



**Statement of Charles T. Deibel
President, Deibel Laboratories, Inc.**

**Before the Oversight and Investigations Subcommittee
House Energy and Commerce Committee
United States House of Representatives**

February 11, 2009

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Good morning Chairman Stupak and members of the Subcommittee. I would like to thank you for giving me the opportunity to speak to you today. My name is Charles Deibel and I am president of Deibel Laboratories, Inc., a firm that specializes in micro-testing food and personal care products and food safety consulting.

Background of Deibel Laboratories, Inc.

We have ten laboratories in North America, with headquarters in Illinois. For more than forty years, Deibel Labs has provided scientific consulting services to food manufacturers around the country. My father, who remains active in the company today, started the Deibel Labs when he was dean of the University of Wisconsin's bacteriology program in the late 1960's. He is widely recognized as one of the most knowledgeable scientists in the food industry, pioneering testing methods still in use today and helping to shape many food safety systems.

Deibel Labs is a member of numerous industry and professional organizations, including the International Association for Food Protection. Deibel Labs' professionals also are members of such organizations, including the Institute of Food Technologists, the International Association of Food Processors, the National Restaurant Association, and the National Confectionary Association. Many of our professionals are also certified as GMA-Safe and NFPA-Auditors and conduct training in numerous food safety programs.

In addition to micro-testing food products and their ingredients, we work with many manufacturers to help evaluate their existing food safety systems, conduct risk assessments, perform plant audits, and offer training in food safety procedures.

**Dealings with Peanut Corporation of America and Cooperation With the Ongoing
Investigations of the Peanut-Related Salmonella Outbreak**

I want to give you a brief summary of Deibel Labs' dealings with Peanut Corporation of America or "PCA." My company did not provide day-to-day testing services for PCA as we do for many of our clients. Most relevant here, during 2007 and 2008, PCA's Plainview, Texas and Blakely, Georgia facilities sporadically submitted samples containing peanuts to Deibel Labs to test.

We have voluntarily cooperated with the Centers for Disease Control (“CDC”), the Food and Drug Administration (“FDA”) and this Subcommittee to provide detailed records of the exact nature and timing of the tests that we performed for PCA’s facilities, including samples from PCA’s Blakely facility that tested “positive” for Salmonella in late September 2008 and the records of our immediate communications of those results to PCA’s Blakely facility personnel. We also provided records detailing the requests that personnel at the Blakely facility made to us to re-test existing samples and the “negative” results of those tests.

It is not unusual for Deibel Labs or other food testing laboratories to find that samples clients submit do test positive for Salmonella and other pathogens, nor is it unusual that clients request that samples be re-tested. What is virtually unheard of is for an entity to disregard those results and place potentially contaminated products into the stream of commerce.

Considerations Impacting the National Food Safety System

I commend this Subcommittee for examining what can be done to prevent an incident like this from occurring again. As discussions progress on how to best to reform our national food safety system, I urge you to look at the entire model used today.

Our nation’s current food safety system relies heavily on inspections conducted by the FDA and the state agencies with which it contracts. This is a reactive response, rather than the comprehensive, systemic process needed to safeguard our food. We believe that the FDA should focus on quality-control systems that minimize the potential for contamination to occur in the first place and develop mitigating strategies that correct a potential issue before it impacts food safety.

The FDA has a great deal of knowledge and understanding of how manufacturers can improve food safety practices. Our nation’s small and medium sized companies, in particular, could greatly benefit from guidance documents from FDA. Yet, the FDA’s job is to inspect, not to provide guidance, and so they do not do so. Yet, the United States Department of Agriculture (“USDA”) routinely issues guidance documents to the food processors under its jurisdiction. FDA staff is reluctant to point manufacturers to the information and resources they need, or provide direct guidance on how an observation can be corrected. As a result, opportunities to improve food production practices are missed.

Testing, like inspection, is only one piece of an overall food safety policy. It is the last chance to catch a problem. The larger piece is on the front end—quality-control systems that minimize the potential for contamination to occur in the first place.

Every year, millions of pounds of food products end up in landfills because of positive tests for harmful organisms. The problem is not in finding a positive result for such organisms from a test of a sample of its product—the issue we are discussing here is that a firm having commissioned testing of its product that found a positive, apparently attempted to test that same product into compliancy, and then released the product to the public anyway.

This attention to the issue of food safety is an opportunity to build stronger bridges between the FDA and food manufacturers. By taking a preventative, systemic approach, we can implement reforms that will go a long way towards ensuring that all consumers have access to a safe and wholesome food supply.

Thank You.

