

# INDUSTRY APPROACHES TO FOOD SAFETY REGULATION

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The American Meat Institute (AMI) is the national organization which represents meat packers and processors and their suppliers throughout North America. Its members produce the majority of meat and poultry products manufactured in the U.S. It has been a presence in Washington since around the turn of the century. The focus of this paper is on the meat and poultry industry, and the government agencies that intensely regulate the industry.

## Inspection Programs

By way of background, today's meat and poultry inspection program has its origin in the Federal Meat Inspection Act of 1906 (chapter 3913, 34 Stat. 674). At that time, the primary public health concerns were diseased animals and unsanitary conditions in meat packing plants. The law requires that all cattle, sheep, swine, goats and equines—and their carcasses and parts—be inspected and passed as human food for distribution in interstate commerce. The 1957 Poultry Products Inspection Act (P.L. 85-172) extended to chickens, turkeys, ducks, geese and guineas many of the same requirements mandated for meat. The Wholesome Meat Act of 1967 (P.L. 90-201) further extended inspection programs to the state level by establishing a federal-state cooperative inspection program for plants that produce and distribute meat and poultry products within state boundaries.

Twenty-five states currently maintain inspection programs that are required to be at least equal to federal standards. Similar requirements also apply to imports from foreign countries, which must have equivalent

inspection systems. The primary goal of these inspection programs is to prevent unwholesome, adulterated or misbranded products from being sold as human food, and to ensure that meat and poultry products are slaughtered and processed under sanitary conditions.

The United States Department of Agriculture's (USDA) legal responsibilities are primarily focused on slaughter and processing facilities. It maintains jurisdiction over federally-inspected meat and poultry products during storage, distribution and sale, but federal law exempts retail and restaurant operations from the type of food safety inspection required in federal- and state-inspected packing and processing plants. Moreover, current meat and poultry inspection statutes do not give USDA food safety jurisdiction on farms, ranches, feedlots or other live animal production facilities. No inspection system can eliminate all food-borne illness risks from meat and poultry, but there is a growing consensus that food safety can best be ensured through oversight programs that are coordinated from production through consumption.

USDA's Food Safety and Inspection Service (FSIS) uses significant resources to carry out its responsibilities. FSIS has a total staff approaching 10,000 employees. More than 8,000 field inspectors and supervisors inspect approximately 6,500 plants. The estimated cost to operate this massive, labor-intensive program in Fiscal Year 1998 was \$675 million, or approximately \$100 thousand per FSIS-inspected facility. In contrast, the Food Drug and Administration (FDA) has a budget of slightly over \$200 million for food safety activities and approximately 900 employees to regulate an esti

mated 53,000 establishments that produce, process or store food. That translates to an expenditure of approximately \$4,000 per FDA-inspected facility. These statistics demonstrate that meat and poultry manufacturers are the most intensely regulated segment of the U.S. food industry.

Existing governmental resources devoted to food safety are disproportionately directed at meat and poultry manufacturers because federal laws require continuous animal-by-animal inspection and a daily inspection presence in processing facilities. Current statutes, coupled with FSIS inspector opposition, restrict the agency's flexibility to shift its resources in response to changing health risks. FSIS has limited ability to tailor its inspection frequency based on the risks presented by the type of animal, processing technology or other risk factors. FSIS's effectiveness and efficiency could be enhanced if the agency focused its resources on products and processes that present the most significant public health risks.

FSIS has a broad range of enforcement powers to prevent unwholesome, adulterated or mislabeled meat and poultry from reaching the public. Plants are prohibited from operating unless the government provides inspection services. FSIS often exercises its authority to withhold or suspend inspection if plants are not meeting their statutory or regulatory obligations. Such actions shut down plant operations. It is also illegal to sell or transport adulterated or misbranded products. Unsafe products can be condemned and removed from the market. Violation of the federal meat and poultry laws can result in substantial fines as well as imprisonment.

Over the past two decades, USDA has asked Congress for additional statutory authority to mandate product recalls without obtaining court orders, to summarily withdraw inspection services from companies USDA believes have violated the law, and to unilaterally im-

pose civil fines on companies that fail to comply with the laws, regulations, or agency's orders. In light of the scope and breadth of USDA's existing enforcement arsenal, and the absence of any proof that the tools currently available to USDA are inadequate, additional authority is not necessary. Moreover, because of the potential administrative abuse these requested sanctions would present, new enforcement authority would be contrary to sound public policy. More punitive measures will not and cannot make food safer.

