



Consumer Federation of America

May 29, 2013

The Honorable Debbie Stabenow
Chairwoman, Committee on Agriculture, Nutrition and Forestry
U.S. Senate
Washington, DC 20510

Dear Senator Stabenow:

As you develop the Manager's Package for the Agriculture Reform, Food and Jobs Act of 2013 (S. 954), Consumer Federation of America strongly urges you to not include the following amendments as part of the Manager's Package. These amendments would weaken our food safety system on which consumers depend to protect them from contaminated food. Two amendments would put consumers at greater risk of contaminated meat and poultry products. Four additional amendments would block or modify provisions of the Food Safety Modernization Act (FSMA), which was passed by Congress in 2010 with bipartisan support.

We urge you to protect Americans from the hazards of unsafe food and reject the following amendments.

- **The King amendment (SA 1032)** would diminish the safety of the nation's meat and poultry supply and increase the risk of foodborne illness traceable to meat and poultry products. There is abundant evidence that state meat/poultry inspection programs are not as rigorous or protective as federal inspection. The USDA's Inspector General and the U.S. Court of Appeals for the Sixth Circuit have noted the inadequacies of state inspection programs. Further, the amendment is duplicative and unnecessary as Congress already required, as part of the 2008 Farm Bill, USDA's Food Safety and Inspection Service to develop a Cooperative Inspection Program with interested state departments of agriculture to permit state inspected meat to be shipped in interstate commerce. The program was designed to maintain federal food safety standards while supporting state inspection programs; plants that meet federal safety standards can be inspected by state employees and ship in interstate commerce. Ohio, North Dakota, and Wisconsin are already participating in the program and several other states are preparing to join the program.
- **The King amendment (SA1034)** would allow some facilities that slaughter and process poultry to bypass federal inspection, putting consumers at risk of foodborne illness. The amendment seems to allow for a custom exempt facility owner to enter into agreements with multiple persons who could each slaughter 20,000 birds. That would result in a significant amount of poultry being sold to consumers which was not inspected for safety. It could also open the door to unscrupulous poultry operations finding ways to evade federal inspection.
- **The Crapo amendment (SA 1039)** would defund and effectively repeal the produce safety standards section of FSMA. The Centers for Disease Control and Prevention estimates that nearly half of all foodborne outbreak-related illnesses are from fresh produce. The produce rule is essential to protect consumers from unsafe produce and prevent foodborne disease.

- **The King amendment (SA 1033)** would prevent FDA from enforcing any regulations until the agency submits a scientific and economic analysis to Congress. It has several unintended consequences that will hurt consumers. Because it prohibits enforcement of any regulations promulgated under FSMA, it would bar FDA from enforcing rules on import safety, laboratory testing standards, and better traceability for high risk foods. It prevents FDA from enforcing the preventive controls requirements against large corporations even though the amendment's purpose is to study FSMA's impact on small and very small facilities. Most seriously, it affects rules already in place, such as administrative detention, records access and improved prior notice of imports. These rules are currently protecting consumers from contaminated foods.
- **The King amendment (SA 1042)** would expand the number and type of facilities and farms that can claim exemption status under the Food Safety Modernization Act. By limiting the issue of income to only those products covered by the section where the provision appears, it could allow a large business that owns a qualifying facility or small farm to claim special status. That runs contrary to the idea that subsidiaries and affiliates should count toward the total income of a qualified facility or farm. Thus a large business that could easily comply with FSMA could simply restructure its business into multiple small facilities and claim exemptions for each one. The unintended consequences of this amendment could ultimately expose consumers to unsafe food.
- **The Boozman amendment (SA 1098)** requires Congress to approve regulations that may have a "negative effect on access... to affordable food." While the goal may sound laudable, the amendment would allow anyone to argue that any regulation cost might be passed onto consumers and therefore should be halted. It ignores the substantial benefits that consumers realize from health and safety regulations. It could block important food safety rules issued under FSMA even though the benefits that flow to consumers far outweigh any potential cost. Furthermore, the scheme the amendment proposes would allow a minority in the Senate to filibuster regulations designed to protect consumers from preventable foodborne illnesses.

Consumer Federation of America strongly urges you to not include, as part of the Manager's Package, these amendments which would weaken our food safety system and expose consumers to unsafe food.

Sincerely,



Chris Waldrop
Director, Food Policy Institute

CC: The Honorable Harry Reid
The Honorable Tom Harkin
The Honorable Dick Durbin
The Honorable Barbara Mikulski
The Honorable Kirsten Gillibrand
The Honorable Chuck Schumer