

Chairman Dingell at the Subcommittee on Oversight and Investigations hearing entitled, "Regulatory Failure: Must America Live with Unsafe Food?"

Statement of Congressman John D. Dingell, Chairman
Committee on Energy and Commerce

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS HEARING ENTITLED, "REGULATORY FAILURE: MUST AMERICA LIVE WITH UNSAFE FOOD?"
March 12, 2008

Mr. Chairman, thank you for holding today's hearing and for your leadership of the Committee's efforts to protect our Nation's food supply. Those who heard the testimony at our first food safety hearing of the parents of the children who became very sick or seriously injured from contaminated food understand how important these efforts are.

What have we learned so far from our work?

• CEOs of major food companies testify that they will do better only to find that they have not.

• FDA employees and our own staff investigators tell us that the FDA has little or no control over the quality of the food entering the U.S. because the agency is understaffed.

• Yet, the FDA rewards Headquarter bureaucrats with bonuses, while they systematically starve their field inspection and laboratory forces.

• The new FDA food Czar, its enforcement chief, and the Commissioner himself tell us that the FDA can do more with less, a patently false claim I have heard for 30 years.

• FDA promises new technologies, yet they have delayed the deployment of irradiation, a technology that some experts say promises a truly effective "Kill Step" for the pathogens that contaminate our food.

Today, we have the chance to question those same regulators responsible for the safety of the American food supply. We expect straight answers about how they intend to halt the illness and economic waste associated with the 168 recalls that have occurred since we began this inquiry last year.

I am pleased that Mr. Mendell of Westland/Hallmark Meat Packing is appearing today. I hope that he has learned this Committee's old adage that there is an easy way and there is a hard way to answer our questions. Either way, we will find out the truth. And the truth, today, that we want to know is how much money he made from illegally slaughtering so-called downer cows—cows so sick or injured that they could not walk or stand—cows universally viewed as potential carriers of mad cow disease.

The good news is that, no mad cow disease has been found yet “ although the incubation period for it might be up to 20 years or longer for humans. Nevertheless, Mr. Mendell’s firm has cost school districts and other companies great difficulty in replacing the meat that was recalled.

I am curious what Mr. Raymond of the U.S. Department of Agriculture will tell us what his inspectors were doing in the California plant while downer cows were forced into the kill boxes. He also must tell us why he refuses to allow a major retailer the right to tell its consumers how their meat is prepared.

I am equally curious to hear Mr. Sundlof of FDA explain what he intends to do about the Office of Premarket Approval that appears to have botched the generally recognized as safe or GRAS applications for carbon monoxide packaging for meat and fish yet mysteriously lost all the records of their meat review after this Committee began its inquiries.

In closing, I want to remind my colleagues that at our first hearing, we heard the dramatic testimony from the mother of a 2-year old who needed a kidney transplant because the spinach she ate was contaminated with E. coli. At our last hearing, Mr. Sundlof’s predecessor told us that the mandatory regulations he prepared were ignored by Health and Human Services in the confusion surrounding the melamine imports. I am curious to hear what Mr. Sundlof has done to resurrect those regulations that could protect other children from a similar fate.

Prepared by the Committee on Energy and Commerce
2125 Rayburn House Office Building, Washington, DC 20515