### **Adopting HACCP**

In 1996, the federal government and industry began a several-year process to dramatically change the way meat and poultry are inspected. This new regulatory program, commonly referred to as Hazard Analysis Critical Control Points, or HACCP, more clearly defines the responsibilities of the regulator and the regulated industry. Meat and poultry companies are required to have a plan for producing safe food. The government's regulatory role is to set food safety performance standards and to verify through its inspection activities that the company meets those performance standards. Federal inspectors maintain a continuous presence in plants. However, where inspectors previously looked for problems that had already occurred, under the new system, they monitor plant activities to be sure appropriate steps are being taken to prevent problems. It is a fundamental shift in the priorities of the federal government.

Substantial progress has been made in recent years by industry and government in identifying and adopting effective food safety standards and procedures. HACCP has become the framework for both industry and government efforts to improve food safety. The adoption of HACCP procedures was mandated in 1995 by the Food and Drug Administration (FDA) for seafood processors, and in 1996 by the USDA for meat and poultry slaughterers and processors. Many companies

in other segments of the food industry have adopted HACCP on their own, and HACCP is increasingly recognized in other countries and by international organizations as state-of-the-art in science-based process control for food safety.

An important feature of HACCP is that it provides the basis for clearly defining and modernizing industry and government programs to ensure the safety of food. Government does not produce food—government action cannot make it safe. At the point of production and processing, only food companies have the capability and responsibility to make food safe. Maintaining food safety also requires responsible private action at each step of distribution, retail preparation and sale, and subsequent handling by consumers. The government’s core regulatory role, which HACCP can facilitate, should be in verifying that companies are meeting their basic food safety responsibilities, establishing food safety performance standards based on the best available science, and providing accountability for businesses to meet those standards through appropriate oversight and enforcement.

The transition to this new HACCP-based regulatory program has created several implementation challenges. Many FSIS personnel find it difficult to abandon traditional “command and control” inspection tactics. Many inspectors with no scientific training continue to dictate how a plant’s production process is designed and operated. FSIS needs to improve its inspector performance to achieve fair and uniform enforcement of the regulations. A more in-depth understanding of food safety manufacturing principles and the agency’s inspection modernization process is needed. USDA’s credibility and the ultimate success or failure of its new regulatory program depends on allowing companies to produce products in a manner that results in uncompromising food safety. FSIS should focus on verifying that the products are safe and aban-

don the practice of mandating how product safety is achieved.

Regulatory and policy changes are also needed to create an environment that is consistent with HACCP-based inspection. FSIS began a regulatory review process in 1995 to revise or repeal existing regulations that impede implementation of a scientifically-designed HACCP program. FSIS has made limited progress in discarding old, outdated regulations. The result is a new HACCP-based inspection program layered over the traditional regulatory compliance program. Inspectors are using new procedures to determine compliance with old regulations. FSIS should complete its regulatory review process as soon as possible. Otherwise, the new HACCP-based inspection program will be scientifically indefensible and thus, it will inhibit the adoption of new technologies and innovations that can improve the safety of meat and poultry products.

### **Food Handler Education**

Food handler education is an extremely important element of a production to consumption food safety system. The American Meat Institute Foundation (AMIF) has trained thousands of meat and poultry industry workers in HACCP principles and basic food safety. Joint training in these areas between industry and government employees would be even more beneficial. AMIF has spent seven years providing HACCP training for the meat and poultry industry.

AMIF recently conducted HACCP briefings in 20 U.S. cities. The briefings immediately followed half-day HACCP briefings that USDA’s Food Safety and Inspection Service (FSIS) conducted in each of the locations. Both the AMIF and the FSIS briefing were designed to help prepare meat and poultry plants with 10 to 500 employees for HACCP implementation in January 1999. The FSIS briefings focused on the regu-

latory requirements plants must meet. The AMIF briefings focused on practical tips for operating under USDA's new Pathogen Reduction/HACCP Rule.

## **Consumer Education**

Consumer education is an other important component of a farm-to-table food safety system. Last year, industry, consumers and the federal government formed the Partnership for Food Safety Education and launched a consumer education program called Fight BAC!™ It is hoped that this campaign will persuade consumers to improve risky food-handling behavior and prevent food-borne illnesses.

AMI and the Food Marketing Institute administer the Partnership and own the registered trademarks. The Partnership has raised more than \$580,000 toward a \$1 million goal. Among the accomplishments in 1998 are:

- More than 200,000 Fight BAC!™ Community Action and Supermarket Kits have been distributed in an effort to spread the educational word of the campaign to consumers through community businesses and organizations.
- The Fight BAC!™ television public service announcement has aired on 100 television stations for a total of over 200 million viewer impressions since October 1997.
- A Fight BAC!™ radio public service announcement has been used more than 23,000 times and has been heard by an estimated 43 million Americans.
- The Fight BAC!™ website (<http://www.fightbac.org/>) has received 1.5 million

hits, or nearly 250,000 per month, since its launch in 1997.

