

**STATEMENT OF DR. ELSA MURANO,
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U.S. DEPARTMENT OF AGRICULTURE BEFORE THE SENATE
GOVERNMENTAL AFFAIRS COMMITTEE SUBCOMMITTEE ON
OVERSIGHT OF GOVERNMENT MANAGEMENT,
RESTRUCTURING AND THE DISTRICT OF COLUMBIA
AND
THE HOUSE GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONS**

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Introduction

Mr. Chairmen and Members of the Subcommittees, I am pleased to appear before you today to discuss the role of the U.S. Department of Agriculture (USDA) in ensuring the safety of product used in the National School Lunch Program (NSLP). I would like to take a second to reintroduce myself and to introduce my USDA colleagues. I am Dr. Elsa Murano, Under Secretary for Food Safety. With me today on behalf of the Department are Eric Bost, Under Secretary for Food, Nutrition, and Consumer Services, and Barry Carpenter, Deputy Administrator for Livestock and Seed at the Agricultural Marketing Service.

I also am pleased to be here today with Dr. Lester Crawford, my colleague from the U.S. Food and Drug Administration (FDA). Although we are both relatively new on the job, we've had numerous opportunities to work together on issues of mutual concern.

Overview of the School Lunch Program

The NSLP plays an important role in ensuring access to safe, nutritious, and healthful diets for all Americans. The program was established under the National School Lunch Act, signed by President Harry Truman in 1946. Since the modern program began, more than 180 billion lunches have been served. The Food and Nutrition Service (FNS) administers the NSLP at the Federal level. At the State level, the program is administered by State education agencies, which operate the program through agreements with school food authorities. The program is operating in more than 97,700 public and private schools and residential child care institutions. It provides nutritionally balanced, low-cost or free lunches to more than 27 million children each school day.

School districts and independent schools that choose to take part in the lunch program receive cash subsidies and donated commodities from USDA for each meal they serve. In return, they

must serve lunches that meet Federal nutrition requirements, and they must offer free or reduced-price lunches to eligible children. States select entitlement foods for their schools from a list of various commodity foods purchased by USDA and offered through the school lunch program.

FNS coordinates with the Agricultural Marketing Service (AMS) and the Farm Service Agency (FSA), who purchase the entitlement food, or Acommodity product≅ that is donated by USDA to participating schools. AMS purchases meats, poultry, fish, fruit, vegetables, egg products, dry beans, and tree nuts while FSA purchases grains, oils, peanut products, and dairy products for distribution in the NSLP and other Federal food assistance programs. Not all food served in school cafeterias is part of the NSLP. In fact, only 17 percent of the dollar value of food used in the NSLP is from commodity products. The schools contract independently with food processors and distributors for the remaining food. The following activities relate only to those products purchased by USDA for use in the NSLP.

In general, firms become identified as potential suppliers to USDA of foods for distribution to the National School Lunch Program through AMS= outreach initiatives and through the firms= own marketing efforts to USDA. To qualify as bidders, firms must demonstrate that they meet responsibility standards for financial and other business factors as outlined in Federal Acquisition Regulations. In addition, firms must demonstrate that they are capable of complying with all product specifications and contractual requirements related to a specific food product. Firms that meet these requirements and successfully bid for USDA food purchase contracts are identified in publicly disseminated Food Purchase Reports.

For purchases of meat, poultry, and egg products, AMS relies fundamentally on the Food Safety and Inspection Service (FSIS) to determine if a facility or firm produces foods that are safe, wholesome, and in compliance with the requirements of the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act. AMS builds on the basic food safety protections provided by FSIS in several ways. First, AMS requires the presence of AMS graders during the production or processing of items to be purchased by USDA. By having an AMS employee in the plant during production, added assurance is provided that all contract provisions are met. AMS has the authority to retain product produced at any plant for any suspected defective production or product condition, until further review by FSIS is conducted. Second, AMS includes prescriptive terms in its contracts regarding the handling of its products. For example, timing and temperature requirements for the freezing of product, temperature requirements for cooked products, and packaging requirements are fully described and monitored. Third, for potentially higher risk products, AMS specifications stipulate that samples of finished product can be taken for microbiological analysis, including testing for *E. coli* O157:H7 and *Salmonella*.

