



Safety Last

THE POLITICS OF E. COLI
AND OTHER FOOD-BORNE KILLERS



THE CENTER FOR PUBLIC INTEGRITY

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Summary

Thousands of Americans die each year—and millions more become sick—from the food they eat, and the number of disease-producing agents in the nation's food supply is growing. Cases of poisoning from the E. coli 0157:H7 bacterium alone have increased dramatically in the past decade, from virtually zero to approximately 20,000 a year. Government officials at the U.S. Department of Agriculture and the Centers for Disease Control and Prevention have described the current food-safety situation as an epidemic.

Not surprisingly, the American people are more concerned today about the safety of their food than at any other time in recent memory—and public-opinion polls reflect their clear sense that the federal government is not doing enough to protect their health. Yet, amid the heightened public discourse about the purity of our food, very little has been said specifically about the conduct, accountability, and responsiveness of Congress to this perceived crisis.

The Center for Public Integrity has never done a study about food contamination. As a nonprofit, nonpartisan organization that publishes investigative studies about public-service and ethics-related issues, the Center does not take formal positions on legislative matters, and we certainly have no "agenda" when it comes to food-safety public-policy alternatives. As with nearly all of our past 28 reports released since 1990, our interest is very simple: examining the decision-making process of government and whether or not it has been distorted in any way.

This major Center investigation involved scores of interviews and reviewing thousands of pages of data from the Federal Election Commission and the Center for Responsive Politics, U.S. Department of Agriculture records, House and Senate lobbying and financial disclosure reports, and congressional hearing transcripts, in addition to thousands of secondary sources. We found that Congress has consistently ignored the growing threat to the public health

posed by the slaughter and meatpacking industry, the producers who raise the animals, and the distributors, wholesalers, and retailers who sell the products to the public.

Among the Center's major findings:

- The federal program designed to protect Americans from contaminated meat has been a dismal failure, internal Agriculture Department records show. Only 43 percent of all meat products recalled by their manufacturers from 1990 to 1997 was actually **recovered**, leaving the **rest—more** than 17 million pounds of contaminated **meat—to** be eaten by unsuspecting consumers. Meanwhile, in 1994, 1995, and 1997, Congress and the meatpacking industry opposed granting the Secretary of Agriculture the regulatory authority to issue mandatory recalls of contaminated meat. Currently, recalls are voluntary.
- Over the past decade, the food industry poured more than \$41 million into the campaign treasuries of Capitol Hill lawmakers. More than a third of the industry's contributions went to members of the Senate and House agriculture committees. Among the leading recipients of money from food processors are the current Agriculture Secretary, Dan **Glickman**; the Majority and Minority Leaders of the Senate, Trent **Lott** and Tom Daschle; the Speaker of the House and the House Minority Leader, Newt Gingrich and Richard Gephardt; and six past and present chairmen or ranking minority members of the Senate and House agriculture committees.
- During the escalating public-health crisis of the past decade, the food industry has managed to kill *every* bill that has promised meaningful reform. The few congressional hearings on food-safety regulations in the 1990s have been stacked with industry witnesses, and as a policy option, tougher government regulation simply never made it out of the Senate and House agriculture committees.
- The meat industry has created one of Washington's most effective influence machines, partly by recruiting federal lawmakers and congressional aides for its lobbying juggernaut. Of the 124 lobbyists whom the Center identified as working for the meat industry in 1997, at least 28 previously worked on Capitol Hill.

S U M M A R Y

- In early 1997, the Clinton Administration proposed having food processors foot some of the bill for government inspections of their meat, poultry, and egg products. The plan was immediately denounced by many Members of Congress, including Republican Bob Smith of Oregon, the chairman of the House Agriculture Committee, who branded it "unwise and unnecessary." The Center found that Smith and members of his staff took more than forty trips underwritten by food-industry interests in 1996 and the first half of 1997.

The extent of influence held by the meat industry over Congress extends far beyond the **life-or-death** safety of the food Americans eat. The Center found that meatpacking continues to be the most dangerous profession in the United States. And just four meatpacking companies control 82 percent of the beef, lamb, and pork slaughter market, the highest level of concentration in the industry's history. From the enforcement of workplace safety regulations to antitrust statutes, the meat business today appears to be in little danger of being "tenderized" by suddenly aggressive congressional oversight or new reform legislation.

On the subject of promulgating public policies to help ensure food safety, the agenda in Congress today is substantially set by the industry. From filling lawmakers' campaign coffers to plying them with all-expenses-paid trips and dangling the possibility of lucrative post-employment opportunities, the meat interests have overwhelmed the supposedly objective **decision-making** process in Washington.

And despite the growing disquiet that the food on any plate might very possibly be unsafe, Congress continues to protect the food industry instead of the public health, steadfastly opposing more stringent government food inspection and safety standards.



Introduction

In September 1904, a relatively unknown, 26-year-old author, Upton Sinclair, went to Chicago for seven weeks to investigate the working conditions and everyday lives of workers in the city's meatpacking plants. Beginning in 1905, his novel was serialized in *The Appeal to Reason*, the nation's largest-circulation weekly newspaper, so that by the time Doubleday, Page and Company published *The Jungle* in book form in 1906, it had already begun to grip the nation.¹

Sinclair's tragic story about Jurgis Rudkus, a Lithuanian immigrant who had come to Chicago full of hope, and Ona Lukoszaite, his soon-to-be bride, had universal appeal. *The Jungle* became an international sensation and best-seller. In the Progressive era of such "muckrakers" as Lincoln Steffens, Ida Tarbell, and David Graham Phillips, Sinclair's novel hit virtually every major political and social issue they had all been exposing, from big-city corruption to the predatory greed of the large corporate trusts, from child labor to urban poverty. But those subjects, to the author's chagrin, were not what inflamed America's sensibilities. As Sinclair observed a year after his book was published, "I aimed at the public's heart and by accident I hit it in the stomach."²

Indeed, *The Jungle* contains some of the most graphic prose ever written about food and how our meat makes it from the farm to the fork.

They were regular alchemists at Durham's . . . the things that went into the mixture were tripe, and the fat of pork, and beef suet, and hearts of beef, and finally the waste ends of veal, when they had any. They put these up in several grades, and sold them at several prices; but the contents of the cans all came out of the same hopper. And then there was "potted game" and "potted grouse," potted ham," and deviled ham"—de-vyled, as the men called it. "De-vyled" ham was made out of the

waste ends of smoked beef that were too small to be sliced by the machines; and also tripe, dyed with chemicals so that it would not show **white**; and trimmings of hams and corned beef, and potatoes, skins and **all**, and finally the hard cartilaginous gullets of beef after the tongues had been cut out. All this ingenious mixture was ground up and flavored with spices to make it taste like **something**.³

To hear this man describe **the** animals which came to his place would have been worthwhile for a Dante or a Zola. It seemed that they must have agencies all over the country, to hunt out old and crippled and diseased catde to be canned. There were cattle which had been fed on "whiskey malt," the refuse of the breweries, and had become what the men called "**steerly**"—**which** means covered **with** boils. It was a nasty job killing these, for when you plunged your knife into them they would burst and splash foul-smelling stuff into your face; and when a man's sleeves were smeared **with blood**, and his hands steeped in it, how was he ever to wipe his **face**, or to clear his eyes so that he could see? It was stuff such as this that made the "embalmed **beef**" that had killed several times as many United States soldiers as all the bullets of the **Spaniards**.⁴

Immediately after the publication of *The Jungle*, President Theodore Roosevelt ordered an investigation into the meatpacking industry. In March 1906, he wrote to Secretary of Agriculture James Wilson: "I would like a first-class man to be appointed to meet Sinclair, as he suggests; get the names of the witnesses, as he suggests; and then go to work in the industry, as he suggests. You must keep absolutely secret your choice of a man. Don't set about getting a man without consulting me. We cannot afford to have anything perfunctory done in this **matter**."⁵

The result was the secret Neill-Reynolds report (named for Labor Commissioner Charles P. Neill and a social worker named James Bronson Reynolds), which unequivocally confirmed to Roosevelt the astounding veracity of *The Jungle*.⁶ He asked Congress to pass a new law to increase the regulation and safety standards of the meatpacking industry. The members of the "Beef Trust," as it was known, had been generous contributors to Roosevelt's campaigns, and they were skeptical of his actual commitment to the issue of pure-food laws. In addition, they were confident that they could **kill** the legislation by bottling it up in the House Agriculture Committee, thanks to their cozy relationship with its chairman, James W. Wadsworth of New York.⁷

Roosevelt was dead serious about the **issue** of food safety, however, and he demonstrated his earnestness by sending part of the sensational Neill-

Reynolds report to the House of Representatives with a message demanding passage of the stalled reform legislation. As a result, sales of U.S. meat products in Europe dropped dramatically, and the meatpackers and their allies in Congress capitulated to Roosevelt's will. Roosevelt signed the Pure Food and Drug Act and the Meat Inspection Act into law on June 30, 1906.⁸

Nearly a century later, however, in many ways not much has changed. Meat-processing plants are still dirty, difficult, dangerous places to work; the food industry is still able to stave off increased government food-safety regulation; and Congress is still placing the industry's concerns ahead of the public's.

Thousands of Americans die each year—and millions more become sick—from the food they eat. As we illustrate in this study, despite the growing public disquiet over this issue, Congress has continued to protect the food industry, opposing more stringent government inspection and safety standards. The few congressional hearings on food-safety regulations in the 1990s have been overwhelmingly stacked with industry witnesses, and indeed, as a policy option, tougher government regulation has never even made it out of the House and Senate agriculture committees. The only meaningful change in the inspection process that Congress has endorsed in recent years is something called Hazard Analysis of Critical Control Points (HACCP), a system that shifts the inspection responsibility to the food industry itself, to ensure that the food it produces is *safe*.⁹

James Madison once said, "If men were angels, there would be no need for government." Industries inevitably prefer self-regulation to government regulation, and in that context the food industry once again has gotten its way, with the acquiescence and endorsement of Congress. At the same time, Members of Congress continue to gobble up tens of millions of dollars in campaign contributions and other desserts from the food industry.

When it comes to food safety, the American people have ample reason to be worried. The number of disease-producing agents in the nation's food supply is *growing*—from trichinella and hepatitis A to E. coli 0157:H7 to *Campylobacter jejuni*. In the 1990s, the number of food imports from countries with less strict inspection standards has risen dramatically. There have been several terrifying outbreaks of bacteria-related illnesses that were barely mentioned in the scientific literature fifteen years ago, microscopic pathogens that "poke-and-sniff" U.S. Department of Agriculture inspectors are unable to detect visually. In 1993, for example, an outbreak of E. coli 0157:H7 in hamburgers sold by *Jack-in-the-Box* restaurants killed four children and sickened hundreds of other people. Since that highly publicized event, there have been a

number of *E. coli*, salmonella, and campylobacter outbreaks around the nation. The once-obscure bacterium campylobacter, for example, spread chiefly by contaminated poultry, is now the most common food-borne pathogen in the United States. Each year it may cause as many as 1,300 cases of **Guillain-Barré Syndrome**, which is now the leading cause of paralysis in children. Last summer, seventeen people in Colorado became ill by eating hamburgers produced by a Hudson Foods meat-processing plant in Columbus, Nebraska, prompting the largest recall in U.S. history: 35 million pounds of ground beef.

Not surprisingly, the American people continue to believe that the federal government isn't doing enough to safeguard the public health. In 1989, for example, in a poll conducted by Maritz Marketing Research, 63 percent of the respondents said "the federal government is doing too little" on the food-safety front.¹⁰ In a 1997 Princeton Survey Research Associates poll, 62 percent said "the federal government needs to spend more" money on food safety.¹

In the same Princeton poll, when asked, "Do you think the food supply is safer than it was ten years ago, less safe, or about as safe?" 44 percent of the American people said "less safe."¹² Other opinion surveys conducted from 1989 to 1997 trace the American public's increasing skepticism that the U.S. government is doing a good job of ensuring that food purchased in this country is safe to eat.

Dr. Patricia Griffin, the director of epidemiology research at the Centers for Disease Control and Prevention in Atlanta, perhaps best expressed the public sentiment when she told *The New York Times*: "The bottom line should be, Is it reasonable that if a consumer undercooks a hamburger that their three-year-old dies? . . . I think it galls consumers and that's understandable. They are asking, 'Can't we have better control of how our food is produced?'"¹³

Much has been written in the past year or so about food safety. Remarkably, however, there has been very little written about the conduct and accountability of Congress on this vital public-health issue. In this investigative report, we explore what Congress has done to alleviate the public's fears and to protect it from contaminated food. We attempt to address how and why Congress has put the interests of farmers, processors, and retail merchants above the interests of the American people generally. Finally, we examine the role of campaign money in this equation.



'The Captive Congress

Albert Piccetti knew what hard work was all about. Soon after he turned sixteen, Albert became the sole provider for his parents and younger sister when his father suffered a debilitating stroke. Later, he worked for the Golden Gate Scavenger Company in San Francisco, where he was born. He fought in World War II and afterward joined his wife's family in operating a bar and grill in San Francisco's produce and printing district. In 1957, Piccetti, his brother-in-law, and a boyhood friend bought San Francisco Sausage Company, a family-owned company best known for its Columbus Brand Salami. Under the new ownership and management, the company prospered as never before.¹

Albert Piccetti had achieved the American Dream. At one point he even served as the leader of the National Meat Association, a group of meat processors in the United States and Canada with more than 600 members. He retired in 1985 at the age of 67.

In 1996, when the National Meat Association held its 50th Annual Convention and Golden Anniversary Celebration in San Francisco, it was only natural, perhaps, that Piccetti was tapped to serve as host to one of the association's VIP guests and scheduled speakers: Representative Jack Kingston, a Republican from Georgia. Kingston, one of the House GOP's assistant whips, is a member of the powerful Appropriations Committee, where one of his three subcommittee assignments is Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

After delivering his speech to the association's convention in San Francisco, Kingston was invited to spend an evening with the Piccettis in their house

overlooking the Bay. "It was a wonderful house perched high on the slope of one of San Francisco's many hillsides," Kingston told his colleagues in July 1997. "The view was spectacular, **the** food tremendous, and the host family as delightful and graceful as a California spring day."² He went on to pay lavish tribute to Albert Piccetti and his hard work. Kingston did not, however, mention that the National Meat Association had picked up the \$2,165 tab to bring him to that hillside house.

- Nor did he make any reference to the story of a **two-and-a-half-year-old** girl from Seattle who'd been hospitalized in December 1994 with severe diarrhea and dehydration. She'd gotten infected with the deadly *E. coli* 0157:H7 bacterium from her six-year-old sister, who'd eaten some dry-cured salami from San Francisco.³ Despite its state-of-the-art plant, the San Francisco Sausage Company was forced to recall 10,000 pounds of Columbus Dry Salami, its flagship product, from retail stores in California, Oregon, and Washington.⁴ The Center learned that, of the 10,000 pounds recalled, just 1,944 pounds were **recovered—or** 19 percent. The rest was consumed by an unsuspecting public.

In all, the outbreak infected twenty people, of whom the median age was six. The two-and-a-half-year-old girl later developed **hemolytic uremic syndrome (HUS)**, a serious complication that can result in kidney failure and **death**.⁵

The outbreak was notable because it was the first known case of *E. coli* infection resulting from dry-cured salami. It had been widely assumed that the curing **process—which** included spices, garlic, salt, and lactic acid—**killed the pathogen**.⁶ No one knew that salami could carry the deadly bacterium. Or did they?

At least some people in the meat industry knew two years before the outbreak that the pathogen could survive the curing process, *The New York Times* reported in 1995.⁷ In an August 1992 study in the *Journal of Applied and Environmental Microbiology*, researchers concluded that 0157:H7 would not likely be killed completely in fermented sausage that was not pasteurized. The study was paid for by the National Live Stock and Meat Board in Chicago, the meat **industry's** research organization. But neither the American Meat Institute nor the National Meat Association notified its members. In an interview with the Center for Public Integrity, Carol Tucker Foreman, a former assistant Secretary of Agriculture for Food and Consumer Services in the Carter Administration, called the lack of notification "inexcusable," adding, "At least the industry could quietly have let its members know there was a problem."

Moreover, because the salami in question was sold as a ready-to-eat product,

the outbreak posed a new issue for the industry. "You can't advise the public to cook these; they come ready to eat," Dr. James Marsden of Kansas State University, who was then a senior scientific adviser to the American Meat Institute, told the *Times*. "For years we've been accused of blaming the victim, but the victim has no role in this. The responsibility lies squarely with the industry."⁸

Kingston's reticence in mentioning the *E. coli* outbreak caused by the salami manufactured by his host, or the industry's suppression of a report that could have alerted its members and the public to the possible danger, is not an isolated incident. Time and time again, Congress has ignored the growing threat to the public health posed by the meatpacking and processing industry, the producers who raise the animals they slaughter, and the distributors, wholesalers, and retailers who sell the products to the public. During the course of its investigation, the Center has learned:

- Cases of poisoning from *E. coli* 0157:H7 have increased exponentially in the past decade, from virtually zero to approximately 20,000 cases a year—a figure that Dr. Glenn Morris, the director of the Agriculture Department's Epidemiology and Emergency Response Program, calls "an epidemic." During this period, as the food industry poured more than \$41 million into the campaign treasuries of Capitol Hill lawmakers, Congress all but ignored the escalating public-health crisis.
- The meat and poultry industry gave Members of Congress more than \$9 million in campaign contributions from 1987 to 1996, and it has little trouble finding lawmakers to do its bidding. In 1995, for example, Representative James Walsh, a Republican from New York, slipped a one-paragraph rider into a 150-page subcommittee report that would have derailed the Agriculture Department's plan to modernize inspections of raw meat and poultry and forced it to negotiate with the industry. Walsh's amendment had been drafted by Philip Olsson, a lobbyist for the National Meat Association. Food-industry interests gave Walsh more than \$61,000 in campaign contributions from 1987 to 1996. The Clinton Administration capitulated, and in the summer of 1995 Agriculture Secretary Dan Glickman announced that the industry would help design the new inspection system.
- By concentrating more than a third of its contributions on members of the Senate and House agriculture committees, the industry has managed

to kill every bill that has promised meaningful reform. In 1987, Patrick Leahy's Safe Food Standards Act died in the Senate Agriculture Committee; in 1996, Bill Bradley's Family Food Protection Act met the same fate. Among the largest recipients of money from processors are the current Agriculture Secretary, Dan Glickman; the Majority and Minority Leaders of the Senate, Trent Lott and Tom Daschle; the Speaker of the House and the House Minority Leader, Newt Gingrich and Richard Gephardt; and six past and present chairmen or ranking minority members of the House and Senate agriculture committees.

- Scientists have warned since the 1960s that the widespread use of growth-promoting antibiotics in catde and poultry feed would produce dangerous new strains of bacteria, and in 1977 the Food and Drug Administration proposed new restrictions on the use of penicillin and tetracycline in animal feeds. But the pharmaceutical industry got Congress to block the FDA from implementing the regulations and has warded off all such regulation in the intervening twenty years. Last year alone, it spent at least \$41 million to lobby Capitol Hill lawmakers, the Center's analysis shows.
- The meat industry has created one of Washington's most potent influence machines, partly by recruiting Capitol Hill lawmakers and congressional aides for its lobbying juggernaut. Of the 124 lobbyists whom the Center identified as working for the meat industry in 1997, at least 28 previously worked on Capitol Hill.
- In early 1997, the Clinton Administration proposed having food processors foot some of the bill for government inspections of their meat, poultry, and egg products. The plan was immediately denounced by many Capitol Hill lawmakers, including Republican Bob Smith of Oregon, the chairman of the House Agriculture Committee, who branded it "unwise and unnecessary." Smith and members of his staff took more than forty trips underwritten by food-industry interests in 1996 and the first half of 1997, the Center found.
- The federal program that's designed to protect Americans from contaminated meat products has been a dismal failure, the Center's analysis of Agriculture Department records shows. Only 43 percent of all meat products recalled by manufacturers from 1990 to 1997 was actually recovered,

leaving the rest—more than 17 million pounds of contaminated meat—to be eaten by unsuspecting consumers. Hudson Foods, Inc., which last August was the target of the largest meat recall in U.S. history, managed to recover less than a third of the 35 million pounds of hamburger it recalled.

