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00:00:17:12 Q: Today is October 31st of the year 2000, I'm Larry Quinn with USDA's Office of Communications in Washington. And today we're talking with Michael Taylor, Michael was the former Administrator of the Food, Safety and Inspection Service and for a period of time served in that role as well as Acting Under Secretary of Food Safety.

00:00:37:19 And I guess in 1993 there's an event related to something called ecoli that must have made your time at USDA very active?

00:00:46:15 A: Well you're referring of course to the outbreak of illness that occurred in the Northwest part of the country, the famous Jack-in-the-Box outbreak in which 500 children mostly became ill and four children died from exposure to a particular dangerous strain of ecoli, ecoli 0157H7 in hamburgers bought at that fast food chain.

00:01:16:15 And that really was a critical event in the history of food safety in this country and certainly for the

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Administration it was an absolutely galvanizing because it came to public attention during the first week of the Administration.

00:01:31:02 So brand new Secretary, brand new President, brand new Vice President confronted with a you know really significant public event, public health event and also an event that really began to shed some light on some gaps, some problems in the meat inspection system.

00:01:50:05 And so it was a very real in which that event triggered and really elevated significantly the Administration's focus on food safety and of course my involvement (unint.) Administrator was really centered around dealing with not just that problem, that particular pathogen but dealing with the problem that that event symbolized.

00:02:18:14 And so I spent the two years that I was here engaged in some regulatory reform activities to try to see if the system would be better able to prevent that sort of problem.

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00:02:29:21 Q: So when this outbreak occurred in January of 1993 you were not yet at USDA, where were you at that time?

00:02:36:09 A: I was at the Food and Drug Administration and I was Deputy Commissioner for Policy at FDA. I was there, had started there in July of 1991. I guess it's somewhat noteworthy that I was a political appointee of the Bush Administration and a political appointee of the Clinton Administration.

00:03:00:00 I had come into FDA when David Kessler became Commissioner, he was actually the first Commissioner of FDA that required presidential appointment, he was appointed by President Bush in the fall of 1990, approached me Thanksgiving that year about coming back into government to be his Deputy Commissioner for Policy.

00:03:23:18 And as a lifelong Democrat it was, it took some doing to get me cleared through the Bush White House. But I was eventually and in July of '91 joined Kessler at FDA

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and worked on really his, being an extension of his ability to exert leadership on policy and regulatory..., development of regulations at FDA.

00:03:47:22 And I'd spent a lot of time there on food related matters. The big initiative at that time at FDA was food labeling, Implementation and Nutrition Labeling Education Act. Actually I had my first exposure to extensive dealing with USDA because USDA was implementing its own food labeling rules to parallel what FDA was statutorily directed to do under NLEA.

00:04:14:14 And I also worked on food safety there, which again was kind of pre-cursor to what I was to do at USDA and perhaps is part of the basis upon which it thought that maybe I could help address of the problems here. But we developed under my tenure a set of regulations to improve oversight of seafood, based on the same HACCP, hazard analysis and critical points model that we ended up adopting here at USDA.

00:04:44:09 But we did that for seafood for FDA during my tenure

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and so that experience at FDA was actually very critical to preparing me to do what I was asked to do here and frankly without that experience at FDA I don't think I would have been prepared personally to do what I was asked to do here.

00:05:06:13 Q: But what was the time-line of your arrival at USDA, the outbreak was in January of '93, when did you come to USDA?

00:05:12:28 A: Well I actually started in August of '94, I was approached in the spring of '94 though about my possible interest in the job and had an interview with Secretary Espy, I'm guessing April of '94. But again there's a process involved in moving people around in any position in the government as you know, including political ones.

00:05:42:00 And so he did and this was actually an interesting feature. The position of Administrator had traditionally not been a political slot and in fact my predecessor I think was actually on an IPA from Texas

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A&M, been a professor there. And Secretary Espy was looking for some flexibility in how to fill the job and so had it converted into a political slot.

00:06:12:26 It's not an presidential appointment, it's a non-career SES slot. And so we began that process of my seriously thinking about it in April. In fact he was, had a terrific interview with him. He is so clearly, personally committed to solving this problem, frustrated by the difficulty of solving it and looking for help.

00:06:35:23 And I became convinced in that interview that if I had the opportunity to come help, I would want to do it because I saw again clearly recognized problem for public health and clearly recognized problem at a human level being one of the things that literally owns me, but some of the families whose children had died at the outbreak.

