



## POLICY & ACTION FROM CONSUMER REPORTS

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U.S. Department of Agriculture  
Office of Budget and Program Analysis  
Jamie L. Whitten Building, Room 100-A  
1400 Independence Avenue SW  
Washington, DC 20250

Submitted via [www.regulations.gov](http://www.regulations.gov)

### **Comments of Consumers Union on Department of Agriculture Request for Information on Improving Customer Service Docket Number USDA-2017-003**

**Prepared by  
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October 7, 2017**

Consumers Union, the policy and mobilization division of Consumer Reports,<sup>1</sup> welcomes the opportunity to comment on the U.S. Department of Agriculture's USDA's proposed reorganization. We are particularly concerned about the proposed move of the Codex Alimentarius program from the Food Safety and Inspection Service (FSIS) to the Undersecretary for Trade and Foreign Agricultural Affairs. For the reasons outlined below, moving the Codex Alimentarius program out of FSIS would not "improve the efficiency, [or] effectiveness" of the executive branch, but rather would diminish the efficiency and effectiveness of the program in protecting public health.

Codex Alimentarius is the food standards setting organization of the United Nations, and is jointly run by the World Health Organization (WHO) and the Food and Agricultural Organization (FAO). Its mission involves "protecting consumers' health and ensuring fair practices in food trade."<sup>2</sup> Codex food safety standards are supposed to be science-based, and, while voluntary, often form the basis for national legislation. In addition, their basis in science is

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<sup>1</sup> Consumer Reports is an independent, nonprofit organization that works side by side with consumers to create a fairer, safer, and healthier world. As the world's largest independent product-testing organization, Consumer Reports uses its more than 50 labs, auto test center, and survey research center to rate thousands of products and services annually. Founded in 1936, Consumer Reports has over 7 million subscribers to its magazine, website, and other publications.

<sup>2</sup> Codex Alimentarius. About Codex. At: <http://www.fao.org/fao-who-codexalimentarius/about-codex/en/> (last updated August 18, 2016).

recognized by the World Trade Organization's Agreement on Sanitary and Phytosanitary measures (SPS Agreement) and Codex standards are used in settling trade disputes.<sup>3</sup>

Since the basic mandate of Codex Alimentarius is protecting consumer health through use of science-based standards, it is therefore important that the U.S. Codex office is based in an office/department that has public health as its mandate. Indeed, the Codex Alimentarius Office in most member countries is found within their departments of health, with a few member countries have the Codex office in the department of agriculture. Presently, the U.S. Codex office is located in FSIS, which governs food safety.

We are concerned that USDA, in propose moving Codex office to the Undersecretary for Trade and Foreign Agricultural Affairs, appears to be prioritizing trade concerns over public health and food safety concerns.

This is a serious issue for American consumers since Codex standards affect the safety of imported food in the U.S. Some 15% of the U.S. food supply is imported, including 20% of fresh vegetables, 50% of fresh fruit, and 80% of seafood.<sup>4</sup> Since many developing countries often incorporate Codex standards into their national legislation, having strong food safety standards at Codex is important, so that global standards are at least as high as those in the U.S. This is particularly important for U.S. consumers as the amount of food imports into the U.S. continues to increase, even though there is very little government testing of foreign foods for drug or pesticide residues or pathogens. FDA tests less than one percent of incoming produce, and one-tenth of a percent of incoming seafood,<sup>5</sup> for example.

A trade office, whose priority is to expand exports, is less likely to make global safety regulation a priority. This could result in food safety standards that could put U.S. consumers at risk due to increased residues of potentially hazardous substances on imported food. Moreover, the move has been strongly criticized by present and former FDA and/or USDA officials, including a former undersecretary of agriculture for food safety during the George H. Bush administration,<sup>6</sup> a former deputy undersecretary of agriculture for food safety in the Obama Administration,<sup>7</sup> and a deputy undersecretary of agriculture for food safety in the Clinton Administration and deputy FDA Commissioner for Food in the Obama administration.<sup>8</sup> The present deputy commissioner for foods and Veterinary medicine at FDA sent a letter to USDA

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<sup>3</sup> *Id.*

<sup>4</sup> Hamburg, M. 2015. Food Safety Modernization Act: Putting the Focus on Prevention. At: <https://www.foodsafety.gov/news/fsma.html>

<sup>5</sup> GAO. 2011. Seafood Safety: FDA Needs to Improve Oversight of Imported Seafood and Better Leverage Limited Resources. GAO-11-286. At: <http://www.gao.gov/assets/320/317734.pdf>

<sup>6</sup> Raymond, R. 2017. Codex is moving out of FSIS and that might not be good. *Meatingplace.com*, September 18, 2017.

<sup>7</sup> Ronholm, B. 2107. Moving the U.S. Codex office to USDA Trade is a big mistake. *Food Safety News*, September 11, 2017. At: <http://www.foodsafetynews.com/2017/09/moving-the-u-s-codex-office-to-usda-trade-is-a-big-mistake/#.WdfD6CiGM2w>

<sup>8</sup> Flynn, D. 2017. Perdue's plan pleases business, concerns food safety experts. *Food Safety News*, September 28, 2017. At: <http://www.foodsafetynews.com/2017/09/perdues-plan-pleases-business-concerns-food-safety-experts/#.WdfJASiGM2x>

urging them to “reconsider and rescind” the decision to transfer the Codex from FSIS to Trade.<sup>9</sup> In addition, three former U.S. chairs of Codex Commission drafted an op-ed opposing the move, saying that it would undermine Codex.<sup>10</sup>

Moving the Codex office from FSIS to Trade, would seem to conflict with one of the reasons given in the Presidential Executive Order on Comprehensive Plan for Reorganizing the Executive Branch, which is that such a reorganization should be to “in order to improve the efficiency, *effectiveness*, and accountability of agencies”<sup>11</sup> (*italics added*). In sum, so as not to decrease the effectiveness of the U.S. Codex office in protecting safety of imported food, we urge USDA *not* to move the U.S. Codex office out of FSIS to the Undersecretary for Trade and Foreign Agricultural Affairs.

Sincerely,

A handwritten signature in black ink that reads "Michael Hansen". The signature is written in a cursive, slightly slanted style.

Michael Hansen, Ph.D.  
Senior Scientist  
Consumers Union

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<sup>9</sup> Raycheva, M. 2017. FDA’s Ostroff urges USDA to 'reconsider and rescind' the decision to transfer Codex. *Food Chemical News*. October 5, 2017. At: <https://iegpolicy.agribusinessintelligence.informa.com/PL051032/FDAs-Ostroff-urges-USDA-to-reconsider-and-rescind-the-decision-to-transfer-Codex>

<sup>10</sup> Hulebak K, Billy T and E Kimbrell. 2017. Op-Ed: Three former Codex chairs say Perdue’s plan would undermine Codex. October 6, 2017. At: <https://iegpolicy.agribusinessintelligence.informa.com/PL212835/OpEd-Three-former-Codex-chairs-say-Perdues-plan-would-undermine-Codex>

<sup>11</sup> White House. 2017. Executive Order 13781 of March 13, 2017. Comprehensive Plan for Reorganizing the Executive Branch. At: <https://www.whitehouse.gov/the-press-office/2017/03/13/presidential-executive-order-comprehensive-plan-reorganizing-executive>