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Discussion Following the Remarks of Mr. Kellman and Mr. McNamara

Discussion

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DISCUSSION FOLLOWING THE REMARKS OF MR. KELLMAN AND MR. MCNAMARA

MR. KING: You say that we have identified the problem, which I think is unbelievable and quite dangerous to the health of the world. Then you say nothing has been done about it. What I am concerned about is why nothing is been done about it. If you had to do it, would you be licensing labs all over the world? Do you have any comments on why nothing is been done about it when the problem is still out there?

MR. KELLMAN: First, nothing is too strong a word. I would say inadequate steps are being taken. Why has nothing been done? Well, let me go back. Yes, we have to be talking about licensing biological laboratories all over the world. We have to be talking about registering legitimate supplies of deadly pathogens all over the world. We have to be talking about personnel standards in those laboratories. We have to be talking about access regulations that are common in the United States, Canada, U.K., etc., but extending those access standards all over the world.

We have to be talking about transport control measures that are common now in North America, but we have to be talking about extending those all over the world. That leads to the answer of why so little is being done. This is not a great era for multilateralism. This is not an era in which talking about developing systems of global control over scientific activity without unnecessarily impeding that scientific activity, but just getting better information, better security systems. It is very difficult to talk about that in a context without getting into a highly charged debate about the role of multilateralism or how security can be established among nations. Unfortunately, this problem has fallen victim to a larger debate about how to provide security in this day and age.

MR. DOERING: We heard yesterday that it is common that every border organization has to balance facilitation with security and regulation. In my experience the balance was completely facilitation. This is all about speeding things through, helping business just in time, etc. Everybody has had to rethink all this in terms of the pendulum coming back.

MR. GARBER: Rick Garber. I have a question about the possible circumvention of however smart a border we are able to establish. In the open literature, one finds a mid 1990's case of an attempt at cyber terrorism on a baby food manufacturing plant in the United States that resulted in toxic product being produced, but being caught before it hit the food chain. Can I ask both panelists to comment on the confluence of bio and cyber terrorism in today's context?

MR. KELLMAN: Of all the concerns, I would not put this near the top of the list. We are somewhat blessed in an area where we are not blessed very much by the difficulty of making deadly biological agents. We have to make a distinction, and this occurred to me as my colleague was speaking earlier, because bioterrorism is a term which applies to Salmonella on salad bars, which talks about polluting something within the food chain, and which also talks about a mass weapon attack. My comments were primarily dedicated to the latter, in which doing that or aiding and abetting it through some cyber manipulation is extremely unlikely, if for no other reason than the sophistication of the biologists who are working with this kind of thing and the necessity for hands-on control over it. We might be talking about a more relevant concern as you address some deadly agent entering the food chain.

MR. McNAMARA: One of the areas that I think that industry continues to concern themselves with is unlawful access to manufacturing or databases in manufacturing facilities and the constant upgrading and concern for the firewalls to insure that there is not a readily accessible pathway for those that would seek to disrupt or cause problems within the manufacturing sector.

MR. DOERING: My point about how easy it was related to the fact that you do not need any experience and you do not need any money. The example I was thinking of there was foot-and-mouth disease. If the terrorist wants to instill terror, one way to do that would be to destroy the economy of the country. You would really hurt the Canadian economy if we got foot-and-mouth disease. The borders would close.

That could be done with three little pieces of rags. Go to the 50 countries with the foot and mouth disease, take three handkerchiefs, wipe the tongue of the animal, come to Canada, and put one of them in a drinking water in Alberta, put one in a dairy cattle operation in Quebec, and one in a pig operation in Manitoba. If you do that, you will have foot-and-mouth disease all over Canada. All you would need there is three cloths and three little plastic bags, which you could not possibly catch at the border no matter what they did in terms of your suitcase or your checking your shoes, as they did to me coming here Friday.

My point there was you can do great economic harm through low tech bioterrorism, and you would not have to have any intelligence and certainly no money. This is why we have to think about more specific approaches to these things. There is a big difference between that and a more widespread chemical, radiological, or huge biological terrorism on humans. That was the other thing that bothers me.

