

Get The Facts:

State AGs Misstate Scope of H.R. 4167

March 6, 2006

Dear Colleague:

Recently you may have received correspondence from several state Attorneys General regarding H.R. 4167, the National Uniformity for Food Labeling Act. As the bill's principal cosponsor I feel compelled to refute several claims in the letter.

The Attorneys General assertion that "food safety has largely been a matter of state law and oversight for well more than a century" misstates the historical record. While it is true that the earliest adulteration laws in this country arose in the colonies and states, food production and distribution has been an issue of interstate commerce for over 150 years.

Furthermore, we have had a national system of food safety for a century, since the 1906 passage of the Pure Food and Drugs Act. Under that law and the 1938 Federal Food, Drug, and Cosmetic Act, which forms the basis for our current food laws, the Food and Drug Administration (FDA) has been principally responsible for the establishment of standards for adulteration and food safety. For the better part of the last 100 years, FDA's role in food safety has been accepted and supported by consumers and state government.

Through this all the states have maintained an important role in the food safety system. In particular, states have remained the front line inspector of food sanitation. **H.R. 4167 does absolutely nothing to affect these inspections.**

Also, the Attorneys General letter contains several factual errors in its description of the impact H.R. 4167 would have on state warning label requirements. For example, the letter asserts that a California law that requires the label of a food to disclose if the food contains more than ½ of one percent alcohol would be preempted. This California law requires the disclosure of information, not a warning of possible danger. H.R. 4167 addresses only warnings and therefore the California law would not be preempted. Similarly, a New York law cited that requires fats and oils in a food be listed in descending order of predominance as another example of state law that would be affected by H.R. 4167. The uniformity bill does not address food ingredient labeling requirements that are not warnings and the New York law is not a warning and again would not be preempted by H.R. 4167.

In conclusion, H.R. 4167 will not impede the ability of states to enforce food adulteration requirements or to remove unsafe foods from the market. The uniformity in food warnings under the bill will enhance food safety and public health. Contrary to the assertions of the Attorneys General, H.R. 4167 is sound public policy and deserves your support.

Please join the bill's 226 bipartisan cosponsors by supporting this legislation when it is considered on the House floor this week. If you have any questions please contact Mike Ward in my office at 5-4872 or at mike.ward@mail.house.gov.

Sincerely,

Mike Rogers

Member of Congress