

Opening Statement of the Honorable Joseph R. Pitts
Energy and Commerce Subcommittee on Health Hearing
“Examining the Implementation of the Food Safety Modernization Act”
February 5, 2014

(As Prepared for Delivery)

According to the Centers for Disease Control, 48 million Americans (or one in six) will become ill from a foodborne disease each year. One hundred twenty-eight thousand people will require hospitalization, and 3,000 will lose their lives as a result.

Sadly, many of these diseases and deaths could have been prevented if proper safety precautions had taken place on the farm, in processing facilities, and while transporting foods.

The Food Safety Modernization Act (FSMA), the most far-reaching reform of the Food and Drug Administration’s food safety authority since the 1930s, was signed into law in January 2011.

The law tasked FDA with issuing major regulations covering such topics as preventative controls for human food and animal feed, produce safety, foreign supplier verification, accreditation of third party auditors, intentional adulteration, and sanitary transportation, among others.

I am particularly interested in the sanitary transportation proposal, released last Friday. Since mid-2011, I’ve been following stories about commercial food trucks – without proper refrigeration – carrying perishable foods along our nation’s highways at dangerously high temperatures, and a subsequent investigation by the Indiana State Police.

Perhaps Deputy Commissioner Taylor can speak to how the proposed rule would address situations like this.

I would like to commend Mr. Taylor for his outreach efforts and dialogue with all parts of the food supply chain prior to the release of these proposed rules and also for extending comment periods on issues unique to certain sectors of the industry, such as farmers. This conversation must continue.

I believe the success of FSMA’s implementation will rest on a flexible regulatory structure that (1) encourages an efficient, risk-based approach to food safety, and (2) acknowledges that a one-size-fits-all, overly-burdensome model simply will not fit such a vast and diverse food supply chain such as ours.

In issuing its proposed regulations, FDA has released compliance cost estimates that differ significantly with outside estimates, and I would be interested in learning about the assumptions and methodology the agency used to arrive at these figures.

Additionally, over the last few years, many parts of the food industry have voluntarily made progress toward preventing foodborne illness, and I would hope FDA would not punish these good actors as it seeks to bring the rest of the industry up to standard.

I would also ask Mr. Taylor for a commitment to work with industry –particularly with respect to inspections – after the final regulations go into effect. A collaborative, rather than adversarial,

relationship with industry will yield greater compliance and ultimately further our goal of making the U.S. food supply the safest it can be.

Finally, while we need to finalize FSMA regulations in a timely manner, I am concerned by the court-ordered deadline of June 30, 2015. These regulations are too important to be rushed through without proper thought and consideration.

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