Dear Representative [NAME],

The undersigned members of the Make Our Food Safe Coalition and the Safe Food Coalition, representing consumer and public health groups, workers in the food industry, and victims of foodborne illness, write to oppose amendments offered by Representatives Steve King and Dan Benishek, as well as any other addition to the Federal Agriculture Reform and Risk Management Act of 2013, that would further delay or jeopardize implementation of the FDA Food Safety Modernization Act (FSMA).

Rep. King’s amendment is overly broad and could undermine a state’s ability to protect its citizens from foodborne illness. The amendment could result in the state with the weakest record for ensuring that food is produced safely setting standards for the citizens of the 49 other states. For example, California in 2003 banned contaminated oysters from the Gulf of Mexico unless they are processed to eliminate deadly bacteria. This law has resulted in clear benefits for California residents. Under the King amendment, Louisiana’s law that allows the sale of unprocessed oysters would supersede California’s law and restrict California from protecting its citizens.

Rep. Benishek is seeking to delay the implementation of the FDA Food Safety Modernization Act (FSMA) until yet another round of scientific and economic studies are conducted. FSMA was passed by Congress with bipartisan support and signed by the President in January 2011. FSMA marked the first update to our food safety system since the Great Depression, and signaled a much-needed shift in FDA’s approach from reaction to prevention. As part of the implementation process, FDA has completed detailed technical and economic analyses of virtually every aspect of the proposals, which were evaluated, revised, and delayed by the more than year-long review process overseen by the Office of Management and Budget. We cannot afford to wait any longer. Equally troubling is the amendment’s requirement that FDA cease enforcing any FSMA provisions until these additional analyses are completed.

A fully implemented FSMA will reduce the number of people put needlessly at risk because of foodborne illness. Each year, an estimated 48 million foodborne illnesses, 127,000 hospitalizations, and 3,000 deaths result from food contamination. These sometimes life-threatening illnesses are estimated to negatively impact the economy by more than $70 billion dollars in health-related costs each year.

Since FSMA became law, there have been 19 reported multistate foodborne-illness outbreaks linked to FDA-regulated products. The deadliest one, linked to cantaloupe, killed 33 (and caused one miscarriage), the largest death toll for an outbreak in decades. The proposed FSMA produce regulations are designed specifically to prevent outbreaks such as this one.

Through written comments and oral testimony at field hearings around the country, farmers and other stakeholders have had an opportunity to express their views on FDA’s proposed approach to food safety on the farm and to suggest alternatives. FDA has committed to reviewing all of the comments and testimony before finalizing regulations that will be crafted to balance the goals of protecting public health and minimizing the economic burden on farms.

Although we do not know when or from where the next outbreak could come, we know that every food producer -- whether his operation is large or small -- has the responsibility to produce safe food. With this in mind, we urge you to reject the King and Benishek amendments or any similar measures aimed at undermining FSMA and food safety.

Sincerely,

The Pew Charitable Trusts (PCT)  
Center for Foodborne Illness Research & Prevention (CFI)  
Consumer Federation of America (CFA)  
National Consumers League (NCL)  
Trust for America’s Health (TFAH)  

American Public Health Association (APHA)  
Center for Science in the Public Interest (CSPI)  
Consumers Union (CU)  
STOP Foodborne Illness (STOP)