DEPARTMENT OF
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FOOD AND DRUG ADMINISTRATION
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Address Given by Congressman Fogarty
to Food Law Institute
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Thank you very much Mr. Brady, my good friend and yours George P. Larrick, distinguished guests at the head table and ladies and gentlemen.

This is something I wasn't prepared for. I came here prepared to say a few words to you about the Food and Drug Administration but I did not come prepared to say something about the acceptance of this fine award that you have presented to me this evening. To you, Mr. Brady, may I thank you and your group for this award from the bottom of my heart.

I am especially pleased to have this opportunity to meet with the Food Law Institute and its friends to give recognition to the work of the Food and Drug Administration. But, to be honest with you, I wouldn't be here tonight unless it was for two people. I tried to get out of it, because I have a luncheon tomorrow at Providence that I have had on the schedule for some time and I have two dinners tomorrow night in Providence to attend. When I received the first invitation from our good friend Mr. Dunn, I told him it was impossible for me to be in Washington on Monday and have these other three affairs in Rhode Island the next day. Well, I was in New York a couple of weeks later and he had just returned from New Hampshire. I talked to him on the phone and having talked to him a few minutes, I couldn't do anything else but say yes. And the other reason is because George Larrick is Commissioner of the Food and Drug Administration. For some years I have had the opportunity of sitting on the other side of the table asking him a few questions, and I can remember it as if it were yesterday--13 or 14 years ago--to show us some of the things they were doing. George came prepared every year. And you know, he did a pretty good job; he's a good salesman. I think some members of his staff could have taken some lessons from him because he was really trying all the time.

And I remember Mr. Campbell and our good friend Mr. Dunbar who was sitting down on the left. I was so happy to see him here this evening because his heart and soul was in a better Food and Drug Administration. Then, of course, Mr. Crawford who has gone on and now George Larrick and the other members of his staff who are doing such a splendid job of administering this law.

I think most of you know that I have been, over the years, favorably impressed with these leaders and with the organization as a whole; and I haven't failed to say that publicly, at gatherings

that I have an opportunity to talk to outside of Congress, and inside of Congress, in Committee and on the floor of the House, because,in my opinion, no Federal agency is doing more for the individual citizen at a lower cost than the FDA--if that is something to brag about.

It regulates interstate commerce in foods, drugs, and cosmetics valued at $70 billion a year. It has jurisdiction over about 100 thousand manufacturing and warehousing establishments. It has the responsibility for checking on the purity, wholesomeness, and truthful labeling of foods and drugs; it passes on the safety of every new drug before the product may be marketed; it regulates cosmetics; it examines these materials for radioactivity. This is not all of course, but I think it is enough to indicate the magnitude of this agency's job.

FDA has a reputation for doing a good job and the public I think generally has confidence that everything is all right with the products it regulates. I agree that it does a good job with the available resources, but I do not agree that everything is all right. This year it will spend about eight cents per man, woman, and child to give its protection, less than the tax on a pack of cigarettes. I feel confident that we will get our eight cents worth, but you and I know that this is not enough. If the public generally knew what health risks are being taken to save a few dollars on FDA's appropriation, I believe there would be a public outcry that would jar the present Administration out of its complacency.

We are better fed than any other nation in the world. This is due to great technological advances in the growing, processing and distributing of food. But these advances introduce certain hazards that were not faced by earlier generations. Some of the hazards result from the widespread use of new chemicals. At the appropriation hearings before our Committee last year, we learned that over 600 million pounds of organic pesticides are being produced each year and that over 2 million farmers are using these chemicals on practically every crop. The farmers use them because the chemicals will kill insects or weeds. Too much poison will kill man also. Foods containing small amounts of the chemicals reach every consumer in the country.

Now the plan for controlling the use of these potentially poisonous materials is sound in theory: FDA decides how much of a chemical can remain on our beans, or wheat or other food, and announces this figure as a tolerance. The Department of Agriculture tells the farmer how to use the chemical so that the crop will not contain excessive amounts of chemical sprays when marketed. It tells him how much to apply and how long before harvest. If all the farmers follow the directions properly then everything ought to be fine. The trouble is that some of the farmers just don't like to follow directions. Some make errors through carelessness

or ignorance. I expect that some deliberately put on extra spray or spray too close to harvest to try to save a crop that is being attacked by insects. To safeguard health, the crops must be tested when shipped to be sure they don't have too much poison.

