

# THE SPROUTPEOPLE

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To whom it concerns,

You must take the time to sit down and read this entire letter!  
Our fresh sprout business is hanging by a thread and now is the time that you need to educate yourselves and your customers if you wish us and other sprout growers to survive.

The FDA has created a panic over the safety of sprouts. Jane Henney, head of the FDA delivered a press release July 9, 1999 naming sprouts as a high risk food and warning that everyone, not just the young, the sick and the elderly, but EVERYONE should stop eating sprouts if they want to avoid illness. If you think this press release hasn't hurt the sprout industry, here's what we know: a grower we have talked to in Kentucky has just lost all her restaurant accounts. In Santa Cruz a company which has been sprouting for 20 years has stopped growing alfalfa sprouts altogether because they refuse to use the toxic levels of bleach demanded by the California Department of Health Services. Just this week the Dane County Department of Health banned sprouts from salad bars and pre-made deli sandwiches. Sprout growers have lost gross sales of around 30% across the board. Our own sales continue to plummet (down 50% as of June) and if not for our mail order business, we would have laid off most of our loyal staff by now. The FDA has come close to libeling the sprout industry with misleading and downright inaccurate statements. Why Jane Henney of the FDA is so intent on obliterating a tiny industry that produces a wonderfully healthy food and whose contamination percentage is microscopic compared to that of the large and powerful food industries is not at all clear to us. All we can come up with is that she does it because she can. Also, we theorize that the sprout "industry" although containing some major players with high profiles is, by and large composed of small family or even single-person operations. We have no strong, unified organization that can exert pressure and influence on us all, the way almost all other food industries have, and we think that the very independence and illlusiveness of this industry makes it very hard for government agencies to seek out and control it. Understandably, this could make the FDA nervous and we can, in that sense see why Henney, maybe out of frustration, maybe out of punitive motives, issued her harsh warning. We, The Sproutpeople are the only ones who are apparently taking the time to research, write about, and publish this story. Make note at this time that we are asking you all to use any connections you or your friends might have to get this letter into the hands of a real investigative reporter so that this scandal can be brought to light. Our own business is tiny even by sprout industry standards. We are a small family business. We have two young

children who have grown up in this business. Regardless of the FDA's motives, we are highly offended, outraged, in fact, that the FDA is issuing press releases that say sprouts are filthy and dangerous, thereby depriving us of our livelihood. The statements of Jane Henney, Commission of the FDA belie the facts. In this paper we will set out to discredit the FDA's claims by exposing how they put our industry in the worst possible light, while, in a press release on egg safety just a week before, they manage to paint that industry, which has terrible salmonella infection rates, in the most glowing terms. It will be blatantly apparent when you compare the articles side by side that the FDA kowtows to those with money. They surely do not expect the public to have done the comparison that we have done.

We will also lead you through some simple math to demonstrate the actual risk of eating sprouts and compare that to the risk of other foods. Perspective and balance is desperately needed on this issue. Honesty is needed. Sincerity is needed. The sprout industry has had some outbreaks in the past, but they are way down from 1996 and most of those were caused either by infected seed from a seed company or from a few people sprouting in conditions that most of us sprout growers would never have anything to do with and that a simple health inspection could have rectified. The FDA has simply gone ballistic on sprouts. They are on a witch hunt and they won't be happy until there are no sprout companies left in existence. I know this is hard to believe, but they have just told people to stop eating sprouts! I don't think they want us around anymore.

The FDA maintains on their web site a list of recent press releases and we went there to get the actual press release on sprouts written by Henney on July 9, 1999 that was rewritten by Reuter's News Service and picked up by The New York Times and many others. We also noticed a press release written a week earlier by Henney (July 1, 1999) on egg safety. The facts of the sprout report are so misleading and unfair and the facts of the egg report so obviously pandering to the egg industry that we want to both refute the sprout article and contrast it to the article on egg safety. You won't believe this:

#### CONSUMERS ADVISED OF RISKS ASSOCIATED WITH RAW SPROUTS <sup>1</sup>

"Because of reports of increasing numbers of illnesses associated with consumption of raw sprouts, the Food and Drug Administration is advising all persons to be aware of the risks associated with eating raw sprouts (e.g., alfalfa, clover, radish). Those persons who wish to reduce the risk of foodborne illnesses from sprouts are advised not to eat raw sprouts."

**SPROUTPEOPLE RESPOND:** Henney lies in her first sentence: "Because of reports of increasing numbers of illness associated with sprouts..." It's just a lie. Cases are down 60% from the highest outbreak period of 1995-96. **Illnesses are not increasing, they are decreasing.**

"Since 1995, raw sprouts have emerged as a recognized source of food borne illness in the United States. These illnesses have involved the pathogenic bacteria Salmonella and E. coli O157. Alfalfa and clover sprouts have been involved most often, but all raw sprouts may pose a risk."