00:07:00:04 And you know if you need motivation to work on a problem like this, just meet with people who've been

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directly effected. And that was underlying Espy's motivation as well because you know he, during that first week had traveled to the Northwest, had met with people, had felt himself personally the emotional content of the issues.

00:07:21:06 And he was just deeply and intensely motivated to do something about it and I think again frustrated at the difficulties sometimes of making change. And so he very much conveyed that to me and made me feel that you know there's real opportunity to do something here.

00:07:36:20 And he was very, in that meeting, he essentially offered me the job and then took a few months to work through, back to the White House Personnel Office again.

00:07:45:27 Q: So by the time you arrived there'd been some months that had gone past since this real critical outbreak and I believe there were some other instances of actions that had happened. So what kind of environment did you find when you got there?

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00:07:59:26 A: Well that's, yeah that's an interesting and important question because there was a lot of frustration and a lot of sense among the people working within FSIS, the career folks that of frustration of being able to bring the necessary change and feeling a great desire to do it.

00:08:22:20 I mean the people at FSIS were deeply motivated as everybody is to have a system that protects people from these sorts of hazards. People recognized there was a need for change in the system, they were the victims however of a lot of very harsh, press criticism, there was a great sense that something needed to be done to sort of get it off the dime.

00:08:53:04 And so there was a real receptiveness, that's what I frankly experienced. When I came in between April when I met Espy and the actual coming on board, once I was being cleared, I was actually coming, I spent some time talking to the SESers individually just to get a feel for how people were feeling and what they thought

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needed to be done.

00:09:20:22 And just a very consistent message of what we you know, let's we do need a new direction, we want to change the system and we want to do what we can to solve these problems. So it was both a kind of tough environment in terms of a lot of pressure but also one that I felt was very fertile in terms of the opportunity to come up with a strategy and try to move the change process along.

00:09:43:15 Q: And wasn't there Congressional pressure at the time that more or less mandated you to reorganize and take a look at your organization?

00:09:51:20 A: Well there was a, there was legislation actually passed that had been under Senate consideration before I came and it was addressing the whole structure of the department, you know motivated by various considerations including new streamlining.

00:10:08:03 But an element of that legislation was to elevate the

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food safety functioning department, to separate it from the marketing function, part of the criticism of USDA historically has been that the food safety function which was consumer protection, public health function or should be understood that way had been linked with the marketing functions of the department.

00:10:29:00 And so actually when I came in I was reporting to an Assistant Secretary for Marketing and Inspection Services who oversaw both FSIS and the agricultural marketing service which are agencies that have two fundamentally different missions and there was legitimate public criticism of that apparent institutional conflict of interest.

00:10:51:17 It's one of the things Congress did in the reorganization legislation was to separate the food safety function and elevate it to the Under Secretary level so that the Congress created an Under Secretary for Food Safety position that would oversee all of the department's food safety functions.

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00:11:12:16 And that was, I think that was an important change because there is an institutional conflict of interest.

It's not fair to that Assistant Secretary nor is it fair to the public to have a regime in which a person is responsible both for the successful marketing standpoint of the agricultural communes, I would say a critically important function and legitimate traditional function of the department.

00:11:39:26 But it's a different function, different constituency, different accountabilities that the food safety function and sometimes they can conflict because sometimes you have to make decisions about how to manage food safety issues that in the short term at least can conflict with at least perceived marketing imperatives.

00:11:57:09 And there can be no question, you should never, you should not have an organizational arrangement where there's a question about what's motivating food safety decisions, it can only be food safety. And so that was a step in the right direction no doubt to reorganize

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and elevate the food safety function.

00:12:14:08 Q: But that doubles your work because you became that Acting Undersecretary for a long time.

00:12:16:17 A: Well it actually, that was actually made my life simpler because there was then nobody standing between me and the Secretary basically in terms of who I felt accountable to and so I mean as Administrator I used to joke I reported to myself as Undersecretary and then as Undersecretary obviously had direct you know access and accountability to the Secretary as opposed to having to through an Assistant Secretary who had her own missions and time constraints and all like that.

00:12:58:06 It was direct contact with the Secretary Espy and then when Secretary Littman came in obviously worked closely and directly with him, so that was a boon to me and you know it was the issue, I mean I was asked to be Under Secretary when the legislation was signed by the president and with the expectation that I would be nominated in both through the Senate confirmation

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process to be Undersecretary.

