

**STATEMENT OF
THE HONORABLE BART STUPAK
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
“DIMINISHED CAPACITY: CAN THE FDA ASSURE THE SAFETY AND SECURITY
OF THE NATION’S FOOD SUPPLY”
APRIL 24, 2007**

This is the first of two hearings the Subcommittee is holding on the issue of whether the FDA can assure the safety and security of the nation’s food supply. In today’s hearing, we will hear from three people with first-hand experience in dealing with the terrible illnesses that food poisoning can induce. Next month, we will hear from the FDA, which has the main responsibility for ensuring the safety of our fruits, vegetables, and other food from sources all over the globe.

I am grateful for our first three witnesses and their families for their heart wrenching testimony. I know it will be difficult for you to describe your experiences. Each of you gives *E. coli*, *Salmonella*, and noroviruses a human face, so Americans can understand and see the health hazard to all of us when the federal agency in charge does fewer inspections, as more and more food is imported.

Michael and Elizabeth Armstrong are here today with their children, Isabella, age 5, and Ashley, age 2, both of whom became critically ill from eating spinach. Worse, the nightmare is not over for them, as Ashley continues to face the need for a kidney transplant as a result of severe damage to her kidneys. Mr. & Mrs. Armstrong, you and your children have endured much and we wish all the best for your family in the future.

We also have Ms. Terri Marshall, whose mother-in-law, Mora Lou Marshall, has been hospitalized since January 2 of this year, with salmonella caused by Peter Pan peanut butter, a source of protein recommended by her health care provider. Unfortunately, the peanut butter she ate was contaminated with *Salmonella*.

Our third witness is Mr. Gary Pruden, with his son, Sean. The Pruden family was on a Thanksgiving trip when they stopped at Taco Bell and, unbeknownst to them, the meal included lettuce contaminated with *E. coli*. Sean wound up in the hospital as a result.

The terrible food poisoning that continues to plague of these families – is a small part of a growing problem. The 2006 outbreak of *E. coli* in spinach that sickened Mrs. Armstrong’s children was the 20th outbreak of *E. coli* in fresh produce from the Salinas Valley in California since 1995, and the second one in the past year. In the spinach episode, three people died and at least 102 were hospitalized. Another 70 people were hospitalized due to *Salmonella* in peanut butter.

What has the FDA done to prevent food borne illnesses? It appears the FDA has decided to centralize food safety decision making in Washington, DC, cut back on inspections, and hope

that food producers and manufacturers will self police their industry based on voluntary guidelines!

Natural Selections' President will testify how his company just began to test all "lots" of its leafy green produce. The result is startling: Natural Selections has found 35 lots of spinach with *E. Coli* contamination. Is this the extent of *E. coli* in Natural Selections spinach or the tip of the iceberg? What about it's other produce? What do other producers find? Do other producers even test? IF Salinas Valley seems to have repeated outbreaks, what has the FDA done to protect our food coming from this valley?

Not all of the companies appearing this morning have been as forthcoming as Natural Selections. In the case of *Salmonella* poisoning in Peter Pan peanut butter, the actions of ConAgra are cause for concern. Our investigation shows that ConAgra found *Salmonella* in their Peter Pan peanut butter in 2004 but did not report it to the FDA, even when the FDA requested ConAgra's records! Perhaps if the FDA had been more aggressive in learning what happened at ConAgra or if the FDA had subpoena power, the later *Salmonella* poisonings could have been detected, prevented and limited!

Finally, we will also hear testimony from two of the companies involved in the recent outbreak of pet food contamination. In this case, wheat gluten imported from China by ChemNutra was contaminated with melamine, an industrial chemical that should not be anywhere near food of any kind. Menu Foods used the contaminated wheat gluten in producing wet cat and dog food. When reports of sick and dying cats and dogs began to mount, Menu notified the FDA and now approximately 100 brands of pet food, involving more than 5,000 varieties, have been pulled from our store shelves.

Over the past few days, there have been additional reports of contaminated rice protein concentrate and corn gluten, used in pet food. All of the wheat gluten, corn gluten, and rice protein were imported from companies in China. There is a concern that some of the contaminated rice gluten has been fed to hogs, thereby raising the possibility of melamine contamination in food destined for human consumption.

Food borne illnesses and pet food contamination demonstrate serious flaws in our food safety net. With more and more of our food, fruits, and vegetables being imported, there appears to be less and less government inspection or oversight and no enforceable safety or health standards.

Imported food from China and other countries does not have to comply with U.S. health and safety standards. Last week, China refused to permit FDA inspectors access to the plants that supplied the suspect contaminated wheat gluten to ChemNutra.

The safety of the food Americans put on their tables every night is more than just a trade issue or a public health issue. Food safety has the potential of becoming a national security risk, a national security threat. I urge my colleagues to consider the pet food incident as a wake-up call. The poor pets that died remind me of the canaries brought into the underground mines to warn miners of imminent danger!

I hope these hearings will help alert the American people, Congress, and the Administration to the seriousness of this issue. If it is not taken seriously, these kinds of poisonings can, and will, happen again. Food poisonings will happen to you, to me, and to our children and our pets. The American people expect and deserve better, from its government!