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United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Animal and Plant  
Health Inspection  
Service

Washington, DC  
20250

The Honorable Elton Gallegly  
U.S. House of Representatives  
2427 Rayburn House Office Building  
Washington, D.C. 20515-0523

Dear Congressman Gallegly:

Thank you for your letter of April 26, 2000, on behalf of Mr. C. Eric Olsen requesting the U.S. Department of Agriculture's (USDA) endorsement of irradiation as a phytosanitary treatment, as well as for food safety purposes.

We recognize Mr. Olsen's interest in the adoption of this method as an alternative means of eliminating pests and pathogens in agricultural commodities. Accordingly, we are pleased to inform you that, on May 26, 2000, our Agency published a proposed rule in the Federal Register that, if finalized, would provide for the use of irradiation as a phytosanitary treatment for 11 species of fruit flies and 1 species of seed weevil in imported fruits and vegetables. For your and Mr. Olsen's convenience, we have enclosed a copy of the proposed rule. As it indicates, we recognize that there is growing interest in the use of irradiation as a safe and effective treatment for agricultural products. As a result, we have proposed that irradiation, where available, be substituted for—or used in conjunction with—other treatments and/or special growing and handling conditions to mitigate the risks associated with the pests named in the proposal. The proposed rule also includes recommended doses of ionizing radiation that conform to the Food and Drug Administration's (FDA) regulatory limits for fruits and vegetables, as well as safeguarding provisions to ensure that pests do not escape from articles traveling through the United States to irradiation facilities. As the proposed rule states, irradiation could take place prior to shipment to this country or after arrival.

The comment period for the proposed rule closes on July 25, 2000. Mr. Olsen's specific concerns would be most appropriately addressed through the rulemaking process. Accordingly, we encourage him to review the specific provisions of the proposed rule and to forward his comments to us via electronic or postal mail. Because FDA administers laws that ensure irradiated foods are wholesome for human consumption, we also have forwarded a copy of your correspondence to that Agency for consideration. FDA officials may be able to address Mr. Olsen's concerns about the characterization of irradiation as a food additive in Agency regulations, as well as the labeling requirements for irradiated food products.



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The Honorable Elton Gallegly  
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With regard to additional research, USDA's Agricultural Research Service (ARS) recognizes the usefulness of electronic cold pasteurization as a tool in mitigating quarantine risks involving insects. ARS has done substantial work on mangoes and other commodities and continues to conduct research to determine appropriate dosage for controlling insect pests that might be found in commodities entering the United States or exported from the United States to overseas markets. If Mr. Olsen has specific questions in this area, he may want to contact Dr. Kenneth Vick, ARS National Program Staff. He can be reached at the following telephone number and electronic mail address: (301) 504-5321, kwv@ars.usda.gov.

We appreciate your and Mr. Olsen's interest in this important issue and hope this information is helpful.

Sincerely,

/s/ Craig A. Reed

Craig A. Reed  
Administrator

Enclosure

cc: ✓ FDA, HHS, Rockville, MD w/cy of inc.

ELTON GALLEGLY  
23rd DISTRICT, CALIFORNIA

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Congress of the United States  
House of Representatives  
Washington, DC 20515-0523

OFFICE OF THE EXECUTIVE SECRETARY  
UNITED STATES HOUSE OF REPRESENTATIVES  
2000 MAY -5 A 10:20  
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COURTS AND INTELLECTUAL PROPERTY

April 26, 2000

Mr. J. David Carlin  
Congressional Relations  
USDA  
213A Administration Bldg.  
Jefferson Drive, S.W.  
Washington, D.C. 20250

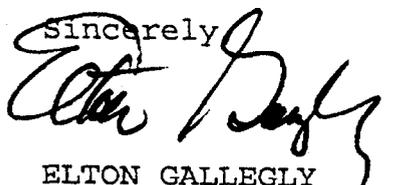
05-4153215  
ARS

Dear Mr. Carlin:

I am writing to you about the concerns of my constituent, Mr. Eric Olsen, President of Agbeta Inc. located in my congressional district.

Enclosed please find a copy of the letter I received from Mr. Olsen who is concerned about the USDA's regulation of Electronic Cold Pasteurization (ECP). Agbeta Inc. would like to work with USDA and FDA scientists on ECP process research. Further, I ask that the USDA continue to work with the company on providing Mexican counterparts with information about ECP.

I would appreciate your reviewing this matter and providing me with a response. Thank you for your assistance.

