

February 11, 2009

To:

United States House of Representatives  
Committee on Energy and Commerce  
Subcommittee on Oversight and Investigations

From:

Peter K. Hurley and family  
Wilsonville, Oregon

RE:

Salmonella poisoning of Jacob M. Hurley due to his eating contaminated peanut butter crackers from a Peanut Corporation of America processed product.

My name is Peter Hurley. My wife Brandy and I are the parents of three children; Lauren 5 years old, Jacob 3 years old and Alyssa 8 months old. I am a police officer in Portland, Oregon and my wife is a marketing manager for a car dealership.

Our whole family, baby and all, have traveled from Oregon to Washington, D.C. to testify before you regarding the salmonella outbreak that has affected us, as well as hundreds and if not more likely thousands of fellow Americans.

I want to take a moment to acknowledge the eight the families who have lost a loved one. Eight people have died due to PCA's willful negligence. We were just lucky. It could have been very different for us.

We made this journey to appear before you because we felt it important enough for you to hear our story of how the Peanut Corporation of America (PCA) poisoned our son. We want you to hear how Jacob and a PCA supplied product are genetically linked in

hopes that you will take action to protect our food supply; so that Americans do not have to worry about even the simplest of foods killing their loved ones.

Jacob's story began with him becoming ill with diarrhea and vomiting in early January 2009. He appeared to be coming down with the flu. He was sallow, lethargic and probably had a fever that we did not catch. In a few days he began to have blood in his diarrhea. Knowing that blood in the stool is serious and needs immediate attention, we took him to the pediatrician who sent us home with a fecal collection kit. A few days later the pediatrician called to let us know that the lab results had come back and that Jacob had salmonella poisoning! He stated that we should expect a phone call from our county health department.

At this point we did not know how Jacob got the poisoning and because of that we did not know how to protect the rest of the family. All we knew was the Jacob had Salmonella poisoning and that five or six people had all ready died in a new outbreak linked to peanut butter. But, at the time only KING NUT PEANUT BUTTER was listed as a source, which we knew we did not have. We called Jacob's school to see if other children were sick, and none were. At that point we began to feel helpless in not knowing what got him sick. What had we unknowingly given him that gave him salmonella poisoning?

As Jacob's diarrhea continued, my wife was given the OK from our pediatrician's office for Jacob to eat his favorite comfort food, AUSTIN TOASTY CRACKERS WITH PEANUT BUTTER!! The very food that we later found was the cause of his poisoning! So, here we have a boy who is trying to get over food poisoning and one of the foods that would seem safe even, to people in the pediatric medical community, is the exact product that is continuing to poison him.

A week after we received the initial results of salmonella poisoning from the doctor, we spoke with a staff member of the State of Oregon's Office of Disease Prevention and Epidemiology. By this time there was initial information coming out that peanut

products were looking like the link to a nation wide salmonella outbreak. The next day the epidemiologist for the State of Oregon, Dr. William Keene, came to our house, himself, at five o'clock on a Saturday night. As a friend said this is like having the head of the FBI coming out to take fingerprints. I have to commend Dr. Keene on his dedication to make such a visit. On that Saturday night Dr. Keene took custody of our supply of AUSTIN TOASTY CRACKERS WITH PEANUT BUTTER, manufactured by KELLOGGS, with PCA product in it.

*One week later Dr. Keene called us to say that Jacob and the crackers he took from our house had an exact DNA-subtype match for Salmonella Typhimurium.* Three out of six packages of crackers tested positive. *This was the food that even the pediatrician thought safe enough for us to continue to feed him while he was sick!* The issue was no longer what had we done unknowingly, but what had PCA done knowingly?

Jacob continued to have diarrhea for eleven days. Alyssa, our baby, was seven months old at the time. We had to be extremely vigilant with cleaning to ensure that there was never any cross contamination between Jacob and Alyssa. If Alyssa had come down with salmonella poisoning there is a good chance that we would be one of the families who lost a loved one due to PCA's willful negligence. We know from the FDA's most recent report that it was truly willful negligence.