**SPROUTPEOPLE RESPOND:** Not happy citing just alfalfa and clover sprouts, known carriers of Salmonella, Henney must include **all** sprouts. It's a meaningless statement that anyone can make: Umbrellas **may** also pose a risk; alligator shoes **may** also pose a risk; ANYTHING **MAY** pose a risk. It's a dishonest statement to make, but an old rhetorical tactic used when attempting to discredit someone or something.

“The sprout industry has been working in cooperation with government, academia, and other industry segments to enhance the safety of its product. These efforts have focused primarily on seed treatment strategies, good manufacturing practices, and sanitation. “

“Despite all these efforts to make raw sprouts safer, we continue to receive reports of illnesses associated with raw sprouts. Consumers need to understand that, at this time, the best way to control this risk is not to eat raw sprouts,” said Jane E. Henney, MD, FDA Commissioner.”

**SPROUTPEOPLE RESPOND:** This is the statement that is killing our business. Henney completely hides the fact that safety efforts in the sprout industry so far have **dramatically reduced the number of cases** of illnesses associated with sprouts. She is saying in effect, that everything has been tried and sprouts are still infected.

In fact, the FDA has tried very little, and what tests have been tried have been conducted by the sprout and sprouting seed industry itself. The FDA hasn't really lifted a finger, because that finger would, we believe point toward the contamination of the sprouting seed at or near harvest with pathogen-infected cow manure from sick cows in huge atrocious feed lots (many non-organic seed and cattle operations run side by side). They aren't about to crack down on agribusiness. It has been argued by some people, ignorant of certified organic farming practices that organic farmers are the contaminators because they spread livestock manure on their fields. Conventional farmers also spread livestock manure on their fields, in some cases along with toxic sludge, but there's one difference: **In organic farming, the manure to be spread has to first be composted, a method that kills any pathogenic bacterial before the manure comes in contact with the field.** People who blame organic farmers are just showing their ignorance, not just for organic practices but for conventional farming practices as well,

“Consumers who have eaten raw sprouts and are experiencing diarrhea or other symptoms of foodborne infections are advised to consult their health care provider.”

**SPROUTPEOPLE RESPOND:** From the infinitesimally small number of actual cases, Henney has extrapolated a huge, emergency situation: “Go to your phone and dial 911 **NOW!**” Another public relations (and military) tactic to create panic and a climate of fear and urgency where none exists.

## THE EGG AND US

We feel we really must contrast this muckraking piece of garbage with her press release July 1, 1999 on the contamination by salmonella of eggs. Though we have nothing against the egg industry per se, it illustrates to us how a report involving a massive, well funded food lobby can be watered down and obfuscated to avoid upsetting the powers that be, in this case the American Egg Institute and it's congressional backers. Please bear with us while we give a little background:

Eggs have since the 1960's become increasingly more infected with Salmonella enteritidis due to the abysmal overcrowding of chickens in poultry factories and overdosing with antibiotics which have created resistant strains of bacteria. In 1990 the FDA re-designated the egg as a hazardous food under it's model food codes. Eggs would have to be refrigerated along all points of shipment and storage. Five years later in 1996 the USDA revealed that the rules had never been enforced because **the egg industry felt they were too**

**restrictive.** So the USDA, instead of blaming egg contamination on the giant producers, blamed it on the mishandling of eggs by the American public. This is the kind of “cooperation” we’ve seen from just one, giant industry. So when we saw this press release, we almost laughed—the title alone would be a joke if it weren’t so sad:

NEW EGG SAFETY STEPS ANNOUNCED, SAFE HANDLING LABELS AND REFRIGERATION WILL BE REQUIRED. <sup>2</sup>

***SPROUTPEOPLE RESPOND:*** Another farce—this all happened in 1991—and nothing happened. There’s nothing like packaging old news as new news if your public is unsuspecting. New and improved same old stuff.

“Continuing their joint efforts to combat foodborne illness, the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) and the Department of Health and Human Service's Food and Drug Administration (FDA) today announced three important new measures to prevent illnesses caused by contaminated eggs. The FDA is proposing to require safe handling statements on labels of shell eggs to warn consumers about the risk of illness caused by Salmonella Enteritidis (SE).”

***SPROUTPEOPLE RESPOND:*** Notice that the FDA is only PROPOSING TO REQUIRE this—if the American Egg Institute says it’s okay.

