

**Statement of Wenonah Hauter, Director
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**Submitted to the Senate Committee on Agriculture, Nutrition and
Forestry**

Reauthorization of Child Nutrition Act

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I would like to thank the committee for permitting me to submit this statement on this very important issue. Public Citizen is a consumer organization founded by Ralph Nader in 1971. We represent some 150,000 members. Among the issues on which our organization works is food safety.

I would like to focus my comments on a provision contained in the Farm Security and Rural Development Act of 2002 (the Farm Bill) that has a direct impact on the Child Nutrition Act. That provision is Section 4201 (l) – “Use of Approved Food Safety Technology.”¹

On its face, Section 4201 (l) seems fairly innocuous. However, the provision was written in such a way as to disguise its real intent – to introduce irradiation in the various nutrition programs the United States Department of Agriculture (USDA) administers.

At the present time, there is an express prohibition against the use of irradiation as an intervention for ground beef that is purchased by the USDA for the National School Lunch Program.²

¹ (l) USE OF APPROVED FOOD SAFETY TECHNOLOGY.—

(1) IN GENERAL.—In acquiring commodities for distribution through a program specified in paragraph (2), the Secretary shall not prohibit the use of any technology to improve food safety that—

(A) has been approved by the Secretary; or

(B) has been approved or is otherwise allowed by the Secretary of Health and Human Services.

(2) PROGRAMS.—A program referred to in paragraph (1) is a program authorized under—

(A) this Act;

(B) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(C) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(D) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

(E) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

² United States Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Program, “Technical Data Supplement (TDS) for the Procurement of Frozen Ground Beef Items, TDS-136 – June 2000 – Modified June 2002,” p. 2.

We believe that the prohibition should remain in effect and that the Committee should include that prohibition in the legislation it writes this year as it re-authorizes the Child Nutrition Act.

I make this request for a number of reasons.

1. Section 4201 (l) of Farm Bill was not subject to Congressional hearings or floor debate.

Section 4201 (l) of the Farm Security and Rural Development Act of 2002 (Farm Bill) – “Use of Approved Food Safety Technology”— was a veiled effort to instruct the Secretary of Agriculture to compel the irradiation of commodities purchased for the Child Nutrition Act programs (e.g., National School Lunch, National Breakfast and After-School Snacks Programs). The provision was added at the last-minute as part of a 400-page manager’s amendment during the Senate’s consideration of the Farm Bill on February 13, 2003. There were no committee hearings on the provision, nor any floor debate.

The provision did not receive any discussion during the Farm Bill Conference Committee deliberations, nor did it receive any debate during final passage of the Conference Report.

2. There is no provision to provide for parental notification if irradiated foods are served

While current regulations require that irradiated food that is purchased at grocery stores be labeled as such, there is no requirement that consumers who purchase meals that have been prepared with irradiated ingredients be informed. Consequently, there is no obligation for school food service personnel to inform students that they are being served irradiated foods, and there is no mechanism in place for parents to know in advance that their children would be eating school lunches that have been prepared with irradiated food.

3. There has not been enough research conducted to determine the safety of eating irradiated food over an extended period of time.

We, at Public Citizen, have been conducting comprehensive research into this issue. While there are those who contend that irradiation and the chemical by-products it produces in foods are safe, there is ample research that raises serious questions about such claims. Among the problems that have surfaced in laboratory animals that have been fed irradiated food or chemicals that were produced when food was irradiated are:

- Premature death;
- Mutations;
- Fetal death and other reproductive problems;

- Immune system dysfunction;
- Fatal internal bleeding;
- The formation of rare forms of cancer;
- Organ damage;
- Blood disorders;
- Tumor formation;
- Nutritional deficiencies;
- Stunted growth.³

In addition, there has been recent research that indicates that irradiation in ground beef can cause the levels of harmful trans-fatty acids to double.⁴

4. There is little research on the effects of consuming irradiated food on children.

There is even less research into the long-term health effects experienced by children who are exposed to toxic chemicals in foods. Dr. William Au, a toxicologist at the Department of Preventive Medicine and Community Health, University of Texas Medical Branch in Galveston, has argued that the lack of understanding regarding the ill effects suffered by children who consume toxic chemicals in foods extends to the toxicological risk with respect to eating irradiated food.⁵

As one consumer advocate has stated: "There is nowhere on the face of the earth where there is any population that has consumed large amounts of any irradiated food over an extended period of time," said Carol Tucker Foreman (Consumer Federation of America's Food Policy Institute director). "I think it comes close to using the nation's schoolchildren as guinea pigs."⁶

Another consideration is the fact that it will be economically-disadvantaged children who will be forced to eat irradiated food in the National School Lunch Program, with those families who can afford to provide their children their own meals being able to opt-out and avoid irradiated food.

5. The public is overwhelmingly opposed to including irradiated food in the National School Lunch Program.

On November 22, 2002, the USDA announced that it would solicit comments from

³ Public Citizen, "Questioning Food Irradiation: A History of Research into the Safety of Irradiated Foods," April 2003 (see <http://www.citizen.org/documents/questioningirradiation.pdf>).

⁴ Brito, Marion S., et. Al., "Effects of Irradiation on Trans Fatty Acids Formation in Ground Beef," *Radiation Physics and Chemistry* 63 (2002), pp. 337-340 (see <http://www.citizen.org/documents/transfattyacid.pdf>).

⁵ <http://www.citizen.org/documents/williamauaffidavit.pdf>

⁶ *Baltimore Sun*, "Irradiated Meat in School Lunches Raises Fears: Some Parents Worried about Long-Term Health Effects," April 20, 2003 (see <http://www.sunspot.net/news/printedition/balte.lunchmeat20apr20.story>).

the public on the implementation of Section 4201 (l) of the Farm Bill. Of the comments posted on the USDA website on this subject so far (April 30, 2003), by over an 8 to 1 margin, citizens have expressed their opposition to implementing this provision of the Farm Bill – with thousands of comments still left to be posted. Comments opposing such action have come from nearly all fifty states, while those supporting the technology have come from those who have direct ties to the irradiation industry.⁷

6. Irradiation of food for the Child Nutrition Act programs is a government bail-out for a struggling industry.

While irradiated meat is being sold in some grocery stores, it appears that it is not gaining consumer acceptance. Grocery analyst Phil Lempert recently stated that sales of irradiated meat were still sluggish.⁸ Anecdotal evidence indicates that some stores that had been carrying the product have stopped doing so. Introducing irradiated food into the National School Lunch Program could be a big economic boon to an industry that has had difficulty in gaining consumer acceptance of its products in the marketplace.

I urge the Committee to consider provisions for the Child Nutrition Act that would continue the prohibition against using irradiated food for the programs this Act encompasses. There are still too many unanswered questions regarding the safety of irradiation. The Child Nutrition Act, and school cafeterias, are the wrong place for experimentation.

Thank you for your consideration.

⁷ see <http://www.ams.usda.gov/fst/comments18.htm>.

⁸ Lee, Thomas, "Schnucks is First in the Area to Offer Irradiated Meat, *St. Louis Post-Dispatch*, January 13, 2003.