

**Statement of Senator Barbara Boxer**

**Before the Senate Health, Education, Labor and Pensions Committee**

**Hearing on S. 3128:**

**The National Uniformity for Food Act**

July 27, 2006

Thank you, Mr. Chairman for allowing me to speak today on an issue of great importance to people in my state of California, and to people in every state across the nation.

I am here today to voice my strong opposition to S.3128, the National Uniformity for Food Act.

This legislation poses a direct threat to California's food safety and consumer right-to-know protections, including Proposition 65.

The bill would roll back essential food safety laws and prevent state and local authorities from enacting food safety regulations that act as a safety net and fill in critical gaps in federal law.

And for a state like California, which is a national leader in ensuring food safety, this legislation is particularly harmful, threatening laws that protect the most vulnerable among us, including pregnant women and children.

Californians passed Prop 65 in 1986 with 63 percent of the vote because they wanted to know if dangerous contaminants were in their food and drinking water, and they knew such a law would encourage food manufacturers to provide a safer product—because who wants to buy bottled water with an arsenic warning label?

For more than 20 years, this simple combination of consumer education and market forces has reduced exposure to dangerous substances in food throughout California.

But now, California's state food safety laws are under attack from special interests, who would keep consumers in the dark about dangerous contaminants in their food and water.

Why? Because of claims that food safety regulations may cut into profits.

Rather than looking at a picture like this (Chart--photo of children eating lead candy), and being disgusted at the sight of innocent children eating candy contaminated with lead, these special interests see dollars signs.

Lead is a dangerous toxin that attacks the nervous system, causing behavioral problems, learning disabilities, seizures and death, with children at greatest risk.

If this legislation becomes law, the Food and Drug Administration could do away with state laws prohibiting lead-infested candy from being sold in our supermarkets, and uninformed consumers will be the worse for it.

The State of California already has a law to reduce lead in candy, along with the State of Illinois and New York City. If this bill becomes law, these important state and local protections will be threatened.

Once again in convenience stores and at family picnics, children could see bowls like this full of enticing treats, and reach for them as a child would reach for a snickers bar or Hershey's kiss.

And unfortunately most parents won't know any better, because they trust that their government would not allow children to eat candy with high levels of lead. Unfortunately, the federal government does not have a requirement in place that would ensure children are protected from dangerous levels of lead in candy. This simple fact alone answers the question of why we need a state safety net.

In addition to addressing the issue of lead in candy, Californians have acted to reduce arsenic in bottled water, mercury in fish, lead in plates, bowls, and glassware, and polychlorinated biphenyls ("PCBs") in salmon.

Californians have also passed innovative state protections to combat childhood obesity by ensuring that public schools provide our children with healthy foods, juice, milk and water rather than soda.

The dangerous and bureaucratic process in S.3128 that would in theory allow the federal government to consider allowing State protections to continue not only wastes scarce resources, but provides little hope of success. [Chart on S.3128's Petition Process]

There is widespread opposition to efforts to eliminate state food safety and consumer right-to-know protections. Numerous state, public health, scientific, labor, environmental and other public interest groups have objected to the H.R. 4167, the House version of S. 3128, as well as the bill at issue in this hearing. I would like to place these letters into the record to accompany my statement.

Don't let the nice title --"National Uniformity for Foods Act"-- fool you. This legislation poses a threat to the health of Americans in every state in the Union.