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HELP COMMITTEE TO CONSIDER FOOD SAFETY LEGISLATION TO STRENGTHEN PUBLIC FAITH IN FOOD SUPPLY

Washington D.C. – U.S. Senate Health, Education, Labor and Pensions Committee (HELP Committee) Chairman Tom Harkin (D-IA) and Ranking Member Mike Enzi (R-WY), along with other Senate leaders, today said strengthening public faith in the safety of food is crucial to public health and reaffirmed their commitment to enact bipartisan, comprehensive legislation that will improve the quality of all food in the United States and better protect consumers and their families. Tomorrow, November 18, the HELP Committee plans to mark up S. 510, The FDA Food Safety Modernization Act, introduced by Senators Durbin (D-IL) and Gregg (R-NH).

“Every food borne outbreak underscores the need to take swift and effective action to ensure the safety of the food that American families eat,” **said Senator Harkin.** “I am pleased that after a great deal of time and effort from members on both sides of the aisle, the HELP Committee has a strong, bipartisan bill that will overhaul our current food safety system – a system that right now fails far too many American consumers. I am confident the Committee will report out a strong piece of legislation tomorrow and am hopeful that the issue will come to the Senate floor very soon.”

“Food safety is not a partisan issue – we all want the safest food supply possible,” **said Senator Enzi.** “The United States has one of the best food safety systems in the world. But even in the best of systems, there is always room for improvement and I thank Chairman Harkin for his work on this legislation. We have the tools, the expert knowledge and the innovative spirit to find better and more reliable systems to protect the public health from contaminated food. I look forward to continuing our work on passing a comprehensive, bipartisan solution out of this Committee.”

“Every year, 76 million Americans suffer from a preventable food-borne illness. Of those, 325,000 are hospitalized and

5,000 will die because our outdated, under-funded and overwhelmed food safety system failed to ensure the food they ate was safe," **Senator Durbin said.** "Enough is enough. The bipartisan bill that Senator Gregg and I introduced will update our food safety laws, improve the FDA's ability to prevent food-borne illness outbreaks and ensure FDA responds quickly and effectively when outbreaks do occur. I commend Senator Harkin, Senator Enzi and the entire HELP Committee for their hard work and consideration and I hope to quickly bring this much-needed bill to the floor."

Senator Gregg stated, "In the past year we have seen far too many cases of people becoming extremely ill due to an unsafe food supply. The CDC estimates that there are approximately 76 million cases of illness from food-borne agents, with 325,000 hospitalizations and 5,000 deaths in the United States each year. Tomorrow's markup of the bipartisan Durbin-Gregg bill is an important step toward providing the FDA with the tools they need to ensure that families know that the food they are eating is safe. Additionally, this bill gives the FDA the ability to respond quickly and effectively when outbreaks occur. This bipartisan legislation is the right fix to address the challenges facing our food safety system and will go a long way to keep Americans healthy."

"Americans deserve to know that the food they and their families eat is safe," **said Senator Dodd.** "Recent stories about food-borne illnesses have us all concerned about our food supply -- and with tomorrow's consideration of comprehensive food safety legislation, we'll move closer to providing families with a measure of security. Importantly, the bill will also include a bipartisan provision I authored to help manage food allergies in schools, protecting millions of children with life-threatening food allergies."

"Unfortunately, Americans are all too familiar with the nationwide outbreaks and recalls in recent years in which pathogens in peanut butter, pistachios, peppers, and spinach resulted in illnesses in people across the country. In addition to the health concerns, these incidents also had a significant economic impact on American growers and producers across our nation," **stated Senator Burr.** "I applaud the hard work of my colleagues on the HELP committee in addressing this issue. This piece of legislation is essential in protecting our nation's food supply and keeping Americans safe and healthy."

The FDA Food Safety Modernization Act would place more emphasis on prevention of food borne illness, and give FDA new, modern authorities to address food safety problems.

Highlights of the bill include:

- **Hazard analysis and preventive controls:** Requires all facilities that manufacture, process, pack or hold food to have in place risk-based preventive control plans to address identified hazards and prevent adulteration, and gives FDA access to these plans and relevant documentation. These requirements do not apply to restaurants or most farms.
- **Imports:** Requires importers to verify the safety of foreign suppliers and imported food. Allows FDA to require certification for high-risk foods, and to deny entry to a food that lacks certification or that is from a foreign facility that has refused U.S. inspectors. Creates a voluntary qualified importer program in which importers with a certification of safety for their foreign supplier can pay a user-fee for expedited entry into the U.S.
- **Inspection:** Requires FDA to inspect all food facilities more frequently, including inspections of high-risk facilities at least once a year and inspections of other facilities at least once every four years.
- **Mandatory Recall:** Gives FDA the authority to order a mandatory recall of a food product if the food will cause serious adverse health consequences or death and a company had failed to voluntarily recall the product upon FDA's request.

- **Administrative Detention:** Gives FDA the authority to administratively detain any food that is misbranded or adulterated under the Food, Drug, and Cosmetic Act.
- **Increases FDA Resources:** Increases funding for FDA’s food safety activities through increased appropriations and targeted fees for food facility reinspection, food recalls, and the voluntary qualified importer program.

The bill is supported by several organizations including the Center for Science in the Public Interest, the Consumer Federation of America, the Grocery Manufacturers of America, the National Association of County and City Health Officials, the National Restaurant Association and the Trust for America’s Health.