- In some cases, the Center's investigation shows, the Agriculture Department allows manufacturers to "reprocess" contaminated meat for sale. Meatpackers and processors can thus get rid of meat that's been contaminated with bacteria or fecal matter merely by cooking it at high enough temperatures to kill any food-borne pathogens.
- Meatpacking is the nation's most dangerous profession, according to the Bureau of Labor Statistics. Meatpacking plants have an injury and illness rate of 36.4 per 100 workers and the highest rate of repeated trauma disorders, at 1,257 per 10,000 workers.
- USDA inspectors told the Center that some meatpackers use diseased or sickly cattle—known in the industry as "downers"—to boost their output of lean hamburger meat. Because the animals are not healthy, their fat content tends to be lower.
- In January 1998, the nation's biggest meatpacking plants implemented Hazard Analysis of Critical Control Points (HACCP), an industry-designed system that's supposed to pinpoint and then fix problems in the production line—potential points of microbiological contamination, for instance. Many USDA inspectors, the Center found, refer to the new system as "Have a Cup of Coffee and Pray."
- Nearly 15 percent of all E. coli 0157:H7 cases have come from person-to-person transmission. (If a child infected by E. coli 0157:H7 attends a day-care center, "almost inevitably there will be other cases," the government's top expert says.) As many as 7 percent of all E. coli 0157:H7 victims develop hemolytic uremic syndrome (HUS), a severe, life-threatening disease characterized by the destruction of red blood cells, kidney failure, and neurological complications, such as seizures and strokes. HUS, once considered a rare disease, is now the leading cause of renal failure in children.

- In 1918, the Federal Trade Commission found that five big firms controlled 70 percent of the nation's meatpacking business. In an effort to restore competition in the industry, Congress passed the Packers and Stockyards Act of 1921. In 1996, however, the Agriculture Department found that four big meatpacking firms controlled 87 percent of the beef, lamb, and pork slaughter market—the highest level of concentration in the industry's history. Such economic concentration also has health consequences. As fewer plants process an ever-greater percentage of the nation's food, a larger share of the population is vulnerable to a shipment of contaminated food.

Otto von Bismarck, the German statesman, once said that the public should never see how sausages and laws are made. A few decades after he made that remark, a journalist named Upton Sinclair broke one of the taboos. In his 1906 novel, *The Jungle*, Sinclair described in gruesome detail the practices of the Chicago meatpackers, including this account of what went into the sausage that ended up on the nation's breakfast table:

There was never the least attention paid to what was cut up for sausage; there would come all the way back from Europe old sausage that had been **rejected**, and that was mouldy and **white**—it would be dosed with borax and glycerine, and dumped into the hoppers, and made over again for home consumption. There would be meat that had tumbled out on the floor, in the dirt and sawdust, where the workers had tramped and spit uncounted billions of consumption germs. There would be meat stored in great piles in rooms, and the water from leaky roofs would drip over it, and thousands of rats would race about on it. It was too dark in these storage places to see **well**, but a man could run his hand over these piles of meat and sweep off **handfuls** of the dried dung of rats. These rats were nuisances, and the packers would put poisoned bread out for them, they would die, and then the rats, bread and meat would go into the hopper together. This is no fairy story and no joke; **the** meat would be shovelled into carts, and the man who did the shoveling would not trouble to lift out a rat even when he saw **one**—**there** were things that went into the sausage in comparison with which a poisoned rat was a tidbit.⁹

The public, horrified at the charges Sinclair leveled at the large packers that produced more than half of the nation's beef products, demanded action. President Theodore Roosevelt complied, and had his Secretary of Agriculture

dispatch a commission to Chicago. It wasn't the first time Roosevelt had sent inspectors to "Packingtown." He had already dispatched James Rudolph Garfield, son of the former President and the Commissioner of Corporations, to whitewash the Beef Trust.

Sinclair managed to get word to Roosevelt that the Agriculture Department couldn't be trusted to investigate the industry, because it was implicated in the charges made in *The Jungle*. And so Roosevelt sent two trusted emissaries to Chicago to conduct their own undercover investigation.¹⁰

Sinclair's novel, and the public outcry it unleashed, forced a reluctant Congress, dominated by special interests, to act. It passed the Meat Inspection Act of 1906, setting up what was then the most modern and rigorous inspection system for beef and pork products in the world.

Beyond that, Sinclair—perhaps more than any of the muckrakers that exposed scandal after scandal in the early part of this century—provided the spark for the progressive movement in American politics, which demanded accountability of its politicians and its public institutions.

It was Sinclair's brutal realism that turned the public's stomach. Nightmarish descriptions, like this one, led to calls for reform: "Meat and poultry products were being held . . . in a rat-infested storage facility where it was surrounded by rodent excreta and became contaminated with filthy, putrid, and decomposed substances, including rodent feces, hair, and gnaw marks, making the meat and poultry **unhealthful**, unwholesome, and potentially injurious to **health**."¹¹

Sinclair, however, did not write this passage. Rather, it was the work of a public-relations officer of the Food Safety and Inspection Service—the agency of the Agriculture Department that was created by the 1906 act and that now oversees the safety of the nation's kitchen table. The press release was dated March 24, 1997. The story concerned a Miami meat distributor, Four Star Poultry and Provision Company, Inc., which was fined \$7,500 for the above offenses and ordered to meet federal safety standards. While Four Star Poultry represents an extreme case, even state-of-the-art facilities like the San Francisco Sausage Company—which employ the latest techniques for controlling pathogens—are not immune to potentially lethal outbreaks of *E. coli*, salmonella, listeria, or other strains of deadly bacteria that can imperil the public health. And, technical jargon aside, if it sounds like Sinclair and the FSIS official are telling much the same story, that's because they are. The reason for that has to do with the second thing that Bismarck recommended the public never see: how laws are made.

In passing the first meat-inspection law in the late nineteenth century, Congress's chief aim was to help the nation's meat industry, not to protect the public. Meatpackers needed the government's seal of approval so their products would be accepted by other nations for export. Bismarck's Germany had banned American pork products because of fears of trichinosis, and the British had placed severe restrictions on imports of American beef. At the same time, several states were passing inspection and safety laws that would have kept Chicago beef out of their states; the packers insisted on congressional action to protect their interstate commerce. The Meat Inspection Act of 1891, along with a friendly ruling by the Supreme Court, struck down the efforts of state governments to regulate the safety of their food supply, and set up a rubber-stamp inspection system for the **packers**.¹²

Following Sinclair's **exposé** of the packers, and the 1906 act, the Chicago Beef trust ran afoul of the government again in 1920, when a mere five packers controlled 70 percent of the nation's beef and pork supply. Those five companies entered into a landmark consent decree with the government, and the huge Beef Trust—which fixed prices and crushed their **competition**—was broken up.¹³

In 1957, Congress regulated chicken, which was once considered a luxury item (the phrase "a chicken in every pot" would, in today's dollars, be akin to saying "champagne and caviar for every snack"), and other poultry products with the Poultry Products Inspection Act. The law was amended eleven years later by the Wholesome Products Poultry Act of 1968, which, like beef and pork, mandated that poultry be inspected continuously from slaughter through processing. Eggs and egg products came under the same federal oversight when Congress passed the Egg Products Inspection Act in 1970.¹⁴

Since 1970, Congress has done little or nothing to regulate the industry, even as new threats to the public's **health**—requiring new **remedies**—have emerged. Indeed, Congress has aided and abetted those in the industry intent on weakening the protections that do exist to safeguard the public's health.

The small city of Medford, located in the heart of the Rogue River Valley in southern Oregon, was the scene of the first outbreak of a new threat to the nation's food supply in 1982. The city, with a population of 56,000, boasts beautiful pear orchards and a striking view of the snow-capped Mount McLoughlin. Every July, just fifteen miles from downtown, it hosts the Jackson County Fair, with all the **trappings**—carnival rides, food, entertainment, and a livestock show.

In 1982, Medford had a less celebratory encounter with livestock, in the form of the first outbreak of a new threat to the nation's food supply:

Escherichia coli 0157:H7. More than two dozen people were hospitalized after eating contaminated hamburgers at a local McDonald's restaurant. The bacterium in the burgers caused intense stomach cramps, bloody diarrhea, and, in the worst cases, kidney failure.¹⁵ The first *E. coli* outbreak—and the dozens that followed—was a tragedy waiting to happen.

The old inspection system mandated in 1906 is organoleptic—that is, the inspectors rely on sight, touch, and smell to check for animal diseases such as trichinosis. While these inspections are absolutely necessary to protect the public health, they can't detect pathogens like *E. coli*, salmonella, or listeria, which are tasteless, odorless, and invisible to the naked eye.

The chances of these pathogens reaching the public skyrocketed in the early 1980s when the USDA allowed meatpackers to more than double their processing speeds. Federal inspectors, who were already overworked and unable to adequately check the chickens and cattle whizzing by on production lines, were given half the time to do the same job.

Poultry plants, for example, slaughter and process 21 million birds a day, translating to more than 91 birds a minute on high-speed, automated production lines. Federal inspectors have less than two seconds to thoroughly check each chicken's chest cavity, interior, and flesh for nearly a dozen diseases, fecal contamination, bruises, cancers, lesions, or other defects.¹⁶

The lines are fertile breeding grounds for hazardous bacteria. When thousands of birds are eviscerated every hour on the same machine, just one salmonella-infected chicken can contaminate hundreds more in a matter of seconds. "Excessively high speed on slaughter lines is what causes contamination and introduces pathogens to the carcasses," said government food inspector Paul D. Johnson. "Instead of maintaining or slowing line speeds, the government is approving higher speeds. . . . This also cuts in half the time an inspector has to inspect for diseases."¹⁷

One Nebraska beef-packaging plant, originally designed to slaughter 125 head an hour, now operates at more than twice that rate. According to USDA inspector Steve Cockerham, the motto is "Let the company do it."¹⁸

"The company cared more about putting beef in the box and getting it out the door than making sure it was safe," Cockerham said. "Line speed in excess of 300 head per hour, that's just too fast to get everything."

David Carney, the chairman of the National Joint Council of Food Inspection Locals, said that high-speed lines make it "simply impossible to adequately inspect every animal," noting that at the various plants he inspected he found "meat contaminated with feces, abscesses, tapeworms, hair, hid

buckshot, chewing tobacco, and even cactus thorns . . . cattle heads so diseased that contamination oozes out of their **skulls**.”¹⁹

As industry practices reduced the effectiveness of the **organoleptic** inspections and increased the potential for bacterial contamination of meat and poultry, Congress did nothing. “Meat and poultry inspection was an arcane subject that 99 percent of Members [of Congress] knew nothing about,” Carol Tucker Foreman told the **Center**.²⁰

One legislator who did know something about it was Representative Neal Smith, a Democrat who served in the House from 1959 to 1994. Smith sponsored the Wholesome Products Poultry Act and the Wholesome Meat Act in the 1960s. In a 1989 interview with *Legal Times*, Smith explained how meat and poultry processors blocked legislation they opposed. “Because poultry and meat inspection bills go through the Agriculture Committee,” he said, “the industry concentrates there to keep a bill that they don’t like from emerging on the House **floor**.”²¹

And on the Senate floor as well.

In October 1987, Senator Patrick Leahy, a Democrat from Vermont, introduced the Safe Food Standards Act, the most comprehensive overhaul of the food-inspection system ever **proposed**. His legislation would have required the Agriculture Department, for the first time, to test samples of meat for **microbial** contamination. “The current inspection process must be supplemented with a scientific, statistical sampling system designed to detect bacteria and other harmful microbiological contaminants,” Leahy said in introducing his bill. He added: “There are over 9 million cases of food-borne illness each year, resulting in 7,000 to 9,000 deaths **annually**. . . . The total cost to the economy may be over \$40 **billion** for all forms of food-borne **illnesses**.”²²

The Safe Food Standards Act was designed to provide the sort of farm-to-fork protection that could have prevented the 1982 *E. coli* outbreak in Medford, Oregon. The act would have provided a program to test animal feed for contamination. It would have created a system to trace diseased animals back to the farm or **feedlot**, to stop pathogens at the earliest possible point. It would have added microbial testing to the organoleptic testing done by the Food Safety and Inspection Service. It would have provided protection for **whistleblowers** who reported unsafe plant conditions. And finally, it would have provided the public with accurate information on the safety of the nation’s food supply.

“I believe that this legislation is both comprehensive and balanced,” Leahy said. “It is comprehensive because it addresses in a systematic manner, from top to bottom, the safety of the meat, poultry, and fish purchased by American

consumers. It is balanced because it recognizes that food safety is the responsibility of the food producer, food processor, and food **consumer**.”²³

There was just one hitch: The very industries that the bill aimed to regulate owned the committees that had to pass it.

A Center analysis of campaign contributions made to Capitol Hill lawmakers shows that the industry spent \$3.4 million on members of the House and Senate agriculture committees, or 35 percent of the \$9.7 million it gave from 1987 to 1996. Of the top fifty recipients of money from food processors in the Senate, some 25 served on the Agriculture Committee. In the House, thirty of the top fifty recipients served on the Agriculture Committee. Companies such as ConAgra, **Cargill**, and Tyson Foods, as well as trade associations such as the American Meat Institute, the National Broiler Council, and the National Meat Association, bought a place at the table for their concerns. The public was not similarly represented.

Soon after Leahy introduced his bill, the American Meat Institute publicly stated its opposition.

George Watts, the president of the National Broiler Council, branded Leahy's bill "both unsound and unrelated to public health." He argued, "Trying to place microbial limits on raw meat, poultry, and fish is both impractical and **inappropriate**.”²⁴

Leahy's bill never made it to the Senate floor. While Secretaries of Agriculture and Members of Congress from both parties have made many speeches about ensuring the safety of food between the farm and the fork, the fate of Leahy's bill set a precedent: Every other attempt, whether ambitious or modest, to reform the meat-inspection system died in committee. It's a testament to the power of the industry that, as more Americans fell victim to deadly pathogens, as the public was shocked by the record recall of ground beef issued by Hudson Foods, the meat and poultry processors, producers, wholesalers, distributors, and retailers pushed for and won a new inspection regime designed to protect their interests, not the public's.

Today, the meat and poultry industry is the largest segment of the nation's agricultural sector, generating annual revenues of \$90 billion. According to the Bureau of Labor Statistics, meat and poultry processors employ some 1 million **workers**—more than fruit and vegetable processors (455,100), the pharmaceutical industry (206,400), the dairy industry (142,000), the television broadcasting industry (558,700), or the newspaper industry (446,500).

Those employment figures give the industry considerable clout on Capitol Hill. In 1994, the Senate Agriculture Subcommittee on Research, Conserva-

tion, Forestry, and General Legislation held hearings on the Agriculture Department's "zero tolerance" policy, which was implemented to prevent the spread of the deadly strain of E. coli. Simply stated, the zero-tolerance policy held that any meat contaminated by fecal **matter**—the main source of E. coli in the nation's meat **supply**—was to be pulled from processing lines.

In his testimony to the **committee**, Patrick Boyle, the president of the American Meat Institute, said: "[O]ne of the nation's largest, and we believe most progressive, beef-packing companies recently invited a . . . Midwestern Senator. We believe in response to the tour and the discussion that ensued while the Senator was on-site regarding zero tolerance, the plant has documented a fivefold increase in **inspector-generated** downtime, with no apparent reason, except for the Senator's visit. That plant has watched 1,600 workers stand idle while a single inspector repeatedly slowed or stopped the line in the name of zero tolerance."

Senator Bob Kerrey of Nebraska, who chaired the hearing, addressed Boyle's remarks a bit later. "So there can be no mistake about it, the Midwestern Senator referred to earlier was me," he announced. "The 1,600 human beings working in a factory, supporting **families**, have their livelihoods at stake out there. So if inspectors went in there as a consequence of my visit and questions that I raised about zero tolerance, if they went in there afterwards with a fivefold increase in inspection activity at the **plant**, it is completely unacceptable, and disciplinary action should be taken. That is not inconsistent with **saying** that I do not want to send a message that inspectors should back off of the goal of trying to make sure that we give consumers safer food than they have got right now."²⁵

Kerrey never bothered to ask whether the plant in **question**—which is owned by Excel, a division of **Cargill**—was meeting the **zero-tolerance** policy. And while Kerrey's concern for the 1,600 workers was touching, it's also worth noting that the Nebraska Democrat was the Senate's fifth-highest recipient of industry largess, taking in \$74,100 in campaign contributions from 1987 to 1996.

Over the years, the nation's meat industry has amassed considerable political clout. In 1906, even before the passage of the Federal Meat Inspection Act, **meatpackers** formed the American Meat Packers Association, a lobbying organization that later became the American Meat **Institute**.²⁶ Its annual budget is \$8.5 million. The big meatpacking outfits such as Excel and **Monfort**, a subsidiary of ConAgra, **Inc.**, have their own Washington political operations. Smaller companies have the National Meat Association and the American Association of Meat Processors.

Similarly, poultry processors are represented by the National Broiler Council and various state organizations such as the Arkansas Poultry Federation.

Tyson Foods, the nation's largest chicken processor, has its own political action committee and its own Washington lobbyists.

Little wonder, too, that the industry gets its way so often in Washington: Many of its top lobbyists came right out of government. When Lester Crawford, the administrator of the Food Safety and Inspection Service from 1987 to 1991, left the government, for example, he went to the National Food Processors Association as its executive vice president for scientific affairs. Patrick Boyle, the president of the American Meat Institute, served in the late 1980s as the administrator of the USDA's Agricultural Marketing Service, which oversees the department's grading, inspection, and regulatory program.

In 1989, the National Broiler Council's president, George Watts, told *Legal Times* that its five registered lobbyists didn't do any lobbying. "Most of them don't do anything," Watts said. Pressed further, Watts insisted that his staffers didn't lobby. "They're primarily there for briefing somebody, not lobbying in the true sense of the word."²⁷

Whether they lobby or not, the food processors have gotten the job done on Capitol Hill. In the five years following the first 0157:H7 outbreak in 1982, Members of Congress put nearly twenty **meat-related** bills in the hoppers. One sought to limit the importation of lamb; another exempted from federal inspection standards restaurant kitchens that used ready-to-eat meat products; yet another sought to allow meat classified as unfit for humans to be fed to animals. Lawmakers declared the last week in January "National Meat Week" and considered a Senate resolution urging Americans to eat more meat. Not one had anything to do with food safety.

Things haven't changed that much since then. In 1995 and 1996, 336 bills were referred to the Senate and House agriculture committees. Of those, thirteen were enacted into law. They covered such pressing matters of public concern as limiting the liability of shippers who spill animal or vegetable oil; extending the time between Farm Credit Administration examinations of banks that lend to farmers from one year to eighteen months; conveying land within the Mark Twain National Forest to the city of **Rolla**, Missouri; and reducing the food-stamp program by \$23.3 billion over six years.

By contrast, the Family Food Protection Act, introduced in both the Senate and the House in 1995, represented another **effort**—far more modest than Leahy's 1987 bill—to modernize the nation's food-safety inspection system. The bill never made it out of either committee.



'The Microbial Menace

In February 1982, doctors at Rogue Valley Medical Center and Providence Hospital in Medford, Oregon, puzzled over the cases of more than two dozen people who'd recently been hospitalized with frightening but inexplicable symptoms: stomach cramps so severe that one victim described them as more painful than childbirth, and diarrhea so bloody that patients appeared to be hemorrhaging. A mysterious invader was destroying massive numbers of the platelets that promote coagulation; patients' intestines were swelling, and their kidneys were failing.¹ One doctor was so mystified that he operated on two victims thinking they might be suffering from appendicitis.²

Finally, the medical staff at the hospital asked the Centers for Disease Control and Prevention (CDC), in Atlanta, for help,³ and the CDC's Dr. Lee Riley caught the next flight to Oregon. His first step was to search for a common thread in all the cases. He quickly determined that all the victims had eaten hamburgers at a local McDonald's restaurant. Riley, however, thought the hamburgers an unlikely source of the illnesses, because they'd been cooked at high temperatures. Then a similar outbreak of bloody diarrhea struck, this time in Michigan. The victims there had also eaten at a McDonald's.⁴

During Riley's investigation, Dr. Joy Wells, a microbiologist at the CDC, found that nine of the twelve patients had a type of the bacterium *Escherichia coli*, designated 0157:H7, in their stool samples that healthy people don't have. *E. coli* is found in the intestines of all humans and is important for digestion, but it had never been known to cause bloody diarrhea.

