

# Mass Salmonella Poisoning by the Peanut Corporation of America: State-Corporate Crime Involving Food Safety

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**Abstract** Animal feces in food causes outbreaks of salmonella poisoning, whose assault on the body results in several days of diarrhea, vomiting and even death. This paper looks at the massive distribution of salmonella-contaminated peanuts in 2008–2009 that caused nine deaths, 11,000–20,000 illnesses and the recall of 4000 products in the US. The Peanut Corporation of America operated filthy, sometimes unregistered, plants and shipped products to major food manufacturers and schools after receiving test results positive for salmonella. This corporate crime was facilitated by substantial weaknesses in regulation, and is thus a state-facilitated corporate crime. This case study is developed by looking at the peanut plant conditions, decisions of executives, regulatory failure, and overall response. The conclusion asks about the puzzle of the state responding to a crime it facilitated, and how to understand the role a corporation victimizing another corporation plays into the response.

In November of 2008, the Centers for Disease Control and Prevention (CDC) noticed a multistate outbreak of salmonella that eventually led to nine deaths and 714 confirmed cases of illness (CDC 2009a). At least 166 people were hospitalized, with an estimated 11,000 (Cavallaro 2011, 601 and 607) to 20,700 total cases (Sheth et al. 2011).<sup>1</sup> Salmonella infections in people last 4–7 days, causing diarrhea, fever, abdominal cramps, and vomiting (Marler 2011). While most people recover from this bacterial assault without

<sup>1</sup> Cavallaro (2011) suggest that the total cases were 16 times higher than the reported cases, producing the low estimate; Sheth et al. (2011), use 29 as a multiplier. The CDC (2009b) notes that “estimated 3 % of *Salmonella* infections are laboratory confirmed and reported to surveillance systems,” suggesting a multiplier of 30–33. The top estimate in the range is thus well within the probability curve rather than being an extreme estimate.

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treatment, it can lead to hospitalization, permanent health impairments or death in the elderly, infants and those with weakened immune systems.

CDC and public health officials traced the outbreak to the Peanut Corporation of America's (PCA) facility in Blakely, Georgia. PCA was a relatively small business that sold industrial sized containers of peanut butter and products to snack food makers, schools, the military, nursing homes and meals used for disaster relief. PCA claimed the problem was isolated, but a former employee, Kenneth Kendrick, went on *Good Morning America* to refute that and draw attention to a PCA facility in Plainview, Texas. The plant had a flooded basement, rats, and a hole in the roof that dripped rain contaminated with bird poop into the production area; it was unlicensed for food production and had never undergone a sanitation inspection. The Texas Department of State Health Services (2009) shut down the plant and ordered the recall of everything the plant had ever produced. The recalls from all PCA facilities ultimately included about 4000 products, which the FDA said was "one of the largest food recalls ever in the United States" (2009a).

On February 11, 2009, PCA's CEO, Stuart Parnell, appeared in front of the House Subcommittee on Oversight and Investigations, which released information that PCA had on multiple occasions knowing shipped peanut products that tested positive for salmonella. Rep. Greg Walden put various recalled peanut products in a big glass jar wrapped with yellow CAUTION tape and asked Parnell if he would eat any. Parnell plead his Fifth Amendment right not to incriminate himself. Two days later, PCA declared bankruptcy. The victims split \$12 million in insurance (Bottemiller 2010) and top PCA employees split an \$875,000 insurance policy for their legal bills (Flynn 2009). The peanut recall was one of several widespread food safety issues that led to the Food Safety Modernization Act of 2010, a significant overhaul of food safety regulation. More than 4 years after the House Subcommittee laid out a number of incriminating emails, the Department of Justice returned a 76 count criminal indictment against Parnell and other PCA executives.

The PCA executives were found guilty, and although the appeals process is just starting at the time of publication, PCA is an important case study of corporate crime. Although this \$30 million a year business (and Parnell's \$2.6 million salary) is small in comparison to the Fortune 500, PCA's leadership, acting in their occupational roles, caused a major public health event. Further, this wrongdoing occurs within a context of regulatory failure. For example, surprisingly few industry best practices for sanitation and the proper response to positive salmonella test results were codified in Food and Drug Administration (FDA) regulations; inspections in Georgia missed much, while Texas did not catch the unregistered food production company operating in the state. Thus, the appropriate analytic lens is state-corporate crime (Michalowski and Kramer 2006), which "are illegal or socially injurious actions that result from mutually reinforcing interactions" between governments and corporations when they "pursue goals that intersect" (Aulette and Michalowski 2006, 47).

State-corporate crime exists on a continuum from acts that are state-initiated to state-facilitated, with the latter including bureaucratic failure and regulatory dysfunction (Kauzlarich et al. 2003, 247). Like the Imperial Foods fire (Aulette and Michalowski 2006), the crash of ValuJet Flight 592 (Matthews and Kauzlarich 2006), and the Bridgestone-Firestone tire tread separations (especially on Ford Explorers) (Mullins 2006), PCA is a case of state-facilitated crime. They all involve "the pursuit of profit by corporations along with the failure of a state agency to effectively monitor them [that] resulted in the violent deaths" (Matthews and Kauzlarich 2006, 83) of innocent citizens who were working, flying, driving or eating.

The failure by the state can result from the conscious pursuit of a “business friendly” environment that minimizes criminal liability for corporations and their executives, regulates reluctantly and promotes weak, underfunded, even dysfunctional, regulatory agencies. The problem of state-facilitated crime is most problematic in areas where business-friendly anti-regulatory values trump government’s “assigned or implied trust/duty” to the public (Kauzlarich et al. 2003, 247)—and food safety is clearly one of those areas. A person whose father died from salmonella (Tousignant 2009, 2) asked the House committee, “how can we truly be leaders of the free world if we can’t keep our citizens safe from food we eat every day[?]” His father “fought for his country. He died because he ate peanut butter.”<sup>2</sup>

PCA is thus an important case study of state-facilitated corporate crime that extends the validity and utility of the concept in the area of food safety, where “regulation deficiency” (Griffin and Miller 2011, 223) is especially noteworthy. There is no long form account to systematically examine this corporate mass victimization, although existing sources can be stitched together to provide a thorough account of the problems and responses. Further, other case studies focus on multinational corporations that abused their substantial power, but PCA is a relatively small wholesale company and sold mostly to other food manufacturers. So, the immediate victims of this corporate crime included substantially larger multinational corporations, whose products then went on to kill and injure the public. As such, this case opens up questions about the corporate victimization of other corporations, and how that victimization affects the response.

This paper starts by providing a brief overview of salmonella as it relates to peanut processing. The food safety lesson provides a basis for understanding PCA’s failures and wrong doing. A second section reviews bureaucratic and regulatory failure at the federal level as well as in Texas and Georgia, the states where PCA had offending operations. It also reviews the Congressional, regulatory and criminal responses as well as their limitations.

This piece is built from research with additional information from the whistleblower Kenneth Kendrick. Mr. Kendrick worked as an assistant manager for production 3 months in 2006 in the Plainview, Texas PCA plant. He provided helpful background information, details about the plant that are not in print, and clarified questions about previously reported accounts. Quotes attributed to him that lack a citation are from our email exchanges and telephone discussions from 2012 to 2014.