MR. KELLMAN: I mean no disrespect to this group, but perhaps you should not explain in such detail about how to do it.

MR. DOERING: This is a trustworthy group. I have been here the last day and a half. I can tell you this is a trusting group. But, you know, this is everywhere. I am not telling some great secret. This is well-known. It should

be better known to people like the ones here today who can actually do something about it.

MR. COCKSEGE: Allan Cocksedge. Yesterday in the discussion about security, one of the issues that came up is cost. John, you were describing a fairly sophisticated tracking and tracing system and the process of that being implemented, which I assume is in addition to the \$15 million you referred to. Are there other costs associated with it? How is the cost burden being allocated between the government and the food industry? These are very competitive industries. We pride ourselves in both countries on having relatively inexpensive food. How do you deal with that?

MR. McNAMARA: I think that industry has accepted that the consumer is going to continually demand safer products. Industry will have to invest and respond to that consumer need. Certainly, government is in partnership with industry in all of these areas sponsoring support for the implementation and education and development of these programs. It is in the national interest. There is a strong partnership here.

MR. DOERING: The Canadian Food Inspection Agency got additional money out of both foot-and-mouth disease and September 11th to do their work, but there are no new regulations. Apart from the American Bioterrorism Act, which is having real serious implications for Canadian Food Industry right now, there have been no new regulations in Canada. This is almost entirely an industry initiative together with government. It is not regulations driving it. It is the market. What Laublau says, we have to know where this product comes from and everybody has to get all organized so they can show where it comes from. These traceability systems are really driven more by the market than they are by regulation.

MR. CREAN: John Crean. I ran risk for the Bank of Nova Scotia for some ten years. The financial industry is a highly regulated industry. I would like to follow up to Mr. McNamara that the Con Agra incident that occurred last year. I understand the processed beef came from a plant that had a long history of minor infractions. Whenever you have a regulated industry like this with good standards, we always have a few little requirements that are not quite met. Take the airline industry where almost always when you have a major accident, you will find that there are little things that have not quite been attended to. In this type of highly technical industry, it is a little simplistic to say that it is always in the company's interest to make sure that the standards are adhered to. There is always a gray area.

My question goes to the allocation of accountability and responsibility for problems occurring. Are the speakers satisfied that the accountability for problems is properly allocated between the public and the private sector and that the systems are working well enough to insure that where resources

ought to be spent? Are we likely to see significant problems occur by accident under the normal process of producing the food for our tables?

MR. McNAMARA: It is important to point out that although I made reference to a number of incidents or issues that involve food safety in North America, we have the safest food chain in the world. Never has food been safer. Any incidents in processing and manufacturing are always a challenge to insure the safety of food. We saw a Wampler turkey incident not too long ago.

We are talking about incidents that can totally destroy a company. When it comes to accountability and appreciation for the responsibility the leadership of these companies in understanding the implications for these types of incidents that could absolutely destroy a company, they certainly understand it. They are committed to insuring the food safety programs are in place.

MR. DOERING: You lose your brand and you will lose money. The Con Agra case is estimated to have generated \$40 million worth of class action lawsuits against them.

MR. SHANKER: My name is Morris Shanker. You scared me to death. I was not sophisticated as you were. I do not think I am going to go out and have any refreshments during the break here. You have identified so many areas of concern. I would like the speakers to focus on the area that we are trying to emphasize here and that is a threat of terrorism. Not a breakdown in the industry normal chains and regulations, but where people are able to deliberately go out and do the kinds of things you said, like get a handkerchief and put it on the tongue of a cow.

The question is one that someone said before. Why are there not programs to deal with this? What is the hang-up? Is it lack of leadership? Is it lack of talent? Is it lack of funding? What is it we have to do to get the kinds of programs to deal particularly with the terrorists?

