review the plant. The FDA had not sent its own inspectors to the plant since 2001, when the facility was not being used to produce peanut butter. Instead, the federal agency relied on state-level inspections.

When state inspectors reported sanitation problems at the plant such as dirty surfaces in contact with food, mildew, and metal shavings, the FDA did not pursue investigations at the plant. Indeed, neither the FDA nor Georgia regulatory agencies have legal authority to force companies to comply with safety regulations.

It is worth noting that, although not directly linked to the present case, a large-scale salmonella outbreak two years ago also involved a peanut-processing facility in Georgia. At least 600 people were sickened. In that case, the FDA knew of similarly unsanitary conditions and contamination problems for at least three years but did not pursue them. (See “US: FDA knew of food contamination for years”)

Like countless other food poisoning outbreaks in the past few years, the latest salmonella outbreak emphasizes the vulnerability of the country’s food supply and the toothless regulatory system charged with overseeing it. Public health, revealed time and again to be fundamentally incompatible with private profit, can only be ensured through public control of production, including organization of the food supply and its essential industry.



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