

June 2007

## **Pet food recall fallout**

**Dennis L. Bryant**

The vast majority of Americans are aware that many commercially-prepared foods for dogs and cats were recently withdrawn from store shelves due to health concerns. It appears that many pet foods in recent months included wheat gluten or rice protein concentrate obtained from factories in China. Two of those factories mixed melamine into their products in order to mislead instruments used to calculate the protein level in the product and thereby increase the price paid by the US purchasers. The problem was that melamine is an industrial chemical used in the manufacture of certain plastics and is poisonous when consumed in sufficient quantity. Thousands of small dogs and cats that consumed melamine-laced pet foods got sick; many suffered severe kidney damage; and some died before those pet foods were recalled from the marketplace.

The fallout of the pet food recall is only now becoming manifest.

Imports of food and food ingredients into the United States are regulated by a number of federal agencies and those agencies have differing sectors of jurisdiction and levels of authority. While 15 agencies collectively administer at least 30 laws related to food safety, two agencies have primary authority. The US Department of Agriculture is responsible for the safety of meat, poultry, and processed egg products, including those imported into the country. The Food and Drug Administration (FDA) is responsible for virtually all other food products, with the primary exception of imported fish. The National Marine Fisheries Service (NMFS) conducts inspections of seafood safety and quality, but these are largely voluntary. The US Customs and Border Protection (CBP) checks paperwork and conducts random inspections of imported cargoes, including those containing food and food ingredients, but it is much more focused on homeland security than it is on food safety. The Environmental Protection Agency (EPA) regulates use of pesticides and maximum allowable residue levels in food commodities and animal feed, but it is stretched thin keeping up with drinking water, air pollution, and Superfund sites. All the agencies are under-staffed and under-funded, some more than others.

Agricultural imports into the United States have grown rapidly. Such imports from China alone reached over \$2 billion in 2006, up from just \$130 million in 1980. Much of the agricultural imports nowadays are of food ingredients (such as wheat gluten), rather than

E-mail

[dennis.l.bryant@gmail.com](mailto:dennis.l.bryant@gmail.com)

Internet

<http://brymar-consulting.com/>

Maritime Reporter & Engineering News

<http://marinelink.com/en-US/magazines/Archive.aspx?MID=3>

traditional food items (such as fruits and vegetables). Food ingredients are much more difficult to inspect for safety, often requiring laboratory tests.

Due to budget shortfalls, the FDA has been planning to close some of its testing laboratories. The agency has had to cut its field staff of inspectors and related support personnel from 2,217 to 1,962 (a 12% reduction). Unlike the Department of Agriculture, which limits imports of meat, poultry, and processed egg products to ten US ports, food and food products subject to inspection by the FDA may enter the United States through any port. As a result, less than 1% of imported food and food products are actually subjected to inspection.

With the attention of voters and Congress focused by the pet food recall issue, all of this may be about to change. Food safety hearings have been held by various Congressional committees. Efforts are being made to increase the FDA budget. Potentially of greater import, legislation has been introduced to revamp the US food safety program. One bill calls for combining all federal inspection and enforcement of foods (including imported food and imported food products) into one independent agency – the Food Safety Administration. The Bush Administration is opposed to the bill, but agrees that more must be done to improve the safety of imported food.

Other bills currently under consideration in Congress would enhance food inspection and enforcement authority of existing federal agencies.

In view of the outcry generated by the contaminated pet food incident, it is clear that federal oversight of imported food and food products will change. In fact, the CBP has already made it clear that the agency will be paying closer attention to such imports. Other agencies, including the FDA and the Department of Agriculture are re-examining their food safety programs.

At a minimum, carriers, shippers, and importers can expect that federal agencies will be scrutinizing paperwork very carefully. Discrepancies that might have been overlooked last year may be causes for rejection now. To avoid getting caught in this tightening vise, carriers should require that all paperwork related to imports of food and food products into the United States be complete and accurate prior to acceptance of the shipment for loading.

We should expect Congress to adopt during this session one or more measures to enhance food safety. One Presidential candidate has already made food safety a high-level issue in her campaign. The public is expecting progress, and change is now inevitable. At a minimum, the FDA budget will be increased. The food safety authority of the FDA (and probably that of other federal agencies) will be increased. The attitude of federal inspectors and regulators will stiffen with respect to food safety.

Lest one think that this is just another instance of over-reaction by Americans, carriers, shippers, and importers should be aware that similar steps have been taken or are being

Pet food recall fallout

Page 3

June 2007

considered throughout the developed world. European nations have already taken steps to tighten their food safety regimes, as have Japan, South Korea, and New Zealand, among others.

The world shipping community is approaching – and fast – a time when transport of food and food products will receive a level of scrutiny previously reserved to declared dangerous goods.

© Maritime Reporter and Engineering News