



Consumer Federation of America

November 15, 2010

The Honorable Tom Harkin
U.S. Senate
Washington, DC 20510

Dear Senator Harkin:

Thank you for your efforts and those of your staff to bring the FDA Food Safety Modernization Act (S.510) to a vote before the 111th Congress adjourns. We have worked hard to advance this legislation, support the Managers' Package, and are eager to see it passed. We remain deeply concerned however, about the unintended consequences of the Tester/Hagen amendment.

The primary strength of S. 510 is focusing FDA's food safety program on prevention and mitigation of risk. The Tester/Hagen amendment ignores risk, exempting producers and processors based solely on the size of the operation. It ignores the fact that some food is more susceptible to contamination and more frequently associated with foodborne illness. Fresh produce, typically consumed raw, is by definition, a high-risk food. Leafy greens are a particular problem and have been associated with numerous foodborne illness outbreaks. Some of those outbreaks were traced to small producers/processors. The leafy greens threat is confounded when several types of greens from different farms are comingled and sold through restaurants and retail outlets. There are no state produce safety standards to take the place of FDA regulation. State governments have been wise enough to limit their "cottage food" exemptions to low risk products, such as jams and jellies. Congress should take a similar approach.

We understand Senators Tester and Hagen are eager to protect the interests of small farmers and processors. Consumer Federation of America is concerned about protecting the health and safety of the people who buy and consume food. If Tester/Hagen is adopted without changes to consider the risk presented by a particular food and/or its processing, consumers will not realize the full benefits of improved food safety promised by S. 510. We

believe that, in the long run, safety standards that limit risk are good for business and consumers.

You and we have worked together for many years to improve the safety of the nation's food supply and we deeply appreciate your efforts to bring a strong bill to the Senate floor. We are eager to celebrate its passage and hope you will be successful in persuading your colleagues to join you in producing legislation that delivers on its promise of safer food.

Sincerely,

Carol Tucker-Foreman
Distinguished Fellow, Food Policy Institute
(Assistant Secretary, USDA, 1977-81)

Chris Waldrop
Director, Food Policy Institute