

Written Testimony of the Honorable Cal Dooley

Grocery Manufacturers Association

President and Chief Executive Officer

Before the

Committee on Health, Education, Labor and Pensions

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Good morning. I am Cal Dooley, President and CEO of the Grocery Manufacturers Association.

Americans enjoy the safest food supply in the world, but food and beverage companies recognize that steps must be taken to make our food supply even safer. Ensuring the safety of our products -- and thereby maintaining the confidence of consumers -- is the single most important goal of the food and beverage industry. Product safety is the foundation of consumer trust, and our industry devotes enormous resources to ensure that our products are safe.

Steadily increasing food imports and changing consumer preferences pose new challenges for food and beverage companies and for the Food and Drug Administration. In recent years, we have experienced dramatic changes in the volume and variety of food imports. The percent of food imported into the U.S. increased by nearly 40 percent

between 1995 and 2005 to 15 percent of the U.S. food supply. In particular, roughly 60 percent of the fruits and vegetables and roughly 80 percent of seafood now consumed in the U.S. are imported.

To address the challenges posed by rising imports and changing consumer choices, food and beverage companies and federal and state agencies have placed continually greater emphasis on the prevention of food contamination. By constantly identifying and addressing the sources of contamination throughout each product's life cycle, we continually reduce the risk of food-borne illness to consumers. We believe that the prevention of contamination – through the adoption of preventive controls – should continue to be the foundation of our nation's food safety strategies.

As you seek to modernize food safety legislation, we urge you to focus on programs and policies that will prevent food contamination and to consider the following recommendations. Many of these recommendations were included in *Commitment to Consumers: the Four Pillars of Imported Food Safety*, a comprehensive food safety proposal released this fall by the Grocery Manufacturers Association.

One, we urge you to require that every food importer of record institute a foreign supplier quality assurance program that assures that all imported ingredients and products meet FDA food safety and quality requirements. To assist companies in developing these supplier quality programs, we propose that FDA issue guidance on key elements— including, as appropriate, audits, testing, good manufacturing practices, food defense programs, good agricultural practices, and other preventive controls. Requiring food importers to ensure the safety of their supply chains – and giving FDA the authority to

oversee industry's implementation of these programs – would significantly reduce the likelihood of contamination.

Two, we further urge you to expand FDA's ability to build the capacity of foreign governments to prevent and detect threats to food safety. In particular, FDA should be directed to work with foreign governments to expand training, accelerate the development of laboratories, ensure the compliance of exports with U.S. regulations, and harmonize food safety requirements among countries. FDA should also be given the authority to detain food imports if inspections of foreign facilities are warranted but are unduly delayed or refused, as proposed by FDA in the agency's Food Protection Plan.

Three, we urge you to enhance FDA's ability to target those imports that pose the greatest risk to consumers. In particular, we urge you to create a voluntary program to permit expedited entry of foods that pose no meaningful risk. By permitting food importers who demonstrate the existence of a secure supply chain and who meet FDA's standards and conditions to receive expedited entry, FDA could focus more scrutiny on those imports that are more likely to pose a risk to public health. A risk-based approach to food inspections, combined with enhanced training of FDA and other federal and state inspectors, would significantly improve our ability to detect contaminated food. In addition, FDA should build upon existing efforts to ensure the safety of imported foods from countries or companies with a history of problems by working with those foreign governments and food companies to certify the safety of such products before they are offered for import into the U.S. Increasing our ability to scrutinize and oversee imports

based on risk would greatly enhance our ability to detect threats to public health without crippling commerce or violating our trade commitments.

Fourth, we urge you to take steps to continually improve the safety of food produced in the U.S. In particular, we urge you to provide FDA authority to mandate that produce be produced following good agricultural practices. Rising consumption of fruits and vegetables, including ready-to-eat foods, reflects growing consumer demand for healthier food choices but also creates new food safety challenges that should be addressed through strong and enforceable produce safety standards which can be tailored to reflect differences among commodities. Similarly, we support modernizing preventative controls for packaged food products to reflect scientific advances and thereby strengthen the foundational elements of our food safety system. We also support proposals to require facility registrations once every two years, as suggested in FDA's Food Protection Plan, and we support increased frequency of facility inspections, provided that such inspections are based upon a scientific assessment of risk and upon history of compliance.

Fifth, we urge you to give FDA the authority to order a mandatory recall when a company has refused to conduct a voluntary recall and there is a significant risk to public health. Specifically, where the responsible party refuses to voluntarily recall a product for which there is a reasonable probability that the food will cause serious adverse health consequences or death, the Secretary should be permitted to order the company to conduct a recall.

We believe the adoption of these and other recommendations identified in our *Four Pillars* proposal will, in combination, ensure that Americans continue to enjoy the safest food supply in the world. By focusing our efforts on prevention, by using limited FDA resources wisely, by leveraging the expertise and resources of the food industry, and by working in partnership with the Food and Drug Administration, we believe Congress can help us meet the challenges posed by rising imports and changing consumer preferences.

Our industry has made substantial investments in food safety and has increased and will continue to increase our investments to address the challenges posed by rising imports and changing consumer preferences. We believe that Congress must also make significant new investments in food safety. That's why we have joined forces with groups like the Center for Science in the Public Interest to advocate for major increases in FDA appropriations. We also think foreign governments and suppliers should upgrade their food safety systems to ensure that foods exported to the U.S. meet our high standards. Although we support giving FDA more resources and more authority, we strongly oppose proposals to tax food companies or impose other fees on the food industry.

The benefits of a safer food supply accrue to the public generally, much like the benefits of a strong national defense. A user fee is appropriate when the benefits of the government service flow to an individual (such as recreation fees, public transportation, or postage stamps) or to a particular business (such as harbor maintenance fees, accelerated review of prescription drugs, or bankruptcy filing fees). But, the benefits of

inspections, effective science-based standards, and research and enforcement flow to all Americans, not simply to food companies. What's more, such taxes or fees will fall unequally on some companies -- and, ultimately, on some consumers -- and could violate our trade commitments, inviting reciprocal taxes and fees on U.S. food exports.

The food industry is eager to work with Congress to craft modernized food safety legislation that makes the prevention of contamination the foundation of our food safety system and which builds upon a public-private partnership between the food industry and the Food and Drug Administration.