

STATEMENT OF
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CHAIRMAN,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

“THE SALMONELLA OUTBREAK:
A COLLECTIVE FAILURE TO PROTECT THE PUBLIC”

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Since late 2008, the United States has been in the grips of a nationwide outbreak of Salmonella infections that to date is believed to have caused 550 illnesses and 8 deaths in 43 states. In January, public health officials in Minnesota and Connecticut connected the outbreak to peanut butter produced by the Peanut Corporation of America (PCA) at its plant in Blakely, Georgia. This finding triggered a series of recalls that have included all peanut butter and other peanut products produced at the facility for the past 2 years and recalls by over 54 companies of more than 1,900 products containing ingredients from the Blakely, Georgia facility. The recalls have cost businesses and the government millions of dollars.

The psychological cost has been widespread concern among parents of the millions of children nationwide who daily enjoy peanut butter sandwiches, cookies, crackers, and other snacks. The President of the United States expressed the view of parents across America when he said that his seven-year-old daughter eats peanut butter “probably three times a week” and that “I don't want to have to worry about whether she's going to get sick as a consequence to having her lunch.”

Today's hearing will examine how this contamination was allowed to grow unchecked and the collective failure of multiple players – the peanut butter manufacturer, the Food and Drug Administration, state regulators, and private industry – to take steps that might have prevented the outbreak. This Subcommittee is well-versed in the issues we address today. In the last Congress, we held eight hearings to examine the safety and security of the Nation's food supply, including one in April 2007 in which we specifically examined a similar outbreak arising from salmonella contamination of peanut butter manufactured by Con-Agra.

Although we continue to learn new facts about the outbreak and the Georgia facility at which it started, the facts we already know paint a very disturbing picture.

When FDA inspectors entered the plant in January, they found a facility riddled with unsanitary and unsafe conditions. According to the inspectors' preliminary report:

- “Mold was observed growing on the ceiling and walls” in the cooler used to store peanut butter products.
- “[A] live roach and several dead roaches were observed” in the washroom “adjacent to the production/packaging area.”
- Most importantly, salmonella was found in two separate locations in the plant, including one that was only three feet from finished peanut butter products.

Even more disturbing is the fact that Peanut Corporation of America knew about salmonella contamination for over a year and a half, but did nothing to

address it. Internal company records reveal that since June 2007, PCA's products tested positive for salmonella on 12 different occasions, but that the company continued to produce and distribute its peanut butter products without consequence.

And we know that multiple players had opportunities to report or detect the contamination, but failed to do so.

- The FDA had the authority to conduct inspections of the PCA facility and to test for salmonella. But when the FDA sent state inspectors to the plant on its behalf in 2007 and 2008, it did not test for salmonella, even though both visits occurred after the 2007 salmonella outbreak traced to the Con-Agra plant just some 70 miles down the road from the PCA plant. One of these inspections occurred just one day after PCA manufactured product that tested positive for the presence of salmonella.
- The Georgia Department of Agriculture conducted two inspections of the Blakely facility in 2008, but did not conduct tests for salmonella on either occasion, despite an internal goal to conduct such tests once a year.
- Private laboratories that conducted the tests for PCA had firsthand knowledge of the positive findings for salmonella, but failed to report those results to anyone but the company. Neither the FDA nor the State of Georgia requested access to those records until after the outbreak.
- PCA's large customers, such as Kellogg's, engaged contractors to conduct audits of the Blakely plant but they did not conduct their own *salmonella* tests and did not require PCA to show them their internal

test results, which would have revealed a consistent pattern of salmonella contamination.

So we appear to have a total systemic breakdown, with severe consequences for hundreds of victims, for which we need explanations. That is why we have asked representatives from each of these players – the manufacturer, the FDA, the state regulator, the private laboratories – as well as victims of this outbreak, to testify today. At this hearing, we will seek answers to the following questions:

- What has been the human impact of this outbreak?
- How could the company, regulators, laboratories, and industry let the salmonella contamination remain unrevealed for over a year before the outbreak?
- What legislative or regulatory changes can be implemented to prevent such catastrophic failures in the future?

On this last question, it bears noting that we already have a vehicle for change in this area –H.R. 759, the FDA Globalization Act of 2009, which I am sponsoring along with Congressmen Dingell and Pallone. I look forward to today’s testimony as an opportunity to gather additional information with which to shape this legislation to address the public health impact of this and similar outbreaks. If there is any good that can come from this tragic outbreak, it could come from long overdue legislative change to protect the American people from dangers in the Nation’s food supply.