

December 8, 2005

Members of the House Energy and Commerce Committee

Dear Member of Congress:

The National Association of State Departments of Agriculture (NASDA) is writing to express our concern and strong opposition to H.R. 4167, the National Uniformity for Foods Act. NASDA represents the commissioners, secretaries and directors of the state departments of agriculture in the fifty states and four territories.

We understand the Energy and Commerce Committee may consider this legislation next week. The state departments of agriculture are very concerned that this bill goes far beyond its stated purpose of providing uniform food safety warning notification requirements and expands federal preemption under the Food, Drug and Cosmetics Act. Such additional preemptions would seriously compromise our ability to enact laws and issue rules in numerous areas of food safety. Specifically, we believe the bill as currently written threatens existing state food safety programs and jeopardizes state/federal food safety cooperative programs such as those related to Grade A milk, retail food protection and shellfish sanitation.

As you know, the current food safety regulatory system in the United States is the shared responsibility of local, state and federal partners. Approximately 80% of food safety inspections in the nation are completed at state and local levels. Therefore, it is imperative that states have the right to act quickly to enact laws that address local and statewide public health concerns that cannot be anticipated or are not adequately addressed nationally. NASDA believes that the existing food safety system forms the first line of defense against the growing threat of a terrorist attack against our nation's food supply. The preemption of state and local food safety programs would leave a critical gap in the safety net that protects consumers.

We urge the Committee to hold hearings to discuss these critical issues and seek full input from state and local partners in the food safety system. NASDA would welcome the opportunity to discuss ways the bill could be amended to achieve its intent while limiting the impact on critical food safety regulatory programs at the local and state levels.

Sincerely,



J. Carlton Courter III
President, NASDA



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