“FDA's proposed handling instructions will contain the following statement on each carton of eggs: SAFE HANDLING INSTRUCTIONS: Eggs may contain harmful bacteria known to cause serious illness, especially in children, the elderly, and persons with weakened immune systems. For your protection: Keep eggs refrigerated, cook eggs until yolks are firm, cook foods containing eggs thoroughly.”

***SPROUTPEOPLE RESPOND:*** Cook until yolks are firm? Do you think the egg industry is going to allow the FDA to say eggs over easy are infectious?

“In addition, for the first time, there will be a uniform federal requirement that all eggs and egg products packed for consumers be refrigerated at 45 degrees Fahrenheit or below. Retail establishments governed by the proposed FDA regulation include supermarkets, restaurants, delis, caterers, vending operations, hospitals, nursing homes, and schools. In addition, FSIS is issuing a directive applying the refrigeration requirement to warehouses and other distribution locations ...including transport vehicles. FDA-FSIS risk assessment found that refrigeration makes it more difficult for SE bacteria to grow.”

***SPROUTPEOPLE RESPOND:*** This was a requirement 8 years ago. It was ignored, written out of legislation and de-funded.

"The Clinton Administration has made ensuring food safety a top priority," said Agriculture Secretary Dan Glickman. “These additional steps will help educate consumers and reduce foodborne illness caused by contaminated eggs”

***SPROUTPEOPLE RESPOND:*** “Educate consumers”? We hate that kind of condescending language. As if to say, once again, the consumer is ignorant and needs education; we’ve been cooking eggs all wrong for centuries and it’s our own fault if we get sick.

BUT WAIT—IT GETS BETTER:

Even the head of Health and Human Services, Donna Shalala, whose department controls the FDA, feels the need to put in a pitch for eggs:

"Eggs are a good source of protein and can be a healthy and economical contribution to a well-balanced diet," said HHS Secretary Donna Shalala.

**SPROUTPEOPLE RESPOND:** Even the Secretary of Health and Human Services is required to kiss egg butt. She goes on to admonish:

"However, they need proper handling or they could potentially be the source of foodborne illness."

**SPROUTPEOPLE RESPOND:** "Could-Potentially-Be"...we stupid consumers simply mishandle eggs!

*The press release then goes on to note:*

"From 1996 to 1998, there has been a 44 percent decrease in the number of illnesses caused by SE, according to the Foodborne Diseases Active Surveillance Network, known as 'FoodNet'..."

**SPROUTPEOPLE RESPOND:** THE SPROUT INDUSTRY RECEIVED NO PRAISE FOR OUR DECREASE, WHICH WAS A HIGHER PERCENTAGE—60%-- THAN THEIRS!

"SE outbreaks have been attributed to undercooked eggs or foods containing undercooked eggs served in homes, private gatherings..."

**SPROUTPEOPLE RESPOND:** SE outbreaks are attributed to sick chickens laying sick eggs in filthy, inhumane, overcrowded poultry factories and the FDA isn't going to do a damn thing about it!

We apologize for digressing into eggs for such a lengthy period of time, but we wanted to illustrate how divisive and obviously crude the FDA is handling their press releases. We think the one on sprouts should be subtitled, "Jane Henney Penny Says 'The Sky is Falling'" and the ones on eggs, "Henney Penny Lays a Golden Egg". We think we have the right to indulge in a bit of name calling when Jane Henney is depriving us of our livelihood. To offer the benefit of the doubt, perhaps Henney and the FDA is aware of the problems inherent in huge poultry operations and would sincerely like to change those practices. But the way they presented their press release on egg safety in contrast to their press release on sprouts mars their credibility as protectors of public health. The CDC estimates that eggs sicken 66,00 and kill 40 people per year. Sprouts don't do that. Yet where is Jane Henney telling the American public not to eat eggs? She wouldn't dare!

The FDA is unable to remedy or even discuss to the public the real causes of so many of our food borne diseases, which result from poor sanitation and poor health of animals due to increasingly poor farming practices. Chickens are raised in huge lots of 25,000 birds, each bird getting 8 square inches of space. Cows are being fed chicken manure and cardboard because it's cheaper by 5 cents per day per cow than soybeans. Cow carcasses are processed covered in their own manure as are chicken carcasses and nothing is done to stop it. Vegetables can be harvested and processed next to huge manure lots. The USDA, FDA and FSIS know this but they don't want you to know. In this country "downer" cows (the U.S. equivalent of mad cow disease) are fed to other cows even though it is known that feeding meat to herbivores is the problem in the first place.<sup>3</sup> The FDA can't do anything to combat the powerful lobbies and

Public Relations companies which protect the interests of agribusiness. **But she can bully the poor little sprout “industry” instead and give the public the impression that something is being done about something.** She wants labels on eggs, labels she herself knows will never happen, but she can't touch the way the eggs are actually produced, which infects the embryo of the egg itself! Our point is, please don't be gullible about these FDA factoid sheets; they are just plain nonsense, as I hope we have illustrated.