Fruit and vegetable products, as well as fish products, are subject to FDA requirements under the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act. Plants supplying processed fruit and vegetable products undergo an annual survey by AMS inspectors to ensure compliance with the FDA=s Good Manufacturing Practices, current water certification, and effective pest control measures. Fish products purchased by AMS must be produced in facilities operating under the National Marine Fisheries Service voluntary seafood inspection program.

In addition to donated commodity products, AMS, under various procurement options, purchases additional products on behalf of schools and States. These purchases allow schools and States to benefit both from USDA's purchasing power and its enhanced oversight of the food production process for foods going into the NSLP. Also, AMS inspectors are available for a fee to be paid by the vendor to oversee the production of products that schools or States purchase directly.

USDA purchase specifications and contract requirements are readily available on the AMS website. Through its active partnership with State and national associations representing State distributing agents and school food service personnel, AMS conducts numerous workshops and interactive sessions on USDA purchase specifications and contract requirements.

For those products purchased outside of USDA commodity purchase programs, FNS works closely with and relies heavily on the authority vested with FSIS and FDA at the Federal level to establish, enforce and monitor food safety requirements. FSIS inspects all federally slaughtered and processed meat and poultry, as well as processed egg products. FSIS uses the same inspection standards for meat, poultry, or egg products served in the NSLP and for those consumed by the general public. The FDA has inspection jurisdiction over all other food products.

In addition, State and local health officials play a vital role in establishing and monitoring food safety requirements related to schools. USDA's child nutrition programs are Federal-State partnerships. The Department relies on the judgment and professionalism of school food service workers nationwide who have been trained to provide safe, healthy and nutritious food to schoolchildren. These professionals also work within State and local health codes that help ensure the safety of food service in each State.

I would like to share in greater detail, how USDA's agencies coordinate internally and with their sister public health agencies to ensure safe product for the NSLP and the public at large.

A Strong, Coordinated Infrastructure

Inspection

Ensuring the safety of USDA-regulated products requires a strong infrastructure. FSIS has the bulk of the responsibility in this area and, not surprisingly, has a large workforce of approximately 10,000 employees, most of whom are stationed in the field, dedicated to inspection. More than 7,600 inspection personnel are stationed in approximately 6,000 meat, poultry, and egg products plants and are responsible for the inspection of more than 8.5 billion birds, 133 million head of livestock, and 3.5 billion pounds of liquid egg products annually.

Surveillance

While critically important, inspection addresses only part of the food safety system infrastructure. Surveillance is another, because a strong food safety system requires a mechanism for identifying new food safety problems rapidly. USDA and FDA conduct surveillance of the food supply while the Centers for Disease Control and Prevention (CDC), in partnership with State and local health departments, conducts surveillance for human foodborne illness. In July 1995, USDA and the Department of Health and Human Services (HHS), in conjunction with several states and localities implemented FoodNet, a collaborative project in several sites to collect more precise information on foodborne illness. FoodNet is an active surveillance system that helps us to better quantify the incidence of foodborne illnesses, better

identify the causes of those illnesses, and help document the effectiveness of new food safety control measures.

Outbreak Response

Outbreak response also is key. In the past, an outbreak most likely affected a small local population and involved locally prepared food products with limited distribution. Increasingly, outbreaks involve larger populations and are likely to be multi-state or even international. Delay in identifying the causative agent can allow the outbreak to spread. Coordination is also essential, and we have taken steps in previous years by forming interagency working groups to improve upon outbreak response and coordination. A document was released last year by the National Food Safety System project entitled *Multi-state Foodborne Outbreak Investigations: Guidelines for Improving Coordination and Communications*.

To coordinate food security functions throughout the government, we formed the Food Threat Preparedness Network (PrepNet). A charter establishing PrepNet is being finalized, which will coordinate the homeland security activities of various government agencies with responsibilities for food safety, to facilitate the flow of information among its various components and to promote the sharing of scientific and laboratory assets. PrepNet will focus on prevention, preparedness, and response to the intentional introduction of microbial, chemical, radiological, or physical contaminants into the food supply, along the farm-to-table chain. PrepNet is co-chaired by the Administrator of FSIS and the Director of the Center for Food Safety and Applied Nutrition (CFSAN) at FDA. Other participants include representatives from the Animal and Plant Health Inspection Service (APHIS), the CDC, the Department of Defense (DoD), and the Environmental Protection Agency (EPA), and a representative from the states. PrepNet, is working in conjunction with the White House Office of Homeland Security.

