

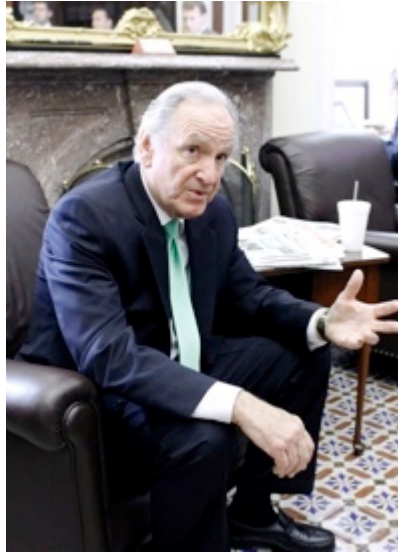


Written by [Raven Clabough](#) on December 20, 2010

Food Safety Bill Passes Again

On Sunday evening, the United States Senate passed a bill that will virtually overhaul the nation's food industry laws: the Food Safety Modernization Act. The bill was passed unanimously after a number of negotiations that took place over the weekend.

According to the [Washington Post](#), the legislation "requires manufacturers and farmers to come up with strategies to prevent contamination and then continually test to make sure they work...gives the Food and Drug Administration the authority to recall food [and] access to internal records at farms and food-production facilities." It also requires importers to confirm that their products meet U.S. safety standards.



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The Senate passed the bill nearly two weeks ago by a vote of 73-25, but constitutionality issues very nearly [killed](#) it. Two different versions of the legislation were passed, one in the House and one in the Senate. The two versions of the bill required reconciliation, but because of the packed lame-duck agenda, the House was expected to approve the Senate version instead.

The House of Representatives unexpectedly rejected the bill, however, asserting that it violated the constitutional provision that requires new taxes to originate solely in the House. As a section of the Act imposes fees on importers, farmers, and food processors whose food is recalled, Senate's November 30 vote was nullified.

Democrats desperately tried to salvage the bill by removing the unconstitutional provision and inserting it into the omnibus spending bill, but that bill died on the Senate floor last Thursday.

Over the weekend, Senate Democrats considered inserting the Food Safety Modernization Act into one of the few remaining bills awaiting a vote in the lame duck session, including the short-term spending bill, but Republican Senator Tom Coburn threatened to filibuster any measure that included the Act. Coburn and his fellow Republicans demanded a clean continuing resolution.

Congressional Quarterly explains:

Putting the food safety legislation into a non-spending bill skirted those potential hurdles. Coburn, who has previously held up the food safety bill for months over objections to the cost and demands for a vote on an anti-earmark amendment, raised no objections to the unanimous consent agreement Sunday.

John Hart, a spokesman for Coburn, indicated on Sunday night that he is unsure of why Coburn relented on his stance against the bill.



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A number of organizations, including the American Public Health Association, the Center for Science in the Public Interest, Consumer Federation of America, and Consumers Union, sent a letter on Sunday to Senate Majority Leader Harry Reid and Senate Minority Leader Mitch McConnell calling for action on the bill.

The letter read, “Our organizations are writing to support attaching S. 510, the FDA Food Safety Modernization Act, to the Senate’s proposed short-term continuing resolution. Strong food-safety legislation will reduce the risk of contamination and provide FDA with the resources and authorities the agency needs to help make prevention the focus of our food safety strategies.”

Evidently, the letter held some political weight.

The *Washington Post* writes, “Without notice and in a matter of minutes Sunday evening, the Senate approved the bill by unanimous consent, sending it to the House, where passage is expected. President Obama has said he would sign the legislation, which would give the government far-reaching authority to set and enforce safety standards for farmers and food processors.”

Jean Halloran, director of food-policy initiatives at Consumers Union, views the bill’s passage as a victory. “This reaffirmed my faith in democracy,” she claimed. “We were getting ready for a last-ditch effort...and they just went ahead and passed it, like they should have...There’s some hope now that the government will do a better job of protecting people from tainted food.”

Senator Tom Harkin (D-Iowa), one of the bill’s main sponsors, touted Sunday’s vote as a “critical victory [that would] give Americans one of the best holiday gifts they can receive this year — the assurance the foods they are eating are safer.”

Senate Majority Leader Harry Reid alleges that the bill is “extremely important” in preventing food-borne illnesses that can disable or kill consumers. According to [The Hill](#), “The legislation is a high priority for Reid and Senate Health, Education, Labor, and Pensions Committee Chairman Tom Harkin.”

“Tonight we unanimously passed a measure to improve on our current food safety system by giving the FDA the resources it needs to keep up with advances in food production and marketing, without unduly burdening farmers and food producers,” Reid announced on Sunday.

Critics of the bill bemoan its \$1.4 billion expense, as well as the authority it gives to the very agency responsible for the spread of food-borne illnesses. The *PJ Gazette* writes, “[The FDA] has been the facilitator for hundreds of lethal and deadly pharmaceuticals allowed into the markets that cause physical damage and even death in thousands of cases.”

Similarly, [The John Birch Society](#) asserts that the bill both fails to effectively ensure food safety and usurps power from the states:

Having the federal government over this country’s food supply won’t solve anything and won’t prevent all food borne illnesses, but it is a usurpation of the states’ right to oversee set standards of food safety. The citizens of this country, who are already financially overburdened with the wild spending policies resulting in a heavy deficit and gargantuan national debt, cannot afford the further costs both in freedoms and finances, of the federal government expanding its reach into the farming community and personal buying and eating habits.

[Hot Air](#) contends that the food safety bill passed by unanimous consent is a compromise. If Republicans agreed to the food safety bill, the Democrats would agree to a clean continuing resolution (CR) rather than a “minibus,” “a concern that had arisen when Congress passed a three-day CR on Friday night to



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fund the government through Tuesday.”

Hot Air writes, “Rumor had it that the Democrats wanted a blend of CR and omnibus that would set funding for the rest of the year on some key agencies, and the GOP want to go through a normal budget process instead.”

If it is indeed the case that the food safety bill passed without opposition from Senate Republicans as part of a compromise, hopefully Senate Democrats will live up to their end of the bargain as well.

Photo: Sen. Tom Harkin, D-Iowa, talk to reporters on the Food Safety legislation that passed the Senate, Tuesday, Nov. 30, 2010, on Capitol Hill in Washington.: AP Images



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