00:13:23:16 Which again I had mixed feelings about because I would have to at least presumably, I'd have find an administrator. And I like to be administrator, I didn't want to stop being administrator and I... In fact I continued to believe that the position that is most critical to the success of the food safety function is the administrator position.

00:13:40:00 And not to diminish the role or importance of an undersecretary but in terms of day-to-day operation effective means the ability to drive policy change, the administrator has his or her hands on all the levers directly and the undersecretary is indirect frankly, connection to those levers of actually being able to do things.

00:14:04:02 So but in any event this problem solved for me because by the time Secretary Espy resigned and left in December of '94, Secretary (unint.) there was to be a new secretary and so the process of nominating me was

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put off until Secretary Glickman came in and when he came in he said well said well let's go ahead and get this process started.

00:14:29:09 And so I, we started that process, I went over and met with Bob Nash who was heading Presidential Personnel and what became quickly evident was that some of the changes and some of the approaches that we were taking had begun to generate some anxiety shall we say in the industry.

00:14:50:24 It had in part to do with the meat inspection reform regulations which we published in proposal form in February of '95 and which not only included HCSA which the industry was advocating at the time, but also included some performance standards for reducing salmonella and focusing specifically on salmonella contamination for various reasons I can explain.

00:15:15:25 But there were regulations that for the first time would have built in a systematic way, built some accountability into the inspection and slaughter plants

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for reducing pathogens. And this is a very important issue which we should talk about separately. But that proposal I think began to create some anxiety in the industry.

00:15:36:29 And then the other issue that was going at the time was the, had to do with the labeling of fresh poultry. And the question was whether the current regulations which allowed poultry to be labeled as fresh as long as it was not frozen below zero degrees, whether that rule should be maintained or should be changed if the term fresh would as used on labels of poultry, turkey as well as chicken, would be more in keeping with the way the consumer understanding of what fresh means.

00:16:17:02 Which the dictionary definitions typically exclude frozen food from the term fresh. And this was a huge political issues with the Southeastern poultry industry being more comfortable with the current rule because they were shipping chickens that were not frozen to zero but frozen well below the point at which the bird is hard to the touch.

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00:16:40:01 They were shipping those to the West Coast and they were being marketed as fresh. Whereas the West Coast poultry industry was marketing fresh product and I mean they were never frozen, fresh product. And so the California industry was lobbying the USDA to change the rule and I was sort of stuck with that issue and that was one that was to me important from a public health standpoint.

00:17:01:01 But nor one that I would have chosen to spend a lot of political or other capital on had I had my druthers. But it was just sort of presented and needed to be addressed. And the resolution to me was quite obvious. I mean we needed to change the rule to reflect reality. And so consumer understanding of what fresh means and I signaled that very clearly, we began a rule making process to do that.

00:17:23:17 But that again got some of the Senators from the Southeast less than enthralled with me and kind of whether I was on the same policy wavelength that they

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were. And the upshot was it became quickly evident as we began this process, this confirmation discussion that it would be a fight and that it would also be an opportunity for the Congress.

00:17:45:14 And of course recall that when I entered the job in August of '94 we had a Democratic Congress and in November of '94 we had a Republican Congress and so everything changed in terms of the department's relationship with the Hill. And so it was anticipated that a confirmation process would be an opportunity for lots of these issues to get sort of used.

00:18:09:03 Let the confirmation be used to advance agendas on these issues and I you know, I did not want to spend my time doing that. You know we had a very tight timeframe which we needed to do the food safety reforms and I felt that the ideal frankly for me was to be administrator, report to myself as acting undersecretary and then just not invest capital in that fight.

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- 00:18:32:05 So I you know suggested that we not go down that path and the Secretary readily agreed, the White House agreed that nobody particularly thought it was particularly a good idea to fight about it. And then they left me as Under... as acting undersecretary so for the rest of my tenure, which again was the ideal arrangement.
- 00:18:47:04 I think they appreciated the support that was implicit in having me occupy both jobs. I mean that was very important to my ability to succeed while I think the administrator is the key job to the outside world, it's important and there's a prestige factor and clout factor that comes with undersecretary title.
- 00:19:08:23 So I spent the time as administrator and very focused in developing the strategy, rule making strategy, the policy strategy as well as some organizational (unint.) issues that would enable us to improve the system, to deal more effectively, more preventively with problems like ecoli in ground beef.

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00:19:35:14 Q: It's a lot easier to talk about correcting a system like that than to get it done. So how did you begin to tackle that?