In July 1982, meat from a plant in Ohio that supplied beef to the McDon-

ald's in Michigan was found to contain *E. coli* 0157:H7. Wells searched through a CDC database containing more than 3,000 stored *E. coli* samples and found an *E. coli* 0157:H7 sample that had been taken from a 1975 stool specimen of a fifty-year-old California woman. Her medical records showed that she'd suffered from cramps and bloody **diarrhea**.⁵

Scientists at the CDC now realized that the mysterious outbreak in Medford represented a new public-health threat spreading through the nation's food supply. *E. coli* 0157:H7 was a strain of a ubiquitous, formerly benign intestinal bacterium that secreted a dangerous chemical, the Shiga toxin,⁶ which in turn led to **hemorrhagic** colitis, a bloody inflammation of the colon. Although 0157:H7 originated in cattle, it has **since** been found in **fruits**, **vegetables**, and **water**.⁷

The microbe is capable of transforming a hamburger, that staple of the American diet, into a lethal hazard: When cows are slaughtered, their carcasses sometimes become contaminated with bacteria-laden fecal **matter**.⁸ As the carcasses are turned into ground beef, the *E. coli* spreads through the packages of hamburger that go to restaurants and supermarkets. Consumers have no way of knowing whether their ground beef might be contaminated, because 0157:H7 doesn't affect the look or smell of the product. Heat can eradicate the bacterium, but only if a patty is thoroughly cooked inside and out. Otherwise, a medium-rare burger at a restaurant or from a back-yard barbecue has the potential to **kill**.⁹ In about 5 percent of the cases of 0157:H7 contamination, the toxin secreted by the bacterium causes **hemolytic uremic syndrome (HUS)**,¹⁰ an illness that attacks the kidneys and other organs. Those who don't die may be left with permanent damage, such as epilepsy, blindness, or lung damage, and perhaps even require organ transplants to **survive**.¹¹

As frightening as *E. coli* 0157:H7 is, however, the microbe is just one of numerous health threats in our food. A 1996 report by the General Accounting Office, the investigative arm of Congress, listed more than thirty disease-producing agents that are in the nation's food supply, and scientists believe the number is **growing**.¹² The pathogens range from familiar **bogeymen**—**parasites** such as **trichinella** in undercooked pork and viruses including hepatitis A, passed by infected food handlers or food tainted by **sewage**—to an increasing number of strange new threats, bacteria with such exotic names as *Listeria monocytogenes* and *Campylobacter jejuni*.

Although Congress continues to view the threat from pathogens as something less than a public-health crisis, as many as 81 million people are sick-

ened by food-borne illnesses each year, and approximately 9,000 of the victims die, according to the GAO.¹³ The GAO puts the total economic cost of these illnesses and deaths—in hospital and physician bills and lost productivity—at around \$22 billion a year. Yet because most victims of food poisoning don't seek medical help, and because there's no federal reporting requirement for food-borne illnesses, there's no way to know the full extent—and cost to society—of the problem.

Nonetheless, there's little question that America's food supply is increasingly vulnerable to sometimes lethal pathogens and that, again and again, when faced with the choice between protecting the public safety and protecting the industry, Congress has chosen the latter.

Poultry sold in the United States, for example, is often contaminated with salmonella and campylobacter, which each year cause an estimated 5.5 million illnesses and 4,300 deaths nationwide. A 1996 report by the Center for Science in the Public Interest put the blame in part on federal regulations that since 1978 have allowed poultry processors to rinse contaminated carcasses rather than discard them.¹⁴ The regulations also permit processors to include the skin—the portion of the chicken most likely to harbor bacteria—in ground poultry products. In 1996, the Agriculture Department proposed new regulations that would have required daily salmonella inspections, but then, under intense pressure from the meat and poultry industry, abandoned it in favor of a test for a more benign strain of the bacterium.

Salmonellosis is the costliest food-borne illness in the United States, due in part to its virulence among specific populations such as infants, the elderly, and people with impaired immune systems. An estimated 25 percent of all broiler chickens sold in the United States are tainted with salmonella.¹⁵ Researchers put the medical cost of salmonellosis at up to \$3.5 billion a year. *Salmonella enteritidis*, the most common form of the microbe in some parts of the United States, is also attributed to lightly cooked eggs or raw shell eggs. The symptoms of salmonellosis include the common stomach ailments associated with other food-borne illnesses—nausea, diarrhea, and vomiting—but the illness can also kill the very young and very old. There are more than 3.8 million food-related salmonellosis cases in the United States each year, an incidence that has grown steadily since reporting began in 1943.¹⁶

Campylobacter jejuni is the leading cause of food-borne illnesses in the United States, and little wonder: The vast majority of the poultry that Americans buy (up to 80 percent, by one estimate) is contaminated with the bacterium.¹⁷ Other sources include water, unpasteurized milk, and, to a lesser

extent, cake icing, uncooked clams, and contact with pets. The CDC estimates that roughly 1 in 100 Americans is diagnosed with symptoms of this infection each year; an estimated 2.5 million become ill, and 200 to 730 die.¹⁸

Campylobacteriosis can lead to the paralyzing disease Guillain-Barre Syndrome. While such paralysis is in most cases at least partially reversible, some patients die (the most vulnerable populations are the very young, the elderly, and persons with impaired immune systems) and others are bedridden for life. Of the estimated 2,628 to 9,575 new cases of Guillain-Barre Syndrome in the United States each year, as many as 3,830 are caused by campylobacteriosis.¹⁹ The medical costs associated with this single pathogen are staggering. Researchers have projected that reducing the prevalence of campylobacter could save up to \$5.6 billion in annual medical costs.

Vibrio vulnificus, which kills 40 percent of the people it infects, is found in some raw oysters, especially those from Gulf Coast waters. In 1994, the Food and Drug Administration sought to ban the sale of raw Gulf Coast oysters during the peak danger period of April through October. But Members of Congress, including Republican Robert Livingston of Louisiana, the powerful chairman of the House Appropriations Committee, forced the FDA to back down. In 1996, there were 35 separate reported cases of poisoning from the *Vibrio vulnificus*-contaminated shellfish, and 24 victims died.²⁰

Fish and crabs are an increasing source of pathogens. A 1997 outbreak of *Pfiesteria*, a bacterium that thrives on waste materials, killed thousands of fish and put dozens of people in the hospital after they were exposed to the contaminated waters in the Mid-Atlantic region. Victims suffered from memory loss, skin rashes, and respiratory problems. Health officials blamed runoff of waste from nearby chicken farms.²¹ Such conditions, which can affect drinking water, may also exist in waterways near North Carolina's hog farms and the Midwest's beef-processing centers. Although the Clinton Administration has proposed changing the Clean Water Act to include these "nonpoint," or indirect, sources of contamination, Congress has not acted.

Increasingly, fruits and vegetables can also be a source of dangerous illnesses. Cyclospora, a single-celled parasite that invades the small intestine and causes diarrhea, vomiting, weight loss, fatigue, and muscle aches, sickened nearly 1,500 people in the United States in 1996. In 1997, an outbreak that sickened hundreds of people was caused by contaminated basil in pesto sauce sold by a gourmet market in Alexandria, Virginia.²² In the spring of 1997, more than 150 children and schoolteachers in Michigan contracted hepatitis A after eating contaminated strawberries in school cafeterias. Thousands of

children in six other states had to be inoculated after possible exposure to the disease through the fruit as well.²³

Cases of *E. coli* and salmonella have also increased as more food from overseas is imported into the United States. Contaminated water, parasites, and pesticides banned in the United States but used elsewhere have contributed to outbreaks involving Ugandan alfalfa sprouts carrying salmonella, Guatemalan raspberries infected with cyclospora, and Peruvian carrots tainted with *E. coli*. In 1996, the FDA inspected less than 1 percent of the 2.2 million food shipments.²⁴ That number may drop even further as the United States forms new trade pacts with Central and South America and Congress puts the squeeze on the FDA's budget.

The case of *E. coli* 0157:H7, however, represents the most blatant example of how Congress has abdicated its responsibility with regard to food safety.

A little more than a week before Christmas 1992, six-year-old Lauren Rudolph ate a hamburger at a Jack-in-the-Box restaurant in San Diego. Two days later, she became nauseated and developed diarrhea. By nightfall, the condition had advanced to bloody diarrhea and stomach cramping so severe that Lauren was taken to the emergency room. She was not tested for *E. coli* 0157:H7, and the next day she was admitted to the hospital. As her condition worsened, she was given large doses of painkillers. On Christmas Day, she received a barium test to see if she needed an appendectomy. The doctors decided that the operation wasn't necessary.

The following morning found Lauren tossing and turning, her condition worsening. She cried out, "I'm going to die! . . . I'm going to die!" Her mother, Roni Rudolph, took her hand and reassured her. "I told her she was going to be okay," Rudolph recalled. "We would not let anything happen to her." An hour and half later, Lauren had a massive heart attack. A cardiac unit tried to revive her. All told, she had three heart attacks. Her organs were failing one by one, and she showed little sign of brain activity. On December 28, the Rudolphs decided to remove Lauren from life support. The first time their daughter was tested for *E. coli* 0157:H7 was at her autopsy.²⁵

Lauren Rudolph's fatal illness marked the beginning of the Pacific Coast outbreak that later became known as "the Jack-in-the Box epidemic." Five more people from San Diego became sick. A month later, in January 1993, eighteen youngsters in Seattle displayed the same initial symptoms as Lauren.²⁶

More than ten years had elapsed since the initial *E. coli* outbreak in Medford, Oregon, and in that period the bacterium would be found in unpasteurized milk products, vegetables, seafood, poultry, and liquid whole eggs. And although the

U.S. Department of Agriculture had thousands of inspectors in the nation's meat and poultry processing plants, where most bacterial contamination of food occurs, another five years would pass before government inspectors would begin in-plant testing for the presence of the *E. coli* pathogen.

While food-borne pathogens can in themselves be serious enough to kill, an even more pernicious threat to public health may come from the spread of antibiotic resistance from food-borne organisms to humans.

Farmers have been using antibiotics to promote faster growth in animals since the early 1950s. In 1954, American meat farmers collectively used about 490,000 pounds of antibiotics a year. By 1985, they were using 12 million to 15 million pounds a year, at an estimated total cost of \$270 million.²⁷ Today, agricultural sales of antibiotics amount to \$500 million a year and, in volume, roughly half of the total market.

Scientists have been warning since the 1960s, however, that the widespread use of growth-promoting antibiotics in cattle and poultry feed would produce dangerous new strains of bacteria. In 1963, for example, at least 500 people in England were sickened by a new form of salmonella, and six of the victims died. Investigators found increasing levels of the microbe, *Salmonella typhimurium*, among calves on British feedlots; the animals had been treated with antibiotics, and later the bacterium developed a resistance to the drugs. The British government appointed a committee to investigate the phenomenon, and it later recommended limiting the "subtherapeutic" use of antibiotics in feeds. By 1966, some strains of salmonella were resistant to as many as seven antibiotics.²⁸

In 1977, the Food and Drug Administration proposed new restrictions on the use of penicillin and tetracycline in animal feeds. "The benefit of using these drugs routinely as over-the-counter products to help animals grow faster . . . does not outweigh the potential risks posed to people," then-FDA Commissioner Donald Kennedy said.²⁹

But Congress—under pressure from farm-state lawmakers, livestock producers, and the pharmaceutical industry³⁰—overruled agency officials, placed a moratorium on the proposed ban, and asked the National Academy of Science to review the FDA's recommendations.

"Without these subtherapeutic doses of antibiotics in feed," Richard Main of the American Farm Bureau Federation told *Business Week* in 1978, "farmers would have to buy 100 million more bushels of corn and 23 million more bushels of soybeans each year for their cattle and swine."³¹

The National Academy of Science issued its report in 1980. While conceding that most scientific studies recommended restricting antibiotics in animal feed, it concluded that nothing could be determined with certainty. "The assertion that subtherapeutic levels of antibiotics in livestock feed are hazardous to human health has been neither proven nor disproved," the academy's report said. "The research necessary to establish and measure a definitive risk has not been conducted and, indeed, may not be possible."³² It recommended that no restrictions be placed on the subtherapeutic use of antibiotics in animal feeds.

But in 1984, a study published in the *New England Journal of Medicine* linked the outbreak of eighteen cases of severe salmonellosis in four Midwestern states to contaminated hamburger from South Dakota cattle.³³ The study, by Steven Holmberg, a scientist at the Centers for Disease Control and Prevention, suggested that the outbreak had been caused by antibiotic-resistant *Salmonella newport* in cattle. In humans, the bacterium was resistant to tetracycline, which had been fed in subtherapeutic doses to the contaminated cattle.

The expanding use of fluoroquinolones, a family of antibiotics, in animal feed has been of particular concern to scientists. In August 1995, the FDA approved a type of fluoroquinolone, sarafloxacin, for use against bacterial infections in poultry.³⁴ Manufactured by Abbott Laboratories and sold under the name SaraFlox, sarafloxacin isn't intended to make poultry safer to eat but rather to save infected flocks and protect corporate profits. "The industry is very pleased," Steve Pretanik, the director of science and technology for the National Broiler Council, told *Business Week*.³⁵

But Dr. Stuart Levy, a professor of medicine and of molecular biology and microbiology at Tufts University School of Medicine, is among those warning that the law of unintended consequences may once again apply. "Just keep using the antibiotic," he said, "and the resistance will come."³⁶ Levy, who is widely considered to be the nation's leading expert on the transfer of antibiotic-resistant bacteria from animals to humans, argues that the United States should, as other countries have done, gradually eliminate the use of antibiotics as growth promoters for food animals.

"Common sense tells you that, if you're using antibiotics in a way that's indiscriminate, you would over time develop resistant strains of bacteria," James Marsden, a former senior scientific adviser to the American Meat Institute and now a professor of meat science at Kansas State University, told the Center. "It's a practice that has been called into question. I'm in the camp that would be looking for alternatives to subtherapeutic antibiotics."

Will Congress's carelessness someday leave physicians with no effective drugs to treat some serious illnesses? For some doctors, that day has already arrived.

"Public-health consequences from the excessive use of antimicrobials in livestock production include the emergence of resistant microbes which can be transferred to humans through the food chain," a panel of seventy health experts convened by the World Health Organization concluded in October 1997. "Excessive use of antimicrobials, especially as growth promoters in animals destined for human consumption, presents a growing risk to human health and should be reduced."³⁷

Why has Congress ignored so many calls from scientists to restrict the **sub-therapeutic** use of antibiotics in animal feed? One reason may be that so many Capitol Hill lawmakers owe so much to the pharmaceutical industry.

According to an analysis by the Center for Public Integrity, pharmaceutical interests gave more than \$28 million in campaign contributions to Capitol Hill lawmakers from 1987 to 1996, as well as \$430,000 in speaking fees.

Money isn't the only weapon in the industry's political armamentarium. Eli Lilly & Company, the Indianapolis-based pharmaceutical giant, put its corporate jet at the disposal of House Speaker Newt Gingrich and seven other Members of Congress in November 1996, for example, and when Senate Majority Leader Trent Lott of Mississippi flew to San Diego to attend the 1996 Republican National Convention, he went on a Glaxo Wellcome corporate plane. Republican Senator Jesse Helms of North Carolina flew in a Glaxo Wellcome plane three times during his 1996 re-election campaign.

The pharmaceutical industry, in fact, leaves nothing to chance on Capitol Hill. Last year alone, the Center's analysis of public records shows, it spent more than \$41 million to lobby Congress.



Farms and Factories

Today's food-animal farms barely resemble those of just a few decades ago. That's because as the meatpackers have consolidated, so have the farms that produce the hogs, cattle, and poultry that Americans and the world consume. Giant feedlots support tens of thousands of animals in confined spaces, where they are fed and taken care of and produce waste before being trucked to equally giant plants to be slaughtered and processed for consumption by millions.

Take the Classic Cattle Company in Wildorado, Texas, twenty miles west of Amarillo. It sends 63,000 head of cattle a year to market—and that's a small operation by Texas standards. "The average yard feeds about 35,000 at a time," Kirk Bray, the company's manager and part owner, told a reporter for *The Dallas Morning News*.¹ "Within a 150-mile radius of Amarillo, at any one time there are more than 2 million cattle on feed in yards like this. In a year's time, more than 6 million head of fed cattle are marketed within the radius of Amarillo. That's 25 percent of all the fresh beef eaten in the United States. And most of those cattle are slaughtered in the Amarillo area."

In the cattle industry, 2 percent of feed operations account for more than 40 percent of all cattle sold in the United States. Over the past fifteen years, the number of hog farms has decreased from 600,000 to 157,000 while continuing to produce the same number of hogs.² But the biggest change has occurred in the broiler industry. From 1969 to 1992, the number of farms with broiler houses fell by 35 percent, even though production nearly tripled. In 1996, the broiler industry raised 7.6 billion birds.

Industry concentration has led to just 3 percent of the nation's hog farms producing more than 50 percent of the nation's hogs. And 450,000 of 640,000 livestock farms are confined **feedlots**. "The big processors will say they are more sanitary than the 100 smaller operations," Dr. Martin Blaser, the director of the Division of Infectious Diseases at **Vanderbilt** University School of Medicine, told the Center. "In some ways they are, and in some ways they are not. For example, one could argue that raising 100,000 chickens in a chicken coop or 100,000 cattle in a **feedlot** is intrinsically unhygienic."

A 1995 study by the USDA's Centers for Epidemiology and Animal Health found that the longer animals are housed together, the greater the likelihood that they'll become infected with salmonella. Among the most common **serotypes** of salmonella, the study found, are *Salmonella typhimurium* and *Salmonella newport*, both of which have been found to cause illness in humans. *Salmonella typhimurium* can cause a small number of patients to develop **bacteremia**, a serious illness that is increasingly resistant to antibiotics.

Dairy calves are highly susceptible to **cryptosporidium**, a protozoan that causes diarrhea in preweaned calves. Humans are likewise vulnerable to the parasite and most commonly come in contact with it through water. In 1993, thousands of Milwaukee residents became ill during an outbreak of cryptosporidium that had gotten into the water system; newspaper accounts pointed to nearby dairy farms as the **source**.³ The USDA estimates that cryptosporidium is present on more than 90 percent of dairy farms.⁴

The close confinement of large numbers of these animals not only promotes the spread of bacteria from animal to animal, but also produces **difficult-to-manage** quantities of waste containing these microbes.

According to a report prepared at the request of Senator Tom Harkin, a Democrat from Iowa, 130 times more animal manure than human waste is produced in the United States—**about five tons** for every man, woman, and **child**.⁵ With so many animals on these farms, there's not enough cropland in some areas to use all of the manure produced. "The continued intensification of animal production systems without regard to the adequacy of the available land base for manure recycling presents a serious policy problem," the USDA reported. And the EPA reports that in the 60 percent of rivers and streams identified as "impaired," agriculture runoff is the largest contributor to pollution.

The Harkin report found that 116 million tons per year of hog manure is generated in the United States. Cattle tops the list of manure tonnage, with 1.2 billion tons produced a year. Poultry comes in third, adding 14 million tons annually. In all, the estimated annual U.S. manure production is nearly 1.4 bil-

lion tons. Nineteen ninety-five was a bad year for North Carolina, one of the top pork producers in the country. That year, 35 million gallons of animal waste spilled into the state's waterways; 10 million fish were killed, largely due to such waste; and 360,000 acres of coastal wetlands were closed to shellfish harvesting because of animal-manure **pollution**⁶

In Iowa, Minnesota, and Missouri, animal-waste spills increased from twenty in 1992, killing at least 55,000 fish, to more than forty in 1996, resulting in 670,000 dead fish. The three states account for more than a third of the hog production in the country.

Nineteen ninety-seven was a good year for *Pfiesteriapiscicida*, a parasite that killed approximately 450,000 fish in North Carolina and an estimated 30,000 in the Chesapeake Bay. Nutrient runoff from the poultry farms on the Delmarva Peninsula, which produce 600 million birds a year, was implicated in the Chesapeake Bay outbreak.⁷ People who had been exposed to this parasite in its toxic form experienced memory loss, respiratory problems, and skin rashes. Fish exhibited large ulcers.

Residents of Marion, Ohio, have seen a virtual plague visit their community in the form of black darkling beetles. The beetles, which were meant to be a solution to severe fly infestation, have turned out to be the town's worst enemy. One man was forced to burn his mattress because of the onslaught of beetles. The insects are everywhere. And they bite.

