May 30, 2013

The Honorable Debbie A. Stabenow  
Chairwoman  
Senate Committee on Agriculture, Nutrition and Forestry  
328A Russell Senate Building  
Washington, DC 20510

Dear Chairwoman Stabenow,

The Center for Science in the Public Interest (CSPI)\(^1\) urges you to oppose six amendments to the Farm Bill that would weaken our food safety programs, thereby exposing consumers to an increased risk from preventable foodborne diseases. One in six Americans will suffer from a foodborne illness this year. Of those 48 million cases, 128,000 will require hospitalization and 3,000 will end in death. An unknown number of cases will result in long-term health consequences such as reactive arthritis, Guillain Barré Syndrome, and kidney failure.

Four of the amendments we are concerned about would either block or modify provisions of the landmark Food Safety Modernization Act (FSMA). This bipartisan legislation that passed Congress in 2010 established a preventive food safety system at the Food and Drug Administration (FDA). FSMA’s passage followed a series of foodborne illness outbreaks and numerous hearings in Congress that had exposed serious flaws in FDA’s food safety programs. Proposed regulations to implement reforms under the new law are in the comment phase now, and final rules should be out before the end of the year. The reforms hold the promise of preventing millions of illnesses each year. Yet, these damaging amendments could leave consumers exposed to the very problems Congress sought to address when it passed FSMA.

We ask that you oppose the following amendments should they come up for a vote during Senate consideration of S. 954, the Agriculture Reform, Food, and Jobs Act of 2013, and further ask that the amendments not be included in any en bloc package of amendments because of their controversial nature.

- **The Crapo amendment (SA 1039) would place consumers at a continued risk of disease from contaminated produce.** It proposes to defund, effectively repealing, the produce safety standards section of FSMA. CSPI’s study of foodborne disease outbreaks found

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\(^1\) The Center for Science in the Public Interest is a nonprofit health advocacy and education organization focused on food safety and nutrition issues. CSPI is supported principally by the 900,000 subscribers to its *Nutrition Action HealthLetter* and by foundation grants. We accept no government or industry funding.
contaminated produce caused more illnesses than any other food group over the last decade. (See Outbreak Alert! at cspinet.org/new/pdf/outbreak_alert_2013_final.pdf.)

- **The King amendment (SA 1033)** would put consumers at risk of exposure to filthy and potentially contaminated food by blocking enforcement of FSMA regulations. It does this by preventing FDA from enforcing any regulations until the agency submits a scientific and economic analysis to Congress. Because it prohibits enforcement of any regulations promulgated under FSMA, it would back-peddle over rules already in place that are working to protect consumers such as administrative detention, records access and prior notice of imported food.

- **The King amendment (SA 1042)** would create a loophole for large food businesses to escape federal oversight of safety at their smaller affiliated operations. It does this by allowing on-farm facilities to segregate the income from each operation when determining eligibility as a qualified facility or exempt farm. That would allow a food business that is neither small nor local to operate a side business that takes advantage of FSMA’s provisions for small and local food producers.

- **The Boozman amendment (SA 1098)** would prevent FDA from issuing regulations to implement FSMA consumer protections. While the amendment appears to be targeted at assuring access to affordable food, this seemingly beneficial purpose is a ruse. Its real purpose is to force Congress to vote down food safety regulations under the cloud of a false dichotomy between food safety and affordability.

In addition to the four amendments affecting FDA’s implementation of FSMA, we are concerned about the impact two other proposed amendments would have on food safety programs under the U.S. Department of Agriculture’s Food Safety and Inspection Service (FSIS). Please oppose 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. The amendment is duplicative and unnecessary as Congress already required, as part of the 2008 Farm Bill, FSIS to develop a Cooperative Inspection Program with interested state departments of agriculture. That 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. This amendment does not have the same assurances that federal food safety standards will be maintained.

- **The King amendment (SA 1034)** could allow some facilities that slaughter and process poultry to bypass federal inspection, putting consumers at risk of foodborne illness. The amendment allows 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 also would open the door to unscrupulous poultry operations finding ways to evade federal inspection.

Thank you for considering the views of consumers regarding potential amendments to the Farm Bill. If you have any questions about these amendments or CSPI’s position on them please feel free to contact me at (202) 777-8319 or email: dplunkett@cspinet.org.

Sincerely,

David W. Plunkett
Senior Staff Attorney
Food Safety Program
Center for Science in the Public Interest

cc: The Honorable Harry Reid
   The Honorable Richard Durbin
   The Honorable Charles Schumer
   The Honorable Tom Harkin
   The Honorable Barbara Mikulski
   The Honorable Kirsten Gillibrand