

**Delivered on the Floor of the House during consideration of H. R. 4167, National Uniformity for Food Act, March 2, 2006**

**Allen Boyd (D-FL)**

Thank you, Madam Chairman. I want to thank the gentleman from Georgia for yielding to enter in a colloquy so that we may clarify certain parts of this. I and other members would like to be certain that we understand how this bill affects state food safety laws. It is my understanding that the bill contains a list of 10 provisions of federal food safety laws and that state law dealing with the same subjects as the federal law is required to be identical to the federal law. Is my understanding correct?

Mr. Deal: Yes, it is. I would add that under the bill identical means that the language in the state law is substantially the same as that in the listed sections of federal law and that any differences in language are not material. This is important to understand.

Mr. Boyd: I thank the gentleman for his clarification. Am I correct in also understanding that virtually all of the state laws that relate to the sections of federal law listed in the bill are identical to federal law already?

Mr. Deal: Yes. For example, federal law contains what is referred to as the basic adulteration standard which provides that a food is adulterated if it bears any added poisonous or deleterious substance which may render the food injurious to health. All states have a provision that is identical to this provision of federal law.

Mr. Boyd: I thank the gentleman. Is the basic adulteration standard to which the gentleman referred is one the states would rely on to deal with the presence of unsafe levels of contaminants in food, would that provision permit a state to take action against a terrorist threat to food supply?

Mr. Deal: The gentleman is correct on both of those points.

Mr. Boyd: Madam Speaker, a lot of us, there have been loft allegations coming from all directions. There have been folks who oppose the bill that produce a list of 77 state laws that would purportedly be nullified under this bill. If the gentleman would -- is that an accurate portrayal of the effects of this bill?

Mr. Deal: Careful analysis of that list shows of the 77 state laws listed, 55 would not be preempted. Two examples, first included on the list is an Alabama law that sets nutritional standards for grits. This uniformity bill does not deal with nutritional standards or with grits. So the Alabama law is unaffected by the bill. Second, the list includes several state laws that require that fish be labeled as previously frozen if that is the case. These laws are not affected by the uniformity provision because those state fish labeling requirements are not warnings. Of the 22 state laws that would be affected by the bill, 14 authorize states to adopt requirements for food and color additives that are different from federal requirements. Although these laws would be preempted under the bill, the fact is that none of the 14 states that have these laws have any current requirements for food or color additives that are different from federal requirements. So in spite of all the wild assertions that the uniformity bill would nullify the bulk of state food safety laws as one opponent as put it -- has put, the fact is it would do nothing of the sort. I yield 30 more seconds.

Mr. Boyd: I thank the gentleman for that comprehensive and reassuring response. I agree that there's a lot of confusion about the bill and we don't clearly understand the effects on state law and authority. I am satisfied, however, that the bill properly preserves the ability of states to protect -- to take action to protect consumers while ensuring that food safety policies will be uniform and scientifically based. I thank the gentleman for his time. I yield back.