

PolicyPennings by Dr. Daryll E. Ray

## On leaving food inspection to the foxes

One of the weekly features broadcast by a local Knoxville, TN television station announces the names of the restaurants that achieved the highest scores on recent health department inspections. They also announce the names, scores, and reasons for those scores of the restaurants that were given the lowest scores by the health department. In addition, the law requires that all restaurants post the latest inspection reports in plain view of the eating public.

While our health department and others around the country have a system in place that makes the results of their inspections of restaurants that serve 100s of people available to the public, the Food and Drug Administration (FDA) has no such system in place for firms that serve hundreds of thousands, if not millions, of people.

When the Georgia Agriculture Department, under contract from the FDA, found serious sanitation problems on one of their inspections of the Peanut Corporation of America facility—the one later found to be responsible for the recent Salmonella outbreak—the plant was not shut down and required to correct the deficiencies. In addition, no word went out to the purchasers of the product from that plant.

In addition, the Georgia inspectors were not given access to records indicating that since January 2007, on twelve different occasions, the plant had received private laboratory results that various batches of their product were contaminated with Salmonella. In response to the tests, the plants had the batches retested. When the second test came back negative, the plant shipped the product to their buyers. At present there are no rules in place that require plants to report tests that reveal contamination of their product.

After the source of the Salmonella outbreak was identified by the Centers for Disease Control, the FDA sent an inspection team to the Peanut Corporation of America (PCA) plant in Blakely, GA. The team conducted an inspection of the plant between January 9 and January 27, 2009. A full copy of the report can be obtained at: [http://www.fda.gov/ora/frequent/483s/r\\_A\\_T\\_L\\_DO\\_PCA\\_Blakely\\_GA\\_Form\\_FDA\\_483\\_dtd\\_Jan\\_09-27\\_2009.pdf](http://www.fda.gov/ora/frequent/483s/r_A_T_L_DO_PCA_Blakely_GA_Form_FDA_483_dtd_Jan_09-27_2009.pdf).

In addition to noting the previous positive tests for Salmonella, the FDA inspection report noted nine other conditions that did not meet the requirements for the safe production of a food product. For instance, Observation 8 reads: "Devices and fixtures are not designed and constructed to protect against recontamination of clean, sanitized hands. Specifically, the sink located in the peanut butter room is used

interchangeably as a point for cleaning hands and utensils and for washing out mops."

In Observation 4, inspectors note: "The above totes of finished product were stored within 15 feet of a floor crack where an environmental swab was collected on 1/10/09 and found positive for: *Salmonella* Senftenberg.

"Also, one environmental swab collected on 1/10/09 from the finished product cooler floor (beside the south wall) was found positive for *Salmonella* Mbandaka. The swab location was within 3 feet of pallets of finished product.

"Mold was observed growing on the ceiling and walls in the firm's cooler used for finished product storage. In addition, water stains were observed running down from the cooling unit fans in the cooler. On 1/10/09, pallets of finished product were stored directly beneath this unit."

When we first began following this story several weeks ago, the list of recalled products included just over 150 products. As of February 2, 2009, the list contains 805 items. On Friday the FDA announced that while national brand peanut butter is not involved, the public should be aware that some "boutique" brands of peanut butter may contain product from the PCA plant.

As the New York Times noted, "Institutions like hospitals, schools, and prisons bought peanut butter from the Peanut Corporation of America. None have announced that they are involved in the recall, and the Food and Drug Administration said that none were required to do so" <http://www.nytimes.com/imagepages/2009/01/30/us/30peanutchart.html>.

That seems to mean that hospital patients have no way of knowing whether or not the peanut butter they ate during their stay last month came from PCA. Likewise, parents have no way of knowing if the peanut butter at their child's school was involved in the recall.

That is incredible.

In addition to a mandatory recall, the FDA should make public all of the institutions and companies that were the final recipients of the recalled product. While the PCA may want to keep its customer list a matter of proprietary information they want to keep away from their competitors, it seems that the need for public safety is more important than the protection of PCA's list of customers.

For a long time farmers and ranchers have argued that they provide the safest supply of food in

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the world. Each recall reduces the believability of that statement in the minds of the general public. Unfortunately, it appears to us that farmers and ranchers get a black eye when events like the current Salmonella outbreak occurs.

As a result, given the ongoing outbreaks of food borne illnesses, farmers and farm organizations are going to have to get behind the development of stronger common-sense food safety regulations.

At a minimum, new regulations need to include:

1. The public posting and internet availability of all food inspection reports.
2. If serious deficiencies are found the plant should be shut down until corrections are made.
3. If internal testing finds product contamination from either biological or non-biological sources, it should be required that those results are given to the inspection agency and production should be stopped until corrective action is taken under the supervision of the inspecting agency. Company retesting so they can go ahead and ship the product should not be an option.
4. The full supply chain should be publicly reported and recall orders should be mandatory for both commercial and institutional users.
5. Food inspection should be the responsibility of a single agency instead of being scattered among 12 or

more federal agencies.

To us it is shocking that such a list of proposed regulations need be suggested. How did this happen? Why, at the US's stage of development and with its citizens' general awareness of health issues, did it come to this?

An important portion of the answer to the "why" question is that over last few decades inspection procedures for meat slaughtering and food processing plants have undergone changes based on the following premise: It is not in the best interest of meat and food processors to ship unsafe products-so therefore they won't.

This premise has allowed the private sector to create its own inspection rules and to justify the elimination of a meaningful federal inspection system. While such a system may work most of the time, it is also a recipe for periodic disasters.

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