We wanted you to see these two contrasting press releases so you could compare the tone of the one that refers to an industry with no money to a big powerful moneyed group. I know that some reading this will be angered and call us cynical; they just don't want to believe that our government doesn't have our best interests at heart. They don't believe that a food industry would knowingly sicken people. But they do. And the pathetic solutions of the FDA and USDA do not attack the well-researched and documented problem of poultry overcrowding as the cause. Instead, they attack the way we cook eggs! I guess we will no longer have the right to eggs over easy, souffles and homemade mayonnaise (yum) and this may sound frivolous on the surface, but it has deeper ramifications—do we have the right to eat the foods that are traditional parts of our diets without getting sick from them? The answer from government and industry seems to be “no”.

We also have the right to eat whole foods that are alive with nutrition—and yes—bacteria for without it we will no longer be healthy and able to fend off disease. Government policy seems to be made by those totally ignorant of bacterial ecology and unaware that we are organisms IN nature not ABOVE nature. They seem to think the only good bacteria is a dead bacteria and would render our food sterile which would leave us as vulnerable as tourists in Mexico without agua purificada (purified water).

#### LET'S DO THE RISK NUMBERS

When looking for a food that has caused illnesses it is no longer common for it to be tested microbially to see if the pathogen indeed exists in it. The cause of foodborne illness is now deduced through interviews with sick populations and control groups of well people using statistical analysis. This method is a branch of medicine called Epidemiology and can be very effective in ferreting out the cause of disease. It's a little like detective work and is considered the cutting edge method of pinpointing and controlling disease in a population but it is still in the proving stages and many people have staked their careers and reputations on it's acceptance.

Epidemiology uses the terminology that a food is “linked” to a disease because no actual biological tests need be conducted to determine if the pathogen is present in the food, although most scientists still want to confirm the statistical findings with actual microbial evidence. When we talk about numbers of cases, then, these are *statistical determinations* that point to a specific food or group of foods. Like any science it can be used well or poorly. An epidemiological finding often overrides a negative outcome on an actual microbial test, even if none of the pathogens found in the sick people (called “ills”) are found in the suspected food. If the epidemiological link is strong, that food is determined to be the cause, or “linked”. This is what happened to a case of outbreak in May of 1996 under investigation by the California Department of Health Services (CDHS). It involved an outbreak of Salmonella linked to sprouts. The report was delivered by Ben Werner from the Division of Communicable Disease Control of CDHS at the 3<sup>rd</sup> annual Federal/State Conference on Food Safety in Washington, D.C. Nov. 1997.<sup>4</sup> In May of 1996 Werner states that California had an unusual increase in Salmonella Montevideo up from the usual 15

