

**Testimony by Rick Ray  
President, New Era Canning Company  
Before the Subcommittee on Oversight and Investigations,  
Committee on Energy and Commerce,  
U.S. House of Representatives  
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Good Morning, Mr. Chairman and Members of the Committee. My name is Rick Ray and I serve as the President of New Era Canning Company. Thank you for your invitation to testify today.

New Era Canning Company is a small 4<sup>th</sup> generation family-owned fruit and vegetable canning operation located in New Era, Michigan. For the past 98 years, New Era Canning has been serving customers in the retail and foodservice industry with high quality canned fruits and vegetables. The New Era name is not widely known because we primarily serve the private label or “store brand” market. We operate a single facility and employ 50 fulltime employees and between 100 and 200 seasonal employees during our processing seasons. We process asparagus, green beans, wax beans, applesauce, sliced apples, pumpkin and a variety of dry bean items.

We have a long tradition of providing safe food products to our customers. We fully realize that we are accountable for every case of canned food that we produce. We take that responsibility seriously.

Today, New Era is in the midst of four recalls of our low acid canned vegetable products. The reason for these recalls is that FDA discovered *C. botulinum* spores in

New Era canned vegetables. In New Era's 98 year history, we have never previously experienced anything such as this.

Permit me to explain what my scientific experts have told me about the classic concern regarding *C. botulinum* contamination of canned foods, especially low acid canned foods. *C. botulinum* spores are ubiquitous; they originate in soil and are therefore all around us. The spores are not harmful, but in the proper environment they can produce *C. botulinum* toxin, which is highly toxic. In simple terms, we prudently assume that *C. botulinum* spores will be naturally present in canned vegetable products. Thus, the most important step in canning is to bring the canned product to a sufficiently high temperature to kill the *C. botulinum* spores. Then, to prevent "overcooking" the canned vegetables, the cans are promptly cooled using water.

The classic *C. botulinum* problem in canned vegetables occurs when some part of the product does not reach a killing temperature. In that situation, the spores have been "shocked," but not killed by the cooking. The "shock" to the spores prompts them to start growing and producing toxin. Unfortunately, low acid canned foods are a suitable environment for growth of the *C. botulinum* spores and the production of toxin.

While our investigation is still underway and we have not yet received key information from the FDA about their findings, our scientific experts tell me that it appears the classic *C. botulinum* situation is not what occurred at New Era. In the extensive sampling of suspect New Era production, most of which we had on hold due to

production irregularities, *C. botulinum* spores, but not toxin was found. At least to date, the *C. botulinum* found appears not to be a result of insufficient canning temperature to kill *C. botulinum* spores. Instead, it appears the presence of *C. botulinum* spores, but not toxins, in New Era canned vegetables is due to entry of the spores into the cans during the cooling of the product, after the can has been sealed and the product cooked.

If the can seam is not in specification, or becomes damaged, microscopic amounts of the cooling water could enter into the can. This is why the industry has long used only safe drinking water for its can cooling.

There are several reasons why this is the leading theory for the presence of *C. botulinum* in New Era canned vegetables. First, FDA tests of the drinking water wells used by New Era for cooling water found that *C. botulinum* spores were present in the water. Second, the New Era processes that produced the contaminated product appear to have been achieving appropriate canning temperatures. Third, the presence of *C. botulinum* spores, but not toxins, suggests that the spores were not “shocked” by cooking temperatures, which corresponds with the theory of the introduction of spores in cooling water.

In the scant scientific literature on the subject, *C. botulinum* spores are regarded as so unlikely to be found in water, that testing is not a standard procedure. Mr. Chairman, the investigations, however, are still underway, so this conclusion must be regarded as preliminary.

The FDA investigation of our company began 11 weeks ago. Working with technical experts, we are addressing all issues raised by the FDA, as well as investigating additional opportunities to improve our overall operation.

While it appears that the spores that entered New Era products in this manner were not “shocked” and did not produce toxins, that fact is *not* satisfactory to New Era or, for that matter, FDA. No *C. botulinum* spores that have the capacity to produce toxin should ever be present in our products.

This has been a resource-intensive and difficult process for New Era to experience, but it is our intent to determine the cause of the current problem and take what ever measures are necessary to ensure a safe product.

We are very thankful that, to the best of our knowledge, there have been no reported illnesses from any of our canned vegetables and again, we are, and have always been committed in our responsibility to produce safe and wholesome products.

Thank you.