

**League of Conservation Voters · National Environmental Trust · Natural Resources
Defense Council · Friends of the Earth · Oceana · US PIRG · Union of Concerned Scientist ·
Physicians for Social Responsibility · Environmental Defense · Sierra Club**

February 28, 2006

United States House of Representatives
Washington, D.C. 20515

Dear Representative:

On behalf of our millions members and supporters, we strongly urge you to support the safety of America's food supply by opposing H.R. 4167, the so-called "National Uniformity for Food Act of 2005." This legislation, which would more appropriately be labeled the "State Food Safety Preemption Act," would undermine public health protection. It may come to the House floor soon due to a massive campaign supporting the bill from lobbyists for big food companies. No public hearings have been held on the bill, and we are confident it would not withstand public scrutiny.

This legislation is opposed by state food safety officials because it would nullify scores of critically-important pro-consumer and pro-health state and local food safety and right-to-know requirements. These state and local rules protect consumers by filling the gaps left by the understaffed and under-funded Food and Drug Administration (see attached examples of preempted food safety requirements). States would no longer have the authority to provide important protections for the public, such as shellfish and egg safety standards – unless the FDA grants a state waiver. This bill seriously undermines public health protections and offends longstanding principles of federalism. Preemption of state food safety laws is opposed by the National Association of State Departments of Agriculture and the Association of Food and Drug Officials; ADFO points out that this bill, if enacted, "will effectively eliminate our nation's biosecurity shield, and will undermine our whole food safety and biosurveillance capability."

One important state food safety law is California's Proposition 65, which the state's voters overwhelmingly passed by referendum in 1986, and has become a prime focus of the food industry's attack. That law requires consumers be warned when products or food will expose them to chemicals that cause cancer or birth defects. Weakening of this or any other state or local food safety measure is unjustifiable. Consumers have a right to know if their food contains toxins that cause illness, cancer, or birth defects, and States have a right to provide this information.

The waiver process of the legislation would impose substantial financial burdens on both the FDA and states. The Congressional Budget Office estimated in 2004 that this legislation would require the FDA to spend \$100 million (over a five year period) reviewing over 240 waiver requests. Moreover, states would incur substantial legal and technical expenses in seeking an FDA waiver. These federal and state resources could be better used in promoting food safety.

We urge you to oppose this rollback of state and local food safety programs.

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Sincerely,

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