or so to 117 cases. In association they had “some increase” in Salmonella Meleagridis. Three people had both together. Epidemiologically, it was discovered that approx. 38% of the cases had eaten alfalfa sprouts compared with 11% of their control group of healthy people. About 1/3 of those infected went to an emergency room, so the infection must have been pretty intense. So they arbitrarily selected 46 of the sick people and found that 17 of them had eaten sprouts (38%). They traced the sprouts to a certain brand, and took seed from this sprout facility to actually test for a culture of S. Montevideo. Many scientists do not like to make official announcements until their links are confirmed microbially. But they were unable to culture it from seed or sprouts in the laboratory. And they did not find it in the grower’s own sprouts that were packaged and ready for shipment. What they did find in the growers own sprouts was S. Meleagridis, but by Werner’s own admission, they had only seen what he refers to as “some increase” in that infection. The epidemiologists were unable, in this outbreak, to substantiate their findings with microbial evidence. So it would seem that S. Meleagridis, actually found in the sprouts had made a few people sick, but apparently many others who had eaten the sprouts and presumably contracted this bacteria did not get sick at all. They did not try to culture S. Meleagridis in the lab from sprouts or seed to determine if the infection was coming from the seed itself or from inside the sprout facility the way they tried to culture S. Montevideo. Is it possible that S. Montevideo, the bacteria that was making 117 people sick enough to seek medical care was in some other food? Is it possible that S. Meleagridis, the bacteria actually found in the sprouts only made a FEW people sick enough to seek medical care, even though many people had eaten those sprouts? We suspect, from the report given by Werner and it’s obvious omissions which he easily glossed over, but which on a 2<sup>nd</sup> or 3<sup>rd</sup> reading do not stand up to scrutiny that yes, the relatively benign S. Meleagridis was what infected sprouts and the aggressive S. Montevideo infected some other food that they never searched for! Is it possible within microbial ecology that some Salmonella are more harmful than others and that some people’s gut contains a mix of flora that can handle certain infections without becoming the victim even noticing while others, due to the flora makeup in their gut become deathly ill? Based on our very minimal research into this incredibly deep subject we think it may be THE question that deserves an answer. New or “emerging” pathogens are overwhelming our food supply as the chain of distribution gets longer and longer, harvesting and packaging practices leave much to be desired and bacteria mutate at a staggering rate. This field of science is still in it’s infancy and some of the epidemiological methods and microbial testing done today and the conclusions drawn from their findings will be seen as crude and inaccurate in the next decade. The California Health Services Department (CHSD) was well aware of previous reports of sprout linked contamination in the years 1995-96 from this country and internationally. Sprouts had the dubious honor of being on the short list of pathogenic foods and we believe that CHSD was poised to attack. They didn’t exactly cook the numbers but we think there’s room to suspect that they grossly misinterpreted the results and no one took them to task, except us, now, too late. This “outbreak” prompted a massive scale raid on sprout growers throughout California and forced new sanitation procedures on them, most of whom were conscientious in the first place and had been growing for years with no problems. Huge recalls were issued whenever an outbreak of any serotype of salmonella was discovered, whether sprouts could be linked to the outbreaks or not. Sprouts in California were on the hit list and I can only imagine the angst this type of wielding of power by the CHSD caused these growers. We were very happy to be living and sprouting in progressive Wisconsin. The story of this outbreak does not in our minds absolve this particular grower of responsibility. He is what all sprout growers fear; the guy growing sprouts in a plastic walled lean to, full of rodents and dirty workers. All of the sprout growers we know would be aghast at growing under these conditions, but the next speaker on this subject,

Jeff Farrar of CDHS launched a complex sanitation program with the help of the Centers for Disease Control (CDC), the sprout industry, State and Federal and local regulators to “help develop a solution to this” . The “this” was one dirty sprout operation but Farrar was intent on treating his discovery (the grower was raided by the Farrar SWAT team on a Saturday at midnight with the help of the Salinas police, Farrar boasts in his presentation) as indicative of all sprout growers. He obviously saw an opportunity to make a name for himself on this issue and ran with it. He created a situation where none existed and is worked hard with slide shows and hyperbole to scare officials into believing that all sprout growers are working in filth like the one bozo in question. (Given the rise in food borne illness we think local officials can be forgiven for overreacting ...they simply don't know what to do and a guy like Farrar can just prey on them, especially when he can flash his CDHS badge). A simple health department inspection could have shut this particular sprout grower down, but instead the CDHS under Farrar's direction decided to go hunting butterflies with an elephant gun. Not only that, but we think it is of key importance to note that in late 1996, the CDHS decided to hold sprouters solely responsible for foodborne contamination in sprouts. The seed producers protected by their agribusiness status would not have to be bothered to find out if the contamination was coming from their end and would therefore, not have to lift a finger. To their credit, some large sprouting seed companies have taken the initiative and conducted their own tests on seed sanitation, including radiation, which was found to kill the seed. I think we can all breathe a sigh of relief for that.

Since the only leverage the FDA has against sprouts is to scare the public and local health officials by painting them as a high risk food, the fear level will have to be maintained or people will tend to forget. So we expect the reports to continue, one every few months or so, until either sprouts are no more or until people realize that the FDA is making itself look ridiculous.

But we must define “risk” since the FDA repeatedly states that sprouts are a high-risk food. In the worst outbreak of salmonella ever attributed to sprouts (The 1995 – 96 outbreak detailed just above) approx. 700 cases were reported (Remember only 38% of the randomly selected group had even eaten sprouts and that the specific strains were basically ignored). Most salmonella infections amount to “diarrhea, fever, and abdominal cramps..... lasting 4 to 7 days, and most persons recover without treatment”<sup>5</sup>

Since not everyone who gets sick seeks medical attention, the FDA guessed that 20,000 people were actually infected. The media picked up that number and had a field day (Culminating with the final report issued on a very busy news day in January, 1999). If there are only 20,000 sprout eaters in the country and they all got sick, that's obviously a high-risk food. But according to the FDA there are 600 million pounds of sprouts produced annually in the US alone. We assume conservatively one quarter of the population is eating sprouts, or 70 million people. FoodNet, the joint FDA/FSIS/CDC food surveillance group corroborates that number. Seems reasonable based on our experience. (About 2 and one half ounces per week for those 70 million folks). So, based on the FDA's highest estimate of 20,000 actual cases we get less than 1/300<sup>th</sup> of 1% of sprout eaters was sickened. That means 1 person out of every 3,500 who ate sprouts in 1995-96 got salmonella. If we focus on this year (1999) of less than 200 cases, we get an FDA guesstimate of 5,700 actual cases—remember, they say 95% go unreported—and **we find only 1 person out of every 10,000 people who eat sprouts will suffer any symptoms of salmonella poisoning. COMPARE THAT WITH THE RISK OF ANY OTHER FOOD!!!**

