

March 18, 2003

Mr. Eric Bost, Under Secretary  
Food, Nutrition, and Consumer Services  
United States Department of Agriculture  
240-E Whitten Building  
12<sup>th</sup> Street and Jefferson Drive, S.W.  
Washington, DC 20250

Dear Under Secretary Bost:

We are writing to urge you to halt the Minnesota “education” program on food irradiation in schools that the Food and Nutrition Service (FNS) of the United States Department of Agriculture has funded. We are making this request because it has become readily apparent that this program is designed to promote irradiation and not provide a balanced view of the benefits and shortcomings of this technology.

As you know, Public Citizen filed a Freedom of Information Act (FOIA) request with FNS on January 17, 2003 regarding the details of the Minnesota “education” program. We received a response from Suzanne Rigby, Acting Director of the Food Distribution Division dated February 20, 2003. In her response, Ms. Rigby indicated that the only material that was available was the September 30, 2002 proposal submitted by the Minnesota Department of Children, Families and Learning (CFL) to FNS. The proposal is entitled, “Proposal for Food Safety Educational Campaign in Minnesota Schools: Acceptance of Irradiated Ground Beef.” It was based on this proposal that FNS provided the Minnesota Department of CFL with a \$151,245 grant to execute the proposal.

We have appealed Ms. Rigby’s reply since we have found evidence of additional correspondence that occurred between interested parties and FNS staff on this issue that was not supplied as part of the FOIA response.

Since our receipt of the grant proposal, you convened a meeting on March 11, 2003 of USDA staff, consumer groups, representatives from the American Commodity Distribution Association, the American School Food Service Association, and staff from the Minnesota Department of CFL. The purpose of the meeting was to discuss the status of implementing Section 4201 (l) of the Farm Security and Rural Development Act of 2002 (the Farm Bill) that would permit the irradiation of commodities destined for child nutrition programs (such as the National School Lunch Program) and to discuss the Minnesota program.

We commend you for convening the meeting. However, the discussion on the direction of the Minnesota program has raised serious questions about its legitimacy.

- **First, the Minnesota “education” project is an irradiation promotion campaign.**

The project proposal is very clear about its intent: “A successful outcome of the educational campaign will be the acceptance and introduction of irradiated ground beef by select school districts.”<sup>1</sup>

At the March 11, 2003 meeting, a number of the consumer organizations present expressed their concern that the Minnesota “education” program was not going to be balanced. In fact, one group’s representative stated that it would be improper for USDA to fund a program that promoted a specific technology. You responded that you were not promoting irradiation. How can you arrive at that conclusion when the success of the program will be judged on “the acceptance and introduction of irradiated ground beef” in the school districts participating in the program?

- **Second, there is no balance in the group of Pilot Partners participating in the so-called “education” program.**

There are no consumer groups represented among the Pilot Partners listed<sup>2</sup> and it does not appear that any effort will be made to recruit consumer representation, or to involve any organization or individuals expressly opposed to irradiation.

We do see, however, an over-representation of industry among the Pilot Partners. In fact, one could say that one company that has a stranglehold on this program. The SureBeam Corporation – a major irradiation firm based in San Diego, California – is listed as a Pilot Partner, but it is providing its technology to irradiate hamburgers served in the Minnesota stores of International Dairy Queen – another Pilot Partner. The SureBeam Corporation is also subsidizing the food irradiation campaign of the Minnesota Beef Council,<sup>3</sup> another Pilot Partner. Consequently, SureBeam and its affiliates occupy at least one-third of the Pilot Partner seats.

In fact, in a February 20, 2003 conference call with stock analysts and investors, SureBeam CEO Larry Oberkfell boasted about the prominent role SureBeam was playing in the Minnesota irradiation “education” program.

We are also concerned about the ability of another Pilot Partner, the Minnesota School Food Service Association, to be objective. As you know, Marshall Matz is the General Counsel of the American School Food Service Association, the parent organization of the Minnesota School Food Service Association. Mr. Matz also represents irradiation companies including Titan Scan – a division of the Titan Corporation that created SureBeam.<sup>4</sup> The American School Food Service Association has endorsed the irradiation of commodities used in Child

---

<sup>1</sup> “Proposal For Food Safety Educational Campaign in Minnesota Schools: Acceptance of Irradiated Ground Beef,” Minnesota Department of Children, Families & Learning, revised September 30, 2002, p. 6.

<sup>2</sup> Minnesota proposal, p. 7.

<sup>3</sup> Willette, Janet Kubat. “Checkoff Revenue Hits All-Time Low.” *Agri-News*, March 4, 2003.

<sup>4</sup> *Washington Representatives 2002*, Columbia Publishing, Inc., p. 1231.

Nutrition Act programs and seems to have played an instrumental role in securing the funding for the Minnesota irradiation promotion program. What hat was Mr. Matz wearing at your March 11 meeting – ASFSA representative or irradiation industry advocate?

In response to a question at the March 11 meeting, you indicated that no decision had yet been made to permit irradiation of commodities for the National School Lunch Program. You also stated that no decision had been made – in the event that you did permit irradiation – as to what method, electron beam or cobalt-60, could be used. To look at the design and funding for the Minnesota program, it seems as if both decisions have already been made.

- **Third, we have serious concerns about the possible conflicts of interest of USDA officials.**

Both Under Secretary for Food Safety, Dr. Elsa Murano, and her husband, Dr. Peter Murano, Deputy FNS Administrator, taught at Texas A & M University prior to their USDA appointments. They were both part of Texas A & M's Center for Food Safety within the Institute of Food Science and Engineering. Dr. Elsa Murano served as the Director of the Center.<sup>5</sup> It is my understanding that they are currently on leaves of absence from Texas A & M.