## Salmonella, Peanuts, and the Peanut Corporation of America

Salmonella bacteria occur naturally in animal and human feces, but geographically diverse cases that have matching genetic fingerprints occur because animal feces contaminated large scale food production. While salmonella poses a challenge in the processing of many foods, the following provides a brief, focused review of salmonella and peanut production. This is important to understand the flaws in procedures and operations at PCA, which are detailed in the subsequent subsection.

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<sup>2</sup> PCA’s customers included pet food manufacturers—which was also recalled—leading another witness (Hurley 2009, 4) to note: “Even my dog is not safe! What is this, China?!“.

## Salmonella and Peanut Processing

Peanuts growing in the ground can become contaminated with salmonella through irrigation water containing feces or the use of animal feces that were not fully conditioned into manure for fertilizer (Cavallaro 2011; Sheth et al. 2011). Exposure also can occur through contact with contaminated soil on harvesting and transport equipment, as well as rodent droppings during short- or long-term storage.

Production processes should involve a “kill step,” usually heating the food for a combination of time and to a temperature to kill salmonella (and other pathogens) before human consumption. Under ideal conditions, peanut roasting should kill salmonella (Cavallaro 2011; Sheth et al. 2011). But wide variations in the type of peanuts and their moisture content (older, dryer peanuts need less roasting time) mean that salmonella may survive roasting. Best practices dictate the segregation of raw (potentially contaminated) food from product that has been through a kill step to remove the possibility for cross-contamination. Salmonella can also be introduced in other ways after a kill step, such as contamination on processing equipment or during storage prior to leaving a plant.

Keeping salmonella to a minimum is important because low acid, fatty foods like peanuts are protective of salmonella, so the bacteria can last up to 2 years in peanut butter jars (Cavallaro 2011) and the acid of the stomach may not destroy it (Borrell 2009). Salmonella in peanut butter is stable, and it will not grow in the absence of water. But, according to Michael Doyle, director of the Center for Food Safety at the University of Georgia in Griffin, “water in a peanut butter processing plant is like putting gasoline on a fire. It will not only spread the salmonella, but the salmonella will grow when water is present” (Borrell 2009).

When patients with salmonellosis appear for treatment, doctors take a stool sample, “fingerprint” the bacteria’s DNA and upload it to the CDC’s PulseNet (CDC 2013; Cavallaro 2011). In 2008, the CDC saw increasing numbers of geographically diverse cases of bacteria with the same DNA fingerprint, which indicated a single source for the contamination. Public health officials called salmonella victims and took detailed notes about their food consumption so they could find common products the victims ate and traced back the contamination to its source. “Team Diarrhea” matched the DNA fingerprint of the *Salmonella typhimurium* from patients to the salmonella in food products that left PCA’s facilities (CDC 2009b).

Salmonella’s assault on the body results in 4–7 days of stomach cramps and diarrhea, with permanent impairments or death possible for the young, elderly and those with compromised immune systems. Injury also can include a financial impact, especially on the “precariat” who have a precarious financial existence because of low job security, poor pay, and a paycheck-to-paycheck existence. Absence from work can lead to unemployment, and even those with health insurance may see their premiums increase and/or face financially devastating out-of-pocket expenses.

Finally, in understanding the potential threat of salmonella, consider that salmonella can be considered a “biological agent” under federal biological weapons statutes (18 USC §178). Indeed, in 1984 members of the Rajneesh sect deliberately introduced salmonella into the salad bars of restaurants in the Dalles, Oregon. They were testing a larger plan to incapacitate enough voters to sway an upcoming local election and assure approval for building a controversial international center for the study of their beliefs. About 750 people contacted food poisoning and 45 were temporarily hospitalized (Török et al. 1997). Such

incidents of terrorist attacks on the food supply are rare (Dalziel 2009) and corporate misbehavior results in much more harm.

## PCA's History

PCA sold large quantities of peanut butter to institutions like schools, the military, nursing homes and meals used for disaster relief. PCA also sold peanut products to about 200 companies (including Kellogg and Sara Lee) that manufactured cereal, crackers, snack bars, candy, donuts, pet food, etc. (Layton and Miroff 2009). Peanut butter delivery containers ranged in size from 5 to 1700 pounds, and peanut paste was sold in sizes from 35 pound containers to tanker trucks (Sundlof 2009, 5). That is how a relatively small, "low cost" peanut company had such a devastating effect (Moss 2009; Department of Justice [DOJ] 2013a).

Stewart Parnell and his father opened the original PCA plant in 1977. The \$50,000 a year business grew to \$30 million in sales by 1994 when they sold it (Layton and Miroff 2009). In 2000, Stewart Parnell repurchased the original PCA plant in Gorman, Texas, then became partners in another struggling plant in Blakely, Georgia (Layton and Miroff 2009). Parnell later sold the Gorman plant and in 2004 acquired a facility in Plainview, Texas.

Public health authorities first linked salmonella to PCA's Blakely plant. They first identified salmonella in an opened container of King Nut peanut butter, which put their label on product from PCA. Parnell emailed King Nut's Vice President on January 7, 2009 and attached an MSNBC story "Salmonella outbreak spreads to 42 states." Parnell writes: "I'm sure it is something we did." The King Nut executive replied, "I'm recalling everything." Six minutes later, Parnell writes: "Now my heart is really in my throat. I think I'm going to church tonight" (Parnell 2009; Stupak 2009, 2). Five days later, Parnell and "everyone in the Lynchburg Office" of PCA sent an email to select employees that denied responsibility for the salmonella outbreak: "We suspect the salmonella could have been introduced by cross-contamination after the tub was opened. We do not believe the salmonella came from our facility. As you probably know, we send hourly PB samples to an independent lab to test for salmonella during production of peanut butter, and we have never found any salmonella at all" (Lynchburg Office 2009).

Public health officials soon found salmonella in unopened containers of peanut products that came from the Blakely plant, and Parnell had good reason to believe it was something they did. The plant is described by insiders as "more circa 1955 than 2009" (Moss 2009), but the inspections were infrequent and missed many problems. However, when the FDA finally conducted a thorough inspection they found cockroaches, mold on the ceilings and walls of a cooler that stored finished product, multiple leaks in the roof (from cracks as long as four feet) that dripped water into a production room and a storage room for roasted peanuts, and "deficiencies in the plant's design and construction that invite contamination" (Layton 2009b; see also Hartman and Barrett 2009; Layton and Miroff 2009; Cavallaro 2011, 605). Raw peanuts were stored next to processed product, allowing for cross-contamination, and "the roaster was not calibrated to kill deadly germs" (Moss 2009). Federal testing "showed salmonella living on the plant floors. Plant managers had not decontaminated the peanut butter processing line after detecting salmonella, the federal report shows" (Moss 2009).

