

## Top Stories

# UPDATED: Food safety bill fails but second chance planned

Published on 07/29/2009 03:28pm By Tom Karst

**(UPDATED COVERAGE, July 29, 5:58 p.m.)** Despite support from produce industry allies such as Rep. Jim Costa and Rep. Adam Putnam, the Food Safety Enhancement Act of 2009 failed to reach the supermajority needed for passage in the House of Representatives today.

The yeas were 280 and the nays were 150, but the two-thirds supermajority (286) was not reached to pass the bill under a suspension of the rules that limited debate to 40 minutes.

Speaking on background, one Capitol Hill source said the House Rules committee was expected to allow the bill to be considered again by the full House on July 30 with a simple majority vote.

Ray Gilmer, vice president of communications for the United Fresh Produce Association, Washington, D.C., said in an email that House leaders have decided to bring the food safety legislation back to the floor sometime July 30 for one hour of debate. Under that scenario, a simple majority of 218 would be required, Gilmer said.

Opposition from the American Farm Bureau Federation and other agriculture organizations that were wary of Food and Drug Administration encroachment may have cost the bill some votes, though House Agriculture Chairman Collin Peterson, D-Minn., worked with House Energy and Commerce leaders to smooth over worries that the FDA would seek to regulate grain and livestock producers.

Small producers and organic interests also had some reservations about the bill.

"We're not opposed to there being food safety an overhaul, but it needs to be done very carefully so it doesn't roll over the local and diversified food systems that are not the food safety problem," said Mark Lipson, senior policy analyst for the Organic Farming Research Foundation, Santa Cruz, Calif.

He said that even though the Energy and Commerce Committee did make some important changes in favor of smaller producers, they didn't go far enough.

"There are so many things they have carved out of it now it is hard to see what it really does," he said. Lipson said the bill doesn't change the scattered governmental oversight for food safety and also will incur huge costs on local producers, processors and distributors.

Particularly, he said the foundation doesn't believe the flat \$500 fee per facility is fair. "Industrial scale processors aren't bearing their fair share," he said.

While the bill drew some opposition from Republicans in House debate, members of both parties praised the bill as a bipartisan product.

Putnam, R-Fla., praised the effort of Costa, D-Calif., in helping to put together a bill that brings together America's farmers ranchers and consumers. However, Putnam said a number of features of the bill — particularly language relating to the FDA's power to quarantine food and mandate traceability — need further work.

Rep. Joe Barton, R-Texas, ranking member of the House Energy and Commerce Committee, said the legislation deserves support.

"The process is fair, the product is fair, I strongly encourage a yes vote," he said during the debate.

“This bill begins a long task of rectifying decades of neglect by updating FDA’s ancient tools outdated mandate,” said Rep. Rosa DeLauro, D-Conn.

DeLauro said the bill gives the agency ability to prevent contamination of food by allowing it to inspect the highest risk facilities once every six months to a year rather than once a decade.

She also said it also enhances reporting requirements for companies and establishing performance standards for fighting food based pathogens.

“This bill is a strong solid first step in creating a food safety system that can protect American families from contaminated food,” DeLauro said.

Rep. Frank Lucas, R-Okla., ranking member of the House Agriculture Committee, said that he objected to the fact the House Agriculture Committee was not involved in putting together the bill and stated his opposition to it.