00:19:44:29 A: Well it, first of all I spent the months between April and August learning about the system. I'd never worked at USDA, I'd never been inside a meat or poultry plant. I was an FDA lawyer, public health regulator not someone that came from this community. So I needed to learn a lot and I did a lot of frankly reading to figure out what would make sense to try to do.

00:20:13:27 What the problem was and what would work to change it. And frankly this has been my experience in government, at FDA as well as USDA, is that the easy part is to figure out what to do, you know to figure out what the strategies. The hard part is to make it happen and it was very evident to me from the beginning that fundamental reform in the way in which USDA inspectors oversee the food safety operations of meat and poultry plants was necessary.

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- 00:20:44:04 And that HSCP which the department had been working on in various ways, had been various pilot projects relating to HSCP that HSCP was in fact the right conceptual framework but that in addition there needed to be an element that was not present in the discussions of HSCP today. And that was an element of clear accountability in slaughter plants for reducing pathogenic contamination.
- 00:21:15:29 And there's a history here that's relevant and it needed to be dealt with and that is that the traditional position of the department had been that pathogenic micro-organisms, bacteria in slaughter plants were not the responsibility of the slaughter plant to control.
- 00:21:33:20 The theory was that people are expected to cook meat and poultry, cooking kills the pathogen, the pathogen in some sense is natural was the thinking and that consequently the department took the position including in legal settings and court cases that it was not the slaughter plant's responsibility it was the consumer's

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responsibility.

00:21:56:22 And so for all these 90 years (unint.) of the Meat Inspection Act, carcasses coming through slaughter plants have been passed, you know inspected and passed and get the mark without regard to the presence of pathogenic bacteria.

00:22:13:28 And it seemed clear to me that if you want a system that is more effective in preventing pathogenic contamination there needs to be some standard, some measure of accountability, something that requires those who are controlling the process to focus on that which needs controlling most, which is pathogens.

00:22:34:22 So the initial question for me was how do you build that accountability and you know how do you give the basically the inspection force some tool to measure and hold plants accountable for progress in reducing pathogens. Out of that came the salmonella performance standards that I mentioned earlier.

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00:22:57:06 But there was an initial opportunity frankly to drive home this accountability point and begin to change things and that had to specifically with the problem that gave the, that started this whole thing which was ecoli 0157H7 in ground beef.

00:23:12:26 The problem that in the Jack-in-the Box event was that ground beef contaminated with that pathogen had come out of USDA inspected slaughter and processing plants, had been sold, distributed to these outlets so that they had not been cooked adequately to kill the pathogen and so kids became sick and died as a result of product that had come through the USDA inspection system with flying colors.

00:23:38:27 And so how do you solve that, how do you not have system that basically allows that happen? Well as a practical matter one thing you want to be sure you do is keep ground beef that's contaminated with that particular pathogen out of commerce. It is too dangerous because whether in the home or in a you know food services establishment, if it's not cooked

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properly people can get extremely sick.

00:24:00:19 And so it was interesting to me because in talking to the field force, the leadership of the field force, Dr. Craig Reed who's (unint.) administrator was leaving the field operation of the FSIS at the time. And talking to him and compliance people, the lawyers, it was evident that the agency as it properly should have, was whenever it encountered a quantity ground beef that was adulterated through whatever means and it was typically happenstance that they would encounter it.

00:24:30:28 They would take action to remove it from commerce, and relying on just the weight of the department and pressuring frankly those who controlled the product to remove from commerce and process it and it could be made safe by cooking, so typically it could be processed but could not be sold in a raw state.

00:24:47:24 And so the question I asked was well, if that's what we're doing anyway and if this is a dangerous product, why don't we simply deem it to be an adulterment. Why

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don't we back up what you're doing as a practical matter with the legal tool so that companies are required and have a responsibility coming from the law to avoid that contamination and to not ship product adulterated with 0157 to commerce.

00:25:15:15 And we worked through you know a period of some meetings in my first weeks there actually with the lawyers and scientists trying to assess whether we could make that case stick. That in fact that pathogen in raw ground beef would it in fact violate one or more of the adulteration provisions of the statute.

00:25:32:27 And we decided it would, we decided that henceforth in enforcement situations we, if we encountered a contaminated lot we would invoke that authority. And so I view this as frankly important for 0157 but also important as a major symbolic step and a major signal as to where we were going:

00:25:53:18 Because it not only reversed this principle that I believe to be fundamentally invalid, that slaughter

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plants should be insulated from responsibility for reducing pathogens and getting government safety inspection stamp without having dealt with the pathogens.