Conditions at the Plainview plant were more problematic. Parnell, an avid pilot, was in Texas talking to a loan officer on several of his air planes who was also a member of the Plainview-Hale County Industrial Board. Parnell ended up purchasing a Jimmy Dean sausage factory built in 1969 and used for a hog slaughter and sausage processing

operation until it closed in 1974 (Vielmetti 2009; Nestlé 2006, 3); it sat vacant until Parnell purchased it three decades later. When Texas inspectors finally turned their attention to Plainview, they “found holes in the building’s roof as well as dead rodent remains, rodent feces and feathers in a crawl space above the production area” (Zacher 2009). A Texas Department of State Health Services news release noted how the plant’s ventilation system sucked debris “from the infested crawl space into production areas of the plant resulting in the adulteration of exposed food products” (CNN 2009). In closing the plant, the state health department relied on a law authorizing such action for “a condition that poses an immediate and serious threat to human life or health.” The FDA inspection found six leaks in the ceiling (including one over a conveyor belt), numerous dead mice, mouse feces (rodent excreta pellets) on counters and in cabinets, “what appeared to be a bird’s nest,” and “appreciable buildup” of peanut product throughout the plant (FDA 2009b).

Parnell and PCA officials had been on notice about some of these problems as early as 2006, when inspectors from the multinational food company Nestlé visited Plainview. They decided not to use PCA as a supplier of peanuts for its ice cream cones because the risk level was “high”:

The key food safety issues noted during this audit are the weakness of the pest control program, the lack of any pathogen environmental monitoring program, and concerns noted in the handling [sic] raw and further processed (roasted, blanched) peanuts in a common processing area. Without physical isolation and proper airflow for the post-roasted peanut operations, there is a potential for microbiological cross contamination (Nestlé 2006, 1–2).

The Nestlé inspectors believed that “the gaps identified in the audit should be relatively easy for PCA personnel to resolve and none are beyond their capability to resolve. None of the items identified would require significant capital investment to resolve” (2006, 2). The audit missed some problems because it was announced in advance and PCA escorted the inspectors only to selected places.

Kendrick started at the Plainview plant several months after this audit. He called the plant “disgusting” in an interview with the *New York Times*, which noted that a second former employee “confirmed Mr. Kendrick’s descriptions of the plant and its processes” (Harris 2009). Kendrick said the plant “looked like something out of the 1950s” rather than what one might expect from watching the *Food Channel*. The machinery constantly broke. Workers “raided parts stores” and it was a “constant challenge just to get it running another day.” Using this equipment to process very low-grade peanuts, which often had been in storage for years, made it a challenge to kill salmonella. Further, “they wanted it cooked to color, not to kill bacteria,” noted Kendrick. Recording basic information like the roasting time and temperature of batches of peanuts was not done regularly.

Further, “the roof leaked so badly that when it rained, workers were instructed to raise tarps to the ceiling to direct the water away from peanuts and plant equipment, the two said. Rain at night went unattended, they said” (Harris 2009). Kendrick says he directly told Parnell about the leaking roof (Harris and Barrett 2009). When others at the plant requested money to do more than another temporary patch, the Lynchburg office unequivocally denied it in emails laced with profanity. In addition, the basement flooded, and Kendrick noted that they kept pumping it out rather than fix the underlying problem—a losing strategy that meant “the plant always had standing water in its basement” (Harris 2009).

At least some products sat in storage in this environment for months until PCA accumulated lots big enough—1700 pounds to tanker truckers—to ship to snack makers or

transfer between PCA factories for further processing. In several emails, PCA officials tell employees in Plainview to “air hose off the top” of the tote—the storage container—“because they are covered in dust and rat crap” (DOJ 2013a, 29).

Neither Blakely nor Plainview conducted regular environmental testing—swabbing work surfaces and machinery to check for pathogens—and neither plant regularly tested the finished product, even though PCA’s materials and Parnell’s emails to customers claimed to have a robust process and “state-of-the-art Food Safety techniques” (DOJ 2013a, 19, 28). Assurances about food safety come partly from Certificates of Analysis (COA) from laboratories and contained the results of tests for pathogens (Hearing on the Salmonella Outbreak 2009, 132–3). If the first test for salmonella is positive, then a second one is done for confirmation, but products should not be shipped—i.e., placed into commerce—even if the second test is negative for salmonella. The concern is that companies can draw repeated samples from a lot and eventually get a negative, so “you cannot restest away a positive result,” noted one lab owner at Congressional hearings: “If you tested 50 samples for a given lot and 49 of those were negative and one was positive, that one positive must trump the 49 negatives” (Hearing on the Salmonella Outbreak 2009, 182). After receiving a positive result, experts agreed that a company should destroy that batch, shut down the line and disinfect it, then figure out why the positive result happened and fix the problem (Hearing on the Salmonella Outbreak 2009, 183–6).

Because conditions in PCA’s plants maximized the cultivation of salmonella and tests regularly came back positive, getting around positive COAs was an important aspect of PCA’s crimes. From PCA’s perspective, COA’s were a problem because the analysis cost money and a positive test required extra fees for additional tests to get a negative result to show the customer. The positive result also meant they would lose money by destroying product and shutting down production to disinfect.

Some customers did not require that PCA transmit a COA, so PCA simply did not test and falsely asserted they did. Other customers specifically requested a COA, and based on records of these transactions, an early government investigation found that the company “knowingly shipped out contaminated peanut butter 12 times in the past 2 years” (Layton 2009a). PCA shipped products after an initial positive test for salmonella (Maugh and Engel 2009) and in six cases, the FDA found that PCA had already shipped the product and conducted no subsequent testing (Hearing on the Salmonella Outbreak 2009, 113). Some of the lots that shipped after a positive test and were not tested again were sent to schools (Maugh and Engel 2009).

For one customer that requested testing, 63 % of the lots PCA shipped had not been tested (DOJ 2013a, 22). PCA sometimes tested up to four samples in order to get a negative result that it would use and disregard all the positive results (DOJ 2013a, 31; Hearing on the Salmonella Outbreak 2009, 210). PCA also took multiple samples from a relatively clean batch, submitted them for testing under a variety of batch numbers, then shipped untested batches with negative test results from this earlier testing (Dept of Justice 2013a, 21). Another email suggested that if a company needed a COA, then PCA “would create one... The girl in TX was very good at white-out” (DOJ 2013a, 27). Others were also willing to falsify COAs according to an email: “Mike, Here is the COA you need to fill out for Thursday’s load. I won’t get the results in time” (DOJ 2013a, 32, 46).

In spite of this history, during an interview with an FDA inspector in 2009 Parnell was asked about positive tests for salmonella. He replied: “This is not something that happens very often and I think I would remember something that came up positive” (DOJ 2013a, 50, 49). When he said this, Parnell was a member of the Department of Agriculture’s Peanut Standards Board, which oversees moisture content and peanut size for grading

purposes (but pathogens are not included in their interpretation of “quality and handling standards” in the authorizing legislation). Parnell was reappointed to a second term, but removed in 2009 because of the scandal (Keefe 2009).

## **State Facilitation: Where were the Capable Guardians and What was the Response to Their Failure?**

State facilitation does not mean that the government had a desire for mass poisoning. President Obama, in chiding the FDA for failures, noted that one of his daughters ate peanut butter sandwiches several times a week: “we should be able to count on our government keeping our kids safe when they eat peanut butter” (Layton 2009c). It is hard to disagree with that sentiment, yet the government failed in a rather spectacular way to ensure food safety and control a company that played “Russian roulette with children and the elderly” (Hearing on the Salmonella Outbreak 2009, 83).