In addition to FoodNet and PrepNet, USDA participates in PulseNet, a national network of public health laboratories supported by HHS. These laboratories aid outbreak response by performing DNA fingerprinting of foodborne bacteria and comparing results through an electronic database maintained by CDC. PulseNet permits rapid and accurate detection of foodborne illness outbreaks and traceback to their sources, including detection of a linkage among sporadic cases. PulseNet has been key in enabling Federal agencies to rapidly detect and control outbreaks of foodborne illness.

USDA conducts emergency response activities on a routine basis. When adulterated or mislabeled product is found, FSIS works with the company to recall the product. Upon learning that there is an outbreak of foodborne illness possibly attributed to meat, poultry, or egg products, FSIS then works with Federal, State, and local public health entities involved in the outbreak. These actions by FSIS are not limited to products used in the NSLP. FSIS coordinates recalls for all federally inspected product under its jurisdiction and aids in the investigation of any outbreak potentially attributable to meat, poultry or egg products.

For the purposes of this hearing, however, I will focus upon USDA's activities with its sister public health agencies in the event that a commodity product must be recalled. There is a process for handling the recall or hold of commodity product used in the NSLP. The process was developed jointly by FNS, AMS, FSA, FDA, and FSIS in July 2001. It was specifically designed to address cases when a food safety issue is raised about a USDA purchased commodity, but has applications for all products used in the NSLP. USDA's food recall and

hold process; defines Federal, State, and local agency roles and obligations; improves communication at all levels; provides information to State and local agencies more quickly; and facilitates of removal adulterated USDA commodity product from recipient agencies more quickly.

Commodity Holds and Recalls

The hold and recall process is a coordinated effort designed to provide maximum protection for school children when a commodity is suspected to be unsafe. The responsible regulatory agencies, FSIS or FDA (depending upon the product), receive notice of food safety concerns from many sources including hotlines, sampling and testing programs, vendor notification, and State and local agencies including health departments. When a food safety concern is raised about a USDA purchased commodity product, USDA agencies initiate the Commodity Hold and Recall Procedures. The first step is to immediately hold the product and alert FNS, as well as the appropriate procuring agency (AMS or FSA) that there is a potential health threat associated with the product and a recall may be conducted. An investigation of the product is then initiated by FSIS or FDA. FSIS acts as the liaison with FNS for all commodity product recalls, including FDA-regulated products such as fruits, vegetables, fish, grain, and nuts. As an added health protection, the Procedures require a decision to be made on the safety of the product within ten days. After ten days, the investigation or testing is inconclusive, USDA will remove the product from the schools to a separate and secure location, such as a warehouse, to prevent inadvertent use or consumption of the product in question. The product will be held until a decision is made to release or recall the product. FNS communicates that decision to the affected recipient agencies (RA). The hold provides USDA with additional time to conduct more testing and data collection and prevents a school from inadvertently using a product, which may pose a health threat.

Once notified of the potential recall, FNS starts a response and resolution database. At the same time, the procuring agency identifies the potential destinations and the amount of product involved. AMS tracks the product from production up to the point of delivery. At delivery, FNS is responsible for tracking the product to the school. In effect, all products are fully traceable and identifiable to USDA.

Meanwhile, FSIS and FNS prepare a news release to alert State and local agencies in the event that they decide to conduct a recall. The release provides details as why the product has been recalled and reiterates the procedures the local agencies should follow. This provides local agency directors with information helpful in responding to inquiries from parents, local government officials, and the media.

If the product is found to be safe, FNS immediately informs the procuring agency of the decision so they may immediately contact the vendor. If the product was put on hold, then FNS issues a notice informing all FNS regional offices (RO) and relevant State distributing agencies (DA) that the product is safe. The distributing agencies, in turn, contact the schools.