I am using the word poisoned carefully here. I realize what I am saying. I have read the Food and Drug Administration's (FDA) most recent Form 483 report, dated 01/09/2009-02/05/2009, regarding the plant where the peanut butter product for these crackers came from. This was not an accident. PCA knowingly allowed for tainted product to leave the plant, as well as allow it to stay in the production supply chain. It sickens me to no end that the majority of a company and its employees could knowingly allow tainted product to go out the door and into the nations food supply. Does no one have a conscience? Were people just hoping that no one would get sick or die? People would be in utter outrage if they heard of a police officer putting a loaded gun to someone's head, pulling the trigger, and in the horrific aftermath say "I was just hoping that the bullet in the

chamber wouldn't fire." NO, NO, NO! Both of these scenarios are utterly unacceptable. One is real and the other is fictitious, but neither should be real in the United States.

Never in my wildest dreams would I have thought I would be sitting before a Congressional subcommittee representing millions of Americans, begging for you to take action against a rouge food production company. But, that is what I am doing today. We, the Hurley family from Wilsonville, Oregon, have been affected by PCA and on behalf of millions of Americans, we need you to take action.

We, the United States, **are** the first world. Have we fallen to second world status for food supply safety? I think if you ask Americans who pay attention to what is happening in the world they would answer "YES" to this question. It has gotten to the point where we have a food safety crisis in America.

As the woman taking care of our dog while we are gone said, "*Even my dog is not safe! What is this, China?!*"

Where do we go from here? Well, being in the law enforcement profession, I see many parallels between food safety monitoring and control to that of criminal law enforcement. We need to have a faster 9-1-1 oriented medical response to food contamination, in order to prevent further innocent victims. You can liken this to an active shooter type scenario. In that situation you have someone who is actively shooting and killing people at random; as in a school or mall. In those incidents, people are begging for the police to go in and stop the killer. Well here you have food bacteria randomly killing innocent people. And just as with a shooter, the faster you stop the spread of the bacteria and or product, the fewer victims there will be.

So what does that mean in the real world? It means having state epidemiologists like Oregon's own Dr. Keene who will come to your house on a weekend night to collect evidence. Just like a police officer would do in a rape case. Criminals and bacteria do

not work a day job. They are attacking us 24/7 and that is why epidemiologists need the resources across the country to do the same kind of work Dr. Keene was able to do.

You also need the cop on the beat approach as well. You need FDA inspectors out there with the authority to stop production immediately when there is a problem. It is like the police officer stopping two people from arguing in public before it turns into a fight, then a brawl and then a riot.

The FDA needs the ability to criminally prosecute quickly and effectively when needed. If someone is convicted of a felony in the criminal justice system, they go to prison and are not allowed to vote. But, if you poison Americans via their food supply what are the consequences? You pay a fine and keep producing? Is this right? Is this what we as Americans want? I can say with certainty it is NOT!

I would like for all of us to think of the worst case scenario here, food borne terrorism. Oregon has the dubious distinction as being the first place for domestic terrorism. It was carried out by the Rajneeshees, in the 1980's. They were a fanatical religiously based criminal group that was in the Oregon high desert. In 1985 they poisoned Wasco County residents at a restaurant salad bar in the town of The Dalles. They sprayed the salad bar with Salmonella. Over one hundred residents fell ill. It would have been much worse if they had only gotten the concentration levels correct. This act of domestic terrorism was carried out successfully almost twenty five years ago by a small group of religious fanatics in rural Oregon. If they could pull it off, who else could?

None of us should be so naive as to think that Al-Qaeda could not easily taint our food supply very effectively. If, the very-well funded Al-Qaeda put its mind to it, I shudder to think of what could happen to this country when people do not know where to turn to find safe, uncontaminated, food. The panic, pandemonium and lawlessness would be horrific.

So, now is the time to take action to protect our food supply before another national outbreak occurs, whether it is greed or terrorist motivated.

I will leave you with my favorite quote by the 19<sup>th</sup> Century author, poet and philosopher Johann Wolfgang Goethe:

*“Few men have imagination enough for reality.”*

On behalf of all Americans, my whole family, Jake and I ask you to please have enough imagination to think of the worst case reality and to protect against it.

With this I conclude my testimony to the Congressional Subcommittee on Oversight and Investigations for Energy and Commerce.

Thank you.

Respectfully,

Peter K. Hurley

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