



Consumer Federation of America

January 30, 2008

The Honorable Tom Harkin
Chairman, Committee on Agriculture,
Nutrition, and Forestry
United States Senate

The Honorable Saxby Chambliss
Ranking Member, Committee on Agriculture,
Nutrition, and Forestry
United States Senate

The Honorable Collin Peterson
Chairman, Committee on Agriculture
United States House of Representatives

The Honorable Bob Goodlatte
Ranking Member, Committee on Agriculture
United States House of Representatives

Dear Chairmen Harkin and Peterson and Ranking Members Chambliss and Goodlatte:

Consumer Federation of America¹ strongly urges you to remove a provision in the House-approved version of the Farm Bill (HR. 2419) which would authorize the implementation of food safety programs under U.S. Department of Agriculture marketing orders. This provision (Section 10106) would not provide the appropriate level of food safety protection that consumers expect and would further fracture an already fragmented food safety system.

Marketing orders are price control and quality assurance programs, not food safety programs. They were designed to maintain orderly markets and are focused on the needs of the growers who participate in them. The culture of the Agriculture Marketing Service, which administers federal marketing orders, is that of promotion and sale of agricultural commodities. This orientation creates a distinct conflict of interest with any kind of food safety program. If the primary goal of AMS is to promote and sell agricultural commodities, any food safety programs that necessarily restrict that promotion will conflict with AMS' main mission. Such a conflict does not allow for adequate protection of the public from food safety hazards.

The Food and Drug Administration, on the other hand, is charged by Congress with the responsibility to assure the safety of much of the nation's food supply, including fruits and vegetables. The FDA's mission is oriented towards protecting public health and not towards marketing or promotion of agricultural products. This orientation allows the Agency to focus solely on assuring the safety of fruits and vegetables and protecting the public from foodborne illness. As such, any food safety measures for fruits and vegetables should be developed and implemented by the FDA.

¹ Consumer Federation of America is a non-profit association of 300 pro-consumer groups representing 50 million Americans nationwide. CFA was established in 1968 to advance the consumer interest through research, education and advocacy.

Furthermore, authorizing the implementation of food safety programs under USDA marketing orders would divide the jurisdiction for the safety of fruits and vegetables between two agencies in the federal government, effectively undermining efforts to increase the safety of those products. The U.S. food safety system is already fragmented as fifteen different agencies are responsible for implementing thirty different laws. The Government Accountability Office recently cited this fragmented system as one reason it placed the federal food safety system on its "high risk" list. Section 10106 would further fracture an already fragmented food safety system by dividing the responsibility for the safety of fruits and vegetables, leaving consumers unnecessarily vulnerable to the risk of foodborne illness.

We urge you to remove Section 10106 from the House-approved version of the Farm Bill (HR. 2419). The safety of fruits and vegetables should not be a marketing tool. Instead, produce safety should remain under the jurisdiction of the FDA which has the orientation and expertise to develop adequate food safety programs to protect consumers.

Sincerely,

A handwritten signature in black ink that reads "Chris Waldrop". The signature is written in a cursive, flowing style.

Chris Waldrop
Director, Food Policy Institute

cc: Members of the Senate Committee on Agriculture, Nutrition, and Forestry
Members of the House Committee on Agriculture