

Vote for Food Safety Support H.R. 4167

March 6, 2006

Dear Colleague:

Recently you received a letter from the Association of Food and Drug Officials (AFDO) concerning H.R. 4167, the National Uniformity for Foods Act of 2005. I am proud to be the principal cosponsor of this important legislation and write to you to correct the misleading characterizations of the effects of the legislation in the AFDO letter.

First, AFDO states that H.R. 4167 will interfere with state activities to ensure that food sanitation is maintained. AFDO also says that the ability of the states to remove or cause the removal of unsanitary food will be impaired if H.R. 4167 is enacted.

H.R. 4167 does not affect state food sanitation activities or the ability of the states to remove unsanitary food from the market. H.R. 4167 lists ten sections of the Federal Food, Drug, and Cosmetic Act (FDC Act) that relate to food safety, not sanitation. In short, H.R. 4167 has nothing to do with food sanitation.

Second, AFDO claims that the ability of the states to adopt standards for microbial contaminants in food would be impaired by H.R. 4167. AFDO also says that states would need to petition FDA for the adoption of standards for microbial contaminants before the states could act. This is not accurate. Again, the provisions of the FDC Act under which FDA would set standards for microbial contaminants are not included in the ten listed sections, so that the ability of the states to enforce their laws on microbial contamination is not affected by H.R., 4167.

Third, AFDO states that cooperative federal-state programs such as the milk program would be impaired under H.R. 4167. This is also incorrect. H.R. 4167 merely provides that with respect to the ten sections listed in the bill, state law that deals with the same subjects as those ten sections must be identical to federal law. The ability of the states to continue to participate in and enforce provisions of the cooperative programs, including the milk program, is not affected by H.R. 4167.

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 my office at 5-4872 or at mike.ward@mail.house.gov.

Sincerely,

Mike Rogers
Member of Congress