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FOOD SAFETY

USDA and FDA Need to Better Ensure Prompt and Complete Recalls of Potentially Unsafe Food

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Highlights

Highlights of GAO-05-51, a report to congressional requesters

Why GAO Did This Study

Two large food recalls completed in 2003 were associated with 8 deaths and nearly 100 serious illnesses in at least 16 states. Manufacturers voluntarily recall potentially unsafe food by notifying their customers to return or destroy it. The U.S. Department of Agriculture (USDA), for meat, poultry, and egg products, and the Food and Drug Administration (FDA), for other food, have programs to monitor voluntary food recalls, verify that companies contact their customers, and maintain recall data. GAO (1) examined the recall programs and procedures USDA and FDA use to protect consumers from unsafe foods and (2) compared their food recall authority with the authority of agencies to recall other consumer products.

What GAO Recommends

GAO proposes that Congress consider legislation requiring a company to notify USDA or FDA if it discovers it has distributed unsafe food and giving agencies authority to order food recalls, and recommends that the agencies take actions to ensure prompt, complete recalls and better recall monitoring. USDA said the report was generally accurate and its May 2004 directive will address weaknesses GAO found. FDA did not believe its system lengthened recalls or its processes reduced recovery. FDA disagreed with some recommendations. GAO continues to believe its recommended actions are needed to protect consumers.

www.gao.gov/cgi-bin/getrpt?GAO-05-51.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Lawrence J. Dyckman at (202) 512-3841 or dyckmanl@gao.gov.

What GAO Found

Weaknesses in USDA's and FDA's food recall programs heighten the risk that unsafe food will remain in the food supply and ultimately be consumed. Specifically, USDA and FDA do not know how promptly and completely the recalling companies and their distributors and other customers are carrying out recalls, and neither agency is using its data systems to effectively track and manage its recall programs. For these and other reasons, most recalled food is not recovered and therefore may be consumed. GAO's analysis of recalls in 2003 showed that about 38 percent and 36 percent of recalled food was ultimately recovered in recalls overseen by USDA and FDA, respectively. These agencies also told GAO of instances in which companies were slow to reveal where they had distributed the food or provided inaccurate customer lists. That distribution information is critical because USDA's and FDA's primary role in recalls is to monitor the effectiveness of a company's recall actions. To do so, the agencies contact a sample of the distribution chain from these lists to verify that customers in the food distribution chain received notice of the recall, and that they located the food and removed it from the marketplace. However, the methodology that the agencies use for selecting the customers to check can result in entire segments of complex distribution chains being overlooked. Moreover, GAO found that the agencies did not complete verification checks for some recalls before the shelf life of the food expired. In addition, consumer groups and others question the usefulness of USDA's and FDA's efforts to communicate with the public, suggesting alternatives such as posting notices in grocery stores and direct notification of consumers.

Agencies responsible for the safety of products, such as toys, heart pacemakers, and automobiles, have specific recall authority not available to USDA and FDA for food. This includes the authority to (1) require a company to notify the agency when it has distributed a potentially unsafe product, (2) order a recall, (3) establish recall requirements, and (4) impose monetary penalties if a company violates recall requirements. For example, by law, companies must promptly notify the Consumer Product Safety Commission after learning that a product may pose an unreasonable risk of serious injury or death, or face penalties of up to $1.65 million. Likewise, FDA has recall authority for unsafe biological products, medical devices, radiation emitting electronic products, and infant formula. Moreover, in contrast to its inability to penalize a company that is slow to conduct a food recall, FDA can impose penalties of up to $100,000 per day for a company that fails to recall a defective biological product, such as a vaccine.