

AMERICAN PUBLIC HEALTH ASSOCIATION ◇ ASSOCIATION OF SCHOOLS OF PUBLIC HEALTH ◇
CENTER FOR FOODBORNE ILLNESS RESEARCH & PREVENTION ◇
CENTER FOR SCIENCE IN THE PUBLIC INTEREST ◇ CONSUMER FEDERATION OF AMERICA ◇
CONSUMERS UNION ◇ FOOD & WATER WATCH ◇ GOVERNMENT ACCOUNTABILITY PROJECT ◇
NATIONAL CONSUMERS LEAGUE ◇ THE PEW CHARITABLE TRUSTS ◇
SAFE TABLES OUR PRIORITY ◇ TRUST FOR AMERICA'S HEALTH ◇
UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION

July 22, 2009

United States House of Representatives
Washington, DC 20515

Dear Representative:

The undersigned consumer, public health and trade union organizations, representing millions of Americans, urge you to **pass H.R. 2749, the Food Safety Enhancement Act of 2009 (FSEA) before the August district work period.** Our current food safety system is broken and has been in need of an overhaul for more than a decade. In recent years, foodborne illness outbreaks – from a variety of contaminated products such as spinach, canned chili, pot pies, peppers, peanuts, pistachios and cookie dough – have demonstrated the inadequacies of our current food safety system. H.R. 2749, which was passed out of the House Energy and Commerce Committee in June **on a voice vote and with bipartisan support**, gives the Food and Drug Administration (FDA) the authority and resources it needs to protect American consumers from dangerous and unsafe food.

The costs – both human and economic – of foodborne illness are far too high. The Economic Research Service of the U.S. Department of Agriculture estimated in 2000 that the annual costs of medical care, productivity losses, and premature deaths due to foodborne illnesses caused by five major pathogens alone to be \$6.9 billion. Foodborne illnesses caused by pathogens such as *Salmonella* and *E. coli* O157:H7 could be largely prevented if a public health based preventive food safety system were in place. Sadly, foodborne illnesses are too common under our current system. Each year, 76 million Americans are sickened from eating contaminated food; more than 325,000 are hospitalized, and 5,000 die. On average, that is one death every two hours. Young children and the elderly are particularly vulnerable. The following are just two of many recent examples:

- Nine elderly people died earlier this year from eating peanut butter contaminated with *Salmonella*.
- Three people died in 2006 from consuming spinach contaminated with *E. coli* O157:H7 - including Kyle Allgood, of Chubbuck, Idaho, whose parents fed him spinach because they thought it was good for him. He died of kidney failure and a heart attack at the age of two.

The FSEA would make several long-overdue repairs to our broken food safety system, including:

- Requiring that FDA inspect high-risk food processing facilities at least every 6-12 months, inspect lower-risk facilities at least every 18 months to 3 years, and warehouses once every 5 years (FDA currently inspects all facilities on average once every 10 years.)

- Requiring all registered food facilities (domestic and foreign) to develop food safety plans that identify hazards and to employ strategies to minimize contaminants.
- Requiring businesses to maintain food safety records in a standard format so they are easier for FDA to review.
- Giving FDA the authority to order a recall if a company fails to do so when requested.
- Requiring domestic and foreign food processing facilities selling to American consumers to register with the FDA and pay an annual fee of \$500, to help fund the cost of needed increased food safety activities.
- Requiring that FDA, within two years, create a system that will allow the agency to trace food to its source within two business days in the event of contamination. The need for this new authority was made clear during last year's outbreak of *Salmonella* in peppers. FDA ran into a series of roadblocks before finally tracing the source to peppers grown on a farm in Mexico. Since the outbreak was first associated with tomatoes, the end result of the prolonged traceback was needless and costly harm to the U.S. tomato industry and to consumers who experienced foodborne illness.
- Increasing fines and penalties for violators of the law.

It is important to note that prior to reporting the bill favorably, the Energy and Commerce Committee met with members of the Agriculture Committee and with farm and industry groups, and made numerous changes to address the concerns raised by farmers and food processors.

Earlier this month, the White House announced new food safety recommendations which are an important first step, but are limited in part by what the FDA can do under existing authority. **In order to implement real, sustained food safety reform and give FDA the enforcement power and resources it needs, the House of Representatives should pass the FSEA before it adjourns for the August district work period.**

Sincerely,

American Public Health Association
 Association of Schools of Public Health
 Center for Foodborne Illness Research & Prevention
 Center for Science in the Public Interest
 Consumer Federation of America
 Consumers Union
 Food & Water Watch
 Government Accountability Project
 National Consumers League
 The Pew Charitable Trusts
 Safe Tables Our Priority
 Trust for America's Health
 United Food and Commercial Workers International Union