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Egg Recall Exposes Flaws in Nation's Food Safety System

By **ANDREW MARTIN**

Federal investigators have descended on Iowa to try to figure out the cause of a **salmonella** outbreak that may have sickened thousands of people and led to the recall of a half billion eggs.

Because most of the tainted eggs have either been used or removed from store shelves, consumers at this point appear to have little to fear from eating eggs as long as they are cooked properly. And new safety rules for egg production, which came too late to prevent this episode, might help stave off a similar outbreak in the future.

But some consumer advocates say the huge egg recall highlights a broader and continuing problem at the heart of the nation's largest food recalls: a highly complicated and often dysfunctional **food safety** system.

Whether the problems are traced to tainted peanuts, lettuce, tomatoes or frozen hamburger patties, consumer groups say federal oversight too often falls short.

The responsibility for food safety remains split primarily between the Agriculture Department and the **Food and Drug Administration**. But the way the responsibilities and resources are divided up can seem so illogical that some of the bureaucrats themselves have called for change.

There are few places where that is more evident than in the regulation of eggs. The F.D.A. oversees the safety of eggs still in their shells, but the Agriculture Department regulates liquid eggs that are used in industrial food production, while also being responsible for chickens and the grading of eggs for quality.

Iowa's agriculture department, meanwhile, said it was responsible for what the farms did with their chicken litter, when spreading it on local fields as fertilizer.

So who inspected the Iowa farms to make sure that the eggs were safe for human consumption? It turns out, no one did.

“F.D.A. has no inspectional history with either of these facilities in Iowa,” said Patricia El-Hinnawy, a spokeswoman for the agency. She said the F.D.A. had traditionally inspected egg farms primarily when they were linked to an outbreak.

But F.D.A. officials and consumer groups say they hope new regulations on egg safety and a proposed new food safety law currently being considered by the Senate will lead to huge improvements.

The crux of the new egg safety rules were devised by scientists nearly two decades ago, but regulators bickered over who should have jurisdiction over the regulatory efforts. In 1999, President [Bill Clinton](#) vowed that the F.D.A. would issue new egg regulations and that salmonella in eggs would be eliminated by 2010. But the new rules languished for more than a decade because of internal sniping in the federal bureaucracy and a general deregulatory atmosphere, consumer advocates say.

The regulations finally went into effect last month, too late to stop the current outbreak. The new rules require large egg producers to buy chicks and young hens from suppliers that regularly monitor for salmonella; develop protocols to prevent rodents and pests from spreading disease and conduct testing of poultry houses for salmonella.

“We believe that had these rules been in place at an earlier time it would have very likely enabled us to identify the problems on this farm before this kind of outbreak occurred,” Dr. [Margaret Hamburg](#), the F.D.A. commissioner, said in a media briefing on Monday.

Consumer groups and food safety advocates in Congress also hope the salmonella outbreak provides momentum to a comprehensive food safety bill that has already passed the House but remains stalled in the Senate.

“I think what this will do, its immediate impact, will be to dislodge the food safety legislation out of the Senate,” said Congresswoman Rosa L. DeLauro, Democrat from Connecticut. “This outbreak can propel that forward.”

The new food safety bill would give the F.D.A. more authority and resources to improve food safety for both domestically produced foods and those imported from overseas. It would also give the agency mandatory recall authority; currently the F.D.A. must convince food producers to voluntarily recall tainted products.

The salmonella outbreak was discovered by investigators at the federal [Centers for Disease Control and Prevention](#) who noticed a fourfold increase in the number of salmonella cases. An investigation ultimately led to tainted eggs from two large egg producers in Iowa, which subsequently recalled more than 500 million eggs.

The tainted eggs are believed to be out of the marketplace now. But the egg industry and health officials nonetheless warned consumers to make sure that they continued to cook eggs thoroughly and checked the cartons in the refrigerator to make sure they were not part of the recall. The F.D.A.'s Website (www.fda.gov) contains [a link to the brands that have been recalled](#).

Dr. David Acheson, who was the F.D.A.'s associate commissioner for foods under the last Bush administration, expressed some skepticism that the new egg safety rules could have stopped the current outbreak. A veteran of many outbreaks, Dr. Acheson, who had called for an overhaul of the F.D.A.'s food safety regimen, said rules meant little without authority and resources to back them up.

"The administration would like to believe that if this rule was in place, we would have prevented this," he said. "My experience in the trenches is I doubt that very much."

Even if the F.D.A. is granted more authority and resources with a new food safety bill, Dr. Acheson said it would take several years for the new rules to have a tangible influence.

"You can't turn the ship around overnight, much as people would like to," he said.