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# Congress of the United States

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### Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Energy and Commerce "How Do We Fix Our Ailing Food Safety System?" Subcommittee on Health March 11, 2009

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Americans do not need another deadly outbreak to understand that our food safety system is in desperate straits. We have ample proof of that. This is a bad situation not just for the American public, but also for the food industry itself.

We must act now to address this problem. Over the next few months, the Energy and Commerce Committee will move a strong food safety bill. This hearing is the first step on that legislative path. Today we will hear about some of the major concepts that our witnesses believe must be included in a model food safety bill.

The FDA Globalization Act of 2009 provides an ideal starting point, and I commend Chairman Emeritus Dingell, Chairman Pallone, and Chairman Stupak for their work on this bill. Using this bill as a foundation, this Committee will work with President Obama's FDA to implement some common-sense food safety measures that are long overdue.

As we move forward, we will also draw upon the work of Chairman Stupak and Ranking Member Walden, who lead our Subcommittee on Oversight and Investigations. The Subcommittee's hearing examining the recent salmonella outbreak caused by the Peanut Corporation of America provided a powerful glimpse into just how extensive the problems plaguing our food safety system truly are.

It is clear that we need to give FDA some basic authorities that will enable it to do its job. As the Oversight and Investigation hearing illustrated, FDA does not have the authority to routinely access records documenting the steps that manufacturers take to assure safety. FDA also lacks modern and flexible enforcement tools, like administrative civil monetary penalties. It is our job to get FDA the resources and authorities it needs to do its job — and to do it well.

But with over 300,000 registered food facilities throughout the U.S. and abroad, it is clear that we cannot rely on FDA alone to prevent food borne illness outbreaks. Manufacturers must

implement preventive systems to stop outbreaks before they occur, and we need to hold them accountable when they fail.

Dr. Stephen Sundlof, FDA's Director of Food Safety and Applied Nutrition, agreed at our hearing last month that "each company in the chain of manufacturing has an obligation to ensure that the ingredients they are using as well as their final products are safe for Americans to consume."

Related to this, I would like to announce now that next Thursday, on March 19, we will hold another investigative hearing that focuses on the companies that purchased these tainted peanuts and why their food safety systems failed to prevent these deaths and illnesses.

We have a challenging job ahead of us, but we also have many reasons to be optimistic. In his budget, President Obama called for over \$1 billion for FDA's efforts to increase and improve inspections, domestic surveillance, laboratory capacity, and domestic response to prevent and control food borne illness.

I also know President Obama is committed to naming an FDA commissioner soon and I look forward to his announcement. This food safety crisis calls for strong leadership at the agency, and we need it now.

Let me say a few words about the notion of a so-called "single food agency." A lot of good points have been made about the need to improve our fragmented system and ensure that food safety is given appropriate attention by our regulatory agencies.

But reorganizing large federal bureaucracies takes a great deal of time — and this is time we do not have when it comes to food safety. We must act now. We have to concentrate the additional resources we can get at this point on the job at hand. Our first goal should be to address the problems that plague this program where it currently sits. After we finish that job, we can consider whether a reorganization is necessary, and, if so, how to go about it.

I look forward to hearing from our witnesses about what steps we can take to begin this process.