00:26:09:01 But it also would send a direction about the future and where we were going and so I was given, actually I had an opportunity laid in my lap to send a message because I had been invited when I arrived in August to come out to San Francisco at the end of September and address the annual meeting of the American Meat Institute.

00:26:29:26 And I decided that I would use that venue and that speech to announce our new position on 0157 but the context of laying out broadly the strategy that we were going to pursue which was to build a science based system that focused more on prevention, use the tools of microbiology again to build performance standards in the system.

00:26:54:26 You know I wanted to lay out that whole strategy and so I have a speech that laid all that out and then a kind

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of oh by the way I just want to clarify our position on 0157 I announced that henceforth we would deem that pathogen in ground beef to be adulterant.

00:27:11:06 And furthermore that we would begin our own testing program in the marketplace and in processing plants, testing ground beef for 0157 and so to the extent that we detect it, contaminated lots, we would take action.

It was explained that testing by itself, we said we'd do 5000 samples that coming year and the context of the total ground beef supply that's a drop in the bucket in terms of testing.

00:27:38:25 But it was what we were able to manage sort of on the spur of the moment and I thought it would suffice as a strong signal that things were different and that you, companies now had to deal with the risk that they, their product would be tested and found positive and then deal with a public problem for them.

00:27:55:26 And obviously no one wants to be in that position. So I gave that speech and made that announcement and there

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was a lull for a day or two before I heard much. And then the industry's lawyers began to focus and the industry was on edge shall we say and they kind of started making phone calls and fly in and see you to tomorrow why you've just upset civilization in a fundamental way.

00:28:23:25 And anyway we ended up having actually a meeting with AMI and a number of the company leaders and serious conversation about this. And it was a serious meeting with a lot of concern on their part about this was going to work in practice. And then there's a reality among that things had to change and that there was an important public health issue here.

00:28:50:07 But the note, this principle of accountability in slaughter operations and in raw product you know processing grounding operations that the principle of accountability for reducing pathogens was truly a fundamental change that was creating a lot of anxiety on that question.

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00:29:10:07 But it, the message was sent. They actually, there was, the industry actually decided to sue the department over that position. And again that actually worked out extremely well because in December the District Court, the Federal District Court in Texas upheld our decision with a resounding, firm opinion that upheld our finding of adulteration and the process by which we reached the finding.

00:29:42:26 And that really in a very real way was all down hill from there in terms of changing the environment within the agency, changing the environment outside the agency. The consumer groups obviously supported that decision on 0157 so the family, the stop organization (unint.) our priority which was the organization formed by families of victims of the Jack-in-the-Box outbreak and other ecoli victims.

00:30:14:20 I mean that convinced them that the department, you know that I was on their side fundamentally to fix this problem. And so it changed everything and so the task from then on in my mind was trying to institutionalize

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that principle of accountability in some thoughtful way so that you'd have a system within which all plants would operate that was based on preventive, science-based preventive process control coupled with standards, accountability for reducing pathogens.

00:30:45:20 And then coupled further with testing both by the companies and by the government to verify whether the standards were being met. And this sounds simple and obvious and it is simple and obvious. And that's why the easy part was conceptualizing the strategy for change.

00:31:00:14 And then the question is how do you pull it off. And then we began the rule making in February of '95, published a proposal and then had a you know very intense final regulations actually published in July of '96. So that 15 months of pretty intense effort to get the regulations brought home.

00:31:19:23 Q: So would you characterize that as the initiating momentum that led to the policy formulation, that

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speech and that outline of that concept?

00:31:29:18 A: Well the speech was really the expression of the strategy. If you look at that speech that basically describes everything that followed in terms of strategy and that was what I sort of formulated in my head and then I talked through with you know the colleagues at FSIS in the months between April and September.

00:31:53:10 And obviously intensely worked on after I showed up in August. But that was yes, so that was, I mean the catalyzing event was the outbreak in Northwest and through my involvement I viewed the speech as sort of express..., sort of initiat..., the initial step to change the environment, send the message, explain the strategy and you know begin the process of implementing new approach that would be more effective you know in dealing with pathogens.

00:32:27:11 Q: As you look back on your time at USDA you obviously have some good memories and not so good memories. Want to elaborate on some of the good ones first?