The problem started at Buckeye Egg Farm (formerly AgriGeneral Company), which operates a 2.5 million-hen egg-producing farm in Mount Victory, Ohio.⁸ The acres of chicken manure that built up on the concrete floor of the chicken barns were attracting so many flies that the town's residents were being driven indoors to elude them. Last August, on the advice of entomologists at Purdue University, the company introduced darkling beetles to control the flies, but it neglected to treat the manure with insecticide before selling it to local farmers as fertilizer. As a result, the beetles thrived and overran local communities. Because the insects live in the manure, they can carry salmonella, botulism, and other diseases. Although no one is sure if the diseases can be transmitted to humans, residents have filed a \$25 million lawsuit against the company.⁹

There are no federal regulations that set specific requirements for the storage or application of manure, nutrient and animal-waste management, or construction standards. Congress is just now considering such limits. But the industry has come up with one approach to dealing with the tons of chicken manure produced each year: Feed it to the cattle.

In 1981, part-time inventor and former poultry-farm manager Joseph Brill developed the Brill Digester, a machine that turns chicken excrement into dry, odorless flakes for use not only as **fertilizer**, but also as cattle-feed **supplement**.¹⁰ Although chicken waste had been added to cattle feed before, the invention was heralded as one of the greatest farming aids developed. Turning the millions of tons of chicken manure produced each year into a feed supplement for cattle was seen as a useful method of disposing of the waste and making a profit to boot.

But today, the subject of what's in cattle feed is undergoing scrutiny because of bovine **spongiform encephalopathy** (BSE), the degenerative neurological disease in British cattle linked to the protein from rendered sheep in the animals' feed. In the United States, the practice of feeding rendered cattle as a protein supplement to live cattle was discontinued in 1997 because of the fear of BSE, raising the possibility that farmers and feed manufacturers will now turn to cheaper additives like chicken waste or other products with questionable health consequences. As many as 75 percent of the nation's 90 million cattle had been eating slaughterhouse byproducts in their feed"

The use of animal waste in feed is common in some areas of the United States, particularly in the Southeast. In 1994, 1,307 tons of chicken waste was used by Arkansas farmers as livestock feed, and an additional 160 tons was sold for use as **feed**.¹² Overall, 18 percent of chicken farmers in Arkansas use chicken waste for cattle feed, and of these, the average farm feeds 52 tons of waste to cattle every **year**.¹³ There's an economic advantage to the practice: Chicken manure costs \$15 to \$45 a ton, compared with as much as \$125 a ton for **alfalfa**.¹⁴

All of these factors have raised alarms about the pathogenic contamination of cattle through chicken-waste feed. "In addition to the spread of potential pathogens; using animal wastes as feed presents the possibility that antibiotic-resistant bacteria may spread from one animal to another and that antibiotics or other chemicals may be passed between animals," wrote several doctors in the journal *Preventive Medicine*.¹⁵ Dr. Neal Barnard, one of the authors of the article, is the president of the Physicians Committee for Responsible Medicine.

Chicken waste can be fed to cattle safely as long as it has been heated to an appropriate temperature that will kill any pathogens. (Some states, such as California, require chicken waste to be pathogen-free before being used as feed.) But often, farmers don't check the core temperature of manure stacks, and bacteria may **survive**.¹⁶

And so, in the name of innovation, the vicious cycle rolls on.

At Nebraska Beef, Inc., in Omaha, a steer or heifer is slaughtered every thirteen seconds,¹⁷ translating to 280 head an hour and 2,250 a day. And Nebraska Beef isn't even one of the largest processors—other plants hit speeds as fast as one animal every ten seconds. That's not a lot of time for the workers to work and for USDA inspectors to inspect on the kill floor.

In December 1997, the *Omaha World-Herald* gave a detailed tour of Nebraska Beef's plant.

The killing begins each day with the arrival of the first of some fifty trucks lumbering up to the outdoor corrals. The truck doors open, and about 45 cornfed steers and heifers—fresh from the giant feedlots, 18 to 24 months old, and weighing in at roughly 1,200 pounds apiece—are led into pens. The USDA veterinarian examines each of the of cattle for lumps, abnormal breathing, or any other signs of illness. Sick cattle are taken aside for closer inspection; the others are watered and fed. All will be dead soon.

The animals are quietly herded into the slaughterhouse. There's no shouting, and no cattle prods are used, so as to keep the animals calm. (Distressed cattle tend to develop diarrhea, which spreads pathogens.) A mist of water is administered to their hides to prevent manure and dirt from flying onto the carcasses when the hides are yanked off.¹⁸

The kill floor echoes from the whirl of saws, knives, fans, and steel machinery. The room is 10,000 square feet surrounded by concrete walls that let in little outdoor light. The squeegee-men continually push blood along the floor and into the drains. About 175 steamy carcasses hang upside down from steel hooks on "the chain," which snakes back and forth, moving carcasses past the workers and USDA inspectors.

As the cattle enter the kill floor, they're wedged into a narrow chute where a person called a "knocker" waits to deliver a six-inch metal bolt into their brains with a high-powered air gun that knocks them unconscious. The use of the "stun gun," which can cause brain tissue to splatter, has come under question with the emergence of "mad-cow disease" in Britain and its connection to central-nervous-system organs like the brain and spinal cord.

A worker then attaches a shackle to the right rear leg of the slumped-over animal on the conveyor belt. The cattle is hoisted upside down onto the chain and moved to a stainless-steel trough, where a worker quickly cuts its carotid artery. Over the thirty-second ride through the trough, half of the animal's blood drains out. Two workers start the process of removing the hide by skin-

ning it from the hind legs. Another trims manure or other debris from the legs. A third worker applies a steam vacuum that blasts the cattle with **180-degree** water and sucks the waste and dirt off.¹⁹ The steam is hot enough to kill bacteria and other **pathogens**, but many smaller and older plants don't have this steam-pasteurization technology.

Other workers on the line cut the hide further so it can be gripped by a machine that then pulls it down, exposing the brisket, rib cage, and belly for another steam-vacuum treatment. Another machine yanks the hide off the back from top to bottom, and rolls it up like a carpet.

The head and tongue are removed and hung on steel hooks on a separate chain line. They're sent to the USDA inspectors, who examine the skull, slice open glands, and search for signs of disease in the cheeks. At Nebraska Beef, there are ten inspectors for the kill floor, two veterinarians, an inspector for the processing operation, and yet another inspector who covers the entire plant. Many inspectors complain that they're often pulled from one area to cover for others, especially on the slaughter line for breaks and sick days. They contend that this practice often leaves inspection posts unmanned.

As the inspectors check the head and tongue for disease, the carcass is given another steam treatment. Next, an employee cuts the carcass from collar to breast using a **six-inch** band saw. Now comes the most critical cut in the process: slicing open the belly. If the "gutter" slices too deeply, he can cut into the intestine or colon, contaminating the meat with manure. When he makes the cut, the intestines fall out and the gutter follows up by cutting out the liver, heart, and lungs.

The paunch and other internal organs drop onto a spinning table, where three USDA inspectors check the heart for green specks or other signs of disease. They also look for abscesses filled with pus and check the lungs for tuberculosis.

The carcass is steamed again, and two workers wielding band saws split it in two. The shanks are treated to one more steam before another trimming and inspection by the USDA. If approved, they're stamped "Inspected and Passed." The approved shanks are washed in **95-degree** water and then blasted again with **110-degree** water mixed with lactic acid. They're then moved to the cooler.

Total time on the kill floor: 45 minutes.

The carcasses are cooled overnight in large freezers to just above 32 degrees. The following day, the company will take samples for testing to see if the beef has been contaminated with generic, or nontoxic, *E. coli*, as required

under new regulations. Nebraska Beef quality-control workers pick eight sides at random each day to test by swabbing with sponges in three locations, and the samples are examined in the company's laboratory. One or two days later, the results are in and the company can find out how clean its process is. USDA inspectors are not given the results of the tests. Positive or negative, the carcasses move on to the fabrication, or processing, room.

Here, in an area the size of a jet hangar, there are five conveyor lines where 300 or more trimmers and boners slice slabs of meat into loins, briskets, chucks, ribs, and rounds.²⁰ The temperature in the room is kept at 45 degrees to inhibit the growth of bacteria. Many workers in the meatpacking industry complain about the cold and the constant repetitive motions of cutting and trimming.

Within four and a half minutes, a side of beef is cut and boxed to be sent across the country and around the world.

Meat comes out of the slaughterhouse in "lots," giant boxes of raw beef trimmings that weigh up to nearly thirty tons.²¹ Lots are then sent to processing plants. Hudson Foods, for example, the site of the massive recall in August 1997, processed lots from several slaughterhouses each day, grinding tons of ground beef. Processors produce and sell eighty-pound boxes of coarsely ground beef, which are vacuum-packed for grocery stores. Grocery butchers regrind the coarse chubs, often adding their own trimmings from other cuts of meat from their store.

Some plants are better at preventing or reducing contamination than others. The USDA has filed Process Deficiency Reports on plants where meat is found to contain abscesses or where digestive organs that have punctured during slaughter spilled pus, feces, and ingesta over the carcasses and onto conveyors, workers, and the floor.²² Contaminated meat is required to be trimmed, but some plants only wash the area. Employees may fail to sanitize their equipment or hands after pus or feces have contaminated the carcass.

The USDA has cited processing plants for failing to trim abscesses or for missing hide, hair, ear canals, and teeth in meat. The agency has also found that diseased, cancerous, and tubercular animals condemned prior to slaughter are sometimes sent to the kill floor in violation of the law.²³ Dead-on-arrival animals have been hidden from USDA veterinarians and hung on the chain line to be processed.

According to a 1995 Government Accountability Project report on food safety, the USDA retained, at a single facility, six tons of pork, bound for a school lunch program, that showed traces of rust; 14,000 pounds of chicken

speckled with metal flakes; 5,000 pounds of rancid chicken necks; and 271 pounds of green chicken.

Some of the meat that consumers select at their supermarket is labeled lean for a reason, according to inspectors, who have told the Center that diseased or sickly animals are sometimes used to create "lean" meat products. Because the animals are not healthy, their fat content tends to be low. Meatpackers call these animals "downers."

USDA inspectors have found unsanitary conditions on plant floors as well, including human and animal excrement, blood, oil, grease, machine parts, glass, plastic, wood chips, rust, paint, insects, maggots, insecticide, and rodent droppings. Inspectors have also seen backed-up toilets and condensation dripping on carcasses from overhead pipes.²⁴

Most consumers will never see the inside of a meatpacking or poultry-processing plant, but Paul Mead, an epidemiologist at the Centers for Disease Control and Prevention, offers some blunt advice: "We recommend that you treat all meat as though it were contaminated."²⁵

Lapses in sanitation and disease-control practices in the plants aren't the only things that endanger the public. The conditions under which workers do their jobs and the companies' increasing use of immigrant labor also have significant, if more indirect, consequences on the safety of the food we eat.

At the Monfort meatpacking plant in Grand Island, Nebraska, Jesus Reyes worked the A-shift (6 a.m. to 2:30 p.m.) in late 1992. He worked on the chain line, custom-cutting and trimming fat from 300 carcasses an hour.²⁶ One day, Reyes, a legal immigrant from Cuba, noticed that his right hand had become sore and swollen. He went to the plant nurse, who told him to lay off the knife work and gave him a note. But he was assigned to cut round steaks from frozen carcasses anyway and then sent to move heavy sides of beef from hook to hook. Later, he was back to cutting meat.

It wasn't until he dislocated his shoulder that Reyes was put on the C-shift (10:30 p.m. to 7 a.m.) to bale cardboard scraps for recycling and haul them outside into the cold night. Reyes lasted only eight months on that shift. He had to have surgery for carpal tunnel syndrome and was later fired.²⁷

The meatpacking industry has a long history of repetitive-strain injuries crippling workers and ruining lives—not to mention making it more likely for food-safety slip-ups to occur on the line. In the late 1980s, the Labor Department's Occupational Safety and Health Administration enforcement of ergonomic workplace safety violations, with heavy fines in the meatpacking

industry, began to improve working conditions and safety practices in America's slaughterhouses.

Yet meatpacking is still the nation's most dangerous occupation in the country. According to the Bureau of Labor Statistics, meatpacking has a non-fatal-injury and -illness rate of 36.4 per 100 full-time workers and the highest rate for repeated trauma disorders, at 1,257 per 10,000 full-time workers. That's because the industry has addressed only half of the problem; the other half, the speed of the conveyor belt, is the reason that so many motions are performed over and over in the first place.

"Plants kill more animals than they used to, and the chain [the conveyor belt] drives the speed of the carcasses," Mark Grey, an associate professor of anthropology at the University of Northern Iowa who has been studying the meatpacking industry, told the Center. "This is primarily responsible for the repetitive-strain injuries like carpal tunnel syndrome." But slowing down the chain means smaller profit margins. "The money," as Grey puts it, "is in chain speed."

Congress, at the urging of several industries, including the **meatpackers**, has not only opposed an OSHA ergonomic standard, but also has gone after the agency, slashing its budget and blocking its research. Little wonder: Some Capitol Hill lawmakers have a vested interest in the issue.

Consider Senator Lauch Faircloth, a Republican from North Carolina, who sits on the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, which, among other things, oversees OSHA's budget. He owns more than \$1 million of stock in **Lundy Packing Company** of Clinton, North Carolina. It was in the Lundy plant that eighteen-year-old Solomon Velasquez, a sanitation worker who hadn't been properly trained, was killed in an industrial meat blender. The state labor department fined the plant \$64,000 in February 1997 and found that the blender and other pieces of equipment in the plant lacked guards required to protect workers from entangling themselves. Faircloth is also a 75 percent owner of **Coharie Hog Farm** in Clinton, North Carolina; he values his stake in the company at between \$5 million and \$25 million.

Several other Capitol Hill lawmakers have sizable financial stakes in the industry. Representative Christopher Cannon, a Republican from Utah, has stock valued between \$250,000 and \$500,000 in **Premium Beef of Nebraska** in Gordon, Nebraska. Senator Michael DeWine, a Republican from Ohio, owns \$1,001 to \$15,000 of stock in **Hudson Foods, Inc.**; \$15,000 to **\$50,000** in **IBP**; and \$100,000 to \$250,000 in **Occidental Petroleum**, which owned IBP. He also owns **DeWine Enterprises, Inc.**, a personal holding company with assets in

1,158 acres of farmland in Ohio and operations in grain crops and beef and hog production. DeWine sits on the Committee on Labor and Human Resources.

In July 1993, Wendy Lee Gramm, the wife of Republican Senator Phil Gramm of Texas, joined IBP's board of directors. From 1991 to 1994, IBP's political action committee gave \$31,000 to the National Republican Senatorial Committee, which Phil Gramm chaired at the time. It also gave \$5,000, the legal limit, to Gramm's campaign for the GOP presidential nomination in 1996.

Alec Cortelis, who was the finance chairman of Gramm's presidential campaign, is also on IBP's board of directors. In 1995, IBP helped Gramm's campaign by encouraging its managers to attend a "straw poll" in Ames, Iowa, through a memo that said, in part: "IBP is encouraging its management employees to attend and participate in this grand event. Tickets and bus transportation will be provided by the Phil Gramm for President Campaign."²⁸

Over the years, some Capitol Hill lawmakers have held sizable investments in ConAgra, Inc., the nation's second-largest meatpacking company. Then-Representative Norman Sisisky, a Democrat from Virginia, reported owning \$100,000 to \$250,000 in ConAgra stock in 1991. Claiborne Pell, a Democrat from Rhode Island who retired from the Senate in 1997, reported owning \$50,000 to \$100,000 in ConAgra stock in 1995. And Representative John Ganske, a Republican from Iowa, valued his ConAgra shares at \$15,000 to \$50,000 in 1995. Five other lawmakers had ConAgra holdings in the \$1,000-to-\$15,000 range, including Republican Nick Smith of Michigan, a member of the House Agriculture Committee.

Some of these lawmakers have received campaign contributions from PACs operated by the companies that they own stock in, such as Ganske, who received \$7,000 from ConAgra from 1991 to 1996, according to an analysis by the Center for Public Integrity. Ganske also received \$3,000 from the American Meat Institute, and \$8,000 from Cargill.

Faircloth has received money from a variety of meat- and poultry-producing companies and interests, including \$9,964 from the National Pork Producers Council, for a total of \$34,964 since 1991. Overall, meat- and poultry-processing interests contributed \$9 million to Members of Congress from 1987 to 1996. The industry also made \$703,992 in soft-money contributions from 1991 to 1996 to the national party committees.

In the late 1980s, OSHA went on the offensive against crippling cumulative-trauma disorders in the meatpacking industry. The agency found that several companies were intentionally hiding injuries that occurred at their plants. In

April 1987, OSHA cited the John Morrell plant in Sioux Falls, South Dakota, for 69 cases of not reporting injuries and illnesses that occurred at the plant, and assessed a \$690,000 fine. Three months later, OSHA cited IBP, the nation's largest meatpacker, \$2.6 million on the same charge. In May 1988, the agency cited IBP's flagship plant in Dakota City, Nebraska, for \$3.1 million, and in November it cited Morrell again for \$4.3 million. According to OSHA, both plants had widespread problems with cumulative-trauma disorders.²⁹

OSHA—aware of the high numbers of cumulative-trauma disorders that traditionally plague the meatpacking industry—put together voluntary ergonomics guidelines for the industry. After consulting with the American Meat Institute, the United Food and Commercial Workers Union, and the National Institute of Occupational Safety and Health—OSHA's research entity—the agency published its ergonomics guidelines in August 1990.

"We're still one of the highest [risk] industries, but we've seen greater awareness of ergonomics and cumulative-trauma disorders," Sara Lilygren, the American Meat Institute's senior vice president for legislative and public affairs, told the Center. "Before, cumulative-trauma disorders were regarded as just part of the job. That's changed now." Lilygren was a spokesperson for the Food and Drug Administration in 1983.

The industry aggressively lobbies Congress on labor and workplace safety. The American Meat Institute, for example, spent \$266,246 lobbying Congress on a variety of issues, the Labor Department's budget among them. Its top lobbyist is Patrick Boyle, formerly administrator of agricultural marketing services at the USDA from 1986 to 1989 and a former aide to then-Senator Pete Wilson, the current Republican governor of California. ConAgra, Inc., spent \$286,000 in 1996 lobbying Congress; Cargill, Inc., spent \$255,000; and IBP spent \$60,000.

The meatpacking industry has also been busy recruiting and transporting an immigrant labor force to the Midwest. Few indigenous workers would take the jobs the packers now offer.

Punishing conditions, low wages, and frequent injuries result in high turnover of workers at meatpacking plants. As a result, the companies that own and operate the plants must continually search for replacement laborers. For the last two decades, they've turned to immigrant workers from Mexico, for the most part, to fill in the gaps on the killing floor.

"Turnover can be 100 percent in some plants—you're constantly looking for workers," Grey said. "One of the attractions of [hiring] immigrants is there's going to be less turnover." Equally important for the plants' bottom line, immigrants are less likely to complain to federal inspectors about working

conditions, wages, injuries, how they're treated, or how fast they have to do their jobs. You had plants in the middle of populations that expect more than \$6 an hour in wages. A lot of companies, particularly IBP, weren't interested in having old, experienced workers, because they had higher wage expectations and more experience with the unions. It was just a matter of time till they began to look outside the state. Immigrants and refugees have relatively few job opportunities out there in the economy."

"This is the resurgence of the politics of greed, something we haven't seen in 100 years, where big corporations think they have a natural right to import labor on demand," Dan Stein, the executive director of the Federation for American Immigration Reform, a conservative immigration group, said. "There is a highly sophisticated underground recruitment process that operates **here**."³⁰

But just as easily as the meatpacking companies court and transport immigrant labor to their Midwestern plants, they betray them, turning them and their families over to the immigration authorities. And in the ultimate act of cruelty and corruption, the companies then seek out the lucky ones that escaped the immigration raids to hire them back to stand on the killing floor.

In March 1995, 133 people, mostly Mexican men, were arrested when Excel Corporation, near Schuyler, Nebraska, co-operated with the INS and helped federal agents arrest them and haul them **away**.³¹ Plant managers told workers to report for overtime, but instead of work they found seventy officers from the INS and local law-enforcement agencies.

Excel isn't an isolated case. IBP's meatpacking plant in Storm Lake, Iowa, was raided by the INS in May 1996. The workers were quickly summoned to the cafeteria. By the end of the day, 78 undocumented workers were handcuffed and escorted off of the premises for the journey back to Mexico.³² The search didn't stop at the plant gates, either. INS agents spent two days going door to door in the Little Mexico area of Storm Lake, setting up roadblocks and rousting suspects off the street in a sweep for undocumented or falsely documented people.

At a press conference, INS agents said that they'd conducted the raid in co-operation with IBP, which would receive no penalties for having hired the workers. But the co-operation lasted only until the federal agents left. When hundreds of fearful workers failed to show up on Monday and stations in front of the disassembly chain went **unmanned**, IBP called community-outreach workers who knew and were in touch with the Latino population. It wanted its workers back on the chain gang.

