

Association of Food and Drug Officials

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December 5, 2005

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The Honorable Mike Rogers
United States House of Representatives
133 Cannon House Office Building
Washington, DC 20515

Dear Congressman Rogers,

I am writing on behalf of the Association of Food and Drug Officials (AFDO) to express our concerns regarding H.R. 4167 "*The National Uniformity for Foods Act of 2005*" that you have sponsored. Introduced in the 108th Congress as H.R. 2699, the bill would amend the Federal Food, Drug and Cosmetic Act to provide for uniform food safety warning notification requirements and for other purposes. It is the "for other purposes" that alarms members of AFDO. The legislation has been reviewed by attorneys for eleven state food safety programs. Unfortunately, all of the reviews are unanimous in their conclusion that the bill will preempt states and local food safety and defense programs from performing their functions to protect citizens.

Local and state regulatory agencies perform approximately 80% of the food safety work currently done in the United States. Federal agencies often seek assistance from local and state programs in dealing with imminent health hazards. Consumers are well served by being able to come to their local or state governments to have their complaints and issues addressed. Many local and state programs regularly remove contaminated food from the market; test dairy products for drug residues and monitor the marketplace for pathogens and other food contaminants. Preempting state and local regulatory agencies from having the latitude to address food safety concerns has the potential to put at risk the significant state and local resources that are now dedicated to ensuring consumer public health and safety in food processing, storage, and retail sales, as well as other non-federal resources directed to ensure compliance with BSE and medicated feed regulations.

Passage of this bill will undermine proven consumer protection programs. The preemption provisions contained in H.R. 4167 are broad, vague and sweeping and will likely dismantle the authority of state and local laws that address adulterated foods - which includes food laws, dairy laws, animal feed laws, other agriculture commodity laws, anti-tampering laws, anti-terrorism laws, etc. When you consider that local and state food safety programs are our first line of defense against acts of terrorism involving the food supply, AFDO respectfully suggests that now is not the time to dismantle our national food protection program that maintains one of the safest food supplies in the world.

AFDO is aware of other organizations that have provided comments on this legislation in an attempt to address some of the above concerns. It bears noting that AFDO has publicly stated similar concerns regarding H.R. 2699. While we appreciate the viewpoint that other organizations bring to the table, we would ask you to consider who benefits from the proposed changes in H.R. 4167. Members of AFDO are state and local governments with no profit motive, merely a public health and safety concern who feel strongly that the legislation, if enacted, will gravely impair state and local authorities' ability to protect their constituents.

The Honorable Mike Rogers

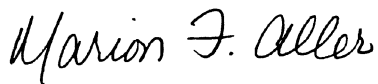
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AFDO representatives would appreciate and welcome an opportunity to discuss our concerns with you and your staff. Given the far reaching ramifications this legislation could have, we are hopeful that the bill will go through the full and open committee process, including a public hearing.

Thank you in advance for your thoughtful consideration of our concerns. Should you or your staff have any questions, please do not hesitate to contact me (850-488-0295) or Mr. Cameron Smoak (404-656-3627).

Sincerely,

A handwritten signature in cursive script that reads "Marion F. Aller".

Marion F. Aller, DVM, DABT
President

cc: H.R. 4167 Co-Sponsors
Governor Mike Huckabee, Chair NGA
Attorney General Steve Carter, President NAAG
Senator Steve Rauschenberger, President NCSL
Cameron Smoak