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00:32:36:26 A: Well yeah sure, in toto this is, this was the pinnacle experience of my career in terms of satisfi..., challenge, degree of difficulty and then satisfaction and then the whole experience of working with the people that I worked with here at FSIS you know was terrific.

00:33:04:11 There's not that lots of internal stuff that you work through with whenever you're doing anything like this. But it was a great experience and I would say that from pure personal satisfaction standpoint, having the opportunity to make that policy change on 0157 and seeing what that meant to people whose lives had been effected by the old policy.

00:33:37:09 And you know was deeply, you know it was just moving and deeply satisfying and you kind of say well, your government has its ups and downs and its hassles and difficulties, you know it's tough. But boy that more than pays back, that satisfaction. So personally that was a high point.

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00:33:56:27 And that happened early on and then their sustained support was important to me personally. The Center for Science in the Public Interest was doing consumer group, very active food safety leader there, Carolyn Smith-DeWall who was, been a strong critic of the department, a tough you know speak of accountability, a tough source of accountability for the program and for me as administrator.

00:34:23:00 And you know it wasn't my job to make her happy but she was raising good questions and to the extent that we were going to bring about change we needed to have at least a decent level of support from the consumer community that they were asking the right questions on behalf of consumers.

00:34:39:04 And so in working with that community and gaining some constant trust there that I was, my heart was in the right place and I was willing to take some risks to make change, that was satisfying to me. But then you know the whole, I mean I, Craig Reed was the head of

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the field force.

00:34:58:21 And Craig, he and I kind of connected really well. And in fact without Craig and my confidence in him I couldn't have done what I had to do because and I'd been warned coming in that administrations traditionally spent a lot of time fire fighting over the daily operations of the inspection program.

00:35:20:17 You know right there in 5000 plants everyday, having encounters with people whose business is affected by what we do. There's a long tradition of complaints coming in through the system, coming through the Congressional door and the administrator getting chewed up dealing with that.

00:35:34:14 And I made a fundamental decision early on that I could not do the reform part if I was spending my time dealing with that sort of thing. And you know Craig just handled it, Craig just ran the field function and you know I had enormous confidence in him and he did it well and I didn't, I spent trivial time actually

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running the day-to-day operations of the agency.

00:35:57:04 I did policy and leadership and direction setting and then the actually rule making process itself, I was directly, heavily involved in. But I mean again thinking nice moments, I enjoyed having never been in a slaughter plant I decided that you know the first thing to do was go in one.

00:36:13:14 It would be pretty dangerous to wander around Washington as administrator of this agency and never you know having set foot in a slaughter plant. So Craig you know put me in his pickup truck and we drove down through the Shenandoah Valley and looked at some poultry plants and then went out West to a Big Monfort beef slaughter plant.

00:36:30:03 And I'm fascinated by that and learned so much and felt, you know talked to the inspectors and spent a fair amount of time in meeting with the front line inspectors and I enjoyed that as well. I mean these are people are working extremely hard with real

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commitment to what they're doing in a system that I think is, was imperfect and remains imperfect as a food safety instrument.

00:36:51:13 But one in which they were working extremely hard you know as the system was given to them to protect the public. And so you know that kind of thing I found gratifying. You know the politics of it were difficult at times.

00:37:10:11 There was one encounter I had early on between Secretary Espy's resignation and Secretary Glickman's coming on board, he was right before we published the HCSA proposal in February of '95. I was, the Republicans had just come in, there was a new Congress taking over and Steve Dunderson (ph.) a Congressman from Wisconsin had taken over the chairmanship of the subcommittee that oversaw the program, called me up and was aware of what we, where we going with our program.

00:37:47:27 You know the proposal I think had probably leaked and so the industry knew what the proposal was I think.

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And Chairman Dunderson invited me up to meet and visit in his office. And he asked me to delay publishing the proposal until a new secretary could come on board. And he said that the Congress could work something out with the secretary on (unint.) this food safety regulation.

00:38:12:17 And that was frankly disturbing to me for a couple of reasons. I mean on a very practical level you know there was huge administration support to get this going, this frustration that had taken as long as it had. And so I felt an enormous time pressure to get these regulations done.

00:38:33:08 I had set a goal of the end of '95 to get the regulations final which was unrealistic but we needed to get this going. So the notion that we'd wait was disturbing. But also the notion that a food safety regulation should be seen as a matter of negotiation between a cabinet officer and Congressmen is to me wrong just in principle because it's not that Congress doesn't have a key role and responsibility.

