
Consumer Concerns Over State Roles Under FSMA

Association of Food and Drug Officials

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Center for Science in the Public Interest



Who is CSPI?

- The Center for Science in the Public Interest (CSPI) was founded in 1971 to represent consumers in the policy setting process.
- CSPI helps establish nutrition and health policy through education, public activism, lobbying at federal and local levels, publications (*Nutrition Action HealthLetter*) and litigation.
- Food Safety Department proposes and comments on legislation and regulations designed to reduce the public health risk from microbial contamination of food, and generates studies on foodborne disease including the annual *Outbreak Alert!*.



Food Safety & Consumer Perspectives

■ What consumers say

- ❑ 85% - Government responsible for ensuring food is safe.
- ❑ 74% - Would pay more for food to support new food safety protections.

■ Why they say it

- ❑ 48 Million illnesses, 130,000 hospitalizations and 3,000 deaths annually.
- ❑ 57% - Worry somewhat or a great deal about foodborne illness.

Faces of Foodborne Illness



Kyle Allgood
(2003-2006)
Spinach



Lauren Bush
Spinach



Shirley Mae Almer
(1936-2008)
Peanut butter

FDA Food Safety Modernization Act

■ Changes made by FSMA.

- ❑ Facilities register biennially and may be suspended.
- ❑ **Facilities have to implement prevention programs.**
- ❑ FDA sets performance standards.
- ❑ **FDA to issue produce safety standards.**
- ❑ **Mandated inspection schedules for domestic and foreign facilities.**
- ❑ FDA charged with improving trace systems.
- ❑ **Improvements to State/Federal coordination and surveillance.**
- ❑ Importers held accountable for safety of products; and may have to certify high-risk foods meet U.S. safety standards.



President Obama signs FSMA Jan. 4, 2011

Bold Type Indicates Provisions With State Components

Comparing FDA to State Inspections

■ FDA (2008)

- 1,850 inspectors
- 8,200 inspections
 - 8,045 Domestic
 - 152 Foreign
- 19,000 enforcement actions*
- 300 recalls
- 30,600 samples

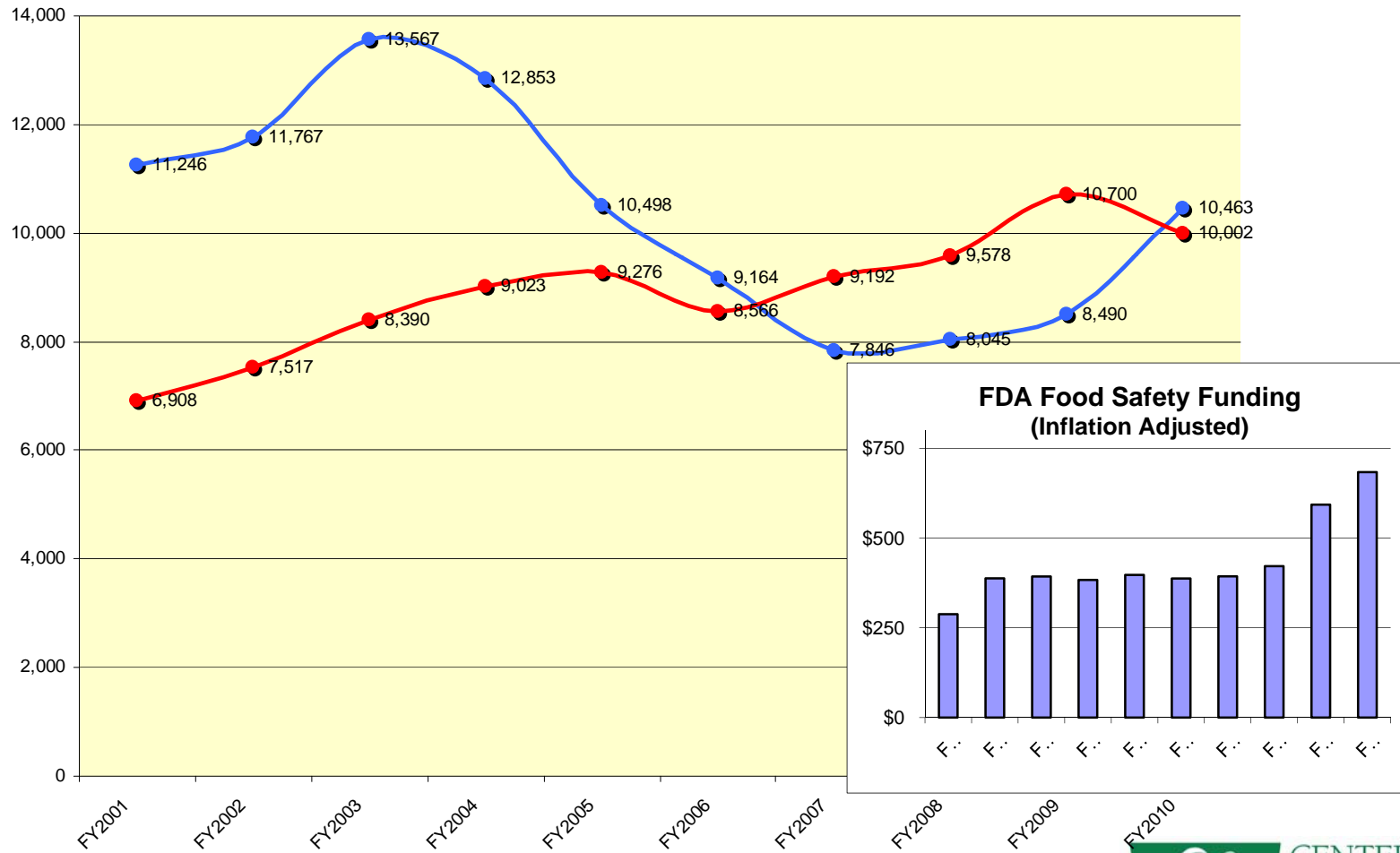
*Total includes import refusals and investigations for all FDA regulated products

