

Committee on Energy and Commerce
Subcommittee on Oversight and Investigations
Hearing on “The Outbreak of Salmonella in Eggs”
Rep. Bart Stupak, Chairman

Opening Statement
September 22, 2010

Today’s hearing entitled “The Outbreak of Salmonella in Eggs” will mark the 13th hearing of the Oversight and Investigations Subcommittee since January 2007 regarding food safety issues. We have examined a Salmonella outbreak associated with peanut products manufactured by the Peanut Corporation of America which resulted in a criminal investigation.

Additionally, we have investigated an E. coli outbreak traced to tainted spinach, and melamine-contaminated pet food, and other food safety inquiries.

Today, we will continue our examination into the food safety problems that continue to plague farms, producers, and the American consumers. This time around we are dealing with two companies producing eggs in the state of Iowa and sold nationwide. 1,608 people were infected with Salmonella Enteritidis from eggs between May 1 and September 14.

What we learned about the two Iowa egg operations that produced the tainted eggs paint a very disturbing picture of egg production in America.

When FDA inspectors entered the plants in August, they found facilities riddled with unsanitary and unsafe conditions. According to the inspectors’ preliminary report:

- Employees working within the hen laying houses did not wear or change protective clothing when moving from house to house.
- Live rodents were located in the laying houses.
- Liquid manure oozing out of buildings.
- Dead and decaying chickens.
- Live and dead flies to numerous to count.
- Most importantly, positive test results for salmonella were found in both farms, including in the feed mill and in the water used to wash the eggs.

Even more alarming, during the course of its investigation, the Committee has obtained records that show that Wright County Egg tested positive for Salmonella contamination in its Iowa facilities prior to the widespread outbreak of illnesses. Environmental sample reports, taken in and around the chicken cages, between 2008 and 2010 indicate that Wright County Egg received 426 positive results for Salmonella, including 73 samples

that were potentially positive for Salmonella Enteritidis, the same strain that has sickened 1,519 people.

Perhaps these findings should not be a surprise given the record of the DeCoster Farm operation that owns the Wright County Egg facilities. In fact, DeCoster Farm had so many environmental and safety violations that the State of Iowa declared them “habitual violators” and assessed a total of \$219,000 in civil penalties. DeCoster Farm is the only entity to receive the “habitual violator” status from the State of Iowa.

The work of this Subcommittee, coupled with the work of the Health Subcommittee and the full Committee, on food safety culminated in the bi-partisan introduction of H.R. 2749, the Food Safety Enhancement Act, which passed the Committee by unanimous consent and the U.S. House of Representatives on July 30, 2009. This food safety legislation has been stalled in the Senate for more than a year.

The provisions contained in our food safety legislation would address several concerns raised by this outbreak. For example, the bill would require new traceback regulations that enable the Secretary to identify the history of the food as quickly as possible, but no later than two business days.

The food safety legislation would give the FDA the needed authority to issue mandatory recalls and subpoena records of tainted food products. While in this case the two Iowa farms did issue voluntary recalls, FDA should not have to rely on the companies’ good will when the public’s health is at risk.

The legislation will also give the FDA a guaranteed, consistent source of funding through the registration fees. These fees will allow the FDA to conduct more inspections, to be pro-active, and prevent outbreaks from occurring.

We will hear testimony from witnesses with different perspectives on the recall: victims of this outbreak, the manufacturers of the recalled eggs, and a representative from FDA.

On our first panel we have two victims that were affected by the Salmonella Enteritidis, Sarah Lewis and Carol Lobato. Sarah, a 30-year-old, mother of two, contracted Salmonella Enteritidis from eating a tart at her sister’s college graduation banquet. Sarah has been admitted twice to the hospital to treat the Salmonella and is just now beginning to feel better. Sarah works at her parents butcher shop, which they have owned since the 1970s. Sarah is very familiar with local and state regulations, as they are subject to constant inspections.

Carol is a 77-year-old, married mother of four and grandmother of four. When Carol and her husband took her grandson out to dinner in Colorado she contracted Salmonella Enteritidis. Carol is very familiar with egg farms as she was raised in Iowa on a chicken farm. Carol spent five days in the hospital suffering from toxic shock, severe diarrhea and vomiting.

Our second panel will include Austin DeCoster, owner of Wright County Egg, his son, Peter DeCoster, Chief Operating Officer, Orland Bethel, President of Hillandale Farms of Iowa and Duane Mangskau, Production Manager, Hillandale Farm of Iowa. It is my sincere hope these gentlemen will be forthcoming regarding the events of the outbreak and what they are doing to ensure eggs produced on their farms are safe for the American people.

On the third and final panel we will have Dr. Josh Sharfstein, Deputy Commissioner, from the Food and Drug Administration.

I look forward to hearing from our witnesses today about progress that has been made since the outbreak occurred and how we can strengthen our food safety system.

Our Committee began pushing for reform of the food safety system more than three years ago. Our hearings have demonstrated that weaknesses in our food safety system will remain until we enact an effective food safety bill into law. Make no mistake: Without legislative action it is not a matter of if but when more lives will be put at risk by another outbreak, as evident by today's hearing. This outbreak affected 1,608 individuals, two of which are here today to tell their story. Fortunately, no one has died.

In each of our 13 food safety hearings, we are reminded that each year, approximately 76 million Americans become sick from food borne disease, such as Salmonella, 325,000 are hospitalized and 5,000 deaths will occur in the United States.

It is time to give our regulators the "tools" they need to be pro-active in the fight against fight food borne illnesses and disease.