

American Humane • American Society for the Prevention of Cruelty to Animals • California Certified Organic Farmers •  
• Californians for GE-Free Agriculture • Campaign for Labeling of Genetically Engineered Food • Center for Environmental Health •  
Center for Foodborne Illness Research & Prevention • Center for Food Safety • Citizens Campaign for the Environment • Consumers  
Union • Consumer Federation of America • Edmonds Institute • Equal Exchange • Farm Sanctuary • Florida Certified Organic  
Growers and Consumers, Inc. • Food and Water Watch • Government Accountability Project • Health Care Without Harm • The  
Humane Society of the United States • Institute for Agriculture and Trade Policy • Institute for a Sustainable Future • Minnesota  
COACT (Citizens Organized Acting Together) • Minnesota Food Association • National Catholic Rural Life Conference • National  
Consumers League • National Environmental Trust • National Organic Coalition • Organic Consumers Association • Physicians for  
Social Responsibility • Physicians Committee for Responsible Medicine • Public Citizen • Safe Tables Our Priority (STOP) • Safe  
Alternatives for our Forest Environment • Say No To GMOs • Sierra Club • Society for Animal Protective Legislation • Southern  
Sustainable Agriculture Working Group • Union of Concerned Scientists • Washington Biotechnology Action Council • Western  
Sustainable Agriculture Working Group •

June 19, 2007

Honorable Collin Peterson, Chairman  
Committee on Agriculture  
U.S. House of Representatives  
Washington, D.C., 20515

Dear Chairman Peterson:

The forty undersigned consumer, environmental, farmer, and animal welfare groups are writing to express our strong opposition to Section 123, Title I, of the Chairman's Mark, under the jurisdiction of the Livestock, Dairy, and Poultry Subcommittee, in the 2007 Farm Bill. Section 123 is a sweeping provision that would summarily wipe out important food safety, farmer, and animal welfare protections in place in states and municipalities across the nation. It usurps powers traditionally exercised by states and localities to protect public health, insure humane treatment of animals, and establish agricultural policies and programs that benefit the state environment and economy.

At a time when the country is facing heightened safety threats from food imports, when new food production technologies are being introduced that are not addressed by existing federal laws, and when federal food safety programs are suffering from the cumulative impact of many years of staff and budget cuts, there is an increasing burden on state and local regulators to keep our food safe. Section 123 would prohibit state and local officials from addressing many threats.

Section 123, titled "EFFECT OF USDA INSPECTION AND DETERMINATION OF NON-REGULATED STATUS," states:

"Notwithstanding any other provision of law, no State or locality shall make any law prohibiting the use in commerce of an article that the Secretary of Agriculture has—

- (1) inspected and passed; or
- (2) determined to be of non-regulated status."

The first clause, related to inspected products, would appear to make it impossible for a local restaurant inspector or public health official to remove rodent-contaminated or temperature-abused meat and poultry products from the market. (The clause clearly states that once a product is inspected or approved by USDA, no local law may prohibit its sale for any reason.) State departments of agriculture that do their own surveillance of packaged USDA-approved meat and poultry products for listeria could also be prevented from

prohibiting the sale of any contaminated product, despite the potential for such products to cause miscarriages and stillbirths in pregnant women, and fatal infections in infants and people taking cancer drugs.

The first clause also would negate state and local laws designed to meet particular concerns about animal welfare. For example, Texas, Oklahoma, Illinois, and California have prohibited the slaughter of horses for human food, and California and the city of Chicago have prohibited sale of foie gras because of concerns about the force-feeding of birds required to produce it. Citizens should retain the right to act at the state and local level to prohibit activities within their borders that they deem too inhumane.

Further, the second clause would negate state and local laws designed to protect the economic interests of farmers, the health of consumers, and the environment, in relation to genetically engineered crops. The clause would bar states from putting any restrictions on use in commerce of a USDA product declared to be “non-regulated.” This designation is given to genetically engineered crops that USDA has determined are not plant pests. However, USDA does not make any determination as to whether such crops are safe for human consumption or whether they are good for the economic interests of a particular state’s farmers. Due to concerns about lack of acceptance of genetically engineered crops in export markets, as well as a number of contamination incidents, the states of California, Arkansas and Missouri have passed laws creating state committees that review whether genetically engineered rice should be grown in their state and/or establish specific restrictions on growing. Minnesota prohibits the growing of any genetically engineered crop without a state review. The state of Washington has enacted a law prohibiting genetically engineered varieties in certain brassica production zones. These state statutes and others designed to protect farmers’ market access would be preempted by Section 123’s second clause.