Sincerely,  
  
ELTON GALLEGLY  
Member of Congress

EG:sdc



LETOKS  
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Honorable Elton Gallegley  
U.S. Congressman  
300 Esplanade Drive Ste 800  
Oxnard, CA 93030

Dear Congressman Gallegley;

Agbeta Inc. is a new firm located in your District. Agbeta Inc. is developing a new service for the agriculture-food industry-electronic cold pasteurization of fresh and processed foods- to eliminate bacteria, insects and larvae, and fungus that leads to early spoilage of fresh produce.

Electronic Cold Pasteurization (ECP) is a newer term adopted by our infant industry to offset the negative stigma that surrounds the term "irradiation" that had been given this process in its early days of government research using radioactive sources.

Today, Electron Beams and X-rays, derived from electrically powered equipment, perform the process that was previously done with radioactive Cobalt 60 and other sources of gamma rays. The anti-nuclear element in the United States had and continues to oppose this process, and to the best of our knowledge does not present scientific rebuttal to using ECP, usually resorting to purely emotional arguments that have no basis in science.

Agbeta has spent effort and money developing prospective markets for its new service. In the course of those efforts it has been discovered that the ECP process would apply to food and a plethora of products ranging from wine bottle corks to wood pallets used in the transport of packaged foods. Often, it was discovered, there is a need for the ECP process in order to qualify produce to cross political quarantine boundaries. A current case is the refusing entry into the U.S. of mangoes arriving from Mexico.

Agbeta met with a regulatory officer from the USDA, and have asked him to provide to the Mexican counterparts our literature that clearly shows that ECP can be used upon these mangoes, just as we have already demonstrated its suitability for California citrus produce.

We believe that an opening has been made with USDA to perform experiments on infested Mexican mangoes to clearly prove the suitability of the ECP process. In short, the unhindered flow of produce can be established between our two countries, and NAFTA trade could move up another notch while eliminating the current political retaliation that appears to be directed against the apple export industry in the U.S.

Agbeta has been informed that USDA Secretary Glickman has favored the use of ECP, or the old term, irradiation, as a safe and efficient means for pasteurizing fresh, processed and frozen foods. Knowing that the Federal Government is reluctant to mandate the use of this process, and Agbeta fully agrees with that, there are a number of actions that the USDA and FDA both can take that would be most helpful in paving the way for our new Electronic Cold Pasteurization Industry. Most notably, Agbeta would appreciate being able to work with any and all scientists and research facilities of both USDA and FDA relating to food safety and preservation. Agbeta has found that each commodity, each growers association and marketing-distribution element in

the agriculture-food industry wants to know that the process is acceptable, and that it has been approved by those departments and agencies of Federal and State governments. Again, does our process work on, say California citrus fruit, and how will it be accepted by consumers? How will your process, they question, affect our Brand Name?

Agbeta is advancing the notion that once its ECP, and that of its competitors, is in everyday use across the U.S., there will be a noticeable reduction in the amount of contamination and infestation of the nation's food supplies. This will result in a major reduction of reported food poisonings and deaths resulting from food poisoning.

With ECP in widespread use, we will improve access into foreign markets and foreign access to the U.S. markets. Also, it is clear that an opportunity will arise whereby simply certifying the dose application of ECP will qualify foods and produce to cross political boundaries without further testing or inspection. That will compare to the achievement made by the medical devices industry whereby the Certification of Sterility, as monitored by FDA, was sufficient to get those products into foreign markets with no proof other than the accompanying Certification provided by the manufacturer. Can we hope for such a standard in the agriculture-food industry?— Agbeta fully believes it can be achieved.

Finally, Congressman Gallegley, Agbeta would like to see two changes made in law and regulations pertaining to Electronic Cold Pasteurization, namely:

- a) Remove the stigmatic term irradiation from labeling requirements set by FDA, and replace with the more accurate descriptor-Electronic Cold Pasteurization, and
- b) Remove from the 1958 Regulations the definition of ECP (irradiation) as a food additive. ECP is no more or less a process as are others such as cooking, freezing and freeze drying of foods.

Agbeta wishes to enlist your efforts in getting the forgoing changes made in the law, and to encourage Secretary Glickman to further direct his department to work with Agbeta to achieve sound testing and endorsements for the Electronic Cold Pasteurization process.

Respectfully yours,



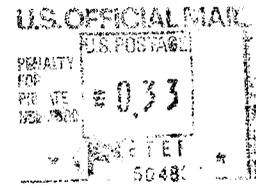
C. Eric Olsen, President  
Agbeta Inc.

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UNITED STATES DEPARTMENT OF AGRICULTURE  
MARKETING & REGULATORY PROGRAMS  
ANIMAL & PLANT HEALTH INSPECTION SERVICE  
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