MR. KELLMAN: If the world was the United States and Canada, we could point to any number of very useful initiatives, very beneficial initiatives. We could say more should be done here, or it would be more efficient to do it this way over there, or extend the regulation in that way. There is always room for improvement. One could certainly point to a host of systems that are being put into place in North America that are quite useful and arguably quite beneficial. We are seeing very recent legislation in the United States where we are beginning to get control over who has pathogens and who is doing what with pathogens and who is transferring pathogens. These are all steps in the right direction.

My concern is not with the U.S. or Canada. My concern is that to think of the world as U.S. and Canada is kind of silly. Pathogens do not obey those kinds of boundaries. I go back to my answer to Professor King's question. The breakdown is in the international system. We have not thought about

security threats in reaching into every corner of the globe. September 11th proved that at least in some dimensions we have to. This is arguably an even greater concept when we talk about regulating pathogens. That is where the breakdown comes in.

MR. SHANKER: Are you optimistic the breakdown can be cured?

MR. KELLMAN: Yes.

MR. DOERING: For example, we have not had foot-and-mouth disease in North America for 75 years, and it exists in 50 countries in the world. The procedures in place are reasonably successful so far, but all of that is designed. There are a lot of people working on it through the International Standards Organization in Paris. All of this is designed for the accidental introduction. It has really thrown people into quite a loop to try to figure out how you scale up to go from accidental introduction to people deliberately trying to do it. I think that is the new thing.

MR. CLELAND: Mike Cleland with the Canadian Gas Association. As we look at our experience with these things it appears as if the economic disruption arises not so much because of the event itself, as because of what you could fairly characterize as hysterical overreaction usually starting with the media, moving on to consumers, and then to the government. Could you comment on the kinds of measures that either are in place or we need to put in place to help to manage that and to reduce the kind of knockdown effects that we almost never conceived?

MR. McNAMARA: The safety of the food chain and the consumer confidence, appears to be the heart of the question. What event or size of event can undermine the consumer confidence and causing that type of economic erosion? That is the consequence of the problems we are dealing with today. Having the types of systems that we talked about, from the farm gate right through to the retail packaging; insuring that we have the types of fail-safe systems bringing consumers that degree of confidence that they have a safe food chain.

MR. KELLMAN: The Anthrax attack of a year and a half ago, using the mail to distribute Anthrax caused five fatalities. That closed down the Capitol. Massive economic disruption. Massive psychic disruption. You can certainly say that that was an overreaction. You can certainly say that on any highway in the United States, on any given day, more than five people lose their lives. We do not disrupt the economy for that and measure by that. It is certainly an overreaction. But you can also say that it is a human reaction. Humans respond to disease differently than they respond to accidents, especially human caused disease such as a terrorist infliction of a disease.

I would say without characterizing it as an overreaction or under reaction or a proper reaction that whatever it is, the terrorists are very conscious of it. They are very aware of it. They are very aware that with a rather minimal

infliction of damage, they can cause enormous disruption. Frankly, that gives me so much concern in this area because from a terrorist's perspective, fundamental motive being to generate panic, this is proven to be a remarkably effective way to do that.

MR. DOERING: In my experience over the last five to seven years, there were two kinds of risk. There is the actual science risk and then there is the perception risk. Many times what you are really trying to deal with is the latter. With all the little pads we had you walk over at the airport, most of the scientists made fun of it. The chance that you would actually catch foot-and-mouth disease, was on your feet, and you walked across these little pads at the airport was highly remote. That dealt with the perception risk and demonstrated we were doing all that we possibly could. At the time I was not too worried about being criticized for overreaction.

MR. HAGE: Bob Hage. My understanding is the international community was looking at a protocol to the Biological and Toxic Weapons Convention (BWC). This protocol is going nowhere largely. I am told, because the United States objects to the inspection regime that it would require. Essentially inspectors would come and examine the pharmaceutical and chemical plants. The industries in the United States have objected to that. This protocol is stalled. It is not proceeding, even without the United States. Can you comment on that?