Sister Carol Hawkins, who works with the immigrant population, said she got a telephone call the day after the raid. "They did call me and said, 'Please tell the workers it's safe now; tell them to come back to work.' They know people trust me and if I said it, people would come back." But Hawkins didn't make any calls. "It's not for me to inform them," she told the Center. "They are the company."

"Everyone knows the company and the INS are in together on all this. They never make the company pay a fine, do they?" said Javier, a worker with a phony ID.³³ "Everyone knows they are never going to arrest all of us. Who would do this shitty work for them? We know that every now and then the *migra* will come in and take a few away to keep the politicians happy. And then we won't see them for another two years. That's how it works."

"We want a legal workforce," Karen Mogan, a spokesperson and lobbyist for the AMI, told the Center. "Why on earth would a company knowingly and deliberately put a worker on the line, knowing there would be a risk of an INS raid that would require shutting down the line? You want a line working all the time." Mogan is a former legislative assistant to former Representative Roy Rowland, a Democrat from Georgia.

In 1997, the INS apprehended 213 undocumented workers from raids at six plants in Nebraska and Iowa. "People are being smuggled throughout the U.S. under horrific conditions," Michael Went, deputy district director of the Omaha office, told the Center. He added that most were on their way to jobs in meatpacking or agriculture. Went estimates that 50 percent of the meatpacking workforce in Iowa and Nebraska is undocumented. No meatpacking company was fined in 1997 for knowingly hiring undocumented workers.

In May 1996, after recruiting, luring, and trucking in workers along the border, the meatpacking industry did an about-face and became the first industry to sign up for the expanded INS Employer Verification Program to cope with the INS raids on their plants. The industry decided that the INS raids were too costly and that co-operating with the INS was the only way to prevent work stoppages. As for the workers who were lured to the plants by the companies, they were on their own.

Mogan said the industry wants to join an expanded version of the program passed by Congress under the 1996 immigration-reform bill, which allows employers to check valid Social Security numbers.

As the AMI, IBP, and Cargill lobbied Congress to support the expanded Social Security verification program, they also fought to protect themselves from any further sanctions or penalties against employers who knowingly hire undocumented workers. "We felt the sanctions were already in place and the

laws were adequate," Mogan said.

IBP, the nation's largest meatpacking company, hired Carl Hampe—former counsel to the Senate Judiciary Subcommittee on Immigration and Refugee Affairs and currently with the lobbying firm Paul, Weiss, Rifkind—to lobby on immigration in 1996. Disclosure forms show that the company paid \$40,000 to lobby on this issue. Cargill paid \$225,000 to lobby on immigration as well as other issues like food safety, clean-water legislation, and agricultural production. The AMI spent \$266,246 on the industry's issues, including immigration and labor.

For the meatpacking industry, keeping the chain line going is the secret to success and profits. Any interruption of that line means a loss of revenue. In June 1997, the INS raided the IBP plant in Joslin, Illinois, and arrested 136 undocumented workers, mostly from Mexico.³⁴ The INS raids of the Hispanic labor force was costing the company money; new laborers had to be found. With the passage of welfare reform by Congress in 1996, it looks as though IBP has found them.

Michael Sweeney was bused from his home in Modesto, California, to Joslin and given a month's lodging on the company. Every workday, he was picked up and dropped off at the IBP plant. Sweeney had been living on welfare, but even though his hands ached, he was now making \$7 an hour.

"The meatpacking industry is very adept at identifying those populations on the margin of the economy," Mark Grey told the Center. "Welfare recipients are going to have to get jobs."



Fewer and Bigger

In 1994, 224,000 people across the nation became sick after eating ice cream contaminated with *Salmonella enteritidis*, a new, more virulent strain of a familiar microbe. *Salmonella enteritidis* went from being a rarity in 1980 to being the most prevalent form of the pathogen.¹ The outbreak was the result of the contamination of pasteurized ice-cream premix during transport in tanker trailers that had previously carried nonpasteurized liquid eggs containing the bacterium.²

The Schwan's Ice Cream outbreak is an example of how today's concentrated and complex food industry has increased the chances that a small amount of bacterial contamination can have a huge impact on the general population.

Just a short time ago, most food was produced and consumed locally, but today food production and distribution have become increasingly industrialized.³ Small farms are being replaced by giant feedlots, large industrial plants have pushed out local dairies, farmers' markets have been supplanted by large supermarket chains, and local restaurants have been edged aside by outposts of mammoth fast-food chains.

The industrialization of the food industry and its concentration in the hands of a few giants have brought tremendous variation in food selection and diet, but they've also left Americans more susceptible to the spread of dangerous pathogens like salmonella. And it is in no small part Congress's lack of oversight of the industry that has left the public so vulnerable.

In 1890, the Select Committee of the Senate on the Transportation and Sale of Meat Products—known informally as the Vest Committee, after George Vest, a Senator from Missouri—found price fixing in beef, in contract monopoly, and in transportation of food products." In 1918, the Federal Trade Commis-

sion concluded that the five major **meatpackers**—Armour, Swift, Wilson, Morris, and Cudahy—**slaughtered** 70 percent of all livestock. In 1920, the five companies entered a consent decree with the FTC, divesting their control of refrigerated storage facilities, stockyards, and railroads. The National Packing Company—a giant combination of Armour, Swift, and Morris, was broken up.⁵ After the FTC investigation and the consent decree, Congress passed the Packers and Stockyards Act of 1921 to prevent further concentration.

In 1972, the top four firms—American Beef Processors, Armour, IBP, and Swift—**held** 26 percent of the beef **market**.⁶ There were hundreds of packing companies and plants around the country that shipped full quarters, halves, and other large sections of meat and pork across the nation to local supermarkets, grocers, and butcher shops. Skilled butchers then cut the meat into steaks, roasts, chops, and the like.

But all that started to change with the rise of IBP. In 1966, Currier Holman and Andy Anderson had a radical idea: placing meatpacking plants closer to the supply of livestock. By locating their plants in rural America, they could diminish the clout of the meat cutters' union and use a cheaper labor force. They also developed the idea for a "disassembly line," where slaughtered cattle would be cut and trimmed, then packaged for shipment directly to supermarkets. Holman and Anderson opened their first plant in Dakota City, Iowa, and Iowa Beef Processors—or IBP, Inc., as their company came to be known—was born.

IBP's innovation closely mirrors those that fueled the rise of the beef trust more than a century ago, when **dressed—that is, refrigerated—beef** gave the Chicago packers a huge advantage over smaller producers around the country. The great Chicago packers soon eliminated their competition and dominated the rest of the centers of meat production, in Wichita and in Kansas City, for example.

Using its cost advantage, IBP quickly went about eliminating its competition. Other meatpacking plants either had to go the IBP way or go out of business. In the late 1970s and early '80s, more than 1,000 meatpacking plants closed, and many companies extracted deep wage concessions from unions to survive.⁷

One that didn't survive was Hygrade Food Products' Storm Lake, Iowa, plant. Hygrade was typical of the old-line packers that shipped full quarters, halves, and the like to their customers. Many of Hygrade's workers put in thirty years for the company, and incomes averaged around \$30,000 a year in 1981 when the plant, unable to compete with IBP, closed its doors.

In April 1982, IBP bought the old Storm Lake plant from Hygrade for \$2.5 million. The Storm Lake workers were not welcomed back. Hundreds applied

for positions at the new plant, but fewer than thirty were hired. Wages averaged \$7 an hour, or \$14,600 a year—less than half the average salary of the old workers. IBP imported a largely immigrant workforce to man the plant.⁸

IBP's acquisition of the Hygrade plant was the start of a trend that accelerated in 1986: large firms buying up small companies to increase their market share. ConAgra—not even one of the top four packers in 1972—vaulted to third place in market share by acquiring E.A. Miller, Inc.; Swift Independent Packing Company and Val Agri, Inc. At the same time, Cargill's subsidiary Excel bought up Sterling Beef Company. After Cargill bought another company, Spencer Beef Company, Kenneth Monfort, the president of Monfort, with 10 percent of the market, sued to block the deal, warning that concentration wouldn't be good for consumers or producers. Monfort lost the case, and shortly thereafter swapped his company for \$365 million worth of ConAgra stock.⁹

A 1996 study by the Grain Inspection, Packers, and Stockyard Administration, which was created by the 1921 act to monitor the packers for antitrust violations, concluded that a staggering 82 percent of the beef slaughter market was in the hands of four major meatpackers. The consolidation continues even now. While GIPSA was conducting its concentration study, there were thirteen acquisitions by meatpacking companies—including three by IBP. In May 1996, the Justice Department investigated IBP's acquisition of Vernon Calhoun Cattle Company—and took no action.¹⁰

By the FTC's own definition, the meatpacking industry is highly concentrated. Yet the FTC doesn't have jurisdiction to investigate it. That job now falls to GIPSA. The FTC, when conducting an investigation into antitrust violations, uses teams of economists and lawyers. GIPSA, by contrast, had just six economists on its staff, only one of whom had enough experience with statistics to conduct the kind of market analysis necessary to determine whether the packers were colluding on price.

In a 1997 report by the Inspector General of the Agriculture Department, GIPSA's lack of the economic and legal expertise needed to investigate the packers was laid bare: "The use of staff with little or no educational background in [economics or law] or no experience with anticompetitive issues will not result in effective investigations."¹¹

When a few agricultural economists warned of the dangers the giant packers posed in the late 1980s, Congress was silent. For example, John Helmuth, an Iowa State University economist, testified before the Senate Agriculture Committee in 1990 that the cost of concentration to consumers, in the form of higher prices, and farmers, who were paid less than market value for their

herds, was \$12.2 billion between 1978 and 1987.¹² In 1988, economists at the University of Wisconsin found a direct correlation between greater levels of concentration and lower cattle prices. ConAgra's chairman at the time, Charles M. Harper, scoffed at the idea that consolidation was bad for the industry. "If we could control cattle prices," he told *The New York Times* in a 1988 interview, "the feeders wouldn't be making as much money as they are and the money would be going into our pockets instead."¹³

Which is precisely what has happened.

Prices for livestock fell by as much as 24 percent between 1994 and 1996. Very little of that drop in prices showed up in the grocery story; consumer prices dropped by a mere 2 percent during the same period. The Utah Commissioner of Agriculture, Cary G. Peterson, released figures on the collapse of beef-rancher profits from 1991 to 1996: They fell from roughly \$8 billion a year to \$1.5 billion. During the same period, profits of the packers skyrocketed.¹⁴

The packers have controlled prices by entering preferential deals and long-term contracts with the largest producers, thus freezing out smaller ranchers and forcing them to take lower prices for their herds.¹⁵ They've also been vertically integrating—selling feed to cattle and hog producers, buying up feed-lots, and, in the case of pork, raising hogs themselves—further squeezing producers. The 1920 consent decree that Armour, Swift, Wilson, Morris, and Cudahy signed was supposed to prevent that sort of behavior. But since IBP, Cargill, and ConAgra weren't parties to that agreement, they aren't covered by its prohibitions.

In 1997, for example, IBP decided to vertically integrate its hog processing and become one of the largest swine producers in the nation. When the state government in Iowa objected to IBP's intent to create a huge industrial farm, the company slashed 1,000 jobs at two of its plants, noting that the state had demonstrated a "hostile social and political climate for agriculture and livestock production in Iowa."¹⁶

Congress relied on the flawed GIPSA study in determining that packer concentration didn't contribute to the decline in livestock prices. Quoting GIPSA, the Congressional Research Service, which advises Members of Congress, concluded that concentration was not an issue. "Various government studies have been inconclusive on the relationship between concentration and low cattle prices," its report said. GIPSA, it noted, "could find 'no definitive evidence that concentration had an appreciable effect on cattle prices.'"¹⁷

As the meatpacking industry has become dominated by four firms and as industry practices—such as the higher speeds at which animals are

processed—have raised the chances of contamination, concentration affects the public's health as well as its pocketbook. It creates a system whereby a food-borne pathogen may be distributed to a large population of consumers.

"Modern food production is often so complex that many points at which contamination could occur are simply not recognized," Dr. Martin J. Blaser, the director of the Division of Infectious Diseases at **Vanderbilt** University School of Medicine, wrote in the May 16, 1996, issue of the *New England Journal of Medicine*. He continued that the transport of pasteurized and nonpasteurized products in the same tanker underscored how the complexity of the food industry can contaminate a previously safe food. "The bulk transport of nonpasteurized liquid eggs provides an efficient means of amplifying the impact of even a single salmonella-contaminated egg so that it affects large numbers of consumers."¹⁸

That single egg is an issue Congress prefers to ignore in favor of dollars and cents. In 1995, when the USDA began investigating IBP's preferential contracts with large suppliers, Representative Earl Pomeroy, a Democrat from North Dakota, applauded the effort. "We must not tolerate what amounts to a cattle cartel designed to shut out family and small-time ranchers," he said.¹⁹

In 1996, Pomeroy joined two other Representatives—Democrat Tim Johnson of South Dakota and Republican Joe Skeen of New Mexico—in introducing a bill that would have made the anticompetitive practices of the packers illegal. Pat Roberts, then the chairman of the House Agriculture Committee, never scheduled a hearing for the bill.

Pomeroy was led to ask whether Roberts "cares more about the packers than the producers." The public, of course, was left to care for itself.



R&R: Recall and Recovery

On August 12, 1997, the Department of Agriculture announced that Hudson Foods Company, a meat-processing firm based in Rogers, Arkansas, had voluntarily recalled 20,000 pounds of frozen hamburger patties made at its Columbus, Nebraska, plant because the ground beef might have been contaminated with the *E. coli* 0157:H7 bacterium. The Agriculture Department had been alerted to the problem by the Colorado Department of Public Health and Environment, which had received reports of illness from several consumers who had eaten the company's hamburgers the previous month.

Two days later, the USDA announced that Hudson Foods was recalling another 20,000 pounds of frozen hamburger patties that had been shipped to fast-food and other restaurants. And the next day, the USDA announced that the size of the recall was much greater than originally **estimated—more than 1.2 million pounds in all.**

Fueling the escalating recalls was an industry practice known as "rework," in which one day's leftover hamburger is ground in with the next day's output. By the time the USDA was through with its recommendations, Hudson Foods had agreed to recall 25 million pounds of meat, the largest recall in U.S. history.

Or at least that's what everyone thought.

The USDA actually decided to recall meat from one month further back than was publicly announced, increasing the total recall to as much as 35 million pounds.¹ Of that amount, only 8 million to 10 million pounds was actually recovered.

Shockingly, the Hudson Foods case is par for the course: Under the USDA's

system of protecting Americans from consuming contaminated food, less than half of recalled meat is ever **recovered**—**which** means that the majority of the tainted product is eaten by the public.

According to the Center for Public Integrity's analysis of USDA **recalls**, among all domestic closed cases from 1990 to 1997, manufacturers recalled more than 32.5 million pounds of meat and poultry but recovered only 14.6 million pounds, or 45 percent. Including outstanding or open cases, such as the massive Hudson Foods recall, they recalled more than 60 million pounds of domestic and foreign meat and poultry during the same period.

"Sometimes when we learn of a problem, we can bat close to 75 to 85—even sometimes 90—**percent**, but when you have product that is produced in the hundreds of thousands of pounds that has been shipped all over, some of that does get consumed," Jesse Majkowski, the director of the Food Safety and Inspection Service's Emergency Response Division—**which** is in charge of recalls and recovery—told the Center.

In August 1997, Agriculture Secretary Dan Glickman asked Congress to grant him the authority to order meatpacking companies to recall contaminated meat. Currently, recalls are voluntary and the USDA must negotiate the procedure with companies, sometimes resulting in delays during which the meat in question is consumed. Because the USDA has the bargaining chip of being able to withdraw its inspectors from plants, thereby shutting down operations, companies tend to comply with recalls.

"I do not have the authority to order a [mandatory] recall," Glickman told a reporter. "Most folks would be shocked to know that." He called this limit on his powers "one of the biggest loopholes out **there**."

The loophole isn't likely to be closed anytime soon. Congress failed to act on two similar proposals in 1994 and 1995. And the industry is against increased regulatory authority.

"The statutory authority sought by the USDA is not necessary and would be contrary to sound public policy," Gary Jay Kushner, a partner at Hogan & Hartson, told the Senate Agriculture Committee in October 1997. Kushner was representing the American Meat Institute, the Grocery Manufacturers of America, the National Broiler Council, the National Food Processors Association, and the National Turkey Federation. "Frankly, to take away a company's limited right to discuss with the agency the scope and depth of its recall would likely lead to less co-ordination and more **litigation**—**both** to the consumer's detriment."

At the same hearing, the National Food Processors Association, the trade

association of the \$430 billion food-processing industry, characterized the USDA's proposal as an attempt "to fix something that is not broken."³

One of the reasons the USDA is seeking mandatory recall powers is to reduce delays between the issuing of a voluntary recall and a company's ability to negotiate or respond to it. Citing the Hudson Foods example, the Food Safety and Inspection Service's administrator, Thomas Billy, told the Senate committee, "It is not usual for three separate [voluntary] recall notices to be issued over a nine-day period, ultimately involving up to 25 million pounds of product. I think with the information we had available, we could have mandated a recall earlier."

Kushner, on the other hand, testified that voluntary-recall negotiations typically take only hours, not days. But Carol Tucker Foreman, the director of the Safe Food Coalition and a former Assistant Secretary of Agriculture for food and consumer services in the Carter Administration, disagreed in her testimony. "I can tell you that during my four years at USDA, there were at least two occasions where the department was stiffed for a matter of days," she said. "The companies did finally go and get [the contaminated food] back, but it was not an easy thing to get done, and during that period of time, the product stayed on the market, it got bought, it got taken home."⁴

Industry found support at the hearing from Senator Richard Lugar, a Republican from Indiana and the chairman of the committee, and Senator Robert Kerrey, a Democrat from Nebraska. Lugar suggested that irradiating red meat may be more effective than increased government authority in responding to food-related sickness. As for public squeamishness about irradiation, Lugar said blithely, "They had better get over it."⁵ Yet while irradiation will kill deadly pathogens, it doesn't address the fact that the same meat was most likely contaminated with feces.

Glickman and the Clinton Administration are seeking \$573 million in meat-inspection fees to be paid for by the meatpackers. "We view this as a food-safety issue," he said.⁶

The proposal faces hostile opposition from Senate Appropriations Agriculture Subcommittee Chairman Thad Cochran, a Republican from Mississippi; Senator Dale Bumpers of Arkansas, the ranking Democrat on the panel; and Republican Bob Smith of Oregon, who chairs the House Agriculture Committee. Bumpers blasted Glickman for his continued insistence on the fees. "This may be the sixth consecutive year that the department has asked for the user fees," Bumpers said. "And I think it will be the sixth consecutive year they will not be granted."⁷

"I did not expect an embrace of this proposal from up here," Glickman responded, referring to the Senate Appropriations Committee. "But the fact of the matter is that there are limited funds within our budget, and if we don't fund our food-safety program, we're going to have to get the money from somewhere else."

Even if Congress required the industry to shoulder some of the regulatory costs, or granted the USDA mandatory-recall authority to allow quicker recalls, the problem of actually recovering tainted products would remain.

One thing that makes recovering product harder is grocery stores' and restaurants' practice of **regrinding** one company's lot, or "chub," of meat with those from other companies, thus making trace-back harder. "Some will just **regrind** this coarse ground product into a finer grind, put it into their own packaging, and send it out on the shelves," Jesse **Majkowski** of FSIS told the Center. "Others will buy from same company in different varieties of coarse grounds and different fat levels and blend that. Some retail corporations or chains will have a practice of grinding their day-old steaks. Some, if they're cutting steaks or meat in the supermarkets, will use the trimmings in the ground beef. Every retail store is different." The USDA has no regulations to ensure that each player in the food chain keeps consistent records of where meat came from and what was blended with what.

According to Jesse Privett, a federal meat inspector in Texas, some grocery stores add fat to their hamburger to increase its weight. "The sad thing about it is they'll buy 80/20 lean/fat and add fat to it, but on their case they'll say 80/20," Privett told the Center. "Once it comes out of that chub, there is no way to track it, because these large grocery-store chains will have products from three or four major packinghouses in their warehouses."

Not only does the USDA generally recover less than half of recalled meat products, but it also does a poorer job of recovering the most hazardous meat. It's less successful recovering meat with bacteria contamination, which makes people sick or kills them, than it is recovering meat with minor health violations.

