



February 4, 2009

Congresswoman Rosa DeLauro
2413 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman DeLauro:

On behalf of the non-profit consumer organization Food & Water Watch, I am pleased to announce our organization's support for the Food Safety Modernization Act that you introduced today.

Our food safety system in our nation is in peril. In recent years, there have been too many food borne illness outbreaks that have sickened and even killed U.S. consumers. The sources of those outbreaks have come from both domestic and imported food. Many of the foods involved in those outbreaks fall under the jurisdiction of the Food and Drug Administration (FDA). Food & Water Watch has come to the conclusion that the FDA has completely lost its capacity to regulate food safety and that it cannot provide a level of inspection that would prevent such outbreaks from occurring in the first place. U.S. consumers are losing confidence in the ability of the FDA to protect them.

The most recent outbreak involving salmonella in peanut butter clearly exposes the weaknesses in the current FDA regulatory scheme:

- It took illnesses and deaths before the FDA took any action;
- Four months elapsed before FDA and the Centers for Disease Control could link the illnesses to peanut butter and peanut paste produced by the Peanut Corporation of America and that only occurred because of the diligence of the Minnesota Department of Health and the Connecticut Department of Public Health;
- Because FDA contracts with states to conduct most of its food inspections, there seemed to be a lack of coordination between the FDA and the Georgia Department of Agriculture over the enforcement of food safety standards;
- The dribbling out of daily recall announcements from companies that were supplied peanut products by the Peanut Corporation of America points out the deficiencies in FDA's ability to trace back and trace forward adulterated product in an expeditious manner.

Your proposed legislation takes a common sense approach to correcting many of the problems facing the food safety program at the Department of Health and Human Services (HHS).

First, it would create a new Food Safety Administration within HHS so that food safety within that department would finally receive the attention that it so desperately deserves.

Second, your bill would strengthen food safety standards and set performance standards that all food manufacturers would need to meet.

Third, your bill would set a minimal frequency of inspection for all domestic food establishments under the jurisdiction of the Food Safety Administration that would be determined on the types of food produced and compliance history of the firms, with all food establishments receiving at least an annual inspection as opposed to the five to ten year interval between inspection visits currently provided by the FDA.

Fourth, your legislation would finally set up a comprehensive system to evaluate the safety of imported foods and provide a mechanism to revoke the ability of foreign food establishments to export food to the U.S. that do not meet at our food safety standards. Food & Water Watch has published several recent reports, using FDA's own data, which illustrate FDA's inability to deal with the ever-increasing volume of food imports.¹ Your bill would improve the capacity of the new Food Safety Administration to protect U.S. consumers against unsafe imports.

Fifth, your legislation would give the new Food Safety Administration the power to initiate a mandatory recall of unsafe food so that it can be removed expeditiously from the marketplace.

Sixth, your bill would also set meaningful civil and criminal penalties for those food establishments that violate the provisions of the law.

The Congress has held more than a dozen oversight hearings over the past two years highlighting the gaping holes in our food safety system. The time has come for Congress to act and provide U.S. consumers with a food safety system that protects public health. We strongly believe that your bill would achieve that goal.

Food & Water Watch stands committed to work for the passage of the Food Safety Modernization Act.

Sincerely,



Wenonah Hauter
Executive Director

¹ See *Import Alert* <http://www.foodandwaterwatch.org/fish/publications/reports/import-alert>;
Laboratory Error <http://www.foodandwaterwatch.org/fish/publications/reports/laboratory-error>;
The Poisoned Fruit of American Trade Policy
<http://www.foodandwaterwatch.org/food/pubs/reports/the-poisoned-fruit-of-american-trade-policy>