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June 26, 2003

Mark B. McClellan, M.D, PhD
Commissioner of Food and Drugs
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

Dear Commissioner McClellan:

The FDA has proposed rules under the Public Health Safety and Bioterrorism Preparedness and Response Act of 2002 that would require U.S. importers to provide prior notification to the FDA for food "imported or offered for import into the United States." The World Shipping Council (WSC) has expressed concern to me that the rules are not consistent with the intent of Congress, and that they would create significant economic harms without appreciable benefit to U.S. consumer safety.

It is important to know what food imports are coming to the United States for consumption here, but it is also important to keep our ports and shipping lines running smoothly. It is vitally important that the new FDA rules are implemented in a manner that ensures that U.S. ports and marine terminals do not become congested with cargo that is being held by the FDA because of compliance issues and also that these new rules do not adversely impact transportation providers without benefit to consumer safety.

I encourage the FDA, in its rulemaking, to consider the impact of the regulation's information filing requirements on "in-transit" cargo that is not being delivered to a U.S. importer and evaluate whether this requirement is, in fact, appropriate.

Thank you for your prompt attention to this matter.

Sincerely yours,



Chip Pickering

CWP:ml

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