■ States (2008)

- 3,380 inspectors
- 4.6 million inspections
 - 9,500 FDA Contract
 - 790 FDA Partnership
- 170,000 enforcement actions
- 1,200 recalls
- 394,000 samples

FDA Leveraging of State Resources

FDA's Use of State Inspections



—●— FDA Conducted Inspections
 —●— State Conducted Inspections

Scale of Inspections Under FSMA

■ FDA and Shared Responsibilities

- ❑ 166,000 domestic facilities holding/manufacturing food.
- ❑ 252,414 foreign facilities in 175 countries.
- ❑ 2.2 million farms in United States.
- ❑ 10 million line items of food entering at border.

■ State Responsibilities

- ❑ 566,000 food service establishments.
- ❑ 146,000 food and beverage stores.
- ❑ 76,000 nursing and residential care kitchens.
- ❑ 9,000* Tester exempt food manufacturing firms.

* 2007 Economic Census. (Note: Food manufacturing firms only, number of facilities may be larger.)

FSMA Focus on State Inspection Role

- § 201 – Establishes inspection schedules for high-risk and non-high risk facilities.
- Inspections cover all registered facilities whether engaged in interstate or intrastate commerce.
- FDA “may” rely on inspections conducted by other Federal, State or Local agencies under interagency agreement, contract, MOU or other obligation.
- § 209 – Contracts/MOUs must include training. *+\$4m*
- § 210 – Grants to enhance food safety/establishment of regional centers of excellence. *+\$20m*
+\$4m

