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Date: April 17, 2003

To: All Local Health Departments
Attn.: Health Officer/Director of Environmental Health/Chief Sanitarian
MDA Regional Supervisors

CC: K. Fedder
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From: John Tilden
Manager, Food Safety Planning and Response Unit 

Subject: General Accounting Office (GAO) Report "Food Processing Security: Voluntary Efforts Are Underway, but Federal Agencies Cannot Fully Assess Their Implementation", February 2003

This letter is intended to share information contained in the referenced report that may be informative to food regulatory and emergency preparedness staff. This information is not MDA policy and is provided solely to share information from the federal government.

A copy of the 47-page report is available on the web at the General Accounting Office's web page at <http://www.gao.gov>. A one-page summary at the beginning of the report highlights key findings.

Here are a couple of points made in the report that I found to be especially informative:

- Food and agriculture were added late to the list of the nation's critical infrastructures needing protection from terrorist attack (added on October 8, 2001).
- The GAO was unsuccessful in its attempts to survey a representative number of food-processing facilities because companies were concerned about divulging information on security measures.



- While both USDA and FDA have broad authority to regulate the safety of the U.S. food supply, it is not clear to what extent food safety statutes can be used to require food security measures.
- FDA currently believes regulation of facility security measures to prevent the intentional contamination of food products is possible only to the extent that these measures overlap with food safety. The report indicates that FDA feels there is little overlap between food safety and food security.
- The USDA has a somewhat more expansive view of its regulatory authority. It believes that its statutes can require food processors to adopt certain security measures closely related to sanitary conditions inside food processing plants since product tampering is directly related to food adulteration. However, its statutes cannot be interpreted to regulate security measures not associated with the immediate processing area.
- In contrast, Congress directed medium-sized and large-sized community water systems to assess their vulnerability to terrorist attacks and to develop emergency response plans to prepare for such events
 - Authorized funding to be used for basic security enhancements
 - Enables EPA to monitor water industry's security efforts
- At the time of the report, neither FDA nor USDA were gathering information on the extent of security measure implementation during routine inspections.
 - Inspection staff were instructed to be informed about the content of the security guidance documents and to discuss, but not interpret, security guidance with processing facility officials during routine food safety inspections.
 - Both agencies have very limited ability to verify the extent of implementation – not enforcing, monitoring, or documenting specific food security measures. The agencies expressed concerns with the possible release of information under Freedom of Information Act and the potential for misuse of this information.
 - The USDA has provided food security training to some field supervisory personnel.
 - The FDA has not provided its staff with any specific food security training.
 - The GAO report concludes: “Without training on the security guidelines, inspectors are limited in their ability to conduct informed discussion regarding security with managers and food-processing facilities.”
- The Report indicates:
 - FDA inspects over 57,000 food facilities every 5 years on average.

- USDA inspects over 6,000 meat and poultry slaughter and processing facilities daily.
 - Individual states conduct yearly inspections of about 300,000 food-processing facilities.
- Federal funds made available to FDA and USDA to prevent, prepare for, and respond to potential bioterrorist (BT) acts (Dept of Defense Approp. Act of 2002)
 - FDA: \$97 million
 - USDA: \$15 million
- What federal BT preparedness funds have been used for:
 - FDA
 - Increasing inspections at ports of entry.
 - Hiring 655 new food safety investigators and field laboratory personnel.
 - Participating in exercises to enhance emergency response capability.
 - Collaboration with CDC to implement a nationwide Laboratory Response Network.
 - USDA
 - Formed a Homeland Security Council to coordinate actions of all USDA agencies and offices.
 - Created an Office of Food Security and Emergency Preparedness to centralize Department's work on security measures.
 - Hiring new import inspectors.
 - Participated in general exercises.
- Both USDA and FDA guidance ask food processors to
 - Conduct risk assessments
 - Develop a plan to address security risks at facilities, and
 - Adopt security measures inside and outside the premise.
- Trade associations indicate:
 1. That most large food processing facilities already have ample security plans.
 2. Some companies, especially small facilities with limited resources, are unable to implement all the measures in the guidelines. This opinion also shared by some FDA & FSIS staff.

If you have any questions, please contact me at 517-373-9726.