Given the problems just in the last two months with melamine-contaminated animal feed from China being fed to hogs and chickens, with listeria in cooked chicken in New York, and with E. coli in ground beef in California, this is the wrong time to usurp the right of states and localities to protect their citizens. We need more food safety protection, not less. The ability of states to respond to the views of their citizens regarding the growing of GMOs and animal welfare issues also must not be impaired. Because of these extremely far reaching effects of Section 123, we urge that it be removed from the 2007 Farm Bill.

Sincerely,

American Humane

Colleen Bednarz, Program Coordinator  
California Certified Organic Farmers

Craig Winters, Executive Director  
Campaign for Labeling of Genetically  
Engineered Food

Charles Margulis  
Food Program Coordinator  
Center for Environmental Health

Cori A. Menkin, Senior Director  
Government Affairs & Public Policy  
American Society for the Prevention of  
Cruelty to Animals

Renata Brillinger, Director  
Californians for GE-Free Agriculture

Patricia Buck, Executive Director  
Center for Foodborne Illness Research  
& Prevention

Joe Mendelson III, Legal Director  
Center for Food Safety

Jean Halloran, Director  
Food Policy Initiatives  
Consumers Union

Beth Burrows, President/Director  
Edmonds Institute

Gene Baur, President  
Farm Sanctuary

Wenonah Hauter, Executive Director  
Food and Water Watch

Jamie Harvie, Food Coordinator  
Health Care Without Harm

Jim Harkness, President  
Institute for Agriculture and Trade Policy

Glen Hill, Executive Director  
Minnesota Food Association

Linda Golodner, President  
National Consumers League

National Organic Coalition

Catherine Thomasson, MD, President  
Physicians for Social Responsibility

Laura MacCleery, Director, Congress Watch  
Public Citizen

Susan Hope Bower, Projects Director  
Safe Alternatives for our Forest Environment

Laurel Hopwood, Chair  
Genetic Engineering Committee  
Sierra Club

Adrienne Esposito, Executive Director  
Citizens Campaign for the Environment

Christopher Waldrop, Director  
Food Policy Institute  
Consumer Federation of America

Keith Olcott, Certification Coordinator  
Equal Exchange

Marty Mesh, Executive Director  
Florida Certified Organic Growers and Consumers, Inc

Jacqueline Ostfeld, Food and Drug Safety Officer  
Government Accountability Project

Wayne Pacelle, President and CEO  
The Humane Society of the United States

Institute for a Sustainable Future

Don Pylkkanen, Executive Director  
Minnesota COACT (Citizens Organized Acting  
Together)

Timothy J. Kautza, Executive Director (interim)  
National Catholic Rural Life Conference

Andy Igrejas, Environmental Health Program Director  
National Environmental Trust

Ronnie Cummins, National Director  
Organic Consumers Association

Neal Barnard, President  
Physicians Committee for Responsible Medicine

Nancy Donley, President  
Safe Tables Our Priority (STOP)

Say No To GMOs

Cathy Liss, Legislative Director  
Society for Animal Protective Legislation

Archer H. Christian, Executive Director  
Southern Sustainable Agriculture Working Group

Margaret Mellon, Director of the Food  
& Environment Program  
Union of Concerned Scientists

Philip L. Bereano, Professor Emeritus  
Washington University  
Washington Biotechnology Action Council

Jill Davies, Director  
Western Sustainable Agriculture Working  
Group

cc: Members, Committee on Agriculture  
US House of Representatives

For more information contact:

Jean Halloran, CU -- 914-378-2457, [hallje@consumer.org](mailto:hallje@consumer.org)

Joe Mendelson, CFS -- 202-547-9359 [joemend@icta.org](mailto:joemend@icta.org)

Mimi Brody, HSUS – 202-955-3667 [mbrody@hsus.org](mailto:mbrody@hsus.org)