

**Center for Foodborne Illness Research & Prevention
Center for Science in the Public Interest – Consumer Federation of America
Food & Water Watch – National Consumers League – STOP Foodborne Illness
Trust for America’s Health**

October 19, 2011

The Honorable Patty Murray
Co-Chairwoman
Joint Select Committee on Deficit Reduction
448 Russell Senate Office Building
Washington, DC 20510

The Honorable Jeb Hensarling
Co-Chairman
Joint Select Committee on Deficit Reduction
129 Cannon House Office Building
Washington, DC 20515

Dear Senator Murray and Representative Hensarling:

We appreciate the difficult task ahead of you and the Joint Committee on Deficit Reduction as you develop proposals for reducing our nation’s deficit while maintaining adequate funding for priority government functions. As groups representing consumers, public health advocates, and victims of foodborne illness, we believe that food safety is an essential government function that must be fully funded.

Each year, an estimated 48 million Americans suffer from foodborne disease and 3,000 die from eating contaminated food. The cost to society of foodborne illness can reach the billions of dollars in terms of medical bills, lost wages and lost quality of life. A food safety system oriented to preventing foodborne disease protects all Americans and should be supported primarily through appropriated funds.

We have in the past and continue to oppose general user fees designed to pay for government food safety inspection. The purpose of food inspection is to protect the end consumer from a range of foodborne pathogens. Inspectors are comparable to local police patrols that maintain traffic and other public safety functions. The public has an interest in the government maintaining a highly professional staff whose only goal is to protect them from accidental and intentional food contamination.

However, we suggest that the Committee consider two limited “user fees” for federal food safety agencies. The first and easiest “user fee” to justify is the reinspection and recall fee authority which was approved for the Food and Drug Administration (FDA) as part of the Food Safety Modernization Act. This fee is designed to help government agencies recoup the additional costs that are imposed on the FDA and taxpayers because government inspectors have to expend additional time and resources overseeing companies that have chosen not to invest the time and energy to develop and maintain effective preventive control systems and meet government standards. While FDA was provided this new authority to recoup these additional costs, the Food Safety and Inspection Service (FSIS) at the U.S. Department of Agriculture is not currently able to recover these costs, and we believe they should be provided that authority.

In debating the Food Safety Modernization Act, the House of Representatives approved both the reinspection and recall fee for FDA and an additional small registration fee to be paid by every food processor under FDA jurisdiction. The food industry supported these modest registration fees which were not directed at the act of inspection. Nor were the fees intended to supplant Congressionally-appropriated funds for assuring that the FDA had adequate resources to implement its new preventive food safety program. As finally passed by the Congress, however, the Food Safety Modernization Act did not include a provision for FDA to institute a registration fee to supplement its basic food safety activities.

Considering the importance of food safety to both consumers and the industry, we respectfully request the Committee consider equitable registration fees for the FDA that would take into account the size of the business and reinspection fees for FSIS as seriously needed supplemental sources of funding.

Thank you for your consideration of these suggestions.

Sincerely,

Center for Foodborne Illness Research & Prevention

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CC: The Honorable Max Baucus
The Honorable John Kerry
The Honorable Rob Portman
The Honorable Pat Toomey
The Honorable Xavier Becerra
The Honorable Dave Camp
The Honorable James Clyburn
The Honorable Fred Upton
The Honorable Chris Van Hollen