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00:39:02:25 They provide the budget and they have an oversight responsibility. But they passed a law that the administration's charged with implementing and in this case a law that has significant public health implications. And it ought to be implemented by the responsible agency in accordance with the best available science and so forth.

00:39:25:18 And so I was eternally hostile to the notion that we would sort of give that over to some political negotiation. And of course predictably and this was another very satisfying moment, Secretary Glickman had been selected but had not yet completed the confirmation process.

00:39:42:24 And in fact co-incidentally shortly after this meeting with Congressman Dunderon I had my first visit with Secretary Glickman just as he was going around getting to know the undersecretaries. And I told him about this and I told him you know I wanted his advice about what to do and he just didn't pause a moment.

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00:39:59:26 He said, well of course go ahead with the proposal, I mean he didn't want to wait until he got there. He certainly didn't want to make it something, a subject of negotiation and he you know, blessed the publication of the rule which of course we went forward on.

00:40:13:24 But that exchange was sort of systematic of a sense of prerogative that existed among some of the members on the Republican side about the program. And again I know it sounds like I'm being critical, I don't mean to be partisan or critical about it, was a different, but it was a completely different cultural environment in terms of the relationship between the Congress and the agency than I was used to at FDA.

00:40:40:24 Where FDA was overseen by health committees, and there was a much greater sense of respectful distance between the members and the agency on specific decisions or policy development processes. New members would feel to ask where the process stood, I mean through the hearing process, a public process, you know they would

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air issues and certainly you felt when Congressman Dingle (unint.) stern taskmasters for FDA.

00:41:10:26 But at the level of specific public health decision making there was a culture which said that's for the Commission of Food and Drugs, the last thing we want to do is insert ourselves politically into that sort of decision making.

00:41:21:10 Well that culture did not exist in the relationship between USDA and the Hill. And it probably wasn't different Democrat or Republicans, the difference in the culture and the relationship between the Ag committees and the department.

00:41:35:25 But fortunately Glickman, you know the Secretary was just so, his judgment, his gut judgments about these things were just so good and then he sticks with them and so. And so we ended up you know actual lists I think in terms of challenging moments, we ended up with a serious political fight in the summer of '95 over the rule making process.

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- 00:42:01:26 Because you know we had gone through in the spring of '95 after publishing proposal, we in addition to the public comment process where people could submit written comments and of course industry does, takes, properly takes full advantage of that. We also held a series of public hearings and workshops to try to explain some of the new scientific elements of the rule, had oral hearings where people could come and talk directly.
- 00:42:29:12 And that process was you know, was not satisfying apparently to the industry. There was not, we were not at that stage able to provide feedback as to what adjustments would be made in the rules. We stressed that we were listening but we didn't know what adjustments we would make.
- 00:42:43:16 We could see clearly that our proposal was far from perfect and change was needed but I think there was a sense on the part of industry, in fact it was expressed to me directly by both people in the industry and

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members of Congress that they didn't trust that we would take the comments into account.

00:43:00:29 And so at the behest of some in the meat industry, the appropriations subcommittee in the House in the appropriations process going into the summer of '95 added language to our appropriations bill that would essentially stopped the rule making and require us to go through a so-called negotiated rule making process.

00:43:23:13 Which is a process that is established by statute that is designed in cases where particularly tough technical issues, not so much broad social issues, but technical issues, it can make sense to sit down with the interested parties and try to work out a solution which would then be adopted through the rule making process.

00:43:44:20 In our case we had such a big investment of time and energy in the publication, the proposal and all the public process we had had, it was way to late to consider any sort of negotiating, rule making process, it would have delayed the rule by a couple of years at

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least was our judgment.

00:44:03:12 But furthermore my opinion was that this sort of decision making was not, this sort of rule was not appropriate for negotiating rule making. We were making public health judgments on behalf of consumers that were not technical issues that a bunch of interests and experts could resolve by themselves, it was you know decisions made on behalf of the public.

00:44:20:22 And so we put up a fight and Secretary Glickman you know played a key role you know to resist this. It turned out to be quite a visible and quite a politicized thing because it was a coincidence that brought that about. At the same time we were having this fight on the House side, then majority leader Dole was pushing regulatory reform legislation in the Senate.

