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Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Energy and Commerce

The Salmonella Outbreak: The Role of Industry in Protecting the Nation's Food Supply Subcommittee on Oversight and Investigations March 19, 2009

Thank you, Chairman Stupak. I want to commend you for your hard work on this investigation and for keeping the focus squarely where it belongs: on the glaring holes at all levels of our food safety network.

Today is the third hearing on these issues before the Energy and Commerce Committee. At our first hearing on February 11, it was clear that the Peanut Corporation of America was more interested in its financial well-being than the health and safety of its customers.

Rather than expressions of regret or sorrow for the illnesses the company caused, we saw internal communications complaining about the impact that positive *salmonella* tests were having on the company's bottom line.

We also received testimony from FDA about basic authorities it currently lacks. FDA does not have the authority to routinely access records documenting the steps manufacturers take to assure safety. FDA cannot order a company to recall dangerous food products — it can only make a request and hope the company complies.

On March 11, we held our Committee's second hearing, before the Subcommittee on Health. At that hearing, witnesses explained that FDA cannot solve these critical problems alone. There are over 300,000 registered food facilities throughout the U.S. and abroad, and we cannot expect FDA to prevent food borne illness through inspections or post hoc investigations.

Today we will examine the role of industry in protecting our nation's food supply. We will hear from three companies that purchased peanut products from PCA, despite the filthy conditions at its plants in Georgia and Texas.

These companies used PCA ingredients that were tainted with *salmonella*. They included

them in their own products under their own labels, and they caused illnesses and in some cases even death, according to state and federal officials.

At our February hearing, Dr. Stephen Sundlof, FDA's Director of Food Safety and Applied Nutrition, agreed that "each company in the chain of manufacturing has an obligation to ensure that the ingredients they are using as well as their final products are safe for Americans to consume."

I wholeheartedly agree. But, as we will see today, all three companies failed to meet this standard. Their final products were not safe, and people suffered as a result.

Let me make one final point. Some of today's witnesses, and many companies like them, relied on third party auditors to inspect the facilities of their suppliers. This hearing will expose some of the dangers related to this system. I raised serious concerns about this at our hearing last week.

If we are going to consider a third party system, we must, at minimum, ensure it addresses the serious problems we will hear about today. But there are additional problems this hearing won't address, such as using foreign third parties to inspect foods we import from other countries. This Committee will be looking closely at all of these issues in the coming weeks.

In this case, a private, for-profit auditing firm called AIB gave PCA glowing reviews. This company was selected by PCA, it was paid by PCA, and it reported to PCA.

Let me show you an award it gave to PCA on August 20, 2008. This "certificate of achievement" was given to PCA's Texas plant for fulfilling "the requirements of the AIB Consolidated Standards for Food Safety."

And you can see the "superior" rating between the signatures of AIB's President and the Chairman of the Board.

We've all now seen the pictures of what this Texas plant was really like: rodents, excrement, and filth.

How could a facility that was in such deplorable conditions receive such glowing reviews?

And how is it possible that any of our witnesses could have relied on such flawed inspections?

We will have hard questions for our witnesses today, but we also thank them for their cooperation. They provided thousands of pages of documents to the Committee, and they helped state and federal authorities remove deadly products from family kitchens across the country.

Our goal now is to develop common sense legislation to improve preventive systems at the front end of this process before one more person dies from tainted food.