Part of crime prevention includes capable guardians (Lanier et al. 2015, 62), which in this case are legislators and regulatory agencies. The short answer to the question of where are the capable guardians to prevent corporate crime is that regulatory agencies have been marginalized by the mutual interest of legislators and corporations in creating business-friendly environments. The longer answer requires separating the inquiry into federal-level guardians as well as state-level guardians in Georgia and Texas.

### **Federal Guardianship and Response**

Capable guardianship is based on the scope of relevant law, the extent of powers delegated to regulatory agencies, their actual use or implementation of that authority, as well as the adequacy of their resources. Consistent with its name, the FDA regulates food (except some meat), drugs (including tobacco but not herbal supplements), and medical devices, but also cosmetics, pet food and veterinary products. Products regulated by it comprise about 20 % of American consumer spending yet its budget is less than \$5 billion. The Agency’s task gets more complicated with technological advances and increased importation of food and drugs (Hamburg 2015). The small annual budget increases have not kept up with the expenses necessary to fulfill the new responsibilities Congress assigns to it.

As relevant to this paper, the Food, Drug and Cosmetic Act of 1938 (21 USC Chapter 9), prohibits the introduction into interstate commerce of any food that is adulterated (contaminated) or misbranded (falsely labeled) (§331a). Section 333a1 creates a misdemeanor strict liability offense<sup>3</sup> that is sharply limited in application (Klein and Grobley 2012). Section 333a2 creates a felony, punishable by imprisonment by up to 3 years, for repeat offenders or offenders who commit “a violation with the intent to defraud or mislead.”

The legislation and the regulatory framework of the FDA did not result in a requirement for environmental testing or regular sampling of finished products. Dr. Sundlof, then Director of the FDA’s Center for Food Safety and Applied Nutrition, noted in Congressional testimony that Good Manufacturing Practice standards are “written rather broadly”

<sup>3</sup> Criminalizing an act without a requirement of *mens rea* (intent, awareness) is an example of strict liability, which is important to guard the public welfare against willful blindness and plausible deniability (Klein and Grobley 2012). The critique is that these laws are about “the crime of doing nothing,” but they are about “the crime of doing nothing when one has an obligation to be aware and exercise a duty of care”.

and “for all foods rather than specific products” (*Hearing on the Salmonella Outbreak 2009*, 163). Other best practices for responding to positive salmonella tests were likewise not codified. Sundlof noted “that is not written anywhere in the law or the regulations but it is common knowledge within the industry that you can’t test your way to negative” (*Hearing on the Salmonella Outbreak 2009*, 211).

Further, while testimony from food safety experts was unanimous that a positive test should result in the product being destroyed, the line disinfected, etc., those steps were in no way required. There was no requirement that positive results on a COA be reported to the FDA, which could use them to look for early signs of systematic problems. While the law had vague language allowing access to business records, PCA resisted and the FDA finally secured access using the 2002 Public Health Security and Bioterrorism Preparedness Response Act (*Harris and Belluck 2009*). The FDA had no authority to mandate a recall of any product they determined to be hazardous to health; they needed to persuade the offending company to do a voluntary recall. The FDA also discovered that 20 customers of PCA had unregistered plants (*Layton 2009e*).

The FDA contracts with states to do inspections, so the FDA inspected PCA’s Blakely facility in 2001 and the next inspection was by the Georgia Dept. of Agriculture in 2006. With state inspections, the FDA still maintains an oversight role that the Department of Health and Human Service’s Office of Inspector General (OIG) had some concerns about even in 2010—well after the PCA problems had been exposed: the “OIG found that more than half of all food facilities have gone 5 or more years without an FDA inspection and that FDA does not always take swift and effective action to remedy violations found during inspections” (*Department of Health and Human Services 2011*, 6). Because of resource constraints, routine inspections involved no environmental or product testing, which is only done in “for-cause inspections” (*Hearing on the Salmonella Outbreak 2009*, 160).

A 2007 incident provides a snapshot of federal guardianship. That year, peanut butter caused 715 cases of salmonellosis and resulted in an FDA recall of Peter Pan and Great Value (Wal-Mart’s store brand) (*Sheth et al. 2011*; *CDC 2007*). The problems at manufacturer Con Agra were followed closely in the peanut industry because it was “the first reported outbreak of a foodborne illness caused by peanut butter consumption” (*CDC 2007*). Con Agra closed their plant and “installed new equipment at the manufacturing plant, made repairs to the roof, cleaned and sanitized the plant, ensured separation of raw ingredients from post-peanut-roasting areas that handle processed product, created a new Hazard Analysis and Critical Control Points Plan, and implemented a revised environmental testing program for Salmonella” (*Sheth et al. 2011*, 360).

While appreciating that peanuts had been a relatively safe food and this is the first reported outbreak, the FDA’s response was limited to sponsoring a seminar for the peanut industry on salmonella and the lessons learned from ConAgra (*Hearing on the Salmonella Outbreak 2009*, 161) (Four people from PCA were registered to attend). But there were no changes in regulations or inspection protocols. In the years following knowledge of the problems at Con Agra, PCA would operate plants with exactly the same problems.

After PCA shut down, the House Subcommittee on Oversight and Investigations held a hearing. They uncovered emails and documents showing PCA had intentionally introduced an adulterated product into interstate commerce. But while the Committee called a representative from Georgia to answer questions about that state’s failure to find problems with PCA’s Blakely plant, no one from Texas was on the witness list. Indeed, in spite of Committee staffers sifting through a number of PCA documents, Congressmen seem to

have found out about the Texas plant when it was closed by the FDA several days before the hearing (*Hearing on the Salmonella Outbreak 2009*, 10). Congressman Walden, referring indirectly to Kendrick's TV appearance, commented: "We learned yesterday or sometime this week that there is this mystery peanut-processing plant in Texas" (*Hearing on the Salmonella Outbreak 2009*, 153).

Congress ultimately passed the FDA Food Safety Modernization Act (FSMA), which President Obama signed in 2011 (Govtrack.us [no date]). PCA played a role in generating pressure for its passage, although there were also high profile recalls of spinach, 500 million eggs (FDA 2010) and 143 million pounds of beef (*New York Times* 2008). FSMA had the support of (or at least not opposition by) larger companies who saw the provisions as helping to avoid the problems Kellogg's had because of PCA. The FDA called this legislation "the most sweeping reform of our food safety laws in more than 70 years" (2013), although it was also the first and only major overhaul of food laws since the original Food, Drug and Cosmetic Act of 1938.

The FSMA did not create additional crimes or increase criminal penalties because all such proposals were rejected in committee votes (Johnson 2011, 11). The ultimate impact of this legislation will depend on Congressional budget appropriations, which so far have been about half the level the Congressional Budget Office said was necessary for the FDA to fulfill all of the new mandates in the FSMA (Johnson 2011, 6–7; Zuraw 2015; Goad 2014).

