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No increased precautions after E. coli outbreak

Officials never stepped up inspections of leafy greens, review finds

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SALINAS, Calif. - Government regulators never acted on calls for stepped-up inspections of leafy greens after last year's deadly E. coli spinach outbreak, leaving the safety of America's salads to a patchwork of largely unenforceable rules and the industry itself, an Associated Press investigation has found.

The regulations governing farms in this central California region known as the nation's "Salad Bowl" remain much as they were when bacteria from a cattle ranch infected spinach that killed three people and sickened more than 200.

AP's review of data obtained through the Freedom of Information Act found that federal officials inspect companies growing and processing salad greens an average of just once every 3.9 years. Some proposals in Congress would require such inspections at least four times a year.

In California, which grows three-quarters of the nation's greens, processors created a new inspection system but with voluntary guidelines that were unable to keep bagged spinach tainted with salmonella from reaching grocery shelves last month.

Some farms still vulnerable

Despite widespread calls for spot-testing of processing plants handling leafy greens following last year's E. coli outbreak, California public health inspectors have not conducted any such tests and are not required to under current regulations, the AP review found.

"We have strict standards for lead paint on toys, but we don't seem to take the same level of seriousness about something that we consume every day," said Darryl Howard, whose 83-year-old mother, Betty Howard, of Richland, Wash., died as a result of E. coli-related complications.

She was one of two elderly people to die in the outbreak that began in August 2006 and also included the death of a child and sicknesses reported from more than 200 people from Maine to Arizona.

By mid-September, the U.S. Food and Drug Administration issued a two-week nationwide warning not to eat fresh spinach. Authorities eventually traced the likely source of the E. coli to a cattle ranch about 40 miles east of Salinas.

But a regulatory backlash never happened.

State Sen. Dean Florez, a Central Valley Democrat who sponsored three failed bills to enact mandatory regulations for leafy greens earlier this year, said momentum faded as the E. coli case dropped from the headlines and the industry lobbied hard for self-regulation.

"That legislation was held up waiting for this voluntary approach for food safety to see if it works," said Florez, who is skeptical of that approach.

"It only took one 50-acre parcel to poison 200 people and bring the industry to its knees," he said. "We don't get why the industry would be playing this game of roulette with our food."

Among the AP's other findings:

- Since September 2006, federal Food and Drug Administration staff inspected only 29 of the hundreds of California farms that grow fresh "stem and leaf vegetables," a broad category the agency uses to keep track of everything from cauliflower to artichokes. Agency officials said they did not know how many of those grew leafy greens.
- Since raw vegetables, especially leafy greens, are minimally processed, they have surpassed meat as the primary culprit for food-borne illness. Produce caused nearly twice as many multistate outbreaks than meat from 1990-2004, but the funding has not caught up to this trend. The U.S. Department of Agriculture branch that prevents animal diseases gets almost twice the funding as the FDA receives to safeguard produce.
- California lettuce and spinach have been the source of 13 E. coli outbreaks since 1996. But if salad growers or handlers violate those new guidelines, they are not subject to any fines, are not punishable under state law and may be allowed to keep selling their products.

Salinas lettuce-growers

Last year's outbreak prompted a temporary downturn in sales of salad greens, but more than 5 million bags of salad are now sold each day nationwide, a number the industry says will grow as health-conscious consumers opt for more greens and vegetables.

Much of those sprout near Salinas, where the fog lifted on a recent morning over fields of romaine and iceberg already wilting in the August sun.

Men in sweat shirts and baseball caps cut heads of lettuce from the ground and loaded them into cardboard boxes to be taken to a nearby plant owned by Castroville-based packager Ocean Mist Farms. From there, they would be shipped out to supermarkets and buyers as far away as Japan.

In an attempt to reassure wary customers, Ocean Mist's vice president recently helped organize a group to police food safety, run entirely by the \$1.7 billion leafy greens industry. Some 118 salad processors have signed on to the California Leafy Green Products Handler Marketing Agreement, which uses its own voluntary food safety guidelines.

Mandatory measures

Public health inspectors can impose mandatory food-safety rules on the farm only after an outbreak, said Patrick Kennelly, chief of the food safety section at California's Department of Public Health.

Some scientists question the approach.

"Mandatory measures give a level playing field and make sure everybody responds," said Martin Cole, a food safety expert at the Illinois Institute of Technology.

But in the absence of federal regulations, 10 auditors from the California Department of Food and Agriculture are monitoring the fields, including Roxann Bramlage, who tramped down the rows of lettuce with a checklist.

"When somebody cuts their finger and it bleeds, what will you do?" Bramlage asked foreman Fernando Vasquez, standing next to a harvester machine rolling gently over the beds.

"When he cuts his finger, even if it's a small cut, I take him to the edge of the field," Vasquez said in Spanish. "Then I put a border around the area where he was working and I don't let anyone cut in it."

That was the right answer.

Protecting against pathogens

Ocean Mist passed Bramlage's field audit because the company could prove its growers protected their crops against pathogens, which gave them the right to use a state seal telling consumers the product was grown safely. Growers say that seal sends a powerful message to consumers.

"Once they join, there's nothing voluntary about the program," said Scott Horsfall, who oversees the marketing agreement. "If a handler is decertified, buyers will definitely react."

The industry-led approach isn't foolproof, however.

On Aug. 29, Metz Fresh, a grower and shipper in King City, 30 miles south of Salinas, recalled 8,000 cartons of fresh spinach tainted with salmonella. Auditors had visited the company a few weeks before, but inspected a field where the produce was clean. So they noted nothing unusual in their report.

No one knows how the bacteria got into the leaves. But the news rekindled fears among consumers and legislators who say they are skeptical of the government's willingness to let the industry police itself.

"Some will say the system is working and that we are catching the problem and recalling products, but the average consumer wouldn't know that," said U.S. Sen. Tom Harkin, D-Iowa, who chairs the Senate Committee on Agriculture, Nutrition and Forestry. "Last year, it was E. coli; this year, salmonella."

Harkin and Rep. Rosa DeLauro, D-Conn., are both working on bills to develop a set of mandatory national guidelines to supercede the current patchwork of food safety regulations.

Similar proposals were developed a year ago, but none have gone forward.

In March, the Bush Administration issued a draft of its guidance to minimize microbial hazards of fresh-cut fruits and vegetables. Unlike the strict hazard-control program governing meat and poultry, the guidance included no new laws.

Many growers and producers are either unaware of the guidelines or simply aren't complying, according to the Center for Science in the Public Interest, a Washington-based consumer advocacy group.

"Inspection alone isn't going to fix the problem, unless the farmers utilize food-safety plans that are effective for controlling pathogens," said Caroline Smith DeWaal, director of the center's food safety division. "They're not getting at the source of the contamination: on the farm."

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