

March 8, 2006

Dear Colleague,

As the House debates H.R. 4167, I thought you would be interested to know my position regarding the amendments under consideration. Below is a brief summary of and my position on each amendment.

Please Support:

Barton Manager's Amendment: Under the amendment, if the Food and Drug Administration (FDA) has established a federal adulteration or food tolerance standard the state must enforce that standard. If the FDA has considered and officially rejected a federal standard then states may not enforce requirements rejected by the Secretary. However, if the Secretary of Health and Human Services has not acted to establish a standard or rejected a standard then a state could establish its own adulteration or tolerance standard without having to petition or seek approval from the FDA.

Rogers (MI) Amendment: The amendment states that the changes of law made by this legislation will not take effect until after the Secretary of Health and Human Services certifies to the Congress, after consultation with the Secretary of Homeland Security, that the implementation of the legislation will pose no additional risk to the public health or safety from terrorist attacks relating to the food supply.

Cardoza Amendment: The amendment provides for expedited consideration of state petitions that seek adoption of national warning requirements or exemptions from uniformity for state warning requirements in three cases: (1) where the requested warning relates to cancer-causing agents; (2) where the requested warning related to reproductive effects or birth defects; and (3) where the requested warning is intended to provide information that will allow parents or guardians to understand, monitor, or limit a child's exposure to cancer-causing agents or reproductive or developmental toxins.

Please Oppose:

Capps Amendment: This poison-pill amendment would continue the practice of fifty states producing separate food safety and labeling standards without any requirement that the state regulations conform to scientific standards. The Cardoza amendment provides for expedited Food and Drug Administration review of the possible risks highlighted in the Capps amendment.

Wasserman-Schultz: This amendment creates a loophole in the bill by allowing states to produce their own regulations regarding mercury levels in fish. It should be noted that the shellfish provisions of the Wasserman-Schultz amendment are already included in the underlying bill.

Waxman: The amendment limits the scope of H.R. 4167 by allowing states to opt-out of the federal regulatory system if the Governor or State legislature determines that state regulations would protect against bioterrorism. The Rogers (MI) amendment already allows the Secretaries of Health and Human Services and the Department of Homeland Security to halt the implementation of H.R. 4167 if implementation would jeopardize food safety.

Please join the bill's 226 bipartisan cosponsors by supporting this legislation when it is considered on the House floor today. 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