

SAFE FOOD COALITION

1620 I Street, NW, Suite 200, Washington, DC 20006 202-939-1010

August 12, 2026

The Honorable John Thune
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mike Johnson
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Senate Minority Leader
United States Senate
Washington, DC 20510

The Honorable Hakeem Jeffries
House Minority Leader
United States House of Representatives
Washington, DC 20515

Dear Senator Thune, Senator Schumer, Speaker Johnson, and Representative Jeffries:

The undersigned members of the Safe Food Coalition urge you to rescind the appropriations rider passed last November in the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act of 2026 (“the Continuing Resolution”), which prevents the U.S. Food and Drug Administration from implementing traceability requirements for high-risk foods, including leafy greens until July 2028. Compliance with the FDA traceability requirements would facilitate faster and more effective investigations of foodborne illness outbreaks, such as the ongoing epidemic of Cyclosporiasis infections, which has now caused nearly 30,000 illnesses and two deaths.¹ The epidemic has also sparked a crisis in consumer confidence, in part due to Taylor Farms’—the major lettuce supplier implicated in the outbreak so far—failure to provide information to the public required under the FDA rule in its recall communications.

Consumers have had to wait long enough for meaningful food traceability. The FDA issued the final rule, “Requirements for Additional Traceability Records for Certain Foods,” in 2022, over a decade after Congress passed the Food Safety Modernization Act, which required it, with broad bipartisan support.² Even the 2022 rulemaking was only completed by that date because of public interest litigation and court-ordered deadlines.³ The agency subsequently set the compliance date for

¹ <https://www.foodsafetynews.com/2026/08/publishers-platform-on-the-day-cdc-confirmed-13-895-cyclospora-cases-the-acting-fda-commissioner-told-americans-to-feel-confident-about-lettuce-we-need-leadership-not-cheerleaders/>

² <https://www.federalregister.gov/documents/2025/08/07/2025-14967/requirements-for-additional-traceability-records-for-certain-foods-compliance-date-extension>

³ <https://www.centerforfoodsafety.org/blog/5622/taking-foodborne-illness-off-the-menu>

the final rule as January 20, 2026, a full three years after the rule’s “effective date.” As the agency explained in its initial rulemaking, the food industry “has generally adopted the requirements for one-up, one-back tracing required under” current regulations. This status quo approach to traceability results in preventable foodborne illness and waste as “outbreaks that are challenging to resolve” lead to overbroad recalls or public advisories, such as a 2018 advisory to avoid romaine lettuce from an entire growing region.⁴

In response to the current epidemic, consumers are avoiding fresh produce altogether. At least one illness cluster has been tied to iceberg lettuce grown and processed at a Taylor Farms de Mexico farm and facility. That facility, located across the street from a public swimming complex and suspected “fecal loading point,”⁵ was shut down “temporarily” last month.⁶ However, the vast scale of illnesses—22,683 as of this writing⁷—has caused declining sales across a broad range of produce items including carrots, cauliflower, spinach and Brussels sprouts.⁸ According to a recent survey, 40 percent of consumers have changed their buying habits in response to the outbreak.⁹ They are eating less “real food,” a public health disaster in its own right. The longer public health authorities cannot identify the source of the remaining *Cyclosporiasis* infections, the harm caused by this crisis of confidence is likely to grow.

Widespread compliance with FDA’s traceability rule, along with adequate funding for foodborne illness surveillance and epidemiology at the CDC and its state and local public health partners,¹⁰ would prevent illness and support healthier diets. Opposition to the traceability rule is narrow, led by the food retailer trade association FMI.¹¹ The International Fresh Produce Association, which represents growers, has called for “stronger federal food safety infrastructure and end-to-end traceability,”¹² while Taylor Farms has recently posted “we fully support and endorse” food traceability legislation.¹³ But traceability only works if the entire food chain participates. A traceability rule that exempts certain sectors who may be less susceptible to crashing consumer confidence in broad categories of foods like leafy greens, will not work.

⁴ <https://www.federalregister.gov/documents/2020/09/23/2020-20100/requirements-for-additional-traceability-records-for-certain-foods>

⁵ <https://www.marlerblog.com/case-news/a-public-bathing-complex-has-sat-eight-hundred-feet-from-the-taylor-farms-plant-since-before-fda-ever-walked-the-property/>

⁶ <https://www.reuters.com/business/healthcare-pharmaceuticals/michigan-reports-7644-cyclosporiasis-cases-ongoing-outbreak-2026-07-23/>

⁷ <https://www.foodsafetynews.com/2026/08/publishers-platform-27/>

⁸ <https://www.wsj.com/business/hospitality/california-lettuce-growers-skip-harvest-plow-their-crops-back-into-the-ground-f2020d89?mod=Searchresults&pos=2&page=1>

⁹ <https://thehill.com/business/5992862-cyclospora-outbreak-produce-fda-survey/>

¹⁰ <https://consumerfed.org/news/testimony-comments/consumer-industry-stakeholders-asks-senate-to-fund-cdc-food-safety-program-responsible-for-cyclospora-detection/>

¹¹ See <https://www.fmi.org/food-safety/traceability-rule>

¹² <https://theshelbyreport.com/2026/07/20/ifpa-calls-for-stronger-traceability-as-cyclospora-outbreak-grows/>

¹³ <https://www.taylorfarms.com/cyclospora-information-hub/#ih-statement>

Unfortunately, last November, Congress showed its inclination to reward persistent, moneyed interests, however narrow, to obstruct good policy. Section 780 of the Continuing Resolution states that “[n]o funds appropriated by this Act may be used to administer or enforce [FDA’s traceability rule] prior to July 20, 2028.” More importantly, since FDA had already pledged to put the rule on ice until then, Section 780 directs FDA to “to identify and implement, as appropriate, additional flexibilities for satisfying the rule’s lot-level tracking requirement,” and to “provide industry stakeholders with recommendations for these additional flexibilities satisfying the rule’s lot-level tracking requirement, as appropriate.” In other words, the provision prods FDA to abandon the linchpin—lot codes—of its traceability framework, and to go back to the drawing board.

This provision undermines investment made by companies across the food supply chain in anticipation of the rule. Retailers including Kroger, Albertsons and Walmart had already implemented traceability programs that incorporated the requirements set out by FDA, and often went further, prior to FDA announcing the delay in the rule’s compliance date.¹⁴ The congressional directive further erodes confidence in the rule, and the prospect of improving upon the status quo “one step forward and one step back” traceability programs.

Congress should send a message to reassure consumers and food companies alike that the federal government is committed to safer food, and that it will stand by a decade and a half of research, collaboration, and investment towards strengthening traceability. We urge you to rescind the freeze on FDA’s funding related to the compliance date of the traceability rule, along with the counterproductive mandate to explore “additional flexibilities” that serves little more than to sow uncertainty.

Sincerely,

Center for Food Safety
Center for Science in the Public Interest
Consumer Federation of America
Consumer Reports
Farm Forward
Government Accountability Project
GW Institute for Food Safety and Nutrition Security
National Consumers League
Stop Foodborne Illness
U.S. PIRG

¹⁴ <https://www.grocerydive.com/news/grocers-fsma-food-traceability-preparing-requirements-2026/738201/>