Although the Oversight and Investigations Committee had found many incriminating documents, years passed without a criminal indictment. In 2011, the victims had a press conference to call for criminal charges, but it received no attention from mainstream media.<sup>4</sup> Then, almost 4 years after the hearings, the Department of Justice returned a 76 count indictment against four PCA executives, while inappropriately claiming that they "will not hesitate to pursue any person whose criminal conduct risks the safety of Americans who have done nothing more than eat a peanut butter and jelly sandwich" (DOJ 2013b).<sup>5</sup> In addition to CEO Stewart Parnell, the indictment named his brother Michael (Vice President of P.P Sales and a sales agent for PCA); Samuel Lightsey, Blakely's Operations Manager; and Mary Wilkerson, Blakely's Office Manager and Quality Assurance Manager (DOJ 2013a). Daniel Kilgore, also a Blakely Operations Manager, was indicted separately and cooperating with the government.

The indictment, while overdue, was based on fraud against corporations rather than harm to people. For example, count two is for conspiracy to introduce adulterated and misbranded food into interstate commerce, and mentions at least six corporate customers. Counts three to 22 are for the introduction of adulterated food into interstate commerce with intent to defraud, and each count is identified with a corporate customer; counts 23–35, for introduction of misbranded food with intent to defraud, are also identified with a particular corporate customer. Counts 68–76 are for obstruction of justice, so the government sees itself as the victim there. In all, "Customer #1" is identified in 42 of the 67 counts in which the government does not see itself as a victim. The indictment says "Customer #1" is a "multinational food products company with its principal place of

<sup>4</sup> The Government Accountability Project held the press conference, see <http://www.whistleblower.org/press/press-release-archive/989-salmonella-victims-to-call-for-criminal-charges-against-former-peanut-corp-ceo>. A Google search for "peanut corporation salmonella victims" turned up no hits for coverage of the news conference in the first 50 results.

<sup>5</sup> In contrast to the 4 years between PCA's bankruptcy and indictment (hailed as "not hesitating"), the Dept of Justice indicted Ken Lay about two and a half years after Enron filed the largest corporate bankruptcy in American history up to that point.

business in Battle Creek, Michigan” [DOJ 2013a, 5]. This is Kellogg’s, which ranked 210 in the 2009 Fortune 500.<sup>6</sup>

Nowhere mentioned are the names of the nine dead—Margie Parsons, Robert Moss, Minnie Borden, Betty Shelander, Nellie Napier, Hester Fields, Clifford Tousignant, Doris Flatgard, and Shirley Almer. Not mentioned were hospitalizations or DNA evidence linking sick, maimed and dead *people* to PCA’s product. Because they were not mentioned, the defense claimed that the government could not mention at trial that there were illnesses and deaths. In the end, the prosecution did not mention public victimization and kept tightly focused on fraud and obstruction of justice.

Parnell was convicted on 60 felony counts, his brother on 30 counts, and Wilkerson on a count of obstruction of justice (Lightsey and Kilgore were prosecution witnesses under plea agreements). Defense attorneys are trying to get the presiding judge to overturn the jury verdict. In a series of sealed filings and closed meetings, they have reportedly been raising “concerns about jurors doing their own research on the fatal 2008–2009 Salmonella outbreak that led to the indictments to whether government attorneys made improper closing statements to the jury about food safety” (Flynn 2015). Thus, while the convictions are a positive development, the final chapter cannot be written until/if sentences are finalized—and meanwhile, the defendants remain free on bail.

## State Guardianship and Response

States are also guardians, or at least potential ones, because of state laws and regulatory agencies. Both Georgia and Texas conducted inspections under a contract with the FDA, and both had poor records of holding PCA accountable. There is no record of enforcement actions against earlier incarnations of PCA and the Parnell family businesses, even though a buyer for a snack food company that inspected the Gorman, Texas, plant on three occasions in the mid-1980s said the plant was “filthy”: “The roofs leaked, the windows would be open, and birds would fly through the building.... It was just a time bomb waiting to go off, and everybody in the peanut industry in Georgia, Virginia and Texas—they all knew” (Layton and Miroff 2009).

The failure of Texas guardians was extreme in the years before PCA’s Plainview plant was shut down. The Texas Department of Agriculture certified the facility as an organic processor, which meant that it separated organic from conventionally grown product and cleaned the machinery used for conventionally grown food before processing organic food. The organic certification depended on the facility being properly licensed and inspected by the Department of State Health Services. A PCA official said the paperwork was in process, and the inspector never checked up on it that year or subsequently. In fact, PCA never filed the appropriate paperwork, so the facility was never inspected for food safety and sanitation and thus was unlicensed (Harris 2009; Layton and Miroff 2009). Indeed, the facility later added a small retail outlet that sold directly to the public, but PCA never filed the required paperwork with local health authorities (Zacher 2009). So the county health commission never did an inspection either, even though there was a prominent sign about the retail shop, which was located on a main local highway.

<sup>6</sup> While Nestlé had an inspection team that was part of their company, Kellogg’s relied on the certification of the American Institute of Baking, which gave a “superior” rating to PCA’s Plainview plant. Because PCA pays for the inspection, AIB wants to please the client and get a repeat customer. Although the conflicts of interest were mentioned in the hearings, the final legislation did nothing about them.

The failure of Texas was thus that health authorities did not know of a food plant that had registered with another branch of the state government and was paying state payroll taxes. After revelations about the Plainview plant, health authorities obtained databases from other state agencies to identify food-related businesses that were not licensed as food manufacturers. The search turned up 355 that needed a license. Most businesses claimed they did not know they needed it and complied once they knew. But inspections were delayed because Texas had “37 food manufacturing inspectors for the whole state, with seven of those positions vacant because of a state hiring freeze,” (Jacobson 2010). Kendrick found no news of a new policy to match records, suggesting it was a one-time response rather than a new regular practice (2013). The state health commissioner claimed that they were taking “aggressive steps” (Jacobson 2010), but Kendrick notes that any new facility that did not want to register could take the chance: “if caught, [the unregistered corporations] would just be asked to come into compliance in a very pro-business state that holds its citizens accountable but not corporations” (2013).

The Georgia Department of Agriculture had conducted nine inspections of PCA’s Blakely between 2006 and 2008, and the *Washington Post* summarized the results: “The state inspection reports all seemed to play down deficiencies, saying all that was needed was routine follow-up” (Layton 2009d). During 2007 and 2008, the Department tested 35 samples total from all five facilities that produce peanut butter in the state, three of which came from PCA’s plant and came back negative. Oscar Garrison, Assistant Commissioner responsible for the Department of Agriculture’s Consumer Protection Division, stated to the Investigations Committee there were “no red flags that would indicate an imminent health hazard inside that facility” (Hearing on the Salmonella Outbreak 2009, 118). The inspection form does not include questions about positive microbial tests, and Garrison added, “When companies are not required to give records, we don’t even know if tests have been conducted” (Ibid, 120). Indeed, inspectors did not have the authority to examine peanut roasting records to make sure the times and temperatures were even filled in—and PCA did not record those for months at a time (Ibid, 125–126).

Less than 2 years after the Con Agra plant was found with leaking roofs, no environmental or product testing and cross contamination, the same set of problems were found in the same state, just 75 miles away, at PCA’s Blakely plant. One response to Con Agra might have been additional product testing, but Garrison noted that “we can run 45 samples through our laboratory” (Hearing on the Salmonella Outbreak 2009, 118) and that capacity was used for whatever food product seemed most problematic at the moment (imported jalapeno peppers and melamine contaminated food from China).