00:44:50:00 And this was legislation that would require more cost benefit analysis and other sorts of procedural steps to be gone through prior to issuing regulations. And this

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legislation was something that the environmental community opposed and felt was a real threat to the ability of EPA and other environmental and health and safety agencies to do their work.

00:45:10:07 And they were mounting their own campaign against that Dole regulatory reform legislation. But they saw this controversy over meat safety coming along and realized that the public connects a lot more with the safety of ground beef than they do with some abstract environmental issues.

00:45:25:09 And so they used the meat safety issue as an example of how the regulatory reform legislation would impede the government's ability to solve problems like meat safety. And they ended up running adds, television adds in Kansas and New Hampshire, this was when Dole was thinking about running for President, attacking Dole for attacking meat safety rules which may have been an unfair attack on Dole.

00:45:52:12 But nevertheless it got that politicized and resulted

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actually in several hours one day that summer with Senators coming to the floor saying I support regulatory reform but I don't want it to have any impact on these meat safety rule making because everybody's for that you know.

00:46:10:21 There's a public climate created that really helped by the controversy of regulatory reform but in the end I think helped us prevail because then you know the appropriations committee and the House realized that politically this was a loser and what happened was that we negotiated an agreement whereby we would not negotiate rule making but we would have some additional public meetings in the fall in which all the constituencies, industry, consumers, scientific and the agency folks would come together.

00:46:48:29 And we would be able to at that stage say, here's what we've learned from the comments, here's what we're thinking about changing, here are the issues we're grappling with and a face-to-face discussion among all the constituents about the issues. And we ended up

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having a series of I think six public meetings, day long meetings in the back of the cafeteria over here in the South Building in a big (unint.) room in the back.

00:47:09:13 And which were, which turned out to be extremely constructive. I mean we not only got good, real dialogue between us and the constituencies but actually there was dialogue generated between the industry and the consumer constituencies and so that was a way out of you know voiding that negotiating rule making.

00:47:27:19 And it ended up improving the rule, I mean we learned things in those meetings that enabled us to refine the rule in the way that address our industry's concern and also improved it from our standpoint in terms of the effectiveness of the accountability of provisions that we were interested in.

00:47:46:23 And so after those meetings in the fall you know the rest of the, the work from there, from this October or so in '95 through July of '96 was just the hard, hard work of getting the final regulation done, analyzing

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the hundreds or thousands of comments, making decisions on some very tough technical issues about how to implement these standards.

00:48:13:19 And it is simple conceptually by the actual implementation of how you enforce these standards and many of the details of HSCP are you know required a lot of groundbreaking on the part of the technical staff at FSIS and so you know a lot of people worked extremely hard over those months to put together a final regulation.

00:48:33:14 And you know that was, at the stage the external environment sort of quieted down. We'd had our big fight first over the 0157 decision, then over negotiated rule making and then we had this constructive public meetings and industry and other constituencies all agreed that this was a good step, it moved the process along.

00:48:54:29 And so it was kind of quiet, the external environment was relative quiet from then on until we were able to

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produce the regulation.

00:49:02:24 Q: As we conclude were the battles worth it, are we better equipped going into the 21st century with our food safety system?

00:49:09:14 A: Yeah, I think we're clearly better equipped, we're not finished by any means. The foundation exists, the conceptual framework exists for a better, more effective system. Speaking, I mean one of the greatest satisfactions I experienced was a year or so ago when CDC reported some new data on the incidence of salmonellosis (ph.) the illness caused by salmonella which is a common contaminate of meat and poultry.

00:49:39:01 And showing a decrease in the number of salmonellosis which CDC which leads to the inspection reform, so demonstrating that if you have a system that has accountability for reducing pathogens, you can reduce illness and that's the point of the exercise.

00:49:57:05 So the foundation is there, the conceptual framework is

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there. There's a lot to be done including some very fundamental reforms. The Meat Inspection Act dictates the way in which inspectors are allocated in terms of carcass by carcass, continuous inspection. We're not allocating our inspection resources in a way that reflects where the risks are and where the opportunities for risk reduction are.

00:50:20:05 So there's a need, I believe, for fundamental statutory and organizational reform to be make better use of the efforts that people are putting in daily. So there's more to be done, but yeah, I feel terrifically about the progress and you know it's a good step.

00:50:40:15 Q: Thank you Michael Taylor who is former Administrator of Food Safety and Inspection Service and for a period an acting Undersecretary of Food Safety. I'm Larry Quinn with USDA's Office of Communications in Washington, DC.

END OF TAPE