A breakdown by class of violations, recalls, and recoveries for all domestic and foreign closed cases of contaminated meat from 1990 to 1997 shows that the USDA recalled more than 13.7 million pounds of Class I violations—the most serious **category—and** recovered more than 6.1 million pounds, or 44 percent. But the agency did much better for Class III—covering such things as labeling violations and extraneous materials in food—recovering 49 percent of all meat recalled.

Over the same seven years, the agency recalled more than 2.4 million pounds of ground beef. Of this amount, more than 1.9 million pounds was

recalled for bacteria contamination, of which 43 percent was recovered. That means that more than 850,000 pounds of bacteria-contaminated ground beef was consumed by the American public. (Hamburger is particularly susceptible to making people sick from a food-borne pathogen like *E. coli* 0157:H7, because the microbe can get mixed throughout the patty and is killed only by thorough cooking.) It took the agency, on average, 143 days—or almost five months—to close these cases.

Majkowski said that FSIS doesn't know if the unrecovered meat was consumed, but he admitted that it was possible; if it was eaten, it may have been properly cooked and the bacterium killed. "Part of the product is consumed—no doubt about that," he said. "But we've only had a couple of recalls with illnesses associated."

There's no way to know for certain if people get sick from a recall because many sufferers never see a doctor to report it. Even a visit to the doctor doesn't guarantee that the illness is recorded as having originated from a food-borne pathogen.

In June 1997, the USDA recalled 14,000 pounds of grilled chicken from a Tyson Foods plant in Pine Bluff, Arkansas, for bacteria contamination. At the same time, the FDA, the Environmental Protection Agency, and the USDA were investigating elevated levels of dioxin, a suspected carcinogen, in two birds at Tyson processing plants in Pine Bluff.⁸ The investigators found three to four parts per trillion in edible chicken meat. The federal government said that the levels weren't high enough to pose a threat to consumers, but it nevertheless issued a directive in July for the poultry plants to prove that their processed chicken contained less than one part per trillion of dioxin. The directive also affected a Cargill plant and a ConAgra plant. The source of the dioxin was found in chicken feed.

The USDA has permitted hundreds of plants to operate while inspectors file tens of thousands of citations for unsanitary conditions and food contamination, according to a January 1998 report by Cox News Service.⁹ USDA Process Deficiency Reports for 1996 reveal 138,593 critical packing-plant violations that would make consumers ill if the product involved were eaten, according to USDA records. Although the vast majority of the nation's 6,000 packing plants had just a few violations, 299 plants were cited every week.¹⁰

Arkansas led the nation in critical violations, amassing 15,269 in 1996. A violation is deemed critical if it is certain to cause contamination of food, reach consumers, and have a detrimental effect on them.

A Tyson Foods-operated plant in Waldron, Arkansas, accumulated 1,753

critical violations in 1996, the highest of any plant in the country, but never missed a day of production as a result of federal enforcement of violations, according to the Cox Newspapers report. After a Cox reporter visited the plant, Agriculture Department officials closed the operations for repeated violations. There were seven plants that had 1,000 critical violations in 1996, the last year for which there are complete records.

The federal government's sorry record in keeping contaminated meat products from being consumed by an unsuspecting public is at sharp odds with the all-is-well pronouncements of industry representatives. "The government and industry have an outstanding and historic record of co-operation on food-safety issues," the National Food Processors Association said in a statement to members of the Senate Agriculture Committee in October 1997. "The current system of co-operative recalls has proven successful in protecting consumers from **adulterated or misbranded products.**"¹¹

As the USDA's own data make clear, however, the current recall system is nothing short of a colossal failure.



'Have a Cup of Coffee and Pray'

In 1984, an outbreak of *E. coli* 0157:H7 at a nursing home in Nebraska killed four elderly patients and sickened 34 others. The following year, the National Research Council, a private scientific organization financed with a combination of public and private money, urged the federal government to start microbial testing in packing plants.¹

In October 1986, in Walla Walla, Washington, 37 people got sick and two died as a result of 0157:H7 in a taco mix. In June 1987, at a barbecue at a home for the mentally retarded in Salt Lake City, thirteen-year-old Kip Nicodemus ate a hamburger and spent the next five weeks in the hospital suffering the agonies of kidney failure. Fortunately, he survived, but his young roommate and three other children didn't. "We had no idea it was linked to hamburger until he got out of the hospital," his mother later told a reporter.²

In 1988, more than 100 schoolchildren in Minnesota and Wisconsin got sick from tainted beef. Three years later, the Centers for Disease Control and Prevention warned that "the geographic distribution of outbreaks are evidence that this pathogen is widespread in the United States . . . [and] the dimensions of this problem may be substantial."³ That year, the Agriculture Department took its first cautious step to respond, asking supermarkets to voluntarily put safe-cooking instructions on beef.⁴

Yet this move did nothing to address a more fundamental problem within the department itself: the Food Safety and Inspection Service, the USDA's division in charge of protecting the public health. At last count, FSIS had more than 7,400 inspectors in the nation's 6,200 meat-processing plants.⁵ Inspectors

relied on sight and smell to determine whether meat was fit for consumption—a method that looks for diseased animals and prevents them from entering the food chain. A newer method was needed to look for diseases that affect humans, such as salmonella, campylobacter, and E. coli 0157:H7, all of which are tasteless, odorless, and invisible.

As far back as the 1960s, scientists warned of dangers in the modern food industry that eluded the federal government's outdated inspection methods: Animals are massed in tight quarters, where they more easily become contaminated with bacteria-harboring excrement; they're slaughtered at a furious pace in mechanized plants; and shipping systems make it possible for meat from distant and diverse sources to be combined in ground beef, increasing the likelihood that pathogens will infect the public. In her book *Spoiled*, Nicols Fox quotes Robert Tauxe, the chief of the Food-Borne Disease and Diarrheal Branch at the Centers for Disease Control and Prevention, describing today's hamburger as "a mixture of one hundred different cattle from four different countries."⁶

Nevertheless, the Agriculture Department clung to its animal-disease inspection methods when addressing bacterial contamination. As far back as 1974; it resisted calls for labels on meat warning of the danger of salmonella if it was improperly cooked.⁷ Instead, the Agriculture Department argued that the presence of dangerous microbes on food didn't fit the definition of "adulterated" in federal food-safety laws. The meat industry's long-held position was that it was impossible, or at least impractical, to rid meat of microbes in the packing plant, and that consumers could protect themselves through proper cooking methods.⁸

That position was about to change.

In December 1992, six-year-old Lauren Rudolph of San Diego died after eating a fast-food hamburger tainted with 0157:H7; five other people in the San Diego area became ill. A few weeks later, in January 1993, eighteen young patients at Children's Hospital in Seattle displayed the same grisly symptoms that Oregon physicians had observed a decade before; tests confirmed the presence of 0157:H7. Luckily, a physician at the hospital called Dr. John Kobayashi, Washington state's chief epidemiologist. Within days, Kobayashi had traced the bacterium to tainted hamburger meat at Jack-in-the-Box restaurants, and then to a shipment of beef in the chain's warehouse in Tukwila, Washington. The restaurant chain recalled and destroyed 280,000 pounds of frozen hamburger patties.⁹

But about 40,000 patties from the tainted shipment had already been sold

to Jack-in-the-Box patrons.¹⁰ Some 600 of them became ill, and 92 patients developed life-threatening hemolytic uremic syndrome. On January 22, two-year-old Michael Nole of Tacoma died of heart failure, caused by the damage to his kidneys from the infection.¹¹ In the next month, two other children died—two-year-old Celina Shribbs and seventeen-month-old Riley Detwiler, who was infected through contact with a day-care classmate who'd eaten a tainted hamburger.¹²

The sheer numbers of 0157:H7 victims and the news media's coverage of their agony finally spurred Congress to hold hearings on the matter. On February 5, 1993, before the Senate Agriculture Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation, Robert Nugent, the president of Jack-in-the-Box, appealed to the federal government to do something. Just like McDonald's in 1982, Jack-in-the-Box had used federally inspected beef. "The meat-inspection system and federal food-preparation standards," Nugent complained, "are not providing the protection Americans deserve."¹³ While it may have sounded as if Nugent were shifting blame, his complaint was validated in 1994 by John Harman, the General Accounting Office's director of food and agricultural issues, who told Congress that "the present inspection system cannot effectively identify and prevent meat contaminated with pathogenic bacteria like *E. coli* from entering the nation's food supply."¹⁴

Also testifying that day in 1993 was James Marsden, then the American Meat Institute's vice president of science and technical affairs, who pushed the industry line that ultimately it was up to consumers to protect themselves by carefully cooking meat. "Even if some new technology were approved to eliminate pathogens from raw meat . . . there would be no guarantee that pathogens could not be reintroduced to that product in the retail store, food-service establishment, or home," he assured the Senators.¹⁵ Two weeks after the first child died in Seattle, the AMI put out a press release in which its president, Patrick Boyle, was quoted as saying, "This recent outbreak sheds light on a nationwide problem: inconsistent information about proper cooking temperatures for hamburger."¹⁶

That argument, however, was flawed. Killing off the lethal bacteria meant cooking beef much more thoroughly than most consumers were accustomed to doing. Furthermore, restaurant patrons had no way of protecting themselves unless they were willing to barge into the kitchen with a meat thermometer. Even the restaurants themselves weren't willing to rely on cooking alone to kill the microbe. Jack-in-the-Box, Wendy's, and other chains soon

began testing the beef they bought for the presence of *E. coli*.¹⁷

As Congress went about its other business, there were more outbreaks: five people at a Sizzler restaurant in Grants Pass, Oregon, in March; seventeen people at a restaurant in Bismarck, North Dakota, in May; thirty victims, eight of whom were sent to the hospital, in New York and Connecticut in June; and a dozen more stricken in New Jersey in July.¹⁸

Finally, in March 1993, the Agriculture Department tightened its guidelines on fecal contamination of carcasses, the mode by which 0157:H7 apparently spread. Instead of merely washing off feces, as packers had been allowed to do in the past, they now had to trim any tainted areas from the carcasses.¹⁹ But the outbreaks continued, and in August 1993 then-Agriculture Secretary Mike Espy announced an emergency rule requiring a label on each package of meat, giving instructions on proper cooking and refrigeration, and warning about the dangers of contamination from mishandling.

Although the meat industry argued that consumers needed to cook beef properly, the grocery industry balked at putting labels on the packages telling them to do it. In late September, the National American Wholesale Grocers' Association, the National Grocers Association, and the Texas Food Industry Association filed suit in federal court to stop the cooking-instruction labels, arguing that their legal right to comment on the rule had been ignored.²⁰ A federal judge agreed, and the USDA had to go through the standard public-comment process, causing a five-month delay.²¹

As the federal government and the grocery industry fought over the labels, more people became sick from 0157:H7. In January 1994, there were twenty new cases in Oregon and Washington. Late that month, Espy appeared at a press conference held by the Lois Joy Galler Foundation for Hemolytic Uremic Syndrome, a research organization named for one of 0157:H7's child victims. (The American Meat Institute was one of the foundation's financial supporters.) Espy had spoken with the girl's parents a month before and had been moved by the experience. With photographs of the three-year-old as a backdrop, he gave an emotional speech in which he described the aggressive attack he wanted to launch on 0157:H7. Espy said that he hoped technology would come to the rescue—namely, with genetic engineering that would produce cattle immune to 0157:H7 infection. In the shorter term, he wanted to revamp the government's inspection system. "We simply must move our inspection system into the 21st century," he said. "You can't see germs. You can't see food-borne bacteria. . . . [They] can't be detected by the human eye. We have to introduce microbial testing."²²

By then, some Members of Congress were also calling for something to be done. In January 1994, Representative Robert Torricelli, a Democrat from New Jersey, introduced legislation to mandate microbial testing. (Torricelli is now in the Senate.) In addition, he wanted to create an independent federal agency to inspect food.²³ The Clinton Administration, which in 1993 had proposed moving meat inspection over to the Food and Drug Administration, also wanted to change the system. In September, Representative Charles Stenholm, a Democrat from Texas, introduced the Administration's Pathogen Reduction Act, which would have established standards for microbial contamination and set civil penalties for selling tainted meat. In a speech, Stenholm said that he was frustrated by the "seemingly slow pace and direction of change in general within USDA."²⁴

But through the spring and summer of 1994, as those bills awaited action in Congress, there were more 0157:H7 outbreaks. In California, Connecticut, Nebraska, New Jersey, New York, North Dakota, and Pennsylvania, hundreds more people got sick.

While Congress stalled, someone decided to take action. In the summer of 1994, Espy appointed Michael Taylor, who had been the FDA's deputy commissioner for policy, to head FSIS.²⁵ Unlike his predecessor, Russell Cross, a meat-industry favorite who was an opponent of microbial testing, Taylor assessed the *E. coli* menace and concluded that the meat industry had to be confronted head-on.

On September 29, Taylor dropped his bombshell at a speech to the American Meat Institute. Federal inspectors, he announced, would immediately begin testing ground beef for 0157:H7, with 5,000 random samples taken from both supermarkets and meat-processing plants. Because the bacterium was so virulent, any shipments of beef found to be contaminated would be seized or recalled.²⁶

Taylor figured that he didn't need to wait for Congress to act; instead, breaking with long-standing official policy, he simply classified the microbe as an adulterant, so that the FSIS could assert the authority to regulate it. Taylor thought he was on solid ground. After all, although nobody called 0157:H7-contaminated beef **adulterated**, everyone acted as if it were; if FSIS received information that an outbreak had been traced back to a lot, inspectors quietly impounded whatever meat remained. But from now on, government inspectors would go looking on their own,

Taylor's bold move raised a storm of protest in the cattle, meatpacking, and grocery industries. The American Meat Institute went over Taylor's head to

Deputy Agriculture Secretary Richard Rominger in an attempt to get the testing stopped. "The whole slaughter industry felt that Mike Taylor was sitting in an ivory tower," Sara Lilygren, the institute's senior vice president for legislative and public affairs, told the Center for Public Integrity.

On November 1, the American Meat Institute and other industry groups filed suit in federal court in Austin, Texas, to stop the testing. At a press conference in Washington, Patrick Boyle, the institute's president, said the tests were so unreliable that "we have had tests that come up positive on one side of a hamburger patty and negative on the other," and he complained that it would cost packing plants a ruinous \$1 million each time they had to recall a shipment of **beef**.²⁷ An AMI press release warned, "This program has the potential to **mislead** consumers with promises of a safer food supply, and as a result they may relax their own cooking and handling **standards**."²⁸ John Block, who had been Agriculture Secretary in the Reagan Administration and was now president of the National American Wholesale Grocers' Association/International Foodservice Distributors Association, complained that the department he once ran was proceeding "recklessly with a bureaucratic policy that is unfair and **unwise**."²⁹

Taylor made a small concession to the industry: He agreed to allow hot-water rinses of carcasses, a process that had been shown to reduce the incidence of 0157:H7, before the federal inspectors performed their tests. But he wouldn't back down.

The industry remained adamant. The day after its lawsuit was filed, the AMI held an industry briefing on 0157:H7 in a hotel outside Chicago. One speaker was Dennis Johnson, a partner in the Washington law firm of Olsson, Frank, and Weeda. He advised the several hundred meatpackers in attendance not even to test ground beef for the microbe themselves, as some had quietly begun to do. "Your exposure is too great," Johnson warned. "You don't want to **know**."³⁰ The industry sought to protect itself behind a cloak of **deniability**.

Meanwhile, relatives of *E. coli* victims had formed a picket line outside the conference. Carrying signs emblazoned with such messages as "Infected Meat Maims and Kills Thousands" and "Industry Obstructs Again," members of Safe Tables Our Priority (**STOP**)—a grassroots organization of families and friends of those who have suffered from food-borne **pathogens**—**insisted** that something be done about the deadly microbe. One of the activists, Nancy Donley, held up a photograph of her six-year-old son Alex, who'd died from an 0157:H7 infection in 1993 (a condition, she later said, in which "his insides [were] shredded, his brain liquefied by a pathogen . . . that I can only describe as

evil"). "How dare you oppose **microbial** testing that, if used, could have prevented Alex's death?" she **demanded**.³¹ Industry lost the battle against microbial testing.

The five-month public-comment period for the Agriculture Department's proposal to revamp the system was to begin in February 1995. Both the USDA and many in the industry favored replacing the old pass-fail system **with** a modern approach known as Hazard Analysis of Critical Control Points, or HACCP ("Have a Cup of Coffee and Pray," as government inspectors refer to it), in which the processors promise to check meat at various points in the **process**.

But the industry's vision of HACCP was a bit different from what Taylor had in mind. **Meatpackers—especially smaller companies—didn't like Taylor's push** to impose mandatory antimicrobial measures, such as standard times for the chilling of carcasses. Rather than have federal inspectors looking at **carcasses** and performing pass-fail microbial tests, the industry wanted to have them spend more time reviewing paperwork to verify that a company's own controls were working. "They wouldn't have been looking at every single carcass **any** more," Lilygren explained. But an industry memo obtained by the *Seattle Post-Intelligencer* proposed more radical changes.³² The USDA, the memo noted; would "no longer be responsible for the hands-on review of **products**, nor for the evaluation for disease or esthetic defects; this should be the **facilities'** responsibility." In other words, the industry would largely police **itself**.

More important, Taylor wanted to make testing for microbes a regular part of the federal inspection system. In addition to the sporadic spot tests for *E. coli* 0157:H7, his plan called for daily samples from meatpacking plants to be tested for harmful microbes. Initially, the government planned to start by **screening** for another, easier-to-detect pathogen: salmonella. Taylor wanted to measure the incidence of dangerous microbes at plants and eventually set a **national** performance standard that plants would have to meet. In the shorter term, **he** proposed interim goals for reducing the incidence of contamination.

The meat industry didn't like Taylor's ideas. Some companies were willing to demonstrate that their plants were maintaining cleanliness and curbing bacterial contamination through testing, but they wanted to test for a benign microbe such as generic *E. coli*. Nobody wanted government inspectors doing daily **tests** and documenting the presence of a dangerous microbe such as **salmonella**. Some companies, especially the smaller meatpackers, didn't want to be forced to test for microbes at all. They feared that if meat from their plants **was** found to be contaminated, they could be held liable for any resulting **illnesses**. "If **you** do get a positive, will you ship?" James Hodges, the AMI's vice president for reg-

ulatory affairs, asked at a February 1996 panel discussion by industry officials and an FSIS representative. "What are your liability concerns?"³³

Some in the industry saw a chance to go even further. In the House and Senate, members of the new Republican majority pushed for a moratorium on new federal regulation of all sorts—including the Agriculture Department's proposed rules on 0157:H7. In the Senate, the GOP's antiregulatory package was championed by Robert Dole of Kansas, the newly installed Senate Majority Leader and presidential hopeful, who bristled at the suggestion that he might be acting at the behest of meat-industry lobbyists.³⁴ But in fact, Dole had received more than \$400,000 from agriculture PACs from 1989 to 1994, including at least \$30,000 from meat and poultry processors and another \$83,000 from the processed-food industry.

