

Congress of the United States
House of Representatives

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The Honorable Edolphus Towns
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Towns:

A safe food supply is critical to ensuring the health and wellness of our population; however, there is an alarming inconsistency in the approach of the Executive Branch with regard to protecting our food supply. Currently, over fifteen departments and agencies have jurisdiction over our food's safety.¹ This top-line, multi-jurisdictional approach to food safety creates unnecessary bureaucratic overlap and confusion in ensuring the food that is delivered to our grocery stores, restaurants, farmers markets and homes are protected from outbreaks of foodborne illnesses, such as salmonella.

Our Committee is uniquely positioned to look at the coordination and cooperation amongst departments and agencies. Last year, I wrote to you requesting a hearing on federal food safety regulation,² however that request went unanswered. We should not wait until hundreds of deaths occur in a food crisis before we address the serious fragmentations in federal oversight of our increasingly global food supply chain.

Each week, the public learns of yet another food recall, such as undeclared allergens in ice cream or smells created by packing cereals.³ Most recently, reports of an outbreak of salmonella in shell eggs has required more than 500 million eggs in 22 states to be recalled.⁴ Currently, 2,000 illnesses have been reported,⁵ leaving the public to question whether the eggs they consume daily in various products are safe.

¹ Geoffrey S. Becker and Donna V. Porter., *The Federal Food Safety System: A Primer*. CRS Report for Congress. February 7, 2007.

² Letter to Chairman Edolphus Towns from Ranking Member Issa. February 4, 2009.

³ Food and Drug Administration. "2010 Recalls, Withdrawals & Safety Alerts" (viewed July 12, 2010) <<http://www.fda.gov/Safety/Recalls/ArchiveRecalls/2010/default.htm>>.

⁴ Eckholm, Erik, "Egg Industry Faces New Scrutiny After Outbreak." THE NEW YORK TIMES, August 23, 2010.

The current egg recall demonstrates the confusion and lack of coordination among the federal departments and agencies responsible for food safety. The FDA has responsibility for the safety of the whole egg, but the USDA regulates the chickens. Yet neither the FDA nor the USDA inspected either of the two Iowa-based facilities at the heart of this massive recall.⁶ Neither did the Iowa agriculture department. According to Dustin Vande Hoef, spokesman for the Iowa agriculture department, “Clearly this is a tragic situation, but two federal agencies have been given the responsibility to ensure food safety and we count on them in that regard.”⁷

The U.S. Government Accountability Office (“GAO”) has issued numerous reports on the failures of our government to address deficiencies in protecting the public from foodborne illnesses. Five years ago, GAO issued a report entitled, “Oversight of Food Safety Activities: Federal Agencies Should Pursue Opportunities to Reduce Overlap and Better Leverage Resources,”⁸ where it found 71 interagency agreements that Executive Branch agencies had entered into to protect public health and coordinate food safety activities.⁹ However, GAO found these agencies had “weak mechanisms” for tracking these agreements and, as such, had “ineffective implementation.”¹⁰

Five years later, the recommendations of GAO remain unanswered,¹¹ and this continued inability to eliminate jurisdictional confusions has led us to unnecessary food-related illnesses.

I ask you again, Mr. Chairman, to hold a hearing on the coordination – or lack thereof – between the numerous departments and agencies responsible for food safety. Despite efforts by past and current Administrations to improve the safety of our food supply, the overall government’s approach to food safety remains fragmented and largely unchanged.¹²

⁵ Jalonick, Mary Clare, “Illnesses linked to eggs will likely grow.” THE WASHINGTON POST, August 19, 2010.

⁶ Layton, Lyndsey, “As Egg Producers Consolidate, Problems of Just One Company Can be Far-Reaching.” THE WASHINGTON POST, August 24, 2010.

⁷ *Id.*

⁸ U.S. GOVERNMENT ACCOUNTABILITY OFFICE. GAO-05-213. “Oversight of Food Safety Activities: Federal Agencies Should Pursue Opportunities to Reduce Overlap and Better Leverage Resources.” March 30, 2005.

⁹ *Id.*

¹⁰ U.S. GOVERNMENT ACCOUNTABILITY OFFICE. GAO-05-213. “Oversight of Food Safety Activities: Federal Agencies Should Pursue Opportunities to Reduce Overlap and Better Leverage Resources.” March 30, 2005.

¹¹ U.S. GOVERNMENT AND ACCOUNTABILITY OFFICE. GAO-10-182R. “Food Safety: FDA Has Begun to Take Action to Address Weaknesses in Food Safety Research, but Gaps Remain. April 23, 2010.

¹² U.S. Department of Health and Human Services. Interagency Working Group on Import Safety. “Import Safety – Action Plan Update: A progress summary.” July 2008; President’s Food Safety Working Group. (viewed July 12, 2010) <<http://archive.hhs.gov/importssafety/report/actionupdate/actionplanupdate.pdf>>.

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Thank you for your time and attention to this matter. I look forward to working with you to ensure the appropriate agencies are protecting the public's health.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darrell Issa", written over the printed name below.

Darrell Issa
Ranking Member