

November 1, 2007

The Honorable John Dingell
Chairman
House Committee on Energy and Commerce
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Dingell:

We commend and share your commitment to ensuring the safety of our nation's food supply and agree that a strong, adequately funded Food and Drug Administration (FDA) is fundamental to achieving this goal.

We are, however, writing to inform you of our concerns regarding some of the proposed provisions in food safety legislation that is currently the focus of your committee's deliberations. In particular, we strongly oppose the imposition of user fees on shipments of imported food, as well as provisions in two bills, H.R. 3610 and H.R. 3624, that would, in our view, undermine the FDA's ability to address food safety risks and would place significant restraints on U.S. commerce without providing a commensurate enhancement in the safety of America's food supply.

All Americans benefit from improvements to our food safety net. Therefore, the costs of FDA inspections and research should be paid for from general tax revenue, not new user fees imposed on food importers. In addition, the fee proposed in H.R. 3610 would likely violate America's trade agreements, invite foreign countries to impose reciprocal fees on U.S. exports, and unfairly impact specific food products. While we support increased resources for FDA through Congressional appropriations, we strongly oppose the fee proposed in H.R. 3610.

We are also concerned that many of the provisions of H.R. 3610 and H.R. 3624 would place significant new and unreasonable burdens on our nation's commerce and divert FDA and industry resources that could be more productively employed. We strongly oppose provisions to permit a private right of action against food companies and retailers, and we are deeply concerned that many other provisions – including provisions to impose new requirements for labeling, traceability, certification, civil penalties, process controls, quarterly inspections and to restrict food imports to a limited number of ports – would place enormous new burdens on FDA, food importers, and the food industry and would dramatically increase food prices without addressing the sources of contamination.

Mr. Chairman, we welcome the opportunity to work with you to promote a risk based approach to food safety regulation and allow FDA the flexibility to respond to emerging risks in the manner that most efficiently uses the agency's precious resources. In particular, we urge you to build upon the public-private partnership between FDA and the food industry to expand the capacity of foreign governments to detect and deter threats to public safety. We look forward to

working with you to develop and implement improvements that will make prevention the focus of our food safety net.

Sincerely,

Acme Food Sales
American Association of Exporters and Importers
American Bakers Association
American Beverage Association
American Council of Independent Laboratories
American Feed Industry Association
American Frozen Food Institute
Association for Dressings and Sauces
Association of Food Industries
American Meat Institute
American Spice Trade Association
Aqua Star
Arguimbau & Co
Berdex Seafood, Inc.
Borges USA
Cadbury Schweppes PLC
California Garlic Company
Calorie Control Council
Campbell Soup Company
Category Management Group
Central Seaway Company, Inc.
Cheese Importers Association of America
Chocolate Manufacturers Association
Clear Springs Foods, Inc.
Coastal Green Frozen Food, LLC
Columbia Foods, Inc.
Consumers for World Trade
Council for Responsible Nutrition
Crown Prince, Inc.
Darden Restaurants, Inc.
Dean Foods Company
Del Monte Foods
Distilled Spirits Council of the United States
Eastern Fish Company
Empress International Ltd.
Fishery Products International
Flavor and Extract Manufacturers Association
Frozen Specialties, Inc.
Global Reliance Inc.
Gorton's Inc.
Graceland Fruit, Inc.

Grocery Manufacturers /Food Products Association
Hilo Fish Company
Inn Foods, Inc
Institute of Shortening and Edible Oils
Independent Bakers Association
International Association of Color Manufacturers
International Dairy Foods Association
International Foodservice Distributors Association
International Warehouse Logistics Association
J.F. Braun & Sons
Juice Products Association
Kellogg Company
King & Prince Seafood Corporation
Ladex Corporation
Los Angeles Cold Storage Company
Los Angeles Customs Brokers and Freight Forwarders Association, Inc.
Maritime Products International
Meridian Products, LLC
Miller's American Honey Company
National Association of Convenience Stores
National Association of Manufacturers
National Fisheries Institute
National Coffee Association
National Confectioners Association
National Custom Brokers and Forwarders Association of America
National Grain and Feed Association
National Grocers Association
National Frozen Foods Corp.
National Institute of Oilseed Products
National Meat Association
National Oilseed Processors Association
National Retail Federation
Neptune Foods
Nestle Purina PetCare Company
Nestle USA, Inc.
Newport International of Tierra Verde, Inc.
NORPAC Foods, Inc.
Ocean Duke Corporation
Ocean Garden Products, Inc.
Ore-Cal Corporation
Orient Fisheries, Inc.
Orlando Foods Sales, Inc.
P&J Brands, Inc.
Pacific Rim Crab Company
Patterson Frozen Foods, Inc.
PepsiCo, Inc.

Produce Marketing Association
Purcell International
Red Chamber Co.
Rema Foods
Retail Industry Leaders Association
Schreiber Foods International, Inc.
Sea Port Products Corp.
Seabreeze Seafoods, International
Singleton Fisheries, Inc.
Snack Food Association
Sunrise Commodities
Tampa Bay Fisheries, Inc.
Texas Farm Products Company
The Coca-Cola Company
The Hershey Company
The Pastene Companies, Ltd.
The Pet Food Institute
The Schwan Food Company
Unilever
United Fresh Produce Association
U.S. Chamber of Commerce
Vinegar Institute
Williams Clarke Company, Inc.
Wm. Wrigley Jr. Company