



LATE
Testimony

January 29, 2008

The Honorable Josh Green
Chair, Committee on Health
Hawaii House of Representatives
415 South Beretania Street
Honolulu, HI 96813

RE: HB 2529, Relating to Food Safety

Dear Representative Green:

On behalf of the Grocery Manufacturers Association, I am writing to express our opposition to House Bill 2529 (Mizuno), which would establish a mandatory recall authority for tainted foods and pet food within the State of Hawaii. The measure is scheduled for hearing in the Committee on Health on Wednesday, January 30.

The Grocery Manufacturers Association (GMA) represents the world's leading food, beverage and consumer products companies. The Association promotes sound public policy, champions initiatives that increase productivity and growth and helps to protect the safety and security of the food supply through scientific excellence. The GMA board of directors is comprised of fifty-two chief executive officers from the Association's member companies. The \$2.1 trillion food, beverage and consumer packaged goods industry employs 14 million workers, and contributes over \$1 trillion in added value to the nation's economy.

While GMA agrees with Representative Mizuno that mandatory recall authority of foods is desirable, our concern is that it would be unmanageable if multiple states enacted similar legislation. Therefore, GMA is on record for and will continue our support of granting FDA mandatory recall authority. Because the FDA is our partner in ensuring the safety and security of the food supply, and because consumers must be able to trust the brands they buy and food they eat, we believe mandatory recall authority should be granted to FDA to expedite the agency's ability to more rapidly respond whenever there is a significant risk of an adverse outcome, and whenever food companies refuse FDA's request to voluntarily recall a product.

Also, GMA believes that the FDA is the best-equipped agency to responsibly implement mandatory recalls. A key issue is where to draw the line between protecting public health and preventing the unintended consequences of unjustified recalls. There is legitimate concern that individual state agencies may not be prepared to determine if a food product is responsible for a specific illness or is "tainted" within the meaning of HR 2529. Such a situation increases the risk of error and, as a result, can cause an unjustified mandatory recall.

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A case to illustrate this point comes from Texas when that state issued a warning concerning California strawberries based on incomplete epidemiological evidence. FDA and the Center for Disease Control (CDC) later identified the contaminated product as raspberries from Guatemala. California strawberry growers suffered considerable losses through no fault of their own. The same fate could befall Hawaii in the macadamia nut industry if another state were to make a similar mistake. This “rush to judgment” syndrome can be a fatal flaw in any mandatory recall scheme, especially when relying on individual state capabilities without a central clearing station such as FDA, USDA, and CDC. CDC involvement is critical to any epidemiological evaluation of cause and effect.

GMA and the federal government has given this issue a high priority and have moved considerably forward in making progress toward FDA mandatory recall authority. The President recently called for FDA mandatory recall authority in his Import Safety Plan. The Health and Human Services Agency and the FDA developed the ‘Food Protection Plan: An Integrated Strategy for Protecting the Nation’s Food Supply,’ which recommends the adoption of mandatory recall authority. There are several bills currently pending in Congress which create this authority in the FDA. GMA will continue to support the Administration and congressional bipartisan support for this action. As such, we are asking Hawaii and any other state to join with us in supporting FDA’s mandatory recall authority.

With the recent advent of the reportable food registry under FDA, there will be a central reporting site for all products identified as having a reasonable probability that consumption will cause “serious adverse health consequences of death.” The State of Hawaii should continue its close partnership with FDA and CDC, a partnership that will ensure interstate cooperative efforts should a recall be necessary.

For these reasons, we respectfully request that this committee join GMA, the Administration, and the bipartisan congressional support for FDA mandatory recall authority, and oppose the creation of the state mandatory recall system as proposed in HB 2529.

Sincerely,

Caroline Silveira
Director, State Affairs
Grocery Manufacturers Association