



Nonprofit Publisher
of Consumer Reports

September 25, 2007

The Honorable John Dingell

Chairman, House Energy and Commerce Committee
2125 Rayburn House Office Building

Washington, DC 20515

Dear Chairman Dingell:

Consumers Union, the publisher of *Consumer Reports*, is writing in strong support of H.R. 3610, the Food and Drug Import Safety Act of 2007. We appreciate your leadership on this issue, as well as that of Representatives Pallone and Stupak, who have joined as original cosponsors. In recent years we have seen a slide towards lax oversight and neglect of safety of imported products at the Food and Drug Administration.

The recent problems with pet and animal feed ingredients from China that are suspected of causing thousands of pet deaths, as well as with banned chemicals in Chinese farmed fish, have highlighted the need for increased control over food imports. The provisions contained in H.R. 3610 will go a long way towards assuring imported food safety.

H.R. 3610 contains a number of important improvements. They include:

- Implementing a system of **user fees** for food and drug importers that would be used to fund significantly enhanced **inspections** at the borders. Increased inspections are desperately needed—FDA currently inspects less than 1 percent of imported food, and food imports are increasing. (We hope, of course, that it will be clarified that the drug user fees of up to \$1000 per line entry do not apply to individuals importing personal prescriptions from a nation such as Canada.)
- Creating a mandatory **certification system**, implemented in five years, for facilities supplying food to the U.S. that would include a provision for the Department of Health and Human Services (HHS) to inspect the facility and to revoke certification if problems are detected. We would like to see this system adopted as quickly as feasible, and urge that the requirement for certification be phased in so that the most important food sectors come into compliance first.
- Placing a limit on the **number of ports** through which food can be imported (currently 360) to cities where there is an FDA laboratory (currently 13), unless the HHS Secretary decides that there is a low risk of serious harm from a food. Limiting the number of ports of entry for imported food is essential to preventing substandard food from slipping through the cracks in the inspection system.

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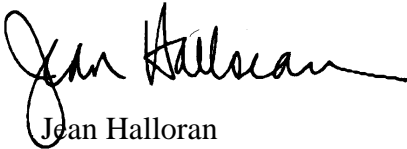
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- Providing the FDA with **mandatory food recall authority**, something that is long overdue. At present, FDA may not unilaterally order a recall even of a product that is life threatening; it must ask the company to voluntarily agree to recall the product. The public strongly supports mandatory recall authority, which is lacking for both USDA and FDA. In a national Consumers Union poll in 2004, 97 percent of respondents agreed that the government should have mandatory recall authority for contaminated meat, one of the most unified responses we ever obtained in our polling of consumer opinion.
- Prohibiting the FDA from closing any of its 13 labs without Congressional review of its reorganization plan. These labs are essential to evaluating the safety of food imports.
- Requiring **labeling for Country of Origin**, and another for **labeling of food packaged with carbon monoxide**. These requirements will provide consumers with important tools when shopping as well as important protections. In fact, with regard to carbon monoxide labeling of food, *Consumer Reports* tests found that such packaging preserves the red color of meat even while the meat may be decomposing.

We appreciate your leadership on this matter. Other important issues remain – including increasing safety inspections of domestic food production and helping to bring more coordination to a federal food safety system that currently involves 15 agencies. We look forward to continuing to work with you on such issues and toward the enactment of H.R. 3610 in the weeks and months ahead to enhance the safety of our nation's food supply.

Sincerely,



Jean Halloran
Director, Food Policy Initiatives

cc: Ranking Member Joe Barton
Members of Energy and Commerce Committee