PALLONE STATEMENT AT HEALTH HEARING ON FOOD PROVISIONS WITHIN THE FDA GLOBALIZATION DISCUSSION DRAFT

April 24, 2008

"Good morning. Today the Subcommittee is meeting to review the food provisions of the Food and Drug Administration Globalization discussion draft. This draft was released by Chairman Dingell, Mr. Stupak, and myself and it builds upon HR 3610 introduced by Chairman Dingell; HR 3115 introduced by Mr. Stupak; HR 3484 introduced by Ms. DeGette; and my bill, HR 3624.

"This draft also incorporates findings from the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, the report released by the FDA's Science Board's Subcommittee on Science and Technology, the Administration's Food Protection Plan and Import Safety Plan and input from key stakeholders in the field.

"The draft is significantly different from the bill we discussed last fall on Food Safety. The committee staff worked very hard to incorporate all the comments and feedback we received during and since the last hearing. As a result, we have before us today a more expansive discussion document. Due to its length and density of information, we have decided to hold at least two hearings so that we have enough time to devote to each issue. Today, we will focus on the food related provisions only.

"Something must be done to strengthen and improve the regulation and safety of our food supply. Too often, consumers hear on the news about a food product recall and too often we read about people getting sick after consuming every day foods like spinach and peanut butter. These instances are taking an enormous toll on consumer confidence in food items.

"In 2007, consumer confidence in the safety of food purchased in supermarkets reached its lowest level since 1989. A public opinion poll conducted by the Trust for America's Health last year found that 67 percent of Americans are worried about food safety. Meanwhile, consumer confidence in the FDA itself is plummeting: a Harris Poll conducted in 2006 indicated that only 36 percent of Americans believe the FDA is doing a good job, which is down from 61 percent in 2000.

"This is not just about consumer confidence however – these instances truly endanger the American people. Each year, 76 million Americans get sick due to unsafe food products; every year 325,000 individuals will be hospitalized and 5,000 will die from food borne hazards. It is estimated that the medical costs and lost productivity due to food borne illnesses cost us $44 billion annually. And these illnesses are completely preventable.

"All of this raises questions about our current food safety laws, many of which were enacted in the 1900s. Obviously, laws that were written in the early 20th century are no longer current, particularly as the food industry becomes increasingly more global. And rather than continuing to simply react to outbreak after outbreak of contaminated products, it is about time that we put in place a stronger and more thorough system to prevent contaminated food products from reaching store shelves. We must work with players at every stage of food production -- from producers to processors to manufacturers to retailers, as well as government entities and the scientific community -- in order to ensure the full and active participation required to protect our food supply.

"In the U.S. today there are 44,000 food manufacturers and processors, and 114,000 food retailers; if you factor in international facilities, that number increases dramatically. And yet the FDA, the agency that is tasked with overseeing 80 percent of the food supply, has had to face eroding budget resources year after year. Not surprisingly, this has forced the FDA to cut resources – since 2003, the number of FDA field staff dropped by 12 percent and between 2003 and 2006, federal inspections dropped by 47 percent.

"As I understand it, there is wide spread acknowledgement that the FDA is woefully under-funded. The FDA's Science Board itself issued a report in which they deem the agency is 'powerless' to improve, and will be unable to complete its tasks without a significant increase in funding. It is up to us in Congress to ensure that this agency gets the funding levels it needs to protect the American people.

"The draft before us will generate revenue, adding to the funding the FDA received through the appropriations process, by requiring all food facilities to register on an annual basis with the FDA and pay a registration fee. This will benefit the agency in two ways: (1) the FDA will have an up-to-date list of all food facilities, both domestically and abroad and (2) it will generate the resources necessary to allow the FDA to conduct inspections of food facilities and other safety-related activities, tasks they cannot currently perform.

"The draft will also require each and every one of these facilities to have comprehensive food safety plans that are available to the FDA, particularly during on-site inspections. These safety plans are an important tool for preventing food safety problems from occurring, and quickly and appropriately addressing incidents of contamination should indeed something slip through the cracks. The draft also creates incentives for companies to be in compliance with food safety standards, while establishing strong penalties for bad actors.

"We will hear testimony this morning from industry experts on how the provisions related to food safety in this discussion draft could improve the safety of our nation's food supply and what areas within this draft still need to be explored in greater detail. I would like to thank each of the witnesses for appearing before us today to share their expertise. I would especially like to welcome Mike Ambrosio; thank you for coming down from my home state of New Jersey to testify. And Cal Dooley, it is nice to have you back again. I now recognize my colleague from Georgia, Mr. Deal, for five minutes for his opening statement."

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