



February 4, 2009

Honorable Rosa DeLauro
U.S. House of Representatives
2413 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman DeLauro:

Consumers Union, the non-profit publisher of *Consumer Reports*, is writing in support of your legislation, the “Food Safety Modernization Act,” (FSMA) being introduced today. The U.S. food safety system has been in trouble for a long time; the most recent examples of its failings are the current outbreak of *salmonella* in peanut butter, which has killed 8 and sickened over 500, and last summer’s outbreak of *salmonella* in peppers. There are many other examples that demonstrate that the U.S. Food and Drug Administration (FDA) – the agency that is supposed to oversee the safety of foods such as peanut butter, peppers, and many others – is incapable of protecting Americans. The FDA clearly needs significant overhaul.

Your legislation, the FSMA, will accomplish a number of important food safety reforms at the beleaguered agency. Among these many reforms are the following:

- Ensure that, at a minimum, food production facilities would be inspected annually – a critical and necessary improvement to our current system, in which facility inspections only once every decade on average. The ongoing peanut butter outbreak now reveals that the PCA plant in Georgia – ground zero for the contamination – was last inspected by the FDA in 2001. The FSMA would create five categories of food production facilities, and would require inspections based upon the type of food handled and its processing.
- A requirement that food production establishments maintain records and disclose internal testing results that are positive for food contaminants. Such a disclosure could have prevented the current peanut butter outbreak, since PCA found salmonella on twelve different occasions in the last two years. It did not disclose the results but rather kept them confidential and shipped the contaminated products.
- A mandate for the FDA to establish and enforce performance standards for the five most significant food contaminants.

- More and more of our food is coming from overseas, and the current FDA is not able to keep up with this reality. The FSMA would authorize the agency to review foreign food safety records, and to require certification that foreign facilities are in compliance with U.S. food safety standards, if they are importing to the U.S. If the food is not certified to U.S. standards, it will have to be imported through a port with an accredited laboratory. Your bill would help prevent crises like the *salmonella* outbreak in Mexican peppers last summer, by requiring foreign food processors that export to the U.S. to meet the same standards as U.S. food processors.
- A traceability program that would permit the agency to traceback contaminated produce to its source in a timely fashion in the event of another outbreak.
- Increased penalties – up to a maximum of \$1 million, instead of the current maximum of \$10,000 - against those who violate food safety laws. Such penalties are necessary to deter wrongdoing, and to send the clear signal that food hazards are not an acceptable business practice.

For far too long, the FDA has come up short in keeping Americans from being made sick – or worse – by the food in their homes. Your bill will go a long way towards reforming our damaged food safety system.

We look forward to continuing to work with you and other members of Congress in an effort to pass food safety reform legislation.

Sincerely,



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