FOOD SAFETY: Slow progress on new food safety regulations: Pace of change in stark contrast to urgency for reform seen in 2009.

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31 March 2013

Four years ago, a salmonella outbreak swept across the country. Seven people died, hundreds were sickened. Washington held hearings and in Georgia, home of the peanut processing company that caused the outbreak, leaders vowed swift change.

And changes are occurring --- but in regulatory time, which, compared to ordinary human time, with human health on the line, feels maddeningly slow, almost glacial.

"What's taking so long?" said Donetta Poisson, a food safety researcher and Georgia State University instructor. "It's taking an awfully long time for something that needed to be done a long time ago."

Georgia did pass a new food safety law, requiring producers to test all processed foods, in 2009, less than a year after the salmonella scare. (Warp speed, in regulatory time). But nearly another year passed before the law was translated into detailed rules that could be implemented in the field.

And a state audit released last year suggested that a significant share of food processors either were not testing their products for pathogens or were not reporting the ones they discovered, as the law mandates.

State agriculture officials reject that notion. Oscar Garrison, director of food safety for the Georgia Department of Agriculture, noted that no outbreak of food-borne illness has been traced to Georgia food processors since the law mandated them to test. "It shows the system works," he said.

At the federal level, it was 2011 by the time President Barack Obama signed a new food safety law. Now, two years later, the Food and Drug Administration has new powers to shut down contaminated plants, but has just issued a draft of regulations on the handling of raw produce. FDA officials acknowledged that it will be late next year, at the earliest, before the rules go into effect.

The pace of change stands in stark contrast to the urgency for reform that followed the outbreak of 2009, which was traced to a Peanut Corporation of America plant in Blakely, Ga. It followed on the heels of a

During the Peanut Corp. outbreak thousands of products were pulled from grocery shelves and vending machines, and people cleared their cupboards of anything with even a pinch of peanut in it.

Some delays stem from the complex and technical nature of the business at hand, but industry lobbying (often backed by campaign contributions), funding shortages and sheer bureaucratic inertia also played a part. Even after the rules are in place, regulators face the challenge of ensuring that companies institute new procedures, retrain their employees and open their operations to inspectors.

The halting pace of the advance has food safety advocates feeling antsy, if not angry.

"I'm not forgiving of either of them," University of Georgia food scientist Michael Doyle, referring to the state and federal governments.

Doyle, the director of the Center for Food Safety at UGA, said he understands that it can take time to translate a new law into agency regulations, but he's still frustrated. "The bottom line is that these regulations help to enhance the safety of our food supply, which is important to all of us."

When Georgia passed its "red flag" law, state officials touted it as the most comprehensive in the country.

But implementation of the law's most stringent protections --- that food processors do their own testing and report any positive tests to the state --- has come slowly. The state audit released last year found that 6 of the 11 facilities that auditors checked were not testing their products. (State agriculture officials question that number, saying some company representatives the auditors queried about testing just didn't know that testing was, in fact, being done.)

Auditors also noted that only seven positive tests for contamination were reported to the state in the first 17 months following the implementation of the regulations. Given the number of tests that should have occurred during that period --- more than 7,000 --- the auditors found the number of positives implausibly low. It works out to roughly one positive per 1,000 tests, whereas separate tests performed by the state during the same period had a positive rate of about one in 100.

That suggests that companies weren't reporting all positives. "Or they just weren't testing," said Lisa Kieffer of the state Audit Department.

Agriculture officials say things are better now." Vast improvements have been made since December
New food safety regulations greatly affect Georgia, where agriculture is the top industry and growers and processors produce a large share of the nation's chickens and peanuts. The state is also a big producer of salmonella, with a higher rate of reported cases than other states tracked by the federal Centers for Disease Control.

Georgia food producers voiced mixed feelings on the new regulations.

Leslie Zinn, owner of the Atlanta juice company Arden's Gardens, praised the state rules, which went into effect in April, 2010. "The more requirements you have to hold companies accountable, the safer our food will be," she said.

While the state requires her company to test monthly for contamination, Zinn said she tests weekly in accordance with separate federal requirements.

But Earl Holtzclaw, owner of Atlanta Wheat Grass, said the wave of new requirements prompted him to stop producing juice about a year ago.

"They just make up new rules. It's big government," he said. Now he just grows the grass and sells it to stores that juice it.

In addition to requiring processors to test their own products, the state has revamped its system for inspecting the plants. The new system went into effect in January, 2012, three years after the salmonella outbreak.

Under it, inspectors give more frequent scrutiny to the types of food and processing facilities that are more prone to contamination. Similarly, plants that have had problems in the past come in for added oversight.

"We've put more skin in the game with these facilities," Garrison said.

Today, state officials say, compliance with Georgia's food safety law is high. Every one of the 502 food processors mandated to perform tests are doing so. The remaining 238 processors are exempt because they bottle water or produce a raw agricultural product or qualify as a small business.

Meanwhile, the number of positive tests for contamination reported to the state has risen to 26, Garrison
said. Whenever a positive test is reported, the facility is immediately shut down until the company and state employees identify the cause by testing the floors, walls and machines as well as the product.

Garrison said inspectors are issuing fewer citations against companies (down from roughly 20,000 to 17,000 over the past year), which he attributed to greater adherence to the regulations.

Meanwhile, the agency is collecting more in fines; the 2012 total of $198,000 was almost double the 2010 figure.

However, the state audit cited numerous instances in which the agriculture agency did not take enforcement actions, or was slow to do so, against companies with repeat violations. Garrison said the new compliance program has addressed any such problems.

Meanwhile in Washington, President Obama signed the Food Safety Modernization Act in early 2011. Some of it has gone into effect: allowing federal inspectors to more quickly seize food that is suspected of contamination, inspect company records, and shut down companies suspected of producing or holding contaminated food.

But two years after passage, the Food and Drug Administration is still vetting rules that would improve the handling of produce and mandate that companies create food safety plans.

Michael Taylor, FDA deputy commissioner for foods, told The Atlanta Journal-Constitution recently that implementation will require additional resources, and lack of money has delayed the process.

The Obama administration had proposed $225 million to help fund the rules, and establish research centers to develop better food safety programs, with fees collected from food companies. But that program has gone nowhere.

Beyond that, the recent round of automatic budget cuts could mean 2,100 fewer federal inspections, which are vital to food safety, he said.

"As we are delayed getting resources, we are getting delayed in implementation of the law," Taylor said.

Such delays have put the law two years behind the schedule intended by Congress, said David Plunkett, senior staff attorney for the Washington-based advocacy group Center for Science in The Public Interest, who predicts the law may not be fully in place until 2016.
The new federal requirements were welcomed by ConAgra, which was implicated in the 2007 salmonella outbreak. "ConAgra Foods supports all efforts to improve the confidence and trust in the U.S. food supply that is already one of the safest in the world," said spokeswoman Becky Niiya in a written statement.

But from the outset, the measure drew criticism from those who felt it was over-baked and over-budget.

As the proposal became law, U.S. Rep. Jack Kingston (R-Savannah) told Bloomberg News: "While it's a great reelection tool to terrify people into thinking that the food they're eating is unsafe and unsanitary, and if not for the wonderful nanny-state politicians we'd be getting sick after every meal, the system we have is doing a darn good job."