Charles T. Deibel

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Professional Experience:

President & COO

November 2002 - Present

Deibel Laboratories Group

- Responsible for Operations in all ten (10) labs in North America
- Restructured lab business units into “Food Safety & Nutrition”: and “PharmCo” divisions.
- Revamped Deibel Quality Control Program to meet ISO Compliancy in Food Safety & Nutrition Division; Revamped QC Program to meet GMP/USP guidelines for Pharma Division
- Job Responsibilities & Accomplishments:
 - Oversaw all and participated in most special projects done by Deibel Labs including:
 - Process validations,
 - New equipment pre-purchase validations,
 - Processing control studies,
 - “New product” analytical and microbiological analyses.
 - Setting up specifications for client products and processes
 - HACCP Validation studies of confectionary and nut roasting operations
 - Challenge Studies on confectionary, nut, dairy & meat products.
 - Shelf Stability Studies for extending shelf life of food products (confectionary, nut, meat and dairy products)
 - Lead Database Administrator for new ThermoFisher Laboratory Information Management System
 - Oversaw planning, construction and startup of Bethlehem, PA, Toronto CAN and St Louis, MO labs (2004, 2005 and 2009 respectively).
 - Currently writing “Microbiological Techniques used in Dairy Processing” chapter of upcoming Dairy Foods Book.

Lab Director

Deibel Laboratories of Illinois, Inc.

February 2001 – 2002

- Oversaw operations of four Deibel Labs; Lincolnwood, IL, San Francisco, CA, Madison, WI, Oconomowoc, WI; and, Microbiology, Chemistry and Pharm/Co Divisions of Corporate Lab in Lincolnwood, IL.
- Lead Trainer for all Microbiology staff
- HACCP Certified Lead Instructor awarded by International HACCP Alliance

Charles T. Deibel

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- Oversaw Sales and Marketing of Corporate-wide endeavors
- Began new Deibel venture for the Pharmaceutical Industry
- Coordinated new Deibel ventures including new Laboratories (Microbiology / Chemistry) and new Business Units
- Onsite Consulting for Clients in areas of pathogen elimination, spoilage organisms, HACCP audits and validation, HACCP Development & Microbiology Lab Audits
- Reformatted Deibel SOP's

Lab Manager:

Deibel Laboratories of Illinois, Inc. August 1999-February 2001

- Oversaw operations of Lincolnwood Lab
- Development of new Deibel Technician and Microbiologist Training Manual for Corporation
- Lead Trainer for all Microbiology staff in Lincolnwood, IL
- Responsible for passing all client initiated audits
- Streamlined operations in Lab for efficiency based measures
- Developed Client Education Manual
- Oversaw Implementation of Lincolnwood's new Customer Service Program on a Corporate Wide Basis, previously developed as an Assistant Manager.
- Assembled larger sales force

Assistant Manager:

April 1998 – August 1999

Deibel Laboratories of Illinois, Inc.

- Responsible for Media and Autoclave personnel
- Developed, trained and oversaw two new supervisory positions within Lab
- Developed and implemented new Customer Service and "In-Process" Client dialog initiatives, culminating in acquisition of one major corporate-wide account
- Began training on New Sales Philosophy for new Sales Personnel

Education:

University of Florida, Gainesville, FL

1993-1997

B.S. Medical Microbiology

Specialization in Research and Russian Language

Worked in Biomedical Research Pavilion, Shands Hospital, 1996-1997 as an independent Researcher, working on an in vivo mouse assay for the antibiotic selection of non-growing mutants of *S.typhimurium* containing the SPV (*Salmonella* Plasmid for Virulence) plasmid, from a mutant population.

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Professional Affiliations:

- Institute of Food Technologists
- International Association of Food Processors
- National Restaurant Association
- National Confectionary Association

Certifications:

- GMA SAFE Auditor since 2005.
- Process Authority for Dry/Oil Roasting operations, including extruded products
- HACCP Certified Lead Instructor since 2003.
- Train the Trainer HACCP Course
- Extended Shelf Life of Foods: Quality and Safety sponsored by the National Center for Food Safety and Technology, May 2001
- Shrimp School, University of Florida, 2000
- Fundamentals in Practical Cheese Processing sponsored by IFT
- HACCP Certified, October of 1999

Presentations:

- **“Traceability & Recall Program Management”, AACT 2008.**
- **“Microbial Techniques in Enumerating Probiotics in Cultured Dairy Products”, International Dairy Foods Conference, 2007 Minneapolis St. Paul.**
- **“Microbiology 101 Short Course”, 37 total since 2001** (Organisms including Indicators and Pathogens like *Listeria monocytogenes*, Microbiology theory including Microbial Distribution, Limitations of Rapid Techniques, Dilution Theory, Proper Lab Techniques including aseptic technique, sample setup and Deibel methodologies and SOP's).
- **“HACCP Certified Short Course”, 31 total since 2002** (same as above).

Publications:

- **Co-Author of “Microbiological Techniques & Food Safety” in *Dairy Processing and Quality Assurance*, Chandan, First Edition.**