Pallone Opening Remarks at O&I Food Safety Hearing

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Washington, DC – *Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) delivered the following opening remarks today at an Oversight and Investigations Subcommittee Hearing on "Safety of the U.S. Food Supply: Continuing Concerns Over the Food and Drug Administration's Food-Recall Process:"*

This Committee has a long history of overseeing food safety. Over the last decade, we have held multiple hearings examining the Food and Drug Administration's oversight of food recalls and the agency's authority to protect the nation's food supply.

FDA plays a critical role – in fiscal year 2017 alone, FDA oversaw more than 3,600 recalls. This is no small task, but we have seen cases that exposed weaknesses in FDA's ability to respond to these threats.

For example, in 2007, a Committee investigation into a Salmonella outbreak identified serious flaws in our food safety network. In 2010, the Committee found that FDA had limited authority to ensure compliance, and did not always take swift action when needed.

Witnesses repeatedly told this Committee that FDA lacked sufficient authority to address weaknesses in our food safety system. That's why Congress passed the FDA Food Safety Modernization Act (FSMA) in 2011. FSMA significantly reformed FDA's overall approach to food safety, and gave FDA new authorities to strengthen the food recall process.

For instance, FDA now has the ability to mandate a recall when a product poses a risk of serious adverse health consequences. This is a significant tool because we have seen cases of manufacturing firms reluctant to cooperate with FDA. Thanks to FSMA, firms are also now required to have recall plans in place to help prepare before a contamination occurs.

FSMA provided these new tools, but it is up to FDA to make sure they are being put to good use. That's why this hearing is so important — we need to hear about how FDA is implementing FSMA, and whether things have improved since we passed it into law.

A recent Office of Inspector General report sheds some light on that question, and suggests that FDA still may not always adequately oversee food recalls. The Inspector General reported that FDA did not always effectively monitor firms during a recall, such as ensuring that firms initiate the recalls promptly.

Some of the cases highlighted in the report are particularly troubling. For example, between 2012 and 2014, nut butter contaminated with Salmonella sickened 14 people in 11 states. FDA identified the source of the outbreak in March of 2014, but the products were not fully recalled until August of that year, 165 days later.

The Inspector General also cited a series of recalls of cheese products that were contaminated with Listeria and led to one infant's death and two lost pregnancies. I know everyone on this Committee will agree that even one fatality is too many.

While we should recognize that these issues are complex, and every recall poses a unique challenge, these findings demonstrate that FDA must exercise judicious yet forceful oversight when the public's health is at risk.

I look forward to hearing how FDA is implementing FSMA, and what challenges remain to protect our nation's food supply.

I yield back.