His testimony included some proposed legislation to tighten record keeping requirements, require regular sample testing, and allow the government (where it had “reasonable grounds”) to order testing. These provisions were all enacted. Consumer protection was consistent with industry interests. Rather than consulting a recall list that grew to 4000 products, people simply stopped buying peanut products and the industry suffered one billion dollars in losses (Veil 2013, 97)—and Georgia was the epicenter.

## Conclusion

The Peanut Corporation of America took advantage of deregulation to go from a “low cost” supplier to a rogue corporation that officially killed nine, sickened 700 and caused the largest food recall. Executives lied about having a state of the art food safety process,

and they knowingly shipped out product contaminated with salmonella. Government inspectors missed and downplayed flaws in the facility they knew about, and apparently were unaware of an unregistered facility that had prominent signage and was registered with other state agencies. The legislation and 76 count criminal indictment are more than symbolic responses, although Congress has not funded all the mandates it enacted. The convictions, based as they were on fraud against corporations, are not final.

This case further supports the utility of the state-facilitated corporate crime concept in the food safety area by allowing for the simultaneous analysis of the corporate leadership's wrongdoing and the lack of capable regulatory guardians. Further, it has two important implications for state-corporate crime research: the paradox of the state responding to a crime it facilitated, and the issue of corporations as victims of state-corporate crime.

First, one victim commented, "there was some congresswoman saying we need to enact laws now to not let this happen again. And I was like, 'You idiot. What have you all been doing?'" (Moss 2009). That question is at the heart of state-facilitated corporate crimes: the government responds to a crime that it has facilitated. This article provided a systematic review of government responses, which raises an important question about how the government response might obscure its facilitation of the problem. That is, questions about the politics of blame and ideological constructions of the problem are worth making the centerpiece of state-corporate crime research now that the utility of the concept has been well established.

In the case of PCA, the diversity of federal and state players responding to this situation is a reminder that the government is not monolithic, but composed of many actors with different orientations, goals and audiences. This situation provides ample opportunity to shift blame, obscure deeper problems and proclaim reforms to be more sweeping than they really are. Legislators on investigations committee, for example, scrutinized the failure of regulatory agencies but did no self-examination to see how legislative anti-regulatory sentiment contributed to inadequate resources and incomplete regulation.

With the FDA, Congress seems to have responded to well-publicized public health problems by giving the agency broad new mandates, which Congress in subsequent years does not fully fund. The accretion of unfunded or under-funded mandates over many cycles of 'reform' sets up agencies for continued, visible struggles and failures. Certainly legislators are not responsible for all regulatory dysfunction, but the topic is an established aspect of state-facilitated corporate crime and anti-regulatory strategy that defunds and defangs agencies needs to be connected to mass victimization where it plays a role.

Second, this research validated the approach taken by Mullins in the Bridgestone-Firestone/Ford Explorer case, where he connected the economic class of those buying SUVs with the government's response (Mullins 2006, 145). In the case of PCA, there is a twist because the economic class of victims includes Fortune 500 corporations. In other state-corporate crime case studies, the perpetrators have been large corporations like Bethlehem Steel (Barrett 2012), Dow Chemical (Katz 2010), and Purdue Pharma (makers of OxyContin) (Griffin and Miller 2011). The case study of Peanut Corporation of America forces consideration of how corporations can be also be victims of state-corporate crime.

In tangible terms, Kellogg lost \$65 million—2 % of each years' operating profit—for lost inventory, recall and disposal, plus an unknown amount in lost sales (Kellogg 2010, 53). This matters because work by Black (1976) and others conclude that the response to a victimization depends on the relative status of the victim and perpetrator. With PCA, a relatively small company repeatedly lied to federal officials, and the Department of Justice still took four years to return an indictment listing nine national and two multinational companies as customers/victims. If PCA had been bigger and/or sold directly to the public,

how would that have changed/reduced the response, even if nine people still died and more than 700 were officially injured?

Recognizing this loss and other harms to corporations is not a buy in to corporate personhood or the further extension of the rights of natural persons onto legally created financial structures. Rather, it recognizes that the size, power and interests of corporate victims can affect the intensity, comprehensiveness and nature of the state response to state-corporate crime. Indeed, the reason for describing it is to ask how the balance of corporate interests and public interests played out—how the willingness of government to stand up for the regular citizens eating peanut butter would have been different if large food producers were against the legislation and/or not harmed by the wrongdoing.

The recognition of corporate victimization by other corporations also recognizes that “corporation” is a heterogeneous category, with vast disparities between the small and enormous. “Getting tough” with small corporations is consistent with the analysis whereby “weak, quasi-states can be easily reduced to the (useful) role of legal police precincts, securing a modicum of order required for the conduct of business, but need not be feared as effective brakes on the global companies’ freedom” (in Leighton and Reiman 2014, 320).

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## References

- Aulette, J., & Michalowski, R. (2006). The fire in Hamlet. In R. Michalowski & R. Kramer (Eds.), *State-corporate crime*. New Brunswick: Rutgers University Press.
- Barrett, K. L. (2012). Bethlehem steel at Lackawanna: The state-corporate crimes that continue to victimize the residents and environment of Western New York. *Journal of Crime and Justice*, 36(2), 1–20.
- Black, D. (1976). *The behavior of law*. New York: Academic Press.
- Borrell, B. (2009). How does salmonella get into peanut butter? *Scientific American*. <http://www.scientificamerican.com/article.cfm?id=salmonella-poisoning-peanut-butter>. Accessed March 7, 2015.
- Bottemiller, H. (2010). PCA Exec back to work despite investigation. <http://www.foodsafetynews.com/2010/09/peanut-exec-under-criminal-investigation-is-back-to-work/>. Accessed March 7, 2015.
- Cavallaro, E. (2011). *Salmonella typhimurium* infections associated with peanut products. *The New England Journal of Medicine*, 356(7), 601–610.
- CDC [Centers for Disease Control and Prevention]. (2007). Multistate outbreak of *Salmonella* serotype tennessee infections associated with peanut butter—United States, 2006–2007. *Morbidity and Mortality Weekly Report*, 56(21), 521–524.
- CDC [Centers for Disease Control and Prevention]. (2009a). Investigation update: Outbreak of *Salmonella typhimurium* infections, 2008–2009. <http://www.cdc.gov/salmonella/typhimurium/update.html>. Accessed March 7, 2015.
- CDC [Centers for Disease Control and Prevention]. (2009b). Multistate outbreak of *Salmonella* infections associated with peanut butter and peanut butter-containing products—United States, 2008–2009. *Morbidity and Mortality Weekly Report*, 58(04), 85–90.
- CDC [Centers for Disease Control and Prevention]. (2013). Outbreak detection. <http://www.cdc.gov/pulse net/outbreak-detection/index.html>. Accessed 7 March 2015.
- CNN. (2009). Dead rodents, excrement in peanut processor lead to recall. <http://www.cnn.com/2009/US/02/12/peanut.butter.recall/>. Accessed March 7, 2015.
- Dalziel, G. R. (2009). *Food Defense Incidents 1950–2008*. Centre of Excellence for National Security, Nanyang Technological University.
- Department of Health and Human Services. (2011). Vulnerabilities in FDA’s oversight of state food facility inspections. Office of Inspector General. <https://oig.hhs.gov/oei/reports/oei-02-09-00430.pdf>. Accessed March 7, 2015.

