



Nonprofit Publisher
of Consumer Reports

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Oppose H.R. 4167 – Food “Uniformity” Bill
is Uniformly Bad for Consumers

Dear Representative:

Consumers Union, the non-profit, independent publisher of *Consumer Reports*, is writing in strong opposition to H.R. 4167, the “National Uniformity for Food Act.” The bill is not a simple food-safety uniformity bill, as its proponents claim. **Under the guise of national “uniformity,” this bill would eliminate critical state laws that protect consumer health while leaving in place an inadequate federal system based on the lowest common denominator of protection.**

As drafted, the bill would wipe out state food safety laws and regulations that are not “identical” to federal law – even in areas where the federal government has not acted. The bill could directly harm consumers by increasing their exposure to food-borne illnesses, undermining the authority of state food safety officers, and overturning state food labeling laws. In order to keep current laws in place, states would be required to go through a new costly, time-consuming, and burdensome regulatory appeals process, which the Congressional Budget Office has estimated would cost the federal government alone more than \$100 million over five years. In the end, the federal government could wind up denying state requests to keep their own laws in place.

If H.R. 4167 passes, states would be undermined in their ability to enact laws to protect new threats to public health and food safety. Today, states often are leading the way in developing and implementing innovative policy solutions that can be copied into federal law. California required labels on alcohol regarding dangers to pregnant women before the federal government did so; California law goes beyond the scope of federal law, also requiring such postings in restaurants and bars, to ensure that pregnant women are informed about the dangers of consuming alcohol even when they are not handed a bottle. If H.R. 4167 passes, states would lose the ability to act in areas that the federal government has not already acted – undermining this important state role.

The bill would also handcuff the authority of state and local food safety officials to enforce current laws. These officials, who are responsible for 80 percent of the country’s food safety work, regularly improve training, sanitation and labeling standards to address food borne diseases and other dangers to our food supply whether natural or man made. In 2001 alone, states took action in 45,000 separate instances to remove adulterated foods from the marketplace. H.R. 4167 could nullify the enabling legislation for most of these actions.

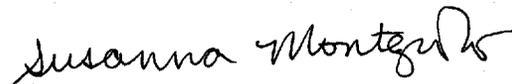
States also have led the way in requiring food labeling laws to inform consumers of potentially dangerous substances in food, which ensures that consumers have the information they

need to make informed choices about what to eat. For example, California's Proposition 65, which H.R. 4167 would overturn, requires labels on products containing substances at levels that pose a significant risk of causing cancer or birth defects. Laws like Proposition 65 have created a market incentive to keep dangerous substances out of the nation's food supply, ultimately making us all better off.

State food safety laws also address issues of particular importance to specific states or regions. Among the many laws that would be nullified by H.R. 4167 are Arkansas and Mississippi requirements that catfish be labeled as farm-, river-, lake-, or ocean-raised and New York requirements for processing smoked fish.

H.R. 4167 is uniformly bad for consumers. We urge you to oppose this bill. Please contact me at (202) 462-6262 if you have further questions.

Sincerely,

A handwritten signature in black ink that reads "Susanna Montezemolo". The signature is written in a cursive, flowing style.

Susanna Montezemolo
Policy Analyst