So that's the risk from eating sprouts. Let's also portray the risks of eating sprouts in relation to the risks of eating other foods:

The Government agencies state that there are between 2 and 4 million cases of salmonella every year<sup>6</sup>. By far the biggest outbreak ever attributed to sprouts—those 20,000 estimated cases in 1995-96, ACCOUNTS FOR A MINISCULE 1/2% to 1% OF THE FDA'S ESTIMATE OF 2—4 MILLION ANNUAL CASES. As stated earlier, this year the FDA has stated “nearly 200” reported cases of people getting sick due to salmonella linked to sprouts, which brings the FDA guesstimate of actual cases to 5,700. If you do the math again, for this year the percentage of sickness due to sprouts works out to 3/20ths of 1 % to 1/3 of 1% of the FDA's estimate of total cases per year from all other foods. The FDA claims 93% of all bacterial illness cases come from meat, poultry and dairy!

We do not want you to think us callous, we are not! We know each case represents a person in need of medical care and we acknowledge that the sprout and sprouting seed industry has a problem that needs to be identified and solved but we would like to point out that the sprout industry is being dealt with by an absurdly heavy hand in relation to other food industries. Sprouts have not been blamed for any other illnesses this year – including the dread E. coli 0157 or Listeria, both much more damaging than salmonella and both pervasive in meat, poultry and dairy! Absolutely NOWHERE in our research did we find the FDA issuing press releases to avoid eating the foods represented by the large food consortiums when outbreaks occur in those industries. Where is the FDA when you really need them—out playing golf with their buddies on the Beef Council?!

The FDA's mission statement includes promoting healthy foods. This is from a town meeting of USDA and FDA officials, citizen, consumer and industry groups in December 1997 and is specifically in regards to fresh produce (Sprouts were considered produce until mid 1998 when they were re-classified as “processed food”). From FDA Regional Director Roger Lowell:<sup>7</sup> “The other thing that I think is important that I emphasize the protect part of FDA's mission, but about two or three years ago the promote side came into our mission” ..... “And I see what we're doing here as a part of that role to try to promote a better way to get these products onto the market so that they are safer. We all understand that the agency has been promoting the consumption of fresh produce. USDA has been promoting that for the health of the American public. So **we want to make sure that that message gets out that these are good products. They are not harmful products.** I know some people gave some stories about people stopping using these products because they're afraid of E.coli in the product, when **the benefit of using the products far outweighs the risks that may be there.**”

At the same “Town Meeting” the FDA encouraged commenting members of the audience to give their names as opposed to remaining anonymous, assuring them that **“food and drug is kinder and gentler now ..... there will be no retaliation...”**

With it's latest press release on the dangers of sprouts, the FDA demonstrates a complete lack of commitment to it's proclaimed mission and obvious confusion about what that mission is. It lacks the vision and leadership to promote fresh produce and help industry solve it's problems. We think the idea of an agency that has always been the cop of the food industry suddenly becoming also a promoter of the food industry is a natural conflict and does not work. You cannot expect the cops to give you the benefit of the doubt—they are there to suspect you, not to promote you—that's the nature of the job and as it has to be.

We can't rely on the FDA to promote our products but as an industry we don't have a national or even a state to state professional organization to tell our side of the story. The only organization for sprouts, the International Sprout Growers Association in Amherst, Massachusetts is a joke. Case in point: the FDA “strongly recommends” soaking sprout