My second question is about bioterrorism. People want to know the result if they are going to take this seriously. I do not know what happened on the Anthrax case and maybe it is my own ignorance, but did they find the terrorist? Did they find out who was distributing this Anthrax?

MR. KELLMAN: The answer to the second question is no.

Let me go back to the BWC protocol. There are in any cemetery in the United States any number of graves that are less stalled than the BWC protocol. It is completely gone. It is dead. The protocol of the BWC was a glaring example of the diplomatic community's ability to misconstrue a problem, come up with a poor solution to their misconception, take an enormous amount of time to do so, and then to destroy that poor solution in the most diplomatically savage and self-defeating sort of way. The BWC protocol solved nothing and would have solved nothing. It did not address the problems of bioterrorism. It would not have addressed the problems of national bioweapons programs. It might have instituted a system that would impose burdens on the legitimate biopharmaceutical sector and generated some information among the mix, but altogether it would have been a remarkable diversion of resources. I think the Bush Administration was absolutely right to object to it. On the other hand, the way the Bush Administration objected to it was not so much directed at the protocol as it was the entire multilateral system. They wanted to kill not only the product of that system, but the system itself. They did a fairly decent job, at least in

the short-term. The result is that by taking down the protocol, which I think was a legitimate decision to make, they have left us with barely a mechanism for developing other techniques. That is where we stand right now.

MR. GARBER: Rick Garber. As a soldier who is qualified in biological, chemical, and nuclear defense I have worked with a number of reasonably sophisticated technologies for dealing with chemical, nuclear, and radiological weapons, but precious little with regards to biological weapons. Could I ask you to comment on the process and the investment in technologies to deal with this threat?

MR. KELLMAN: It sounds like you know far more than I do about this, but from what I understand, there is \$2 billion being allocated for research to detect and to defend against bioterrorism. There is an enormous amount of money going into this and more money is being devoted by other countries, as well. I am going to have to leave it there. I do not know how much progress is being made.

MR. SILVIA: This is a quick observation. I just want to use this expertise to do it. Year after year, we have come in here to this panel and talked about invasive species being introduced into the Great Lakes through ship ballast and that sort of thing. Could the panel address that sort of issue in the context of infecting the food and bioterrorism.

MR. KELLMAN: I am told that using water as a mechanism for bioterrorism is very ineffective. But please remember that I am a lawyer, not a biologist.

MR. COLLEDGE: On the bioterrorism issue, you are talking about choke points that would come up, like the Ontario Food Terminal Complex. It is right in the center of Toronto where all of our groceries for stores and restaurants come from. Do we have CESIS people with guns? I would think that would be the place to put safeguards. What have we done, if anything? Who is doing it? Is the government doing it or industry doing it?

MR. McNAMARA: The comments that I made this morning about the different critical control point programs are clearly being developed to address that particular point. What are the critical points of entry that food contamination can be focused on? I think that industry from the farm gate right through to the retailer is assessing each fundamental part in the process. They are putting in the types of programs to be able to address that particular issue.

MR. DOERING: There is a fair bit of coordination for that. The Food Inspection Agency got an extra \$40 million because of that very issue. Hard to think of a good thing coming from such a tragedy, but Canadian's buy a billion dollars worth of groceries every week. I assume that Americans probably buy \$10 billion worth of groceries every week. They do not think twice about whether it is safe, generally. They are looking at the quality and price. They know we have a reasonably safe food supply. That is not a

reason to be complacent. There is no doubt that this has caused a lot of people to rethink what they are doing. Six thousand truckloads of food came from the U.S. to Canada today. You cannot possibly inspect your way to security in that sense. It would take forever.

We imported produce from 134 countries last year. It may be that we will have to go back to where we were when I was a boy. You know that lettuce was round and green and you got it part of the year, instead of now 12 months of the year and nine different varieties. People are trying to do the best they can to cope. That is not a reason to be complacent, but I think it is a reason to be reasonably satisfied that a balance has been struck.

Our time is up. Thank you very much. Please join me in our thanks to the panel.