

SAFE FOOD COALITION

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June 14, 2017

The Honorable George “Sonny” Perdue III
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Re: Proposed Reorganization of the Department of Agriculture (USDA-2017-0001)

SUBMITTED VIA REGULATIONS.GOV

Dear Secretary Perdue:

The undersigned members of the Safe Food Coalition appreciate the opportunity to submit comments on the proposed reorganization of USDA, announced on May 11, 2017. Among other changes, the reorganization would create a new Under Secretary of Trade and Foreign Agricultural Affairs, who would chair an inter-agency committee that includes the Food Safety and Inspection Service (FSIS). We write to express our support for maintaining the independence of USDA’s food safety functions, to urge you to work with President Trump to take swift action to appoint a qualified public health expert as the next USDA Under Secretary for Food Safety, and to encourage you to solicit public participation and to incorporate public feedback as you implement the reorganization proposal.

According to the reorganization proposal, “USDA will continue to serve in a critical role to ensure the food we put on the table to feed our families meets the strict safety standards to which we’ve established and are accustomed.” Following through on this pledge will not be easy. Factors such as new antibiotic resistant bacteria, increased consumption of imported food, and better testing technologies, will pose new challenges for USDA. More acute food safety risks, and greater public awareness of how those risks emerge, have and will continue to contribute to increased demand for a strong, up-to-date, evidence-informed food safety system.

Unfortunately, foodborne illness remains all too common. According to the Centers for Disease Control and Prevention, an estimated 48 million Americans contract foodborne illnesses each year, which in turn cause 128,000 hospitalizations and 3,000 deaths. CDC further estimates that contaminated meat and poultry are responsible for 22% of these foodborne illnesses, and 29%

of the deaths. Since 1993, when *E. coli* O157:H7 in Jack in the Box hamburgers killed four children and sickened hundreds, FSIS has made important reforms that have helped to better protect consumers. Much work remains, however, as made clear by continued threats like the 2013-2014 Foster Farms-linked outbreak caused by antibiotic resistant *Salmonella*.

Whether the proposed reorganization supports improvements in the food safety system will depend on a number of details that have yet to be disclosed. In just two pages, the “Report on the Proposed 2017 Reorganization of the Department of Agriculture to establish an Under Secretary for Trade and Foreign Agricultural Affairs” announces sweeping changes to USDA. These include eliminating the Under Secretary for Rural Development, and consolidating several agency functions under a new Farm Production and Conservation Under Secretary position. In addition to creating a new Under Secretary for Trade, it designates the Trade Under Secretary “as USDA’s multiagency coordinator for agricultural trade policy, including SPS [sanitary and phytosanitary] issues, nontariff trade barriers, and other trade policy matters.”

We are encouraged that the reorganization leaves responsibility for the Food Safety and Inspection Service (FSIS) in the hands of an Under Secretary for Food Safety, and leaves the Agricultural Marketing Service (AMS), which purchases food for the National School Lunch Program, separate from the trade promotion function. According to your report, “other proposals at reorganizing the Department around the trade mission would have combined food safety with other mission areas, potentially distracting USDA from its critical role in ensuring a safe and secure food supply.” We agree with this assessment and therefore applaud the decision to reject those proposals. The proposed reorganization, however, raises concerns of other distractions from the Department’s food safety mission.

In particular, the reorganization calls for the new Trade Secretary to chair an inter-agency committee that includes FSIS and AMS. The report does not specify the purpose of this committee but it would presumably support the Trade Secretary’s role as “the lead USDA trade policy coordinator,” a designation that the report says “strengthens USDA’s ability to address SPS and nontariff barriers affecting U.S. exports.” How will the participation of FSIS and AMS on this committee support how USDA addresses trade barriers? The report does not say. If it involves compromising the safety standards that apply to imported meat and poultry, or to foods purchased for the National School Lunch Program, this reorganization will do American consumers a grave disservice.