seeds in a bleach solution so strong it needed EPA approval – basically 1 part water to 1 part household strength bleach – and by their own admission they don't even know if it works, in fact the CDHS says they doubt it works, yet the ISGA is absolutely groveling before the FDA, scared to death of the power they wield, imploring all of it's members to use the bleach and everything will be alright. But nothing is even close to alright. All sprout growers are on the verge of losing their businesses as the entire industry gets pummeled again and again with misleading press. They don't understand that, like any industry, the sprout industry needs lobbyists and a public relation firm on the payroll. That's just the way it works. But they think if they just kow tow to the FDA and bleach the hell out of everything in sight, the FDA will reward them for their earnest compliance by leaving them alone release to not eat sprouts. The president of the ISGA and owner of Snider's Sprouts, Nancy Snider admitted to another sprout grower that she dumps the bleach right into her stream in back of her house. She says her horse drinks from it and "it hasn't hurt him at all". This is the mentality and "leadership" we can look forward to from the only organization that represents sprout growers! ." The ISGA has been totally sincere and complaint with the FDA to the point of sycophantic and it has gotten them nowhere. The ISGA, in a recent newsletter implored it's membership for support so they can "negotiate" with the FDA. They naively or perhaps arrogantly do not understand that they lack the expertise and the influence to negotiate with powerful federal government departments. The fact is Jane Henney of the FDA has just stabbed Nancy Snider and the ISGA in the back with her latest press release on the dangers of sprouts and they don't even seem to have noticed!

We have worked hard for over 6 years, building our little business from the ground up. We have never had any pathogen problems. We are very clean (using elbow grease and gallons of bleach to clean every surface we use regularly) and over 99% of our seed comes from suppliers who test their seed lots for pathogens. All of our sprouts are hand rinsed two or three times a day and we believe, although we cannot prove it, that the oxygenation this process supplies to the sprouts is a major factor in their remarkable shelf life and overall health. We are Certified Organic even though many of the stores we supply undermine organics by allowing conventional sprout growers to label their product "organically grown" when there's nothing organic about them (especially the use of appalling amounts of FDA recommended-EPA approved bleach on their seed and then into the earth) . If we used the FDA recommended bleach regimen, we would be dumping the equivalent of 100 gallons of household bleach per week into the Kickapoo River, which runs through our little town. Bleach is a known carcinogen and does not break down in nature. We would never even consider it, but if we bleached at those levels we would lose our organic certification, not to say many of our friends to whom a healthy environment is of the utmost importance. We do the right thing even though our profits suffer, due to certification fees, membership fees and the higher prices of organic versus conventional sprouting seed because we believe organic is the only sustainable growing practice if we are to continue evolving as a species and living on this planet. If the FDA sees this letter on our web site or they bother to read the copy we send them, that day may come soon. It is completely plausible that they could find some pretext to shut us down by demanding something impossible of us which would then give them the reason they need to directly deprive us of our livelihood. We would much rather be spending our free time with our two small children than stealing precious time from them to combat this stupidity and downright evil surrounding us. We are sick to death of it, but we are determined to fight, if necessary with whatever means we can muster. You can help by saying NO to the local health departments and by sending letters to the FDA letting Jane Henney know that you are on to her dirty tricks. Feel free to write your President, Senators, Representatives and anyone else in power, and pass these pages on to others.

## Final summation

Sprouts have been grown for over 5,000 years, but the FDA is on the brink of outlawing them. I'm sure they know what is best for all of us. The FDA and the USDA have been overwhelmed in recent years by numerous outbreaks of food borne illness, in every possible form of food (Meat, Poultry, Dairy, Juice, Soft Drinks, Vegetables and of course Sprouts). These agencies are responsible for our safety in regards to food. They issue warnings, recalls, meanwhile devastating entire industries and inevitably small families who work in those industries. But they can't be expected to close the Meat and Poultry industry, there are so many lobbyists to help them see that there is no cause for alarm. Same with most industries. Alas the Sprout industry is vulnerable. The FDA has created an emergency situation—they have put their own spin on the dangers of sprouts but the numbers and the science just don't bear this out. We are small and our only organization (ISGA) is out of their league dealing with federal agencies. The most disturbing aspect is the blame these agencies cast. They are supposed to help us promote our product's goodness and also to help us solve problems that arise, but instead they have put almost all the weight of solving the contaminant issue on sprouters, not the seed producers themselves, and at the same time come close to libeling our products. Not to mention that the FDA "strongly recommends" that sprout growers use a chlorine solution so concentrated that it needed EPA approval and that the FDA and the California Department of Health Services have admitted they don't think it works.<sup>8</sup> Conventional, non-organic sprout growers continue to use it (and demand that every sprout grower use it) in the soaking of seed. It is a devastating ecological poison which does not breakdown in nature and which is being dumped into the sewers, streams and ponds of America as we speak, as well as finding a home in the seed which soaks it up. Bleach is a known carcinogen; personally, we don't want it in our food! We are a very small grower – very small. If we used the bleach suggested, we would be dumping the equivalent of approximately 100 gallons of household bleach down the drain and into the river every week! Ask other sprout growers how much they are dumping and then think about the estimate from the ISGA of 450 growers in this country. Why the EPA approved this level of bleach is beyond me and why any food producer thinks it is OK to use it is on their product and poison the Earth with it is perhaps the greatest mystery.

