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FDA Bill a Bipartisan Victory for Dingell

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By Jane Zhang

The sweeping food-safety bill that passed the House this summer was a victory for Michigan Democrat John Dingell, a longtime critic of the Food and Drug Administration who has pushed versions of the legislation for more than 20 years.

Many lawmakers from both parties credited Mr. Dingell for winning bipartisan approval for a bill that gives the FDA more power and funding to police food safety -- an effort that stands in contrast to the current partisan rancor over health-care legislation. The measure passed the chamber 283-142, with support from 54 Republicans.

"When you use the process and actually have bipartisan negotiations -- as Mr. Dingell did in this case -- you reach a consensus that is good for the country," said Rep. Joe Barton of Texas, the ranking Republican on the Energy and Commerce Committee, which approved the legislation unanimously in June.

As the longest-serving member of the House, Mr. Dingell, 83 years old, is one of the chamber's most powerful deal makers, with a hand in hundreds of bills, including legislation that created Medicare. He is expected to play a bigger role in health-care legislation when Congress returns next week.

The health-care-overhaul bill passed the Energy and Commerce committee 31-28 on July 31 with the support of four fiscally conservative Democrats, led by Rep. Mike Ross of Arkansas. Mr. Dingell helped to get them on board, frequently talking to the four in his small hideaway off the House floor and working out concessions that Mr. Waxman accepted. Aides say Mr. Dingell will continue working as a liaison between liberal and moderate Democrats to pass the legislation this fall.

The food-safety bill, which passed the full House the day before, still rankled some Republicans. House leaders had brought the bill to a vote under a procedure that allowed no amendments, and Republicans helped defeat the bill in the first round before it passed in another vote. Rep. Frank Lucas, the senior Republican on the House Agriculture Committee who had sought to block the bill, said it added "too many financial and regulatory burdens on the food industry" without improving the food-safety system.

But a string of high-profile outbreaks traced to contaminated foods, from peanut butter to spinach to cookie dough, gave the bill momentum. Critics have long argued that the FDA lacks teeth and resources to address such problems.

A number of Democrats, including Reps. Rosa DeLauro of Connecticut and Diana DeGette of Colorado, had introduced their own FDA bills, and Mr. Dingell reached out to them to introduce blended legislation. At the request of House Speaker Nancy Pelosi (D.,

Calif.), he narrowed his proposal to focus on food, dropping regulation of pharmaceuticals.

"The need was very, very apparent, because bad foods were, frankly, killing Americans," Mr. Dingell said in a recent interview.

A former assistant county prosecutor, Mr. Dingell often took a hard line at hearings, shooting yes-or-no questions at government and industry officials and chastising them for failing to protect consumers. "These continued outbreaks are unacceptable," Mr. Dingell scolded FDA officials at one hearing. "To have Food and Drug come up and say they don't know what to do about it, or how much money they need, or what resources they require is a shame and a disgrace."

The new FDA commissioner, Margaret Hamburg, was on board. She told Mr. Dingell at a June hearing that her agency needed "a lot more money" for food-safety inspections, prevention and other activities. She said the Dingell measure "represents significant reforms needed to modernize our food safety system."

The Dingell bill initially encountered strong opposition from the food industry, which objected to paying fees to help fund the FDA. Lobbyists called the idea a de facto food tax, and argued their case in meetings with Republicans and moderate Democrats on the Commerce Committee.

Mr. Dingell reached out to the industry, arguing that it already had lost billions of dollars due to food recalls and sinking consumer confidence. In the month before the final legislation was introduced in June, his staff met regularly with industry sources. "They seemed to be interested in what I and [others] wanted to say," said Tom Stenzel, president of the United Fresh Produce Association, an industry group.

After the meetings with industry representatives and Republicans, Mr. Dingell cut the proposed annual registration fee for food companies by half, to \$500 a year per facility. Along the way, he made other concessions. To avert a turf battle with Agriculture Committee Chairman Rep. Collin Peterson (D., Minn.), Mr. Dingell made last minute-changes to restrict FDA oversight of farms regulated by the U.S. Agriculture Department. The Senate is expected to take up similar legislation later this year.