

# Nitrite ban legislation introduced in Congress

WASHINGTON, D.C. — The Carter administration recently proposed that the use of nitrite in food products be phased out. In legislation submitted to Congress, Secretary of Agriculture Bob Bergland and Secretary of Health, Education and Welfare Joseph A. Califano Jr. recommended the phase out be preceded by a one year moratorium during which no action would be taken to reduce or prohibit the use of nitrite as a preservative.

Bergland said the Department of Agriculture is taking this action because the Justice Department has ruled the Federal Meat Inspection Act, which governs the use of nitrite as a preservative in products, and the Food, Drug and Cosmetic Act, which regulates use of nitrite and other products do not permit a phase out of nitrite use.

The Meat Inspection Act states that a product is adulterated and may not be approved for sale as wholesome if it contains a substance which may be injurious to health. Last Spring, a Massachusetts Institute of Technology study, commissioned by the Food and Drug Administration, indicated nitrites themselves can cause cancer. This study is currently under review by independent scientists.

"We feel nitrite is a unique substance," Bergland said. "It has the health benefits of preventing botulism, which we feel should be balanced against the health risk that it may be a carcinogen. Therefore, we feel it is important to provide for an orderly phase out of nitrite from the food supply," he said.

Nitrite is used as a preservative in cured meat products such as ham, bacon and hot dogs. It inhibits the growth of bacteria that produce botulism and gives meat products their flavor and color.

During the moratorium, Bergland said the two departments will collect and evaluate information and studies on the risks of nitrite use. If, at the end of the moratorium the agencies conclude nitrite poses a health hazard, they would propose an orderly phase out of its use.

The moratorium would provide stability and the opportunity for evaluation, and would allow the agencies sufficient time for continued research and development of alternatives to nitrite, Bergland said. He said the two departments would be required to provide assurances that alternative preservatives would not only provide full protection against botulism, but also could be implemented on a commercial basis.

Specifically, the proposed "Nitrite Moratorium and Food Safety Act" provides that:

Neither agency may prohibit the use of nitrite as an additive to food before May 1, 1980.

The agriculture department may continue with its plan to reduce the allowable level of nitrites in the curing process, as provided in a proposed regulation published in the Federal Register in May 1978.

The two agencies retain authority to regulate the use of nitrites used solely for flavor or color.

Nitrites may not be banned after May 1, 1980, if

hearings show quantities in use are safe or if nitrites are shown to be necessary to protect against botulism.

If it is necessary to continue using nitrite as protection against botulism, its use shall be permitted only for the time needed to develop safe alternative preservatives.

The two agencies will review the regulations issued under the act yearly to determine the progress being made toward developing effective and feasible alternatives to nitrite to prevent botulism.

Senator Herman E. Talmadge, chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, introduced legislation to impose a one-year moratorium on any government ban on nitrite as a food preservative.

Talmadge warned that the immediate elimination of nitrite would expose consumers to a "grave risk" of botulism poisoning. Nitrite is widely used as a curing agent and preservative in meats, poultry, fish, and cheese.

"The proposal I am introducing would avoid an abrupt and unwise disruption of the food supply and customary storage and use practices," Talmadge said in a Senate statement. "It would also avoid a serious health hazard by permitting the continued use of nitrite until feasible alternative protections against botulism are available."

The bill was developed jointly by the Departments of Agriculture and Health, Education, and Welfare because of the possibility that current food safety laws could force a government

ban on nitrite use in food. Similar legislation has been introduced in the House of Representatives.

A recent study by the Massachusetts Institute of Technology identified nitrite as a possible cause of cancer. The MIT study is now being reviewed by independent scientists. If the MIT findings are confirmed, the Department of Justice has held that current law would require a total ban on nitrite use. The bill introduced by Talmadge would provide a one-year moratorium on such an immediate ban. The bill further provides that, in the event the current review of the MIT study finds nitrite to be unsafe, it could be phased out over a period of time if alternative protections against botulism are available.

Talmadge pledged prompt consideration of the legislation by his Committee. He asked Senator Donald W. Stewart (D-Ala.), chairman of the Subcommittee on Agriculture

Research and General Legislation, to hold hearings as soon as possible.

The National Pork Producers Council, while questioning the need for a nitrite ban and new legislation, went on record "in support of a moratorium on an immediate nitrite ban if at any time, conclusive proof of human health hazard is substantiated."

NPPC President Bill Buller, Brookings, S.D., said that NPPC, representing 85,000 pork producers, does not believe that studies at this time actually point to nitrite as a carcinogenic agent. Buller's comments followed NPPC executive board action on a request from Ms. Carol Foreman for producer response to the Administration's "Nitrite Moratorium and Food Safety Act" presented recently upon a Justice Department report that a gradual nitrite phase-out was illegal under current law.

"NPPC feels," Buller said, "that inasmuch as the credibility of the M.I.T.

study is under question by the scientific community, the Council recommends a completely new evaluation of nitrites by scientists recommended by the National Academy of Science utilizing acceptable, scientific procedures.

"If, upon completion of such a study, nitrite is determined unsafe," Buller continued, "we would ask that a moratorium be applied until a substitute is developed to maintain present product acceptability and safety from botulism."

Buller, in a letter to Ms. Foreman cited NPPC appreciation of Ms. Foreman's efforts and those of USDA in searching for a solution to an outright nitrite ban. Buller added that NPPC's executive board has given what it feels "objective" study to the Administration proposal and will continue to assist Congressional representatives and the USDA in finding a workable solution to the nitrite question.

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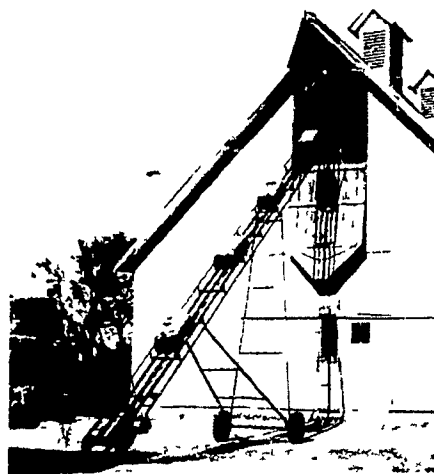
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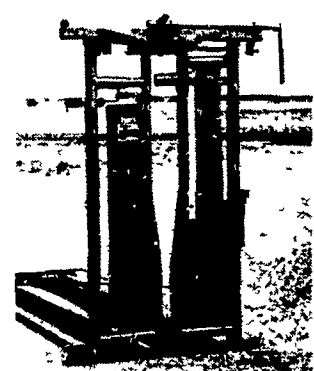
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