Thank you for your time in reading this report, and thank you for any support you are able to lend!

Sproutingly,

Lori Tooker  
Gil Frishman  
The Sproutpeople

PS – Thanks for the good times. Though they were short lived they were great while they lasted. DON'T Forget to pass this around. Some one of us must be able to get this info to someone who can make a difference. Keep fighting for your rights at all costs!

cc: Bill Clinton, Russ Feingold, Bill Bradley, FDA, USDA, Ag. Secty. Dan Glickman, All Natural Foods retailers and Food Co-Ops we can find.

For further research, here is a short list of articles about food borne contaminants and their web addresses:

**Mad Coke Disease** (NY Times 7/99)

<http://www.nytimes.com/library/magazine/archive/19990704mag-bad-coke.html>

**Report finds cracks in government egg-safety efforts** (CNN 6/99)

<http://cnn.com/FOOD/news/9906/30/eggs.safety/>

**USDA urges meat factories to test for listeria** (CNN 5/99)

<Http://cnn.com/FOOD/news/9905/25/listeria.guidelines/>

**USDA announces recall of headcheese** (CNN 2/99)

<http://cnn.com/FOOD/news/9902/18/bad.headcheese/index.html>

**Greens can harbor illness** (USA Today 1/99)

<http://www.usatoday.com> (search for title)

**Meat inspectors find fault with new food safety program** (Associated Press 1/99)

<http://cnn.com/FOOD/news/9901/21/meat.inspectors.ap/>

**Oscar Mayer recalls deli meat** (AP 1/99)

<http://cnn.com/US/9901/16/PM-OscarMayerRecall.ap/index.html>

**CDC: Oat cereal likely source of salmonella outbreak** (CNN 6/98)

<http://www.cnn.com/HEALTH/9806/05/salmonella.cereal/> and

<http://www.cnn.com/HEALTH/9806/04/salmonella.cereal/>

**The Next Bad Beef Scandal?** (US News 9/97) (This one will turn your stomach!)

<http://www.usnews.com/usnews/issue/970901/1feed.htm>

*Further information can be found at:*

**Meat and Poultry Product Recalls: News Releases and Information for Consumers**

<http://www.fsis.usda.gov/OA/news/xrecalls.htm>

**Jama Unnecessarily Scares Consumers With 'Old News'** (from the Sprouthouse)

<http://www.sprouthouse.com/jama.html>

**Pathogenic Bacteria Primer** (Follow links on this page to delve deeper into the science of bacteria)

<http://biology.about.com/library/weekly/aa052997.htm?rf=dp&COB=home&TMog=23528211245050&Mint=24680116521832>

**We are also maintaining a web page on this topic.**

**This letter is posted there with active links:**

<http://www.sproutpeople.com/safe.html>

*And of course the home pages for our federal agencies:*

FDA:<http://www.fda.gov>

USDA:<http://www.usda.gov>

FSIS:<http://www.fsis.gov>

General Government starting point: <http://www.info.gov>

Or: <http://www.fedworld.gov> (no it isn't an amusement park)

*Footnotes:*

<sup>1</sup> **Consumers Advised of Risks Associated with Raw Sprouts** (July 9, 1999):

This is the complete text of the FDA's sprout press release.

<http://www.fda.gov/bbs/topics/NEWS/NEW00684.html>

<sup>2</sup> **New egg safety steps announced**

**Safe handling labels and refrigeration will be required** (July 1, 1999):

This is the complete text of the FDA's Egg press release.

<http://www.fda.gov/bbs/topics/NEWS/NEW00683.html>

<sup>3</sup> Nicols Fox *Spoiled , The Dangerous Truth About a Food Chain Gone Haywire* (Basic Books, 1997), Chapter 11/The Madness Behind Mad Cows.

<sup>4</sup> **Proceedings from the Third Annual Federal/State Conference on Food Safety November 20-21, 1997** (Complete Transcript)

<http://www.fsis.usda.gov/oppde/ap/publications/proceedings/sprouts.html>

<sup>5</sup> (from the CDC definition of Salmonellosis -

<http://www.cdc.gov/ncidod/diseases/FOODBORN/salmon.htm>)

<sup>6</sup> From the article **CDC: Oat cereal likely source of salmonella outbreak** (CNN 6/98):

..... the 2 million to 4 million annual salmonella cases in the United States, according to the CDC."

<sup>7</sup> **The Microbial Safety of Fresh Produce** (FDA + USDA Town Meeting 12/97 pp. 3-4

<http://www.fda.gov/ohrms/dockets/dockets/97n0451/tr5.pdf>

<sup>8</sup> Ibid., p. 3