As you know, both are long-standing proponents of irradiation. Just months before their appointments at USDA, the SureBeam Corporation entered into a strategic alliance with Texas A & M University. The university signed a 10-year research and development deal with SureBeam that the company has stated is worth more than \$10 million.<sup>6</sup> SureBeam provided the school with millions of dollars worth of irradiation equipment – which Texas A & M employees operate at low wages or for free<sup>7</sup> – and SureBeam enjoys the economic benefits. In March 2002, a research facility was dedicated at Texas A & M in which SureBeam's electron-beam irradiation technology will be used.<sup>8</sup>

We know that Dr. Peter Murano was approached in March 2002 by the American School Food Service Association and the American Commodity Distribution Association (another of Marshall Matz's clients) regarding possible funding for a pilot irradiation education project for school districts.<sup>9</sup> It was six months later that the Minnesota irradiation education campaign proposal was funded by FNS.

We would like to know what role the Muranos played in awarding this grant to the Minnesota Department of CFL. And we must question why their past association with the SureBeam Corporation did not disqualify them from playing any role in this process, especially since SureBeam's participation was explicitly identified in the project proposal.

---

<sup>5</sup> Biography, Dr. Elsa Murano, <http://www.usda.gov/agencies/gallery/murano.htm>

<sup>6</sup> Titan Corporation, "Titan Corporation and Texas A & M University System Enter into Strategic Alliance," press release, June 15, 2000 (the Titan Corporation was the former parent of SureBeam).

<sup>7</sup> Form 10-Q, SureBeam Corporation, quarter ending June 30, 2001, filed with the U.S. Securities and Exchange Commission.

<sup>8</sup> SureBeam Corporation, "Texas A & M Dedicates Nation's First SureBeam Research Facility," press release, March 4, 2002.

<sup>9</sup> <http://www.ams.usda.gov/fst/comments/fst378a.htm>

- **Fourth, we have concerns about the selection of the school districts involved in this “education” project.**

Sauk Rapids is the city in which Huisken Meats is now headquartered.<sup>10</sup> As the Minnesota project proposal states: “In May 2000, a Minnesota processor, Huisken Meats, was the first to market frozen irradiated ground beef to retail customers.”<sup>11</sup> Huisken Meats uses the SureBeam process for irradiation. Did the fact that Sauk Rapids is home to the headquarters of Huisken Meats play a role in the selection of that school district for this project? This also begs the question of how Willmar and Spring Lake Park were selected for their participation in this project. Are there SureBeam connections in these school districts as well?

There are very serious flaws in this so-called “education” program in Minnesota. In its present form, it is not an education program by any stretch of the imagination – it is an indoctrination program. It needs to be stopped now and significantly revised.

We make the following recommendations:

- Provide a seat at the table to those who have a different point of view on this issue. We suggest that Rod Leonard of Wahkon, Minnesota, among others, be part of a steering committee on this project. Mr. Leonard is eminently qualified as he is the former administrator of USDA’s Consumer and Marketing Services. He is currently the Executive Director of the Community Nutrition Institute. Mr. Leonard has already been called upon by Governor Tim Pawlenty’s office to assist with several issues.
- We do not understand why there is such an aversion by some at USDA and the Minnesota Department of CFL to having an open and frank discussion about this very important issue. Therefore, an effort should be made to allow all material on the debate over the safety of irradiation to be distributed to parents, students, food service personnel, teachers and administrators. All forums should be open to opponents of irradiation to make presentations – even the advocacy groups the project proposal disparages.<sup>12</sup>
- Your agency should prohibit industry representatives from having any role with the administration of this project. Their role should be limited to providing information to interested parties – not participating as a partner. USDA should not be funding a technology-promotion program, especially when it appears that one company has been anointed in advance.

Mr. Bost, this program, in its current form, does not pass the smell test. Frankly, we do not know why it was funded by USDA in the first place since the authors of the proposal make the assertion that “Minnesota is a leader in promotion and using irradiated ground beef.”<sup>13</sup> If the

---

<sup>10</sup> <http://www.whitefordfoods.com/>

<sup>11</sup> Minnesota proposal, p. 4

<sup>12</sup> Minnesota proposal, p. 6.

<sup>13</sup> Minnesota proposal, p.4.

industry has done such a great job in Minnesota selling this technology, why is there a need for a government-sponsored promotion program to convince Minnesota consumers of its virtues?

We do not believe that there has been enough research done on the safety of consuming irradiated food over an extended period of time, especially for children. We do not believe that the feeding programs sponsored by the federal government are the place to conduct those experiments. We strongly urge you to delay the introduction of irradiated food in the Child Nutrition Act programs until these issues are resolved. If done properly, Minnesota can serve as a model for how the debate on this issue should be conducted.

We look forward to your reply. Please reply to Wenonah Hauter at Public Citizen, 215 Pennsylvania Ave. SE, Washington DC 20003, (202) 454-5150, whauter@citizen.org.

Sincerely,

Jeni von Reuter  
Clean Water Action Alliance  
Minneapolis, MN

Felicia Nestor  
Government Accountability Project  
Washington, DC

Mark Ritchie  
Institute for Agriculture and Trade Policy  
Minneapolis, MN

Tom Taylor  
Organic Consumers Association  
Minneapolis, MN

Wenonah Hauter  
Public Citizen  
Washington, DC

cc: Minnesota Congressional Delegation  
Phyllis K. Fong, USDA Inspector General