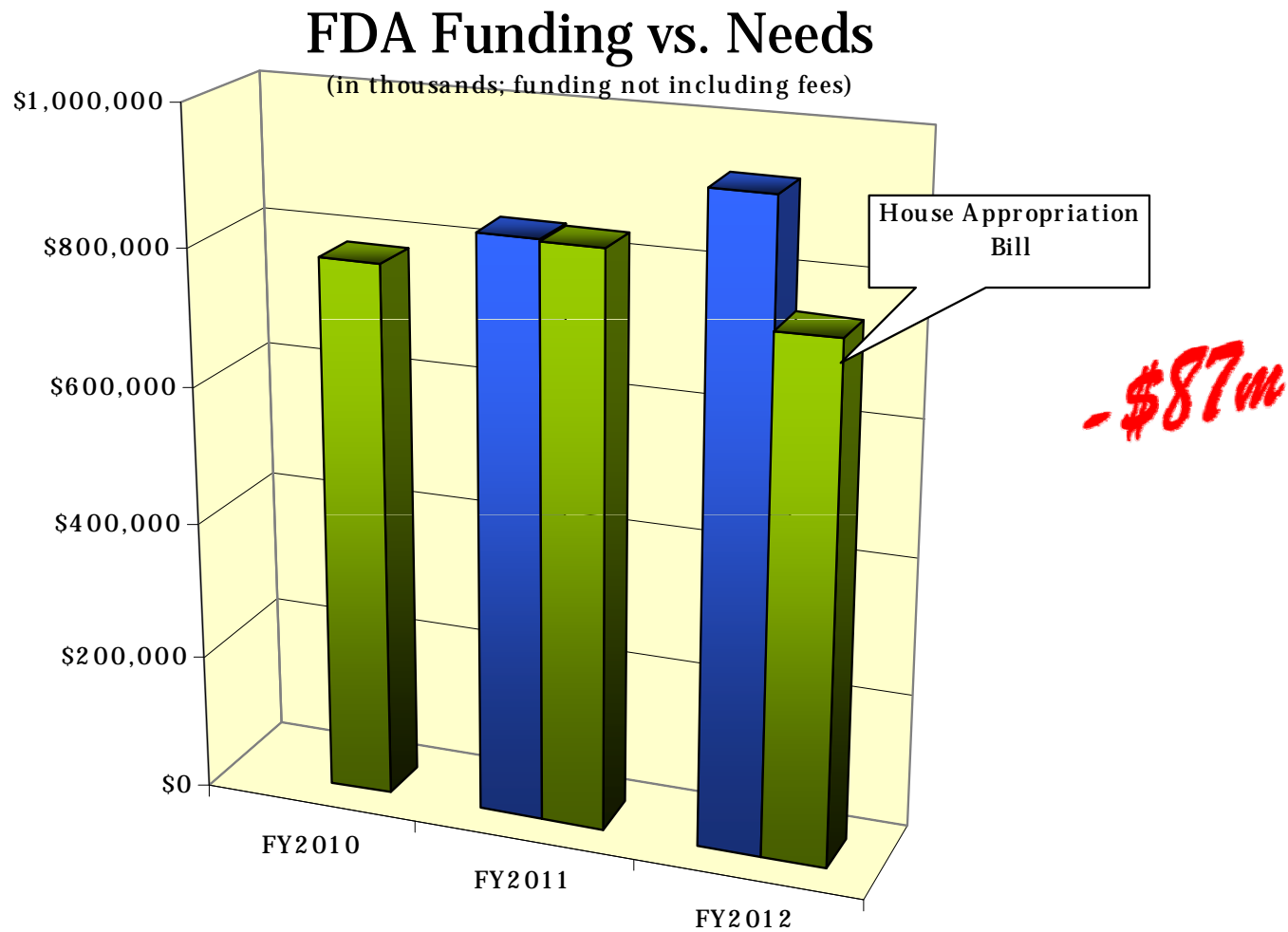
Improve Surveillance by CDC/States



+\$24m

- Coordinate federal, state and local surveillance systems.
- Develop improved epidemiological tools to improve outbreak attribution.
- Engage states to improve foodborne illness outbreak detection and response, and to accelerate investigations.
- Name five State Health Departments as Integrated Food Safety Centers of Excellence.

Funding Issues – Can FDA Deliver?



■ Current Services + CBO/FSMA

■ Actual and Proposed Funding

States Facing Budget Challenges

- Minnesota budget crisis may mean MNDoH will lose funding for Team D – Wired, June 14, 2011.
- Potential cuts to Texas agencies could pose serious challenge to assuring food safety – SW Farm Press, May 13, 2011.
- Florida budget cuts end food safety inspections at day cares, hospitals and nursing homes – McKnights, July 7, 2010.
- Oklahoma hiring freeze results in fewer restaurant inspections – AP, April 19, 2010.
- Indiana state meat inspection facing large budget cuts – National Provisioner, Feb. 2, 2010.

Difference in Costs & Inspections

- Costs

- Cost of FDA inspection ~ \$9,000.
- Average payment to States per contract inspection \$900.

- Inspection Standards

- FDA inspections average 29 FTE hours.
- State inspections average 5.7. (Last State inspection of PCA before outbreak took 3.5 hours in plant and 9.5 hours total.)

What Concerns Consumers?

- FDA and States have unique roles as well as shared roles. How do we preserve important work each does?
- Will budget cuts fall on essential Federal and State services?
- Are Federal and State inspections comparable?
- Do Federal/State programs leverage States or divert them from essential local inspections?

Thank you!

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FOOD DAY

OCTOBER 24, 2011