

Summary

**Testimony of
Daniel R. Wegman, CEO
Wegmans Food Markets, Inc.**

Before the

**Subcommittee on Oversight and Investigations of the House Committee on Energy
and Commerce**

**Regarding
Regulatory Failure: Must America Live with Unsafe Food?**

March 12, 2008

- We need to work cooperatively to decrease the incidence of food borne illness.
- Wegmans has successfully marketed and sold irradiated fresh ground beef since May 2002.
- In doing so, the company was able to educate its customers and employees about the benefits of irradiated fresh ground beef.
- When a minimum pathogen reduction is achieved by irradiation, the word 'pasteurization' should be used in labeling to clearly communicate the benefits of irradiation to consumers.
- The list of products approved for irradiation should be expanded to include ready-to-eat foods, especially fruits and vegetables.
- The use of technologies that reduce pathogens should be encouraged and approved.

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Mr. Chairman, Ranking Member, and Members of the Committee, thank you for the opportunity to appear before this Committee. My name is Danny Wegman and I am the CEO of Wegmans Food Markets, Inc. Wegmans Food Markets, Inc. is a 70-store supermarket chain with stores in New York, Pennsylvania, New Jersey, Virginia and Maryland. We are a family-owned company, founded in 1916. Wegmans is committed to providing safe and wholesome food for our customers. We see the number of people who suffer from food related illness each year and we need to do better for our customers.

I am also the chairperson of the Food Marketing Institute's (FMI) Food Safety Task Force. This task force was created to move food safety forward through the retail environment.

At Wegmans, we began with our ground beef 'Cook to 160°' program in the summer of 1998. With this program we educated our customers that ground beef needed to be cooked to 160°F for safety. We even labeled our ground beef with supplemental labels to remind our customers. We also educated our customers on the need to use a thermometer to determine the doneness of ground beef and that color was not a reliable indicator. Prior to this education effort, 12 % of those asked knew that ground beef should be cooked to 160°F. Following the campaign, 38% were aware.

In May 2002 Wegmans introduced the choice of irradiated fresh ground beef to our customers. We recognize that not all of our customers cook their ground beef 'well-done' before it's eaten. The introduction of this product was accompanied by an extensive employee and customer education campaign. We even went so far as to visit with the health departments in each of our market areas so they would be aware that this product was going to be introduced and so they would have time to familiarize themselves with the technology. We understood that customers would have questions and we wanted our employees to be prepared to answer questions, as well. The weeks before the introduction were spent educating our employees so they could talk to our customers about irradiation.

The product was introduced in a very transparent fashion. We held press conferences in each of our major market areas and included academics and public health officials to answer questions. The media helped us educate our customers. The coverage was extensive and many of the local evening news programs in each market had stories that exceeded 5 minutes in length. There were also stories in trade and national publications.

We talked to our customers about the benefits of irradiated fresh ground beef and offered in-store samples so they could try the product before purchase. The product was heavily promoted in our weekly ad. The education and the sampling helped drive sales of the irradiated fresh ground beef to about 5% of total ground beef sales and even as high as 10% when the product was aggressively promoted.

Because customer trust is very important to us, we chose to include 'irradiated' on the principle display panel of the product label and in the product name. This transparency allows customers to make an informed purchase decision.

In January 2004, our irradiated fresh ground beef was discontinued following the closing of SureBeam, the irradiation provider. The product had developed a faithful following and we received communications from our customers asking that we find an alternative irradiation supplier and reintroduce the product.

We were finally able to reintroduce the product in August 2006, although we did not promote it to the same extent we did when it was launched in May 2002.

Our irradiated fresh ground beef goes through all the same in-plant interventions as our non-irradiated ground beef. This includes steam vacuums, organic acid washes, and carcass steam pasteurization. In addition, the product is tested negative for *E. coli* O157:H7 *prior* to irradiation, so the irradiation is an additional step for safety. We have chosen a level of irradiation that kills *E. coli* O157:H7 and is equivalent to cooking the ground beef to 160°F, the recommended cooking temperature for non-irradiated ground beef. The irradiation is an additional step in the process.

At present our sales are approximately 1% of our total ground beef sales. While this is lower than the 5-10% penetration previously achieved, it is increasing. There is a \$.30 to \$.40 per pound retail price difference between the irradiated and non-irradiated ground beef. However, the additional cost to us for irradiated ground beef is much greater. Because of our commitment to offering our customers a safer product, we made the decision to absorb some of the additional cost.

At present, other than the word 'irradiated,' the wording on our irradiated fresh ground beef is identical to that on our non-irradiated ground beef.

Wegmans proposes the following:

- Recognize that irradiation is effective in eliminating pathogens from ground beef and allow labeling that will communicate this to customers.

