



## Senator Feinstein Joins with 20 Senators to Urge Senate Opposition to Legislation Aimed at Rolling Back State Food Safety Laws

May 26, 2006

**Washington, DC** – United States Senators Dianne Feinstein (D-Calif.), Edward Kennedy (D-Mass.), Barbara Boxer (D-Calif.), Patrick Leahy (D-Vt.), and Richard Durbin (D-Ill.) today joined with 16 other senators to oppose federal legislation that would roll back as many as 150 food safety laws in all 50 states.

Yesterday, Senators Richard Burr (R-N.C.), Ben Nelson (D-Neb.), and Pat Roberts (R-Kan.) introduced a Senate companion bill to the “National Uniformity for Food Act of 2005,” which was passed by the House in March. The legislation would roll back essential food safety laws and preempts state and local authority by prohibiting states and localities from enacting food safety regulations stronger than those required by the federal government.

The 21 senators are calling on Senate Majority Leader Bill Frist (R-Tenn.) to ensure that the Senate bill proceeds through the proper legislative process. The House bill, H.R. 4167, was passed without a hearing, and there has been no hearing in the Senate on food uniformity since 1988.

**“State and local communities over the years have established special precautions to help give consumers the peace of mind that the food they eat is safe,”** Senator Feinstein said. **“These laws alert consumers when food products may contain chemicals that cause cancer or birth defects. But the food uniformity measure passed by the House would essentially gut more than 150 of these food safety laws in all 50 states. It needlessly endangers the health of millions of Americans. I will do everything I can to ensure that state protections, such as California’s Proposition 65, are allowed to continue to serve as safeguards against harmful chemicals in our food.”**

*Following is the text of the letter sent to Senate Majority Leader Bill Frist (R-Tenn.). A copy of this letter was also sent to the attention of Senate Minority Leader Harry Reid (D-Nevada):*

**“We are writing to express our strong concerns about H.R. 4167, the National Uniformity for Food Act of 2005, and to ask that you prevent this, or similar legislation from going forward by any means other than through regular order. As you know, this bill passed the House without a hearing and there has been no hearing in the Senate on food uniformity since 1988.**

**H.R. 4167 undermines hundreds of important food safety laws across the country, and sets a dangerous precedent undermining states' rights. It preempts state and local authority by prohibiting state and local governments from enacting food safety regulations stronger than those required by the federal government, even if that authority is needed to respond quickly to an incident such as an act of bioterrorism. It also severely limits a state's ability to enact or enforce a food safety regulation or issue a safety warning when no such federal regulation or warning exists.**

**We believe state and local governments should have the right to warn their residents when a product contains chemicals that cause cancer or birth defects and we do not believe they should have to petition the FDA in order to make those warnings known. Currently state and local governments conduct approximately 80% of food safety activity. H.R. 4167 would reverse this traditional and sensible division by wresting all power from governors, legislatures and voters, placing it instead in the hands of a few hundred federal employees. There have been no testimony, no reports and no analysis to show that state and local food safety activity has harmed or confused consumers. No evidence has been presented to show that state and local requirements are overly burdensome on the food industry. Therefore, we believe that H.R. 4167 is not only unnecessary, but it puts Americans' health in danger.**

**State and local laws have resulted in food processors switching from lead soldered cans to ones that do not use lead, years before the FDA acted. Such laws have protected millions of Americans from arsenic in bottled water and they have informed consumers of whether their salmon fillets are fresh or farm-raised. Under H.R. 4167, those consumer protections can no longer be guaranteed by state and local authorities.**

**We would like to reiterate our strong concerns about H.R. 4167 and urge you to insist on regular order, should the Senate consider this legislation.**

**Thank you for your consideration."**

The letter was also signed by Senators Frank Lautenberg (D-N.J.), Barack Obama (D-Ill.), James Jeffords (I-Vt.), Herb Kohl (D-Wis.), Christopher Dodd (D-Conn.), Hillary Rodham Clinton (D-N.Y.), Mark Dayton (D-Minn.), Russ Feingold (D-Wis.), Jeff Bingaman (D-N.M.), Charles Schumer (D-N.Y.), Robert Menendez (D-N.J.), Byron Dorgan (D-S.D.), Bill Nelson (D-Fla.), John Kerry (D-Mass.) Jack Reed (D-R.I.), and Ron Wyden (D-Ore.).

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