

**Congress of the United States**  
**Washington, DC 20515**  
***CBO Estimates that H.R. 4167***  
***Would Cost U.S. Taxpayers Over \$100 Million***

February 28, 2006

Dear Colleague:

H.R. 4167 would prohibit states and local governments from establishing or continuing in effect laws that are not identical to those contained in the Federal Food, Drug, and Cosmetic Act (FFDCA). Any state seeking to maintain its current food safety laws or to enact new food safety laws would have to first obtain permission from the Food and Drug Administration (FDA), by going through a burdensome petition process. The fate of any given state law rests entirely with the FDA—the ultimate decision on whether a state law can be enacted or maintained is within the sole discretion of the FDA.

The Congressional Budget Office estimates that it would cost the FDA more than \$100 million (over five years) to process more than 240 petitions from all 50 states. According to CBO, FDA will spend approximately \$400,000 per petition. This estimate does not include the cost for that the states will incur in preparing such petitions, nor does it include the legal costs that states and the Department of Justice will incur if states challenge FDA's rulings on their petitions.

At the same time that Congress is proposing to increase FDA's workload by \$100 million over 5 years, the Administration's budget proposals could result in a reduction of federal food safety activities by over \$450 million in the same time period. H.R. 4167 is a budgetary trainwreck waiting to happen.

Since there has never been a hearing on H.R. 4167, there is no evidence in the record to explain to taxpayers why this legislation might be worth \$100 million. Dozens of groups, including state and local food safety officials, and public health and environmental groups, have expressed their strong opposition to this legislation and have consistently been denied an opportunity to explain their concerns to Congress.

We urge you to oppose this costly legislation when it goes to the floor on Thursday. For more information, please contact Rachel Sher or Greg Dotson in Rep. Waxman's office (5-3976).

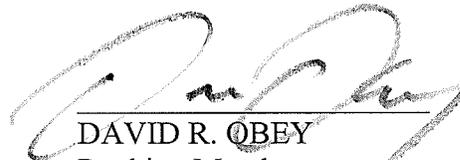
Sincerely,



HENRY A. WAXMAN

Ranking Member

Committee on Government Reform



DAVID R. OBEY

Ranking Member

Committee on Appropriations



ROSA L. DeLAURO

Ranking Member

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

Committee on Appropriations