- USDA's caution about the 'Cook to 160°F' message is understandable, but irradiated fresh ground beef should have label differentiation, such as use of the word 'pasteurized.'
- If necessary, require a minimum level of irradiation to label a product 'pasteurized.'
- Many products are available in pasteurized and non-pasteurized forms, and it is not confusing for consumers to tell the difference with labeling. An example of this is eggs. Pasteurized eggs are available for use in products that may not be fully cooked following the addition of egg, such as a Caesar salad dressing or eggnog.
- We are encouraging our customers to adopt healthier lifestyles by eating more fruits and vegetables, but these foods can pose a risk, too. Expand the list of products that can be irradiated to include fruits and vegetables, as well as other ready-to-eat products.
- Help protect consumers from food borne illness by encouraging and approving the use of technologies that reduce pathogens.

Thank you for allowing me to present our views before this distinguished committee.

Respectfully submitted,

Daniel R. Wegman, CEO
Wegmans Food Markets, Inc.

Sadex Corporation CERTIFICATE OF ANALYSIS

**This Document Represents The
Analytical Values Recorded For
The Following Product(s):**

PCN # 20080104
Date 27-Feb-08
SPSA CARGILL 01
Customer Name: CARGILL

	Customer Product Code	Product Name (short)	Lot Code	Units Received	Units Test/ Non compliant	Units Shipped
Item #1	1353	80/20FINE	071002250006	2	0	2
Item #2	1391	90/10FINE	071002250006	69	0	69
Item #3	1353	80/20FINE	071002250007	62	0	62
Item #4	1391	90/10FINE	071002250007	2	0	2
Item #5	0	0	0	0	0	0
Item #6	0	0	0	0	0	0
Item #7	0	0	0	0	0	0
Item #8	0	0	0	0	0	0
Item #9	0	0	0	0	0	0
Item #10	0	0	0	0	0	0
Item #11	0	0	0	0	0	0
Item #12	0	0	0	0	0	0
Item #13	0	0	0	0	0	0
Item #14	0	0	0	0	0	0
Item #15	0	0	0	0	0	0
Item #16	0	0	0	0	0	0
Item #17	0	0	0	0	0	0
Item #18	0	0	0	0	0	0
Item #19	0	0	0	0	0	0
Item #20	0	0	0	0	0	0
Item #21	0	0	0	0	0	0
Item #22	0	0	0	0	0	0

Grand Total of Cases Released > 135

Production Minimum Dose (kGy): 1.4

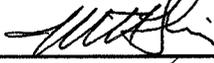
Spec Minimum Dose (kGy): 1.3

Production Maximum Dose (kGy): 2.2

Spec Maximum Dose (kGy): 2.2

These values demonstrate that the products recorded herein, comply with the stated requirements according to the specification listed under the above noted SPSA.

Processing Facility: 2650 Murray Street, Sioux City, IA 51111
USDA Establishment#: 21024/P21024

Signature: 

Date: 2/27/08

Print Name: Matthew Flannigan

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Receiving and Shipping Report

Sadex Corporation

Processing Facility: **CARGILL** Sioux City, IA

Received From: **CARGILL** Date Received: **02/27/08** Time Received: **7:30:00**
 Trailer Seal Number: **343719** Trailer Number: **21095**

PCN Number	SPSA Number	Product Code	Lot Code	Cases Received	Received By	Noncompliant Product	Cases Shipped	Shipped By	
20080104	CARGILL 01	1353	071002250006	2	MJA		2	MJA	
20080104	CARGILL 01	1391	071002250006	69	MJA		69	MJA	
20080104	CARGILL 01	1353	071002250007	62	MJA		62	MJA	
20080104	CARGILL 01	1391	071002250007	2	MJA		2	MJA	
Total Quantity of Cases Received, Noncompliant, and/or Shipped:							135	0	135

Product Temperature Per SOPs SC-6013.A and SC-6014.A:

Fresh: Frozen: First Pallet: Last Pallet:
 Received Temperature (°F): 30.8
 Shipped Temperature (°F): 31.0

Trailer Inspection
 1. Presence of blood or liquids on the floor Y
 2. Presence of infestation Y
 3. Presence of offensive odors Y

Shipped To: **WEGMAN'S** Date Shipped: **02/27/08** Time Shipped: _____
 Customer PO: **97412-10** Trailer Seal Number: **2488** Trailer Number: **21095**

Sadex Released for Shipped By: *[Signature]* Date: **02/27/08**

Carriers Signature: _____ Date: _____
 Customer release: _____ Date: _____

Additional Information Noted by Sadex: By signing this document in the area designated "customer release" the named above acknowledges that all standards have been met, are in compliance and the product is ready for release into commerce.

Sadex Accounting
 Use Only:
 Invoiced By: _____
 Date: _____

This product has been processed in accordance with Sadex procedures which comply with USDA/FSIS, and FDA requirements.