

FOR IMMEDIATE RELEASE:

Wednesday, December 14, 2005

FOR MORE INFORMATION:

Jeff Cronin: 202-777-8370

Stephanie Grasmick: 202-777-8316

House Republicans Mounting Attack on State Food Laws
*Industry Lobbyists Want to Topple California's Prop. 65, but State
Officials Fear Bioterror Implications*

WASHINGTON—Congressional Republicans are mounting an assault on state food-safety and labeling laws that are tougher than federal requirements, according to the Center for Science in the Public Interest. The House Energy and Commerce committee is poised to take up legislation that would summarily pre-empt almost 100 state laws having to do with carcinogen labeling, seafood safety, and food allergens and additives. The measure is opposed by many in the California delegation since it would interfere with that state's Proposition 65, which requires warning notices on products that contain ingredients known to cause cancer or birth defects. And state officials, led by the Association of Food and Drug Officials (AFDO), fear that the measure would hamper their abilities to respond to a bioterror attack via the food supply.

"The food industry may find various state laws and regulations inconvenient, but that's not a good reason to torch these laws in one fell swoop," said Benjamin Cohen, CSPI senior staff attorney. "Front-line public health officials should be getting more cooperation and encouragement from Congress to protect public health, not less. This bill is just payback to a politically powerful and financially generous industry."

According to the Congressional Budget Office, the bill would adversely affect food safety and labeling requirements in almost 30 states, and cost the FDA more than \$100 million over five years to implement a system of waivers called for in the legislation. A Mississippi state law that requires that catfish products be labeled as farm-raised or wild would go by the wayside. Laws governing smoked fish products would be scrapped in New York, Michigan, and Wisconsin. And California's program to place in-store notices about mercury in certain fish would similarly be nullified if the National Uniformity for Food Act becomes law, according to CSPI.

"Local and state regulatory agencies perform approximately 80 percent of the food safety work currently done in the United States," wrote Marion Aller, president of the Association of Food and Drug Officials AFDO, in a December 5, 2005 letter to the committee. "When you consider that local and

state food safety programs are our first line of defense against acts of terrorism involving the food supply, AFDO respectfully suggests that now is not the time to dismantle our national food protection program that maintains one of the safest food supplies in the world.”

California Attorney General Bill Lockyer opposes the measure because of its impact on Proposition 65 also. “Proposition 65 has an excellent record of providing additional protection of public health within California directly and by spurring greater action by FDA,” Lockyer wrote in 2003. “Federal preemption of this law and similar state requirements is bad federalism, bad science, and bad public policy.”

—30—

The Center for Science in the Public Interest (CSPI) is a nonprofit health-advocacy group based in Washington, D.C., that focuses on nutrition, food safety, and pro-health alcohol policies. CSPI is supported largely by the 900,000 U.S. and Canadian subscribers to its *Nutrition Action Healthletter* and by foundation grants.