Food-safety activists looked on in alarm. In the House, Torricelli and Democratic Representative George Brown of California introduced the Family Food Protection Act, which would have set standards for microbial contamination and explicitly classified 0157:H7 and other microbes as adulterants. Torricelli proposed the legislation after a constituent died of food poisoning. "The simple truth is," Torricelli said, "in some cases, the lucky ones die."³⁵

Bill Bradley, another New Jersey Democrat, introduced a similar bill in the Senate. But the proposals went nowhere. Representatives Louise Slaughter, a Democrat from New York, and Cardiss Collins, a Democrat from Illinois, tried another approach, offering an amendment that would have allowed the Agriculture Department to go forward with its proposed rules on pathogens. "I completely disagree with the proponents of this regulatory moratorium bill that we should delay for one minute, much less six months, the implementation of USDA's regulations to reduce the number of deaths and illnesses that occur each year from food poisoning," Collins said in a February 14 speech to her colleagues. "For the Republican majority that now controls this Congress to not allow the proposed meat and poultry food-safety rule to be implemented is a callous disregard for human health and life."³⁶

But not a single Republican voted for the amendment. Former Senator Howard Metzenbaum, a Democrat from Ohio who had long advocated stricter food-safety laws, was outraged. At a press conference held by the Safe Food Coalition—a collection of senior-citizen, consumer-advocacy, labor, and whistle-blower organizations—Metzenbaum complained that there were "not one, not five, not ten, but maybe 102 meat lobbyists lobbying against the [Agriculture Department's] proposed rule." Meat-industry officials, he said, should be "ashamed of themselves."³⁷

Food-safety activists couldn't make much headway against the GOP's anti-regulatory juggernaut, but away from Capitol Hill, consumer activists and the well-organized, energetic lobby of families victimized by 0157:H7 had more luck. They zeroed in on Dole's vulnerable presidential aspirations. In June, the Safe Food Coalition aired a television commercial in New Hampshire, the crucial primary state, in which Kansas resident Sonya Fendorf told of how her son had suffered permanent kidney damage after being exposed to 0157:H7. "America's meat-inspection standards are dangerously out of date," she said in the ad. "Yet our Senator, Bob Dole, is pushing a bill that would block tougher standards—trying to please his big contributors instead of protecting kids."³⁸

An obviously irked Dole shot back from the floor of the Senate, denouncing as "Chicken Littles" those who warned that his bill would increase the 0157:H7 risk.³⁹ Nevertheless, Dole eventually backed down by exempting emergency food-safety threats from the regulatory cost-benefit analysis he wanted to impose.⁴⁰

The meat industry had plenty of allies in the House, too. At its behest, the House Appropriations Committee attached to the 1996 agricultural appropriations bill a rider by Republican James Walsh of New York, who since 1988 had received at least \$61,000 in campaign contributions from agribusiness. His rider—which according to *The Washington Post* was drafted by Philip Olsson, an attorney for the National Meat Association—would have tossed out the Agriculture Department's plan and forced it to negotiate with industry over the new rule.⁴¹ "It could have cost dearly in human health and lives," Caroline Smith DeWaal, director of the program on food safety at the Center for Science in the Public Interest, told the Center.

In July, as another fifteen people in Georgia, New York, and Tennessee fell victim to 0157:H7-tainted beef, the meat industry's strategy proved to be a costly one. Newspaper cartoonists had a field day with the meatpackers. "We took a beating in terms of public opinion," the AMI's Sara Lilygren told the Center. "Instead of stalling the regulations, we were just trying to get a seat at the table."

Meanwhile, the cracks in the meat-industry alliance had deepened. Some executives thought that the growing public fear over microbes was bad for business. IBP, Inc., the nation's biggest meat firm, abruptly quit the AMI and broke ranks with the industry to oppose the Walsh amendment. Robert Peterson, the chairman of the company, said in a letter to Agriculture Secretary Dan Glickman (who'd succeeded Espy) that the delay sought by others in the industry was "not acceptable."⁴²

Finally, on July 18, Glickman met with Walsh, members of the House Agriculture Committee from both parties, and Richard Durbin of Illinois, the ranking Democrat on the House Appropriations Subcommittee on Agriculture. Late that night, they negotiated a compromise. Walsh withdrew his amendment without a floor debate, and the revamping of the meat-inspection system moved forward. Glickman agreed to hold a series of meetings over the ensuing year, to solicit input from all sides in the debate, before publishing a final inspection plan in mid-1996. Glickman also agreed that as the new regulations were added to the Agriculture Department rule book, he would streamline the system by eliminating as many old regulations as possible.⁴³

As the year drew to a close, people were still being stricken by E. coli. In Montgomery, Alabama, a three-year-old child's kidneys were ravaged by hemolytic uremic syndrome; he'd apparently eaten a tainted hot dog. Other cases showed up in Kansas, Ohio, and Pennsylvania. At last, however, the government seemed to be responding to the menace.

Nevertheless, the battle over what to do about 0157:H7 still wasn't over. In February 1996, Boyle fired off a testy letter to Taylor in which he complained that an FSIS publication described 0157:H7 as having reached "epidemic proportions."⁴⁴ Taylor refused to back down. "We believe that the increasing number of reported E. coli 0157:H7 cases in the United States clearly fits the definition of an epidemic," he replied in a letter.⁴⁵ In addition, at a February meeting with Patricia Stolfa, the FSIS's acting deputy administrator, representatives of the meat industry made it clear that they still didn't like the idea of government-mandated microbial testing. One told Stolfa that he'd like the agency "to forgo micro testing" altogether.⁴⁶

More significantly, some powerful Capitol Hill lawmakers still were willing to throw a wrench into the modernization of the meat-inspection process. In March 1996, the Senate rejected Taylor's request for an additional \$9.5 million to spend on computers that were a key part of modernization plans, and instead adopted an amendment introduced by Senator Thad Cochran, a Republican from Mississippi, forcing the agency to spend an additional \$13 million on salaries and benefits for inspectors.⁴⁷ Taylor warned that the cuts would send a "powerful signal" that meat safety had again been pushed to the back burner.

In the House, Roberts, in his new role as chairman of the Agriculture Committee, slipped through an amendment that would have created a panel of experts from the meat and poultry industry to whom all meat-inspection rules and procedures would have to be submitted for review and comment. Food-safety activists were angry and disheartened. "Our faith in Congress's commit-

ment to safer meat and poultry," Nancy Donley told a House subcommittee, "is just about zero."⁴⁸

In the Senate, Thomas Daschle, a Democrat from South Dakota, proposed an amendment to the Senate's regulatory reform initiative of 1996 that would have expedited HACCP's implementation and exempted it from the cost-benefit provisions of the bill. It failed in a close vote. Members who voted against the amendment were more likely, by a 2.5-to-1 ratio, to have received money from meatpacking interests, according to the Center's analysis of votes and campaign finance records.

By late spring, however, the funds for modernization were restored to FSIS's budget, and the industry review panel was cut. One possible reason: The lurid publicity about bovine spongiform encephalopathy, the "mad-cow disease" that was frightening Europe, made it a political nightmare to oppose meat regulation in any form. Subsequently, in July 1996, the Clinton Administration was able to unveil, with much hoopla, the final meat-inspection rules. "Families shouldn't have to fear the food they eat is unsafe," President Clinton proclaimed in a radio address. "With the tough steps we're taking today, America's parents should be able to breathe a little easier."

Clinton didn't mention, however, some of the significant concessions that the industry had obtained. As part of the Walsh compromise, the government had agreed to hold additional informal negotiations with the industry. The cost of complying with the government's new regulations was drastically cut—from the \$260 million a year that the Agriculture Department originally estimated in 1995 to about \$100 million, or about one-tenth of a cent per pound of meat.⁴⁹ This cost reduction was accomplished, in part, by the Agriculture Department's yielding on certain requirements. Instead of requiring packing plants to use an antimicrobial rinse known to be effective against 0157:H7, for example, the department would simply require them to show that they could keep contamination below a certain level by whatever means they chose—such as trimming carcasses or slaughtering animals more carefully. Smaller plants weren't required to test as frequently for bacteria, and they had additional time—as much as two years past the January 1998 deadline for the biggest plants—in which to upgrade their practices.⁵⁰

There are questions about whether the federal government's safeguards against 0157:H7 are sufficiently stringent. In the HACCP system, government inspectors will test samples daily for salmonella, and plants will be required to test and control levels of generic *E. coli*, which is an indicator of fecal contamination. But as for detecting the dangerous strain of *E. coli* 0157:H7, the

Agriculture Department still relies on hit-or-miss testing of a tiny portion of the nation's ground beef.⁵¹

In the three years after Taylor instituted random 0157:H7 testing, inspectors found only five samples that were positive for 0157:H7 out of more than 15,000.⁵² But that figure may give a false sense of security, because finding the 0157:H7 bacterium on carcasses can be like looking for a needle in a haystack. It takes only a very small amount of 0157:H7 to cause illness—100 to 200 bacteria in a quarter-pound hamburger—and the approximately 5,000 samples tested amount to only a tiny fraction of the 7 billion pounds of ground beef sold in the United States every year. And there are signs that tainted beef is slipping through. When Foodmaker, Inc., the parent of Jack-in-the-Box, began vigorously testing its own meat supply for 0157:H7 in the wake of the 1993 outbreak, it initially found about five positives per 1,000 beef patties—a substantially higher rate than the government's testers found.⁵³

On January 26, 1998, HACCP began in earnest at the giant meatpacking plants. Already there are signs of problems, one of the most disturbing of which is that inspectors were given only two weeks of training in the system.

"USDA took the 'just-in-time' training approach, which probably in retrospect was a serious mistake," Marsden, now a professor of meat science at Kansas State University, told the Center. "Industry training has been going on since 1991. There is a big gap between USDA inspection and industry, relative to HACCP training, right now."

"The biggest problem is we're paper pushers now," Gerold Lorge, a federal meat inspector, told the Center. "We have to spend so much of our time trying to check [the plant's] documentation that we really don't have time to look at the product anymore. We're checking papers, not products." Lorge is president of a local meat inspectors' union.

According to Marsden, there is a distinction between animal-disease protection and prevention—which is what USDA inspectors have been doing for decades—and food-safety protection, which is what HACCP seeks to address. Animal-disease protection is making sure that diseased cattle with tumors, abscesses, and other problems don't get into the food chain. Food safety is making sure that bacteria harmful to humans don't get into it. Both should work together. "You don't throw away the best animal-disease protection and prevention system in the world and completely divert those resources to food safety," he said. "You add food-safety resources, and you have both." He noted that there has been talk in the industry of doing away with animal-disease protection and focusing instead on HACCP "Maybe they see this as an oppor-

tunity to say we can use HACCP and food safety as a way to deregulate the meat and poultry industry," Marsden said. "They're saying they're in a better position to sort for diseased animals, and since it's not a food-safety issue, therefore it's not a public-health issue. I think they would be shortsighted if they took that approach."

HACCP—which is expensive to develop, implement, and equip—may hit the smaller plants hard, forcing some to go out of business and further concentrating an already small pool of packers. "We've been doing a lot of work on steam pasteurization," Marsden said. "But it's expensive. What happens if you're a small company and can't afford that?" He favors a tax-credit system to help smaller companies compete and implement HACCP, but industry may want the small fry to die off and so that it can take over their share of the market. "That may now be exacerbated with HACCP," Marsden conceded.

One drawback to HACCP is that each plant must develop a plan that works without designing one where the deck is stacked in favor of a passing grade. "The big weakness is to have a HACCP plan that's not worth the paper it's written on, relative to public health or food safety, yet you technically met the requirements of the rule," Marsden told the Center. The USDA does not have to approve a plant's HACCP plans.

"You can't expect people to do what's right when a dollar's involved," Lorge said. "That's the way you stay in business."

There might be another way for the food industry to stay in business if it doesn't protect the public's health. In Saranac Lake, New York, Mountain Mist Ice Cream restaurant now asks its patrons to sign a liability waiver when they order a hamburger medium-rare or rare. "Order a burger less than well done and we'll ask you to sign the order slip," Lynn Keough told a reporter.⁵⁴ "It's an attempt to alert customers to the dangers of eating undercooked hamburger, although it probably won't hold up in court."

Meanwhile, in May 1997, a little more than fifteen years after the first major 0157:H7 outbreak, an eighteen-month-old boy named Cody Edge and his half-brother, two-year-old Jason McKinnies, were admitted to Riley Hospital for Children in South Bend, Indiana, for the treatment of what appeared to be gastrointestinal flu. Soon, however, the boys' conditions took a sharp turn for the worse, and after suffering kidney failure, both needed to undergo dialysis treatments to save their lives. Test results from Cody revealed the culprit: *E. coli* 0157:H7. Like the victims in Oregon in 1982, the boys had apparently become ill after eating at a fast-food restaurant. "You hear about this on TV," the boys' mother, Jody Edge, told a reporter for *The Indianapolis Star*. "But you

never think this could happen to you.”⁵⁵

Sadly, however, because of Congress's dereliction of duty, it still can.



Conclusion

Does Congress aim to protect the broad public interest of the American people or the crass, commercial concerns of the nation's meatpacking industry? That has been a central question throughout the past decade and, indeed, this past century. In the context of food purity, it has been the natural inclination of Congress to represent and promote the interests of its benefactors. No one has ever described this general phenomenon more succinctly than political scientist Louise Overacker, who wrote in her 1932 book, *Money in Elections*: "No party which is financially dependent upon the substantial business interests . . . would feel free to embark on an economic program which met with their hostility. Even a dog will not bite the hand that feeds it, and a political party [and its politicians] will hardly 'sell out' the person whose money it accepts."¹

Congress has been able to overcome its financial addiction and has been willing to protect the public health from food contamination only after appalling revelations and overwhelming public pressure demanded it.

In 1965, three years before his death at age ninety, Upton Sinclair was interviewed by a reporter for *The Baltimore Sun*.² He recalled doing the research for his literary classic, visiting the meatpacking plants in Chicago. "I came home, sick with horror," he said. "I related this horror in my novel, *The Jungle*, and I wrote it often blinded by my own tears." Sinclair's horror became America's outrage.

The author also recalled being invited to the White House for lunch by President Theodore Roosevelt. "Teddy poured his heart out to me; he knew those packers, he said; he had had to eat their canned meat in Cuba [during the Spanish-American War]. He promised me a fair deal and kept his promise.

. . . When I compare the weeks that I had spent in the Chicago stockyards—those horrifying days—the months spent writing the novel, and the difficult battle to get it published, with the action taken by President Roosevelt and Congress, I realize that it was all worth it."

It took sixty years before Congress again took bold action to protect the American people from unsafe food.

For nine years, Representative Neal Smith, a Democrat from Iowa, fought hard to get a bill through Congress that would require animal-by-animal inspection, eliminating disease-ridden beasts unfit for human consumption. For nine years, the meatpacking industry fought him. Even the Agriculture Department was against the measure.

"I actually found meat that came out of rendering plants that had been chunked and supposedly shipped to mink farms in Wisconsin," Smith, who retired in 1995, told the Center. "And it ended up in hamburger in Chicago. There wasn't anybody to check it."

Industry fought the measure all the way, bottling up the legislation in the Agriculture Committee. Meanwhile, grimmer and grimmer stories poured into Smith's office. "A veterinarian called me one time when I was working on this, and he was red-hot," Smith recalled. "He had looked at a boar on a farmer's farm, and it had a high fever. He told him to kill it and bury it to get it away from these other hogs. Instead, a buyer came along and bought it and took it to Omaha to a place that butchered it, and you know that went into sausage of some kind."

With the help of then-Representative (later House Speaker) Thomas Foley and then-Senator (later Vice President) Walter Mondale, Smith was finally able to get his meat-inspection legislation through Congress, but it was President Lyndon Johnson who turned the tide for food safety. And again, it was a muck-raking journalist, Nick Kotz, who had galvanized the public's attention on this serious issue by exposing what Americans were really serving for dinner. Kotz, then a reporter in the Washington bureau of *The Des Moines Register*, won a Pulitzer Prize for his investigation of the meatpacking industry.

"One morning," Smith recalled, "at a White House meeting that Johnson had every morning, he said, 'I read in the paper about this meat-inspection bill, and they tell me that the [Agriculture] Department is against it.' [Orville] Freeman was **there—he** was Secretary of Agriculture—and a couple of others, and they said, 'Well, yeah, that's the position we've **taken.**' And Johnson said, 'Well, we're going to take the other **side.**' And they turned around immediately and supported it. It wasn't too long after that the [American] Meat Institute

C O N C L U S I O N

decided to give it up because they were getting bad publicity."

In 1967, President Johnson signed the Wholesome Meat Act into law. Upton Sinclair came to the White House once again, this time in a wheelchair, for the signing of the new law. The following year, Sinclair died at a nursing home in New Jersey.

Since then, however, Congress has failed again and again on the food-safety front. Indeed, it too often has put the industry's needs before the public's.

It was Congress that sought to allow washing instead of trimming fecal-contaminated meat and poultry. It was Congress that sought to grant state-inspected meat equal status as federally inspected meat. It was Congress that blocked the Food and Drug Administration's recommendation to restrict the use of subtherapeutic antibiotics in animal feed. It was Congress that restricted food labeling. And it is Congress that hasn't answered the bell, even as children continue to die from food-borne illnesses, by failing to pass any meaningful legislation. Even the new food-inspection system, HACCP, was not voted on by Congress. Now there are efforts by industry to replace the old animal-disease inspection system completely with HACCP.

Former Representative Smith finds the concept of virtual **self-regulation** of an industry that's so vital to the public health to be repugnant and downright dangerous. "I would never trust them to inspect themselves," he told the Center, "because it's just too easy to cut corners, and the money involved is so big."

On issues of food safety, then, ours is *not* a government of the people, by the people, and for the people. Congress has not been working for the American people, but rather on behalf of the producers, processors, and servers of meat and poultry. By its **action—or inaction**—Congress has become the champion of their agenda, at the same time lawmakers have received millions of dollars from them in campaign contributions, all-expenses-paid trips, and lucrative lobbying jobs after leaving Congress.

The American people deserve better. How long must they wait for the next Upton Sinclair, the next Nick Kotz, the next Neal Smith? How long must they wait before Congress puts safety first?



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Top Recipients of Campaign Contributions, 1987-96

MEAT INDUSTRY

Recipient	Party-State	Amount
Sen. Phil Gramm	R-Texas	\$611,484
Sen. Kay Bailey Hutchison	R-Texas	409,178
Rep. Newt Gingrich	R-Ga.	232,239
Sen. Richard Lugar	R-Ind.	224,908
Rep. Charles Stenholm	D-Texas	224,756
Sen. Rudy Boschwitz	R-Minn.	210,365
Sen. Mitch McConnell	R-Ky.	196,968
Sen. Slade Gorton	R-Wash.	189,331
Sen. Gordon Smith	R-Ore.	188,367
Sen. Mike DeWine	R-Ohio	184,911
Sen. Pat Roberts	R-Kan.	178,750
Sen. Alfonse D'Amato	R-N.Y.	174,750
Sen. Orrin Hatch	R-Utah	172,133
Sen. Connie Mack	R-Fla.	161,187
Sen. Trent Lott	R-Miss.	152,706

Names in boldface are current Members of Congress.