If the product is found to be contaminated, and must be recalled, FSIS immediately notifies the plant or vendor that produced the product and is responsible for contacting all entities that received the product, as well as FNS and the procuring agency. FSIS prepares a recall notice and recommended press release with supporting information and supplies it to FNS.

Upon learning of the recall decision, FNS immediately notifies the State DAs and provides them with the recall information, press release, and other information helpful in tracking the product. The State DAs share the information with the affected recipient agencies and vendors, who bear the responsibility of notifying recipients about the problems with the product, and work to isolate the product to avoid accidental use. While talking with the vendors, the recipient agencies must track the location and quantity of unused product, as well as the amount of product already consumed. They must then notify the State DA of this information within 10 days. This ensures that USDA contracting officers will be able to contact the vendor to expedite the removal and replacement of the product. It also ensures that USDA can continue to track the scope of the recall.

The goal of this procedure is to ensure that potentially dangerous product is not used by a school and is removed from the NSLP. Heightened coordination at the Federal, State, and local level aids in ensuring that the process goes smoothly. Increased communication at all levels is made easier by the process, which specifies each entity's role and ensures that each party may quickly reach its counterpart. One example of this is that the State participants must designate officials and provide their contact information and that of their alternates to USDA.

The details on the new process, along with a toll-free contact number for the FNS commodity hotline, was provided to all designated State officials as well as RAs.

Food Safety Education Initiatives

Educating Food Service Professionals

USDA recognizes that consumers and food service professionals play a significant role in ensuring food safety. For that reason, USDA conducts numerous programs to educate these individuals on proper handling and cooking of USDA-regulated products. As the last handler of the product before it is consumed, these individuals are the last link in ensuring food safety. FSIS has designed educational materials for food service professionals to teach them proper handling and cooking techniques. These materials are frequently provided in both Spanish and English. To further conquer the language divide, FSIS is working on a silent video that will enable all food preparers to understand food safety concepts. These materials are shared with FNS, who funds the publication and distribution of the materials to all schools participating in the NSLP. For example, FNS printed pocket cards and posters using the Partnership for Food Safety Education's *Fight BAC* message as a training tool and as a daily reminder of basic safe-food preparation techniques. Similarly, FNS utilized FSIS's Thermometer consumer campaign to introduce Thermometer to school food service managers and to encourage the use of thermometers in school food service establishments.

Training and Technical Assistance

As I mentioned earlier, the authority to enforce food safety requirements for schools lies outside of FNS's purview, so FNS works closely with FSIS and FDA to establish, enforce, and monitor food safety requirements. In addition, FNS has chosen to focus its food safety efforts on training and technical assistance to State agencies and local school food authorities who administer the NSLP. FNS has received \$2 million annually for the past four years to promote food safety. Much of this has gone to the National Food Service Management Institute (NFSMI) to develop food safety projects and products. These include a cooperative effort with FSIS to develop and distribute safe food handling education materials to support a teleconference on food safety and sanitation for front-line food service staff; distribution of food safety posters to all schools; a

nationally broadcasted teleconference on HACCP for school food service administrators; and development of a Food Safety Instructor Network (Train the Trainer) to provide regional training on food safety to food service operators.

To expand training and technical assistance efforts to schools, NFSMI is currently developing *Guidelines for the Handling of Holds and Recalls of Food Products*; a revised *First Choice: A Purchasing System Manual* that integrates food safety information on specifications, transporting, receiving and storage; and an updated *Serving It Safe B A Manager's Tool Kit*, a comprehensive training package on food service sanitation and safety. We believe that these types of products have and will continue to positively impact food safety in the schools.

National Coalition for Food Safe Schools

FNS and FSIS also participate along with CDC and FDA in the National Coalition for Food Safe Schools, which is preparing a Food Safe Schools Action Guide to show school officials the proper food safety techniques. USDA has reviewed the guide and worked with FDA to provide input regarding cooking times and temperatures for USDA-regulated products.

Conclusion

By working together, USDA's agencies are working cooperatively, both internally and with their sister agencies at HHS, and are using their resources efficiently and effectively in an effort to ensure the safety of the food supply, as a whole, not just within the NSLP.

I thank you for the opportunity to testify on behalf of USDA and welcome your questions.