- DOJ [Department of Justice (US)]. (2013a). *U.S. v Stewart Parnell*, et al. <http://www.justice.gov/iso/opa/resources/6120132211426350488.pdf>. Accessed March 7, 2015.
- DOJ [Department of Justice (US)]. (2013b). Former Officials and Broker of Peanut Corporation of America Indicted Related to Salmonella-Tainted Peanut Products. <http://www.justice.gov/opa/pr/2013/February/13-civ-220.html>. Accessed March 7, 2015.
- FDA [Food and Drug Administration]. (2009a). FDA's Investigation. <https://web.archive.org/web/20091211230556/http://www.fda.gov/Safety/Recalls/MajorProductRecalls/Peanut/FDA%20%99sInvestigation/default.htm>. Accessed March 7, 2015.
- FDA [Food and Drug Administration]. (2009b). Inspection report on PCA facility in Plainview, Texas. <http://www.fda.gov/downloads/AboutFDA/CentersOffices/OfficeofGlobalRegulatoryOperationsandPolicy/ORA/ORAElectronicReadingRoom/UCM114852.pdf>. Accessed March 7, 2015.
- FDA [Food and Drug Administration]. (2010). *Salmonella Enteritidis Outbreak in Shell Eggs*. <http://www.fda.gov/Food/NewsEvents/NewsfromOtherFederalResources/ucm222684.htm>. Accessed March 7, 2015.
- FDA [Food and Drug Administration]. (2013). FDA Food Safety Modernization Act (FSMA). <http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm>. Accessed March 7, 2015.
- Flynn, D. (2009). PCA executives to divide \$875,000. <http://www.foodsafetynews.com/2009/12/pca-executives-get-to-divide-875000-among-themselves/>. Accessed March 7, 2015.
- Flynn, D. (2015). Attorneys substituted on Stewart Parnell's Defense Team. <http://www.foodsafetynews.com/2015/02/polsinelli-attorneys-depart-from-stewart-parrells-defense-team/>. Accessed March 7, 2015.
- Goad, J. (2014). Senators, Food Industry Groups call for more FSMA funding. *The Hill*, September 3. <http://thehill.com/regulation/216463-to-do-list-on-food-safety-grows-longer-for-agencies>. Accessed June 20, 2015.
- Govtrack.us. No date. H.R. 2751 (111th): FDA Food Safety Modernization Act. <http://www.govtrack.us/congress/bills/111/hr2751>. Accessed March 7, 2015.
- Griffin, O. H., I. I. L., & Miller, B. L. (2011). OxyContin and a regulation deficiency of the pharmaceutical industry: Rethinking state-corporate crime. *Critical Criminology*, 19(3), 213–226.
- Hamburg, M. (2015). Statement of Margaret Hamburg, M.D., Commissioner of Food and Drugs. Hearings before the House Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, March 4. <http://docs.house.gov/meetings/AP/AP01/20150304/103059/HHRG-114-AP01-Wstate-HamburgM-20150304.pdf>. Accessed June 20, 2015.
- Harris, G. (2009). After tests, peanut plant in Texas is closed. *New York Times*, February 10. <http://www.nytimes.com/2009/02/11/health/policy/11peanut.html>. Accessed March 7, 2015.
- Harris, D., & Barrett, K. (2009). Former manager says peanut plant complaints ignored. <http://abcnews.go.com/GMA/story?id=6888169>. Accessed March 7, 2015.
- Harris, D., & Belluck, P. (2009). New look at food safety after peanut tainting. *New York Times*, January 29. <http://www.nytimes.com/2009/01/30/health/30peanut.html>. Accessed March 7, 2015.
- Hartman, B., & Barrett, K. (2009). Timeline of the Salmonella Outbreak. <http://abcnews.go.com/Health/story?id=6837291&page=1>. Accessed March 7, 2015.
- Hearing on the Salmonella Outbreak. (2009). House Subcommittee on Oversight and Investigation, Committee on Energy and Commerce, February 11. <http://democrats.energycommerce.house.gov/index.php?q=hearing/hearing-on-the-salmonella-outbreak-the-continued-failure-to-protect-the-food-supply-subcommi>. Accessed March 7, 2015.
- Hurley, P. (2009). Testimony before the House Subcommittee on Oversight and Investigation, Committee on Energy and Commerce, February 11. <http://democrats.energycommerce.house.gov/index.php?q=hearing/hearing-on-the-salmonella-outbreak-the-continued-failure-to-protect-the-food-supply-subcommi>. Accessed March 7, 2015.
- Jacobson, S. (2010). Exclusive: Hundreds of Texas food makers were unlicensed. *Dallas News*, July 18. [http://www.dallasnews.com/news/state/headlines/20100718-exclusive-hundreds-of-texas-food-makers-were-unlicensed.ece?nclick\\_check=1](http://www.dallasnews.com/news/state/headlines/20100718-exclusive-hundreds-of-texas-food-makers-were-unlicensed.ece?nclick_check=1). Accessed March 7, 2015.
- Johnson, R. (2011). Food Safety Issues for the 112th Congress. Congressional Research Service, February 10. <http://fpc.state.gov/documents/organization/157081.pdf>. Accessed March 7, 2015.
- Katz, R. S. (2010). The corporate crimes of dow chemical and the failure to regulate environmental pollution. *Critical Criminology*, 18(4), 295–306.
- Kauzlarich, David, Mullins, Christopher, & Matthews, Rick. (2003). A complicity continuum of state crime. *Contemporary Justice Review*, 6(3), 241–254.
- Keefe, B. (2009). Peanut firm's chief an adviser. *Atlanta Journal and Constitution*, February 1, A15.
- Kellogg. (2010). Form 10-K, filed with the Securities and Exchange Commission. <http://www.sec.gov/Archives/edgar/data/55067/000119312510042654/d10k.htm>. Accessed March 7, 2015.

