

Congress of the United States

Washington, DC 20515

March 1, 2006

The Honorable Bill Lockyer
Attorney General
State of California
1300 I Street, Suite 1740
Sacramento, CA 95814

Dear Attorney General Lockyer,

Thank you for your February 10th letter expressing your concerns about H.R. 4167, the National Uniformity for Food Act of 2005. As cosponsors of this legislation, and Members of the California Delegation, we value your input and take your concerns seriously.

We understand that numerous allegations have been raised about H.R. 4167, and we want to further expound on the merits of this legislation. Contrary to widespread criticism, H.R. 4167 will not eliminate local or state programs, inhibit state inspections or enforcement, reduce state and local enforcement powers or require state law to be identical to federal law. The legislation is drafted with all due diligence to provide maximum authority to the states, while recognizing the need for a uniform system of food protection throughout the country.

We believe several provisions in the bill assure that California will remain in a position to protect the health and safety of its citizens. Under H.R. 4167, California retains the authority to make any public statement and issue any public materials relating to the safety of the food supply and to regulate a toxic chemical in a food where FDA has not set any exposure standard for that specific toxic chemical.

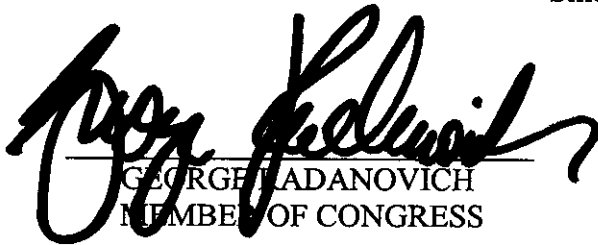
The legislation also creates a petition process for California to demonstrate that current state requirements should be adopted by FDA for enforcement throughout the country. This process contains mandatory deadlines that are enforceable through the courts, which ensures California an opportunity to demonstrate that toxicity warnings required under Proposition 65 should be expanded nationwide. Furthermore, California may also petition for an exemption from national uniformity because of a local condition that exists only in a particular state or local area and does not justify a uniform national requirement. Finally, H.R. 4167 contains an imminent hazard provision, authorizing California to take immediate action to address an impending hazard to health that is likely to result in serious adverse health consequences or death.

As you may know, national uniformity standards have already been enacted for a wide variety of food and other consumer products from meat and poultry regulations to

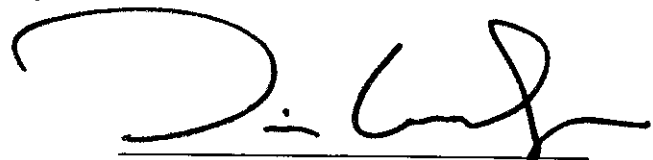
cosmetic and food labeling. These regulations have been highly successful in preventing widely differing state and local requirements that would have otherwise severely disrupted commerce in the United States. Furthermore, in 1998 Institute of Medicine (IOM) of the National Academy of Sciences released a report calling for a "national food safety plan" that will "integrate federal, state, and local food safety initiatives" and President Clinton's Council on Food Safety further codified these goals by stating, "There needs to be public assurance that state and local activities are integrated with, and in extension of, the federal responsibility in order to assure consistency, accountability, and above all, enhanced consumer protection."

Once again, we thank you for your helpful comments but retain our position that passing the National Uniformity for Foods Act is vitally important to maintaining integrity in labeling requirements nationwide.

Sincerely,



GEORGE LADANOVICH
MEMBER OF CONGRESS



DENNIS CARDOZA
MEMBER OF CONGRESS