I have been told on several occasions that FDA did test about 4000 lots of unprocessed foods last year and that it did find several lots that had too much poison on them. I asked FDA how many lots of fruits, vegetables, and other unprocessed foods subject to the pesticide law were shipped across State lines last year. They told me that over 2-1/4 million shipments were involved, not including animal feeds which also are important because some chemicals present on feeds may end up in meat, milk, and eggs. I am seriously troubled that so few of the shipments were checked because of lack of personnel and appropriations.

As a result, I asked for some more information about the kinds of poisons that have required legal actions. Several carloads of spinach had too much DDT, a liver poison; wheat contained mercury which damages the kidneys; fish contained sodium nitrate that killed a child and injured a number of people. Some milk now on the market contains penicillin, and the Council on Drugs of the American Medical Association has called on FDA to get the penicillin out of milk. I am shocked, because of these revelations, that the present Administration has not equipped FDA to deal better with such vital problems. The agency should have facilities and personnel enough so it doesn't have to wait two years to find that a cancer producer is being put into the food supply.

At the appropriation hearings last spring the agency presented some performance figures. It is getting around to the firms that need inspection once every five years on the average. Of course, it sends the inspectors where it thinks they are most needed, and this gives maximum results for minimum costs. But I think every person here will agree that FDA is not covering its beats--it does not have enough men to inspect even once a year the plants manufacturing the food we eat, the drugs we take, the cosmetics our wives and daughters use. As an ordinary consumer I would not be satisfied if it were reaching that meager goal, and I certainly am not satisfied with the present accomplishments.

As we proceeded with the Hearings during the last Congress and studied the past history of appropriations of the Food and Drug Administration, I was appalled at the treatment accorded this organization. The appropriations recommended by the Administration and passed by Congress under their influence shows that they have selected this small agency to exemplify their attitude of placing the fiscal policy of the Government ahead of the welfare of the people.

In 1956--that's not long ago--do you know how much we were spending then? 6 million dollars; 1957 - 6.8 million dollars; 1958 - 9.3 million dollars; 1959 - 9.8 million dollars; 1960 - 13.8 million dollars.

It was only requested last year of Congress $11,800,000 for the current year - fiscal year 1960. When we investigated we found that it had stricken moneys FDA had requested to permit several very important health activities. For example, it failed to request funds to permit more research on detecting and identifying pesticide residues in food; determining the effect of radioactivity on foods and drugs; investigating the presence of cancer producing chemicals in waxes used on food containers; studying the toxic properties of some of the fats now used in certain food establishments. And after we heard of these things being turned down, our Committee turned around and went the other way. We told the present Administration that we thought they ought to be spending more in this area and we put $2 million more than the Administration asked so that these and certain other activities could go forward.

I am anxiously awaiting an opportunity to consider the needs for 1961. In terms of government appropriations these amounts are quite small, and they are still far from adequate.

I told Secretary Flemming last spring at these hearings that instead of the insignificant increase he was coming in for, he ought to be asking for a 100% increase. We believe it could be well used for the protection of the American people. By comparison, there was appropriated over $10,000,000, almost as much as for the entire operation of the Food and Drug Administration, just to enforce the new poultry inspection law which Congress passed only two years ago. We have been using this argument for some years to justify the appropriations for FDA in trying to prevent cuts that were being sponsored by some members of Congress who don't believe in this kind of protection for the American people. And for meat inspection alone, over $21,000,000, your tax dollars and mine, was appropriated. We are spending more than twice as much of the taxpayer's money to inspect meat and poultry, which is certainly a necessary activity, as we are for regulating and inspecting all the other food, drugs, and cosmetics that move in interstate commerce, which cost the public about four times what they spend for meat and poultry. I do not know what line of reasoning could justify such a cavalier attitude toward the safety of foods, drugs, and cosmetics.

For the last few years the destiny of this institution has been guided in part by a set of specifications made by the Citizens Advisory Committee, which rendered its report in 1955; and I think they should be given a great deal of commendation for this report.

It was the first time that any group of citizens not connected with the Federal Government had spent so much time and come up with a unanimous report that we are hardly keeping pace with now. I think that most of us will agree that with what has happened in the last two or three years this report is now away out of date.

The distinguished citizens, so many of them are here tonight, who made up this Committee represented widely diversified interests--labor, the regulated industries, the consumers, and the judiciary. The late Charles Wesley Dunn, who organized this meeting, served as a member of the group.

I think it is only fitting now to pause here to pay tribute to this great man. The work he did to advance the study of food and drug law, and to support the FDA showed clearly his deep concern with the health and welfare of all groups in our nation. He talked with me personally, and with my staff, about the urgent need for full implementation of the recommendations of the 1955 committee. After all, he told me on several occasions, when we make these recommendations and we find that they are good and we are unanimous, unless you give us the money to enforce the law, what good is the law. The nation needs more forward looking men like him. I trust that there are leaders in this audience who will see that the big gap left by his passing will be closed promptly.

