

February 1, 2006

The Honorable Henry A. Waxman
Room 2204
Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Waxman:

We urge you to oppose H.R. 4167, the so-called National Uniformity for Food Act of 2005, when it is considered by the House of Representatives because the bill could eliminate important state and local government food safety and labeling laws.

Although similar legislation was first introduced in the 105th Congress, the Committee on Energy and Commerce has never held a hearing on the bill. If the Committee had held a hearing prior to approving H.R. 4167 in December 2005, it would have learned that:

- the United States Food and Drug Administration (“FDA”) leaves it to state and local governments both to enact and to enforce their own laws in important areas of food safety, such as guaranteeing the safety of milk, minimizing the risks from eating raw shellfish, and ensuring the safety of food prepared in restaurants and other food service establishments;
- the states have required warnings about the serious risks certain foods pose to some consumers when the FDA has refused to take effective action, such as California’s requiring a warning in stores alerting pregnant women (or women who may become pregnant) to the risks of eating certain fish that have high levels of mercury and Connecticut’s and Michigan’s requiring warnings on bulk foods in stores regarding the risks of sulfites; and
- the Congressional Budget Office estimated in 2004 that it would cost the FDA more than \$100 million (over five years) to process more than 100 petitions for waivers from the various states that the bill permits, not to mention the costs to the states of preparing such petitions.

If you or your staff have any questions about this important public health matter, please contact Benjamin Cohen at 202-332-9110 ext. 321.

Sincerely,

Center for Science in the Public Interest
Food and Water Watch
National Consumers League
United Food and Commercial Workers International Union
California Public Interest Research Group
Florida Consumer Action Network
New Jersey Public Interest Research Group
Virginia Citizens Consumer Council

Consumer Federation of America
Humane Society of the United States
Safe Tables Our Priority (STOP)
Consumer Action
Massachusetts Consumers’ Coalition
North Carolina Consumers Council