- Kendrick, K. (2013). Three years later is food from Texas safe? *OpEdNews.com*. <http://www.opednews.com/populum/pagem.php?f=Three-years-later-is-food-by-Kenneth-Kendrick-130708-923.html>. Accessed March 7, 2015.
- Klein, S., & Grobley, I. (2012). Debunking claims of over-federalization of criminal law. *Emory Law Journal*, 62(1), 1–120.
- Lanier, Mark, Henry, Stuart, & Anastasia, Desiré. (2015). *Essential criminology*. Boulder: Westview Press.
- Layout, L. (2009a). Peanut processor ignored Salmonella tests, knowingly sold tainted products. *Washington Post*, January 28. <http://www.washingtonpost.com/wp-dyn/content/article/2009/01/27/AR2009012702992.html>. Accessed March 7, 2015.
- Layout, L. (2009b). Suspect peanuts sent to schools. *Washington Post*, February 6. <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/05/AR2009020500743.html>. Accessed March 7, 2015.
- Layout, L. (2009c). Obama faults FDA on food safety. *Washington Post*, February 3. [http://articles.washingtonpost.com/2009-02-03/politics/36804830\\_1\\_peanut-corporation-salmonella-illness-peanut-butter](http://articles.washingtonpost.com/2009-02-03/politics/36804830_1_peanut-corporation-salmonella-illness-peanut-butter). Accessed March 7, 2015.
- Layout, L. (2009d). Every peanut product from Ga. Plant recalled. *Washington Post*, January 29. [http://articles.washingtonpost.com/2009-01-29/news/36924188\\_1\\_peanut-corporation-salmonella-contamination-stewart-parnell](http://articles.washingtonpost.com/2009-01-29/news/36924188_1_peanut-corporation-salmonella-contamination-stewart-parnell). Accessed March 7, 2015.
- Layout, L. (2009e). FDA hasn't intensified inspections at peanut facilities, despite illness. *Washington Post*, April 3. [http://articles.washingtonpost.com/2009-04-03/news/36871609\\_1\\_peanut-corporation-salmonella-illness-peanut-products](http://articles.washingtonpost.com/2009-04-03/news/36871609_1_peanut-corporation-salmonella-illness-peanut-products). Accessed March 7, 2015.
- Layout, L., & Miroff, N. (2009). The rise and fall of a Peanut Empire. *Washington post*, February 15. <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/14/AR2009021401758.html>. Accessed 7 March 2015.
- Leighton, P., & Reiman, J. (2014). A suitable amount of street crime and a suitable amount of white collar crime: Inconvenient truths about inequality, crime and criminal justice. In B. Arrigo & H. Berscot (Eds.), *Routledge handbook of international crime and justice studies*. London: Routledge.
- Lynchburg Office [of PCA]. (2009). Salmonella Investigation (email of January 12). <http://democrats.energycommerce.house.gov/index.php?q=hearing/the-salmonella-outbreak-the-continued-failure-to-protect-the-food-supply>. Accessed March 7, 2015.
- Marler, B. (2011). Last Peanut Corporation of America Salmonella Death Case Settled for Undisclosed Sum. <http://www.marlerblog.com/legal-cases/last-peanut-corporation-of-america-salmonella-death-case-settled-for-undisclosed-sum/>. Accessed March 7, 2015.
- Matthews, R., & Kauzlarich, D. (2006). The crash of ValueJet flight 592. In R. Michalowski & R. Kramer (Eds.), *State-corporate crime*. New Brunswick: Rutgers University Press.
- Maugh, T., & Engel, M. (2009). Peanut company lied on salmonella testing, FDA finds. *Los Angeles Times*, February 7. <http://articles.latimes.com/2009/feb/07/science/sci-peanut-fda7>. Accessed March 7, 2015.
- Michalowski, R., & Kramer, R. (2006). *State-Corporate Crime*. New Brunswick: Rutgers University Press.
- Moss, M. (2009). Peanut case shows holes in safety net. *Washington Post*, February 8. <http://www.nytimes.com/2009/02/09/us/09peanuts.html?r=1&hp>. Accessed March 7, 2015.
- Mullins, C. (2006). Bridgestone–Firestone, Ford and the NHTSA. In R. Michalowski & R. Kramer (Eds.), *State-corporate crime*. New Brunswick: Rutgers University Press.
- Nestlé. (2006). NQS Level 1—Food Safety Audit report of Peanut Corporation of America, January 5. <http://democrats.energycommerce.house.gov/sites/default/files/documents/Audit-Nestle-Peanut-Corporation-2006.pdf>. Accessed March 7, 2015.
- New York Times (editorial). (2008). The biggest beef recall ever. *New York Times*, February 21. <http://www.nytimes.com/2008/02/21/opinion/21thu1.html>. Accessed March 7, 2015.
- Parnell, S. (2008). LOT# 81SSCNPB (June 6 email from Parnell to Mary Wilkerson, et al). <http://democrats.energycommerce.house.gov/index.php?q=hearing/hearing-on-the-salmonella-outbreak-the-continued-failure-to-protect-the-food-supply-subcommi>. Accessed March 7, 2015.
- Parnell, S. (2009). Salmonella outbreak spreads to 42 states (January 7 email). <http://democrats.energycommerce.house.gov/sites/default/files/documents/Email-Parnell-Valenza-2009-1-7.pdf>. Accessed March 7, 2015.
- Peanut Corporation of America. (2007). Statement of Financial Affairs filed with United States Bankruptcy Court, 09-60452. <http://www.marlerblog.com/uploads/file/PCA%27s%20Summary%20of%20Schedules%281%29.pdf>. Accessed March 7, 2015.
- Sheth, A., et al. (2011). A national outbreak of Salmonella serotype Tennessee infections from contaminated peanut butter: A new food vehicle for salmonellosis in the United States. *Clinical Infectious Diseases*, 53(4), 356–362.
- Stupak, B. (2009). “The Salmonella outbreak: The role of industry in protecting the nation’s food supply” Chairman’s opening statement in oversight and investigations subcommittee, March 19. <http://>

- democrats.energycommerce.house.gov/Press\_111/20090319/stupak\_open.pdf. Accessed March 7, 2015.
- Sundlof, S. (2009). Testimony before the House Subcommittee on Oversight and Investigation, Committee on Energy and Commerce, February 11. <http://democrats.energycommerce.house.gov/index.php?q=hearing/hearing-on-the-salmonella-outbreak-the-continued-failure-to-protect-the-food-supply-subcommi>. Accessed March 7, 2015.
- Texas Department of State Health Services. (2009). News Release, February 12, 2009. <http://www.dshs.state.tx.us/news/releases/2009/DSHS-Orders-PCA-Plainview-Plant-to-Recall-All-Products.doc>. Accessed March 7, 2015.
- Török, T., et al. (1997). A large community outbreak of salmonellosis caused by intentional contamination of restaurant salad bars. *Journal of the American Medical Association*, 278(5), 389–395.
- Tousignant, L. (2009). Testimony before the House Subcommittee on Oversight and Investigation, Committee on Energy and Commerce, February 11. <http://democrats.energycommerce.house.gov/index.php?q=hearing/hearing-on-the-salmonella-outbreak-the-continued-failure-to-protect-the-food-supply-subcommi>. Accessed March 7, 2015.
- Veil, S. (2013). Cascading crisis. In B. Penuel, M. Satler, & R. Hagen (Eds.), *Encyclopedia of crisis management*. Los Angeles: Sage.
- Vielmetti, E. (2009). PCA Texas peanut factory—The former Jimmy Dean Meat sausage factory—in Plainview, TX closed. <http://vielmetti.typepad.com/vacuum/2009/02/pca-texas-peanut-factory-the-former-jimmy-dean-meat-sausage-factory-in-plainview-tx-closed.html>. Accessed March 7, 2015.
- Zacher, D. (2009). City unaware of outlet store at Plainview peanut plant. [http://www.myplainview.com/news/article\\_8652e07b-d45a-5e89-8009-ce8e8fdeb74a.html](http://www.myplainview.com/news/article_8652e07b-d45a-5e89-8009-ce8e8fdeb74a.html). Accessed March 7, 2015.
- Zuraw, L. (2015). Hamburg Tells Senate Budget Committee FSMA Funding Needed to Fill ‘Significant’ Gaps. <http://www.foodsafetynews.com/2015/03/hamburg-tells-senate-budget-committee-fsma-funding-needed-to-fill-significant-gaps>. Accessed March 15, 2015.