T A B L E S

Top Contributors to Members of Congress, 1987-96

MEAT AND POULTRY PROCESSING INTERESTS

Donor	Address	Amount
ConAgra, Inc.	Omaha, Neb.	\$1,295,158
Tyson Foods, Inc.	Springdale, Ark.	943,871
National Broiler Council	Washington	671,150
American Meat Institute	Arlington, Va.	636,084
Cargill, Inc.	Minneapolis	593,215
Nestle USA, Inc.	Glendale, Calif.	372,248
Farmland Industries	Washington	330,045
United Egg Association	Atlanta	336,850
Quaker Oats Company	Chicago	323,993
Grocery Manufacturers of America	Washington	248,350
National Turkey Federation	Reston, Va.	229,000
Kraft Foods, Inc.	Northfield, Ill.	197,412
Pilgrim's Pride	Pittsburgh, Texas	191,630
Gold Kist, Inc.	Atlanta	183,731
Perdue Farms, Inc.	Salisbury, Md.	170,430
Pillsbury Company, The	Minneapolis	168,618
IBP, Inc.	Dakota City, Neb.	163,740
National Food Processors Association	Washington	126,334
Sara Lee Corporation	Chicago	87,250
Central Soya Company, Inc.	Fort Wayne, Ind.	76,325

Top Contributors to Members of Congress, 1987-96

MEAT AND POULTRY PRODUCERS

Donor	Address	Amount
National Cattlemen's Beef Association	Des Moines, Iowa	\$1,422,434
National Pork Producers Council	Washington	503,537
Texas Cattle Feeders Association	Amarillo , Texas	490,800
Texas & Southwestern Cattle Raisers	Fort Worth, Texas	178,299
Paragon Ranch, Inc.	Denver	56,350
Livestock Marketing Association	Kansas City, Mo.	39,975
King Ranch, Inc.	Houston	33,800
North Carolina Pork Producers	Raleigh, N.C.	29,698
Jack Lawton, Inc.	Sulphur, La.	29,550
Armstrong Ranch	Kingsville , Texas	25,900

Top Contributors to Members of Congress, 1987-96

RESTAURANT INTERESTS

Donor	Address	Amount
National Restaurant Association	Washington	\$3,129,183
McDonald's Corporation	Oak Brook, Ill.	1,694,253
Outback Steakhouse, Inc.	Tampa, Fla.	793,650
S&A Restaurant Corporation	Dallas	470,400
Pizza Hut, Inc.	Wichita, Kan.	443,308
Brinker International, Inc.	Dallas	339,100
General Mills Restaurants	Orlando, Fla.	286,156
Cracker Barrel Old Country Store, Inc.	Lebanon, Tenn.	216,550
Hardee's Food Systems, Inc.	Rocky Mountain, N.C.	211,045
Texas Restaurant Association	Austin, Texas	135,572

Top Contributors to Members of Congress, 1987-96

GROCERY DISTRIBUTORS, **WHOLESALERS**, AND RETAILERS

Donor	Address	Amount
Food Marketing Institute	Washington	\$2,168,592
Winn-Dixie Stores	Jacksonville, Fla.	883,660
National Wholesale Grocers Association	Falls Church, Va.	524,447
Fleming Companies, Inc.	Oklahoma City	443,600
Services Group of America, Inc.	Seattle	236,422
Malone & Hyde	Nashville, Tenn.	196,900
Safeway, Inc.	Pleasanton, Calif.	154,917
Kroger Company, The	Cincinnati	142,450
McLane Company, Inc.	Temple, Texas	128,875
Connell Company, The	Westfield, N.J.	110,000

Top Senate Recipients of Campaign Contributions, 1987-96

MEAT AND POULTRY PROCESSING INTERESTS

Senator	Party-State	Committee	Amount
Phil Gramm	R-Texas	Agriculture	\$99,325
Richard Lugar	R-Ind.	Agriculture	96,097
Rudy Boschwitz	R-Minn.	Agriculture	86,965
Dale Bumpers	D-Ark.		83,750
Robert Kerrey	D-Neb.	Agriculture	74,100
Kay Bailey Hutchison	R-Texas		64,625
Mitch McConnell	R-Ky.	Agriculture	64,025
Lauch Faircloth	R-N.C.		60,600
Jesse Helms	R-N.C.	Agriculture	59,408
Robert Dole	R-Kan.	Agriculture	54,500
Slade Gorton	R-Wash.	Agriculture	53,750
Kent Conrad	D-N.D.	Agriculture	53,500
Orrin Hatch	R-Utah		51,640
Tom Harkin	D-Iowa	Agriculture	51,275
Wyche Fowler Jr.	D-Ga.	Agriculture	48,650
Charles Grassley	R-Iowa	Agriculture	48,450
Christopher Bond	R-Mo.	Agriculture	48,200
Trent Lott	R-Miss.	Majority Leader	48,149
Larry Craig	R-Idaho	Agriculture	47,709
Daniel Coats	R-Ind.		45,750
Dave Durenberger	R-Minn.		43,500
Thad Cochran	R-Miss.	Agriculture	42,500
John Warner	R-Va.	Agriculture	42,250
Paul Coverdell	R-Ga.	Agriculture	41,981
Howell Heflin	D-Ala.	Agriculture	41,600

Top Senate Recipients of Campaign Contributions, 1987-96

MEAT AND POULTRY PRODUCERS

Senator	Party-State	Committee	Amount
Phil Gramm	R-Texas	Agriculture	\$325,809
Kay Bailey Hutchison	R-Texas		200,165
Conrad Burns	R-Mont.		106,884
Pete Wilson	R-Calif.	Agriculture	64,015
Pete Domenici	R-N.M.		52,617
Craig Thomas	R-Wyo.		49,845
Larry Craig	R-Idaho	Agriculture	49,350
Gordon Smith	R-Ore.		44,058
Don Nickles	R-Okla.		41,350
Bob Kerrey	D-Neb.	Agriculture	40,945
Lloyd Bentsen	D-Texas		39,660
James Inhofe	R-Okla.		38,575
Jesse Helms	R-N.C.	Agriculture	37,547
Max Baucus	D-Mont.	Agriculture	34,300
John Seymour	R-Calif.	Agriculture	31,682
Michael Enzi	R-Wyo.		29,210
Lauch Faircloth	R-N.C.		25,845
Connie Mack	R-Fla.		24,850
Alan Simpson	R-Wyo.		24,450
Jon Kyl	R-Ariz.		24,400
Jeff Bingaman	D-N.M.		24,395
David Boren	D-Okla.	Agriculture	23,900
Malcolm Wallop	R-Wyo.		22,250
Kent Conrad	D-N.D.	Agriculture	21,950
Dirk Kempthorne	R-Idaho		20,500

Top Senate Recipients of Campaign Contributions, 1987-1996

RESTAURANT INTERESTS

Senator	Party-State	Committee	Amount
Kay Bailey Hutchison	R-Texas		\$144,388
Orrin Hatch	R-Utah		94,419
Phil Gramm	R-Texas	Agriculture	92,050
Mike DeWine	R-Ohio		88,859
Rudy Boschwitz	R-Minn.	Agriculture	77,850
Alfonse D'Amato	R-N.Y.		75,150
Mitch McConnell	R-Ky.		74,150
Gordon Smith	R-Ore.		69,509
Fred Thompson	R-Tenn.		66,743
Daniel Coats	R-Ind.		66,300
Paul Coverdell	R-Ga.		62,169
Slade Gorton	R-Wash.	Agriculture	60,150
Rick Santorum	R-Pa.	Agriculture	59,966
Bill Frist	R-Tenn.		55,725
Edward Kennedy	D-Mass.		55,341
Jon Kyl	R-Ariz.		50,100
Connie Mack	R-Fla.		48,100
Spencer Abraham	R-Mich.		47,950
Arlen Specter	R-Penn.		45,397
Robert Kasten	R-Wis.		45,396
Richard Lugar	R-Ind.	Agriculture	45,322
Trent Lott	R-Miss.	Majority Leader	44,600
Bob Kerrey	D-Neb.	Agriculture	43,750
Lauch Faircloth	R-N.C.		41,150

Names in boldface are current Members of Congress.

Top Senate Recipients of Campaign Contributions, 1987-96

GROCERY DISTRIBUTORS, WHOLESALERS, AND RETAILERS

Senator	Party-State	Committee	Amount
Phil Gramm	R-Texas	Agriculture	\$94,300
Kay Bailey Hutchison	R-Texas		84,250
Alfonse D'Amato	R-N.Y.		64,200
Richard Lugar	R-Ind.	Agriculture	62,989
Trent Lott	R-Miss.	Majority Leader	59,957
Orrin Hatch	R-Utah		59,514
Slade Gorton	R-Wash.	Agriculture	57,356
Connie Mack	R-Fla.		52,487
Dianne Feinstein	D-Calif.		50,250
Mike DeWine	R-Ohio		49,002
Dirk Kempthorne	R-Idaho		43,450
Mitch McConnell	R-Ky.	Agriculture	43,400
John Seymour	R-Calif.	Agriculture	40,900
Christopher Bond	R-Mo.	Agriculture	38,600
Jon Kyl	R-Ariz.		37,650
Daniel Coats	R-Ind.		37,600
John Ashcroft	R-Mo.		35,750
Gordon Smith	R-Ore.		33,300
Thad Cochran	R-Miss.	Agriculture	32,000
Tom Harkin	D-Iowa	Agriculture	31,650
Rudy Boschwitz	R-Minn.	Agriculture	29,650
Robert Kerrey	D-Neb.	Agriculture	29,000
Larry Craig	R-Idaho	Agriculture	28,550
Rick Santorum	R-Pa.	Agriculture	28,150
Richard Shelby	R-Ala.		27,700

Names in boldface are current Members of Congress.

Top House Recipients of Campaign Contributions, 1987-96

MEAT AND POULTRY PROCESSING INTERESTS

Representative	Party-State	Committee	Amount
Pat Roberts	R-Kan.	Agriculture	\$129,500
Charles Stenholm	D-Texas	Agriculture	96,353
Jim Nussle	R-Iowa	Agriculture	70,599
Wayne Allard	R-Colo.	Agriculture	64,150
Bill Barrett	R-Neb.	Agriculture	62,900
Bill Emerson	R-Mo.	Agriculture	62,200
E (Kika) De La Garza	D-Texas	Agriculture	62,125
Doug Bereuter	R-Neb.		56,668
Thomas Foley	D-Wash.	Speaker	49,650
Lynn Martin	R-Ill.		46,791
Steve Gunderson	R-Wis.	Agriculture	49,565
Joe Skeen	R-N.M.		46,450
Thomas Coleman	R-Mo.	Agriculture	45,550
Robert Smith	R-Ore.	Agriculture	44,425
James Walsh	R-N.Y.		43,686
Calvin Dooley	D-Calif.	Agriculture	42,864
John Boehner	R-Ohio	Agriculture	40,200
Greg Ganske	R-Iowa		38,125
Nathan Deal	R-Ga.		37,650
Dan Glickman	D-Kan.	Agriculture	37,540
Harold Volkmer	D-Mo.	Agriculture	36,700
Gary Condit	D-Calif.	Agriculture	36,600
Bill Sarpalius	D-Texas	Agriculture	35,900
Sam Gibbons	D-Fla.		34,850
Fred Grandy	R-Iowa	Agriculture	34,650

Top House Recipients of Campaign Contributions, 1987-96

MEAT AND POULTRY PRODUCERS

Representative	Party-State	Committee	Amount
Charles Stenholm	D-Texas	Agriculture	\$99,103
Henry Bonilla	R-Texas		91,180
Lamar Smith	R-Texas	Agriculture	81,465
Wally Herger	R-Calif.	Agriculture	80,950
E (Kika) de la Garza	D-Texas	Agriculture	65,600
Robert Smith	R-Ore.	Agriculture	62,130
Greg Laughlin	D-Texas		61,500
Bill Sarpalius	D-Texas	Agriculture	59,900
Ron Marlenee	R-Mont.	Agriculture	59,315
William Thornberry	R-Texas		57,820
Pat Roberts	R-Kan.	Agriculture	49,250
Robert Lagomarsino	R-Calif.		47,135
Barbara Cubin	R-Wyo.		47,000
Jim Kolbe	R-Ariz.		45,199
Joe Skeen	R-N.M.		44,201
Craig Thomas	R-Wyo.		38,732
Frank Riggs	R-Calif.		38,480
Frank Lucas	R-Okla.	Agriculture	37,590
Gary Condit	D-Calif.	Agriculture	36,579
Richard Pombo	R-Calif.	Agriculture	33,640
Barbara Vucanovich	R-Nev.		33,135
Larry Combest	R-Texas	Agriculture	32,800
Calvin Dooley	D-Calif.	Agriculture	30,973
Tim Johnson	D-S.D.	Agriculture	29,850
Joe Barton	R-Texas		28,550

Top House Recipients of Campaign Contributions, 1987-96

RESTAURANT INTERESTS

Representative	Party-State	Committee	Amount
Newt Gingrich	R-Ga.	Speaker	\$171,090
William Zeff Jr.	R-N.H.		84,490
James Longley	R-Maine		58,834
Bill McCollum	R-Fla.		55,573
Randy Tate	R-Wash.		48,775
Thomas Davis	R-Va.		45,554
John Kasich	R-Ohio		43,200
Gary Franks	R-Conn.		39,550
Scott Klug	R-Wis.		39,465
Susan Molinari	R-N.Y.		39,200
Mark Neumann	R-Wis.		37,866
Bill Paxon	R-N.Y.		35,600
Tom DeLay	R-Texas		35,500
Charles Stenholm	D-Texas	Agriculture	35,050
Ralph Hall	D-Texas		34,705
John Boehner	R-Ohio	Agriculture	34,284
J.D. Hayworth	R-Ariz.		33,500
Henry Bonilla	R-Texas		33,350
Dennis Hastert	R-Ill.	Agriculture	32,350
Harris Fawell	R-Ill.		32,200
Thomas Petri	R-Wis.		32,150
Mike Parker	D-Miss.		32,054
Dan Rostenkowski	D-Ill.		32,000
Scott McInnis	R-Colo.		31,796
Jim Nussle	R-Iowa		31,450

Names in boldface are current Members of Congress.

Top House Recipients of Campaign Contributions, 1987-96

GROCERY **DISTRIBUTORS**, WHOLESALERS, AND RETAILERS

Representative	Party-State	Committee	Amount
Jack Fields Jr.	R-Texas		\$54,250
Bill Emerson	R-Mo.	Agriculture	52,300
Clay Shaw Jr.	R-Fla.		40,450
Don Sundquist	R-Tenn.		33,800
Tom DeLay	R-Texas		32,800
Charles Stenholm	D-Texas	Agriculture	29,300
Michael Crapo	R-Idaho	Agriculture	29,150
Newt Gingrich	R-Ga.		28,999
Bill Paxon	R-N.Y.		28,907
Randy Tate	R-Wash.		28,550
E. (Kika) de la Garza	D-Texas	Agriculture	27,002
Doc Hastings	R-Wash.		26,000
Jerry Lewis	R-Calif.		25,000
George Nethercutt	R-Wash.		24,250
Rick White	R-Wash.		23,950
Sonny Callahan	R-Ala.		23,250
Cass Ballenger	R-N.C.		22,900
Wally Herger	R-Calif.	Agriculture	22,857
Harold Rogers	R-Ken.		22,800
Don Young	R-Alaska		22,600
Bill McCollum	R-Fla.		22,200
George Darden	D-Ga.		22,010
Mike Parker	R-Miss.		21,900
Ileana Ros-Lehtinen	R-Fla.		21,666
Steve Gunderson	R-Wis.	Agriculture	21,280

Names in boldface are current Members of Congress.

Top Spenders on Speaking Fees for Members of Congress, 1987-96

MEAT, POULTRY, AND EGG PRODUCERS, PACKERS, AND PROCESSORS

Donor	Location	Amount
Grocery Manufacturers of America	Washington	\$326,500
ConAgra, Inc.	Omaha, Neb.	61,000
National Food Processors Association	Washington	58,550
American Meat Institute	Arlington, Va.	58,400
Arkansas Poultry Federation	Springdale, Ark.	48,000
National Pork Producers Council	Washington	27,750
National Broiler Council	Washington	18,500
National Cattlemen's Beef Association	Washington	16,000
Tyson Foods, Inc.	Springdale, Ark.	14,000
American Frozen Food Institute	McLean, Va.	13,500
Texas Cattle Feeders Association	Amarillo, Texas	13,200
United Egg Producers	Atlanta	12,500
Farmland Industries ,	Washington	8,750
Nestle USA, Inc.	Glendale, Calif.	7,700
Kraft Foods, Inc.	Northfield, Ill.	6,000

Top Recipients of Speaking Fees, 1987-96

MEAT **PRODUCING, PACKING,** AND PROCESSING INDUSTRIES

Recipient	Party-State	Committee	Amount
Rep. Charles Stenholm	D-Texas	Agriculture	\$40,750
Sen. Thad Cochran	R-Miss.	Agriculture	24,000
Sen. Orrin Hatch	R-Utah		21,000
Sen. Pat Roberts	R-Kan.	Agriculture	19,000
Sen. Phil Gramm	R-Texas	Agriculture	16,000
Sen. Jesse Helms	R-N.C.	Agriculture	13,000
Rep. John Dingell	D-Mich.		13,000
Sen. Howell Heflin	D-Ala.	Agriculture	12,500
Rep. Edward Madigan	R-Ill.	Agriculture	11,500
Sen. Alan Simpson	R-Wyo.		11,000
Rep. Newt Gingrich	R-Ga.	Speaker of the House	11,000
Rep. Robert Michel	R-Ill.	House Minority Leader	10,500
Sen. Trent Lott	R-Miss.	Senate Majority Leader	10,000
Rep. E (Kika) de la Garza	D-Texas	Agriculture	10,000
Rep. Dan Rostenkowski	D-Ill.		9,500
Sen. David Pryor	D-Ark.	Agriculture	9,000
Sen. Richard Lugar	R-Ind.	Agriculture	9,000
Rep. Ron Marlenee	R-Mont.	Agriculture	8,500
Sen David Boren	D-Okla.	Agriculture	8,000
Rep. Charlie Rose	D-N.C.	Agriculture	8,000
Rep. Thomas Luken	D-Ohio		8,000
Sen. Charles Grassley	R-Iowa	Agriculture	8,000
Sen. Daniel Coats	R-Ind.		8,000
Rep. Thomas Bliley Jr.	R-Va.		8,000
Rep. Beryl Anthony	D-Ark.		8,000

Names in boldface are current Members of Congress.

Top Recipients of Meat-Industry-Financed Trips, 1996-97

Member (Includes Staff)	Party-State	Number of Trips	Amount
Rep. Robert Smith	R-Ore.	26	- \$18,550
Rep. Bennie Thompson	D-Miss.	1	6,213
Sen. Bennett Johnston	D-La.	2	5,230
Sen. Trent Lott	R-Miss.	2	3,974
Sen. Chuck Hagel	R-N.M.	3	2,688
Rep. Charles Stenholm	D-Texas	4	2,455
Rep. William Archer	R-Texas	2	2,056
Rep. Richard Pombo	R-Calif.	1	2,028
Rep. Jerry Lewis	R-Calif.	1	2,000
Rep. Wes Cooley	R-Ore.	1	1,608

Names in boldface are current Members of Congress.

Top Meat Recalls (By Weight)

Company	Date	Product	Problem	Pounds Recalled	Recovered	%
Hudson Foods, Inc.	8/12/97	Ground beef	Bacteria	35,000,000	***	***
Hudson Foods, Inc.	2/27/95	Finely ground turkey	Extraneous material	3,161,274	269,500	8.52
Farmland Foods, Inc.	5/22/92	Various	Mislabeled	2,457,315	109,123	4.44
Quaker Oats Co.	10/11/91	Beef products	Defects, underprocessing	1,924,732	1,924,732	100
Quaker Oats Co.	3/4/93	Chili without beans	Extraneous material (sand)	1,893,870	1,486,643	78.5
Carcarana, SASI*	6/16/93	Beef, canned and cooked	Extraneous material (metal)	1,700,000	992,227	58.37
Oregon Turkey Growers Cooperative	11/25/91	Turkey, fresh (young)	Bacteria, spoilage, organisms	1,500,000	1,133,619	75.57
Campbell Soup Co.	12/7/92	Soup	Extraneous material (glass)	1,405,430	707,871	50.37
Luigino's, Inc. (for Pillsbury)	2/22/94	Pizza rolls (pepperoni & cheese)	Miscellaneous	1,372,400	37,750	2.75
Sara Lee Corp.	7/14/94	Beef, cooked, various	Bacteria	1,238,152	301,937	24.39
Jennie-O-Foods, Inc.	11/18/91	Turkey, fresh (young)	Bacteria, spoilage, organisms	1,193,436	260,000	21.79
Federal Packing of PR, Inc.	3/15/90	Turkey, processed	Bacteria, gas-forming anaerobes	1,096,477	454,581	41.46
AllAmerican Gourmet Co.	3/6/92	Chicken, stir-fried	Extraneous material (plastic)	1,070,351	128,948	12.05
Seitz Foods, Inc.	2/16/93	Hot dogs, various brands	Chemical (sanitizer)	800,000	723,168	90.4
Sara Lee	7/30/97	Franks	Misbranded	791,960	***	***

*Argentinian firm

"Because the case is still open, the amount recovered is not available from the USDA.

Analysis of Witnesses on Food Safety Issues, 1987-97

BEFORE HOUSE AND SENATE AGRICULTURE COMMITTEES AND SUBCOMMITTEES

Date	Chamber	Committee/ Subcommittee	Subject	Government	Industry	Labor	Science/ University	Public Interest	Other	Total
April 8, 1987	House	Livestock, Poultry, and Dairy	Meat inspection	5	5	2	9	3	0	24
June 4, 1987	Senate	Agriculture	Food-borne illness	5	0	1	0	0	0	6
May 19, 1989	House	Livestock, Poultry, and Dairy	Canadian swine inspection	2	14	0	0	0	1	17
July 20, 1989	Senate	Agricultural Research	Scientific base for food inspection	2	1	1	2	1	0	7
July 12, 1990	Senate	Agricultural Research	Open border/ meat and poultry	8	4	0	0	0	0	12
February 5, 1993	Senate	Agricultural Research	Coliform bacteria	6	2	0	1	1	0	10
April 19, 1994	House	Agriculture	Meat and poultry inspection	3	5	2	2	2	0	14
September 28, 1994	House	Livestock, Poultry, and Dairy	Downed animal protection	6	10	0	0	5	0	21
May 2, 1996	House	Livestock, Poultry, and Dairy	Science and technology related to meat inspection	2	6	0	2	0	0	10
June 6, 1996	House	Livestock, Poultry, and Dairy	State meat and poultry inspection	6	3	0	0	0	0	9
October 8, 1997	Senate	Agriculture	Food safety	2	4	0	0	2	0	8
February 2, 1994	Senate	Agricultural Research	Meat inspection	1	3	0	1	1	0	6
May 24, 1994	Senate	Agricultural Research	Zero-tolerance policy	2	2	0	0	1	0	5
August 12, 1994	Senate	Agricultural Research	Proposed inspection legislation	4	0	0	0	0	0	4
TOTAL				54	59	6	17	16	1	153



Notes

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