Additionally, the Partnership will concentrate this year on developing educational materials for children. Recent, unpublished research conducted by USDA and FDA shows that the best way to reach children with safe food-handling messages in schools is through the science curriculum—and the best grades for learning this information are the third, fourth, fifth and sixth. The Partnership is developing a classroom teaching guide for Kindergarten through the third grade. The guide uses a BAC!™ puppet, songs and games to teach safe food handling to very young children. A consulting firm has been selected to create a science class teaching guide for the fifth through eighth grades.

## **Future Directions**

The meat and poultry industry is committed to doing everything within its powers to ensure that the food it processes, distributes and serves to American consumers is the safest and most wholesome in the world. Companies strive every day to make their food safety systems better.

Manufacturers of meat and poultry products routinely employ many state-of-the-art practices to minimize the risks of foods causing human illness, but we cannot guarantee all food products are free from all risks. By the same token, no food inspection system or testing program can guarantee zero risks.

One central question facing the federal government is the organizational structure of the U.S. food safety regulatory system. Most organizations representing the food industry believe the current organizational structure is adequate to maintain the safety of the food supply. Most organizations are far more concerned about having a scientifically-supportable inspection program than about where it is located within

the federal bureaucracy. However, a serious debate is emerging about the establishment of a single food safety agency to regulate all foods.

On August 20, 1998, the National Academy of Science (NAS) released the report of the Committee to Ensure Safe Food from Production to Consumption. This congressionally-mandated study examined the scientific and organizational needs for an effective food safety system. The committee concluded outdated food safety laws and a fragmented federal structure serve as barriers to improving protection of the nation's food supply. The report came to three primary conclusions:

- An effective and efficient food safety system must be science-based.
- Current statutes governing food safety regulation and management must be revised.
- Reorganization of federal food safety efforts is required.

The committee recommended several measures regarding the scientific and organizational changes needed to improve the U.S. food safety system, including the establishment of a unified, central framework—headed by one official—for managing all federal food safety programs. Specifically of interest to the meat and poultry industry is a recommendation that Congress no longer mandate government-employee inspection of each animal carcass. The committee said outmoded safety statutes, such as the visual inspection system for meat and poultry, may detract from protection efforts by diverting resources from the implementation of science-based inspection reforms. Instead, the committee recommended Congress mandate a single set of regulations for all foods. The report does not recommend a specific organizational structure, such as a single food agency, but it clearly moves the debate in that direction.

In response to the NAS report, President Bill Clinton issued an executive order on August 25, 1998 that would create a President's Council on Food Safety. The council would be composed of Cabinet and White House officials and would be jointly chaired by Secretary of Agriculture Dan Glickman; Health and Human Services Secretary Donna Shalala; and Neal Lane—the assistant to the President for Science and Technology.

The Council will have three primary functions:

- Developing a comprehensive strategic federal food safety plan.
- Advising agencies of priority areas for investment in food safety and ensuring that federal agencies annually develop coordinated food safety budgets.
- Overseeing the recently established Joint Institute for Food Safety Research and ensuring that it addresses the highest priority research needs.

We are hopeful that this council will provide more effective leadership for a comprehensive federal food safety program.

### **Concluding Comments**

Most Americans have a relatively high degree of confidence in the safety of the food supply, presumably based on a combination of experience and the belief that there is a system in place to ensure that food is safe. People react strongly, however, when a food safety problem strikes home or when the system itself seems to have failed. Such real or perceived failures in the food safety system capture media attention which, in turn, heavily influences public opinion and reaction.

Outbreaks of food-borne illness or other food safety problems will never be totally eliminated. The food system is too complex. Most consumers recognize and accept this reality. Maintaining public confidence in the safety of food depends on communication and education. Consumers must understand how to protect themselves from the most common food safety hazards by proper food handling and preparation. Confidence in food safety can thereby be enhanced.

The fundamental elements of a sound food safety system are in place today. Food manufacturers and

distributors willingly accept their responsibilities to produce safe food. Government has a valuable regulatory role, but it must expand its leadership and investment in other areas such as food safety research, education and technology development. Food safety is a shared responsibility. Maintaining the safety of the U.S. food supply depends on all participants in the food chain—from producers to consumers—taking appropriate measures to prevent food-borne diseases.