Efforts to overcome “trade barriers” posed by food safety and other sanitary and phytosanitary (SPS) regulations in foreign countries must not result in lower standards in the United States. The current process at FSIS for approving meat and poultry imports from foreign jurisdictions is extensive and open-ended, with no assurance to foreign governments or producers that a given set of actions will lead to an equivalency determination. This is for good reason. Meat and poultry, particularly in raw form, are high-risk products. Poorly regulated production practices in

places like China have contributed to widespread adulteration¹ and the emergence of dangerous “superbugs” on meat that are resistant to even so-called “antibiotics of last resort.”² The decision of whether to expose American consumers to imported meat and poultry from a place like China must first reflect an assessment that foreign inspectors can assure food safety. Without that assurance, market access for U.S.-made products should be irrelevant.

Unfortunately, there are already signs that trade considerations are exerting an undue influence on food safety regulations. For example, China is currently authorized to export only processed poultry products to the United States, and those products must be sourced from poultry slaughtered in the United States or in another country eligible to export slaughtered poultry to the United States. These restrictions reflect both food safety and food security concerns. On the one hand, China’s ability to assure food safety has been called into question by scandals like the revelations in 2014 that a Chinese meat processor supplied McDonald’s, KFC, and other foreign food establishments in China with unsanitary and expired meat products.³ On the other hand, USDA’s Animal and Plant Health Inspection Service (APHIS) “has classified China as a region affected with Highly Pathogenic Avian Influenza subtype H5N1 and Exotic Newcastle Disease,” and therefore ineligible to export products that may lead to the spread of those diseases in U.S. flocks.⁴ Despite these concerns, however, the Department of Commerce recently announced that FSIS will issue a proposed rule authorizing imports of cooked poultry sourced in China “by July 16, 2017.”⁵ Such an announcement would appear to place undue pressure on FSIS to minimize food safety concerns, while biasing the rulemaking process in favor of a foreordained outcome.

Expanding access to international markets represents an important economic opportunity for American farmers, ranchers, and food processors. However, as your report indicates, the USDA ultimately exists to serve the American taxpayer. Your report concludes with a letter (“Appendix C”) from a collection of the nation’s largest agricultural trade associations, expressing support for Establishment of the Under Secretary for Trade. We hasten to point out that these associations do not represent all American farmers and ranchers, and their members also include large foreign-owned corporations whose interests do not always align with those of American consumers. Future USDA reforms, including implementation of this reorganization plan, should reflect broad stakeholder input, not just that of well-endowed trade associations. Meaningful public engagement and transparency will help USDA to avoid policies that promote trade at too high a cost by, for example, compromising the safety of Americans’ food supply.

¹ See, e.g. Nancy Huehnergath, “China’s Food Safety Issues Worse Than You Thought” *Food Safety News* (July 11, 2014); <http://www.foodsafetynews.com/2014/07/chinas-food-safety-issues-are-worse-than-you-thought/#.WTGKpmgrKUK>

² Kate Kelland. “New “Superbug” Gene Found in Animals and People in China” *Scientific American*; <https://www.scientificamerican.com/article/new-superbug-gene-found-in-animals-and-people-in-china/>

³ See, e.g. Whitney Filloon. “Ten Jailed in China for Supplying Expired Meat to McDonald’s, KFC” (Feb. 1, 2016) <https://www.eater.com/2016/2/1/10887058/china-tainted-meat-kfc-mcdonalds-prison>

⁴ <https://www.fsis.usda.gov/wps/portal/fsis/newsroom/news-releases-statements-transcripts/news-release-archives-by-year/archive/2016/faq-china-030416>

⁵ <https://www.commerce.gov/news/press-releases/2017/05/joint-release-initial-results-100-day-action-plan-us-china-comprehensive>

Perhaps the best safeguard for American food is strong leadership in the position of Under Secretary for Food Safety. The Under Secretary is the federal government's highest ranking food safety official, yet the position has remained vacant since Dr. Elisabeth Hagen resigned in 2013. For that reason, we request that you work with President Trump to support the speedy nomination of a public health expert to serve as Under Secretary for Food Safety. The new Under Secretary should have a strong commitment to protecting public health, the expertise necessary to guide FSIS policies and programs, and a record of working effectively to find new ways to reduce foodborne illness.

Thank you for the opportunity to submit these comments.

Sincerely,

Consumer Federation of America

Center for Foodborne Illness Research & Prevention

National Consumers League

STOP Foodborne Illness