In addition to recommending an expansion of FDA, to which the present Administration has given considerably less than wholehearted support, the Citizens Advisory Committee recommended that the Washington headquarters of the agency should be housed in a new building adequate for its needs. When that recommendation was made four years ago, the agency was in two separate locations. Today, with only a start on the growth that we all recognize is essential, FDA is housed in four separate locations, and I understand that it soon will be further scattered in various old dilapidated buildings around the Metropolitan area, and will be in six spots instead of one.

When you have to move administrative offices from one place to another it is bad enough. But when you have to uproot laboratories with all of their complex, expensive equipment and shove them into temporary quarters, in my opinion the situation is even worse. And the cost of setting up these temporary laboratories I am sure would have gone a good part of the way to building adequate permanent facilities in the first place.

The present Administration agreed with the Citizens Advisory Committee that the new building was desirable. But it planned to construct it by a ridiculous financing procedure called "lease purchase." Probably everyone in this room knows what I think of "lease purchase." It was a slick, impractical scheme to camoflage the true cost of running the Government; and it would have cost the taxpayer--in the long run--about three times as much to build the building with hard cold cash, a great deal more money than a

forthright building program conducted the way our nation has constructed its buildings for generations.

"Lease purchase" proved to be entirely unworkable as any thoughtful person could have predicted. The Administration has since abandoned this procedure. And it then made no provision for the acknowledged critical needs of FDA. The architectural plans gather dust and the welfare of the nation continues to suffer. The failure to provide proper quarters for FDA is inexcusable.

While it is obvious that we are responsible in some way for this situation, we must not lose sight of the obligation the rest of us have. If consumers and industry want a strong FDA, properly quartered, they must let the Congress know about it.

At the FDA appropriation hearings this year we had witnesses from the General Federation of Women's Clubs, the Food Law Institute, the American Institute of Baking, the Meatcutters Union, the American Home Economics Association, the Cooperative League and the American Association of University Women. And as an individual witness, we heard the Honorable Brad Mintener, who was formerly an assistant secretary of the Department of Health, Education, and Welfare who has for many years taken an active interest in the well being of the Food and Drug Administration. I think this was fine representation for the public; I hope there will be even more public witnesses next year. I think one of the main reasons why we appropriated the $2 million more than the Administration asked for was because of this active interest of these groups that I have just mentioned.

It seems to me that if the FDA people could only keep some kind of score on what they save for consumers every year--the dollar value of all these spoiled and misrepresented products plus the deterrent effect of its legal actions unquestionably exceeds the total amount of the appropriation, even though it could not possibly include the savings that result directly from protection of the public health, since that cannot be measured in dollars. But we have been listening to the Vocational Rehabilitation people for years telling us that for every dollar that we appropriate in rehabilitating our handicapped people in our country that the Federal Treasury gets ten dollars in return for every Federal dollar that is expended in this area. We have been listening to the people who run our Surplus Property Program tell us that we are getting back five times as much as it is costing us to administer the Surplus Property Law of our Nation at this time. If we could only do something like this in the Food and Drug Administration I think it would have a good effect on members of Congress who have no use for the FDA and others who don't like to be regulated in any way or form that this economically is a good way to invest our tax dollars.

The laws themselves need considerable improvement. There is not enough time this evening to go into this matter, but I would like to recommend that we get behind two or three:

1. I think the law should be modernized to provide a scientifically sound basis for regulating the colors that are used in foods, drugs, and cosmetics.

2. New therapeutic devices should be subject to the same type of controlas new drugs; that is, the devices should be proved safe for their intended use before they are marketed in a commercial way.

3. Cosmetics should be proved safe before they are marketed. Almost every year FDA has to take some cosmetic off the market because it is causing serious injuries.

4. The Federal Caustic Poison Act should be brought up to date to require proper warnings on the labels of the numerous hazardous materials that are getting into our homes today.

In conclusion may I say that I am very happy to be with you this evening to take part in this wonderful occasion in honoring the Food and Drug Administration by the Food Law Institute. I only hope that in the days to come all of us who believe that the Food and Drug Administration is a good arm of the Federal Government, that it does in its own way protect the general public of this great country, that we get behind the Food and Drug Administration and let, not me, but those who have been finding fault with the administration of this particular program--your Congressmen and your Senators--them know what you think of the Food and Drug Administration. If you carry on such an educational program, I am sure that we can continue to do a better job in the Congress for the Food and Drug Administration and as a result of that, we will be doing something for the benefit of the entire population of the whole country.