



Written by [Raven Clabough](#) on November 30, 2010

Passed Food Safety Bill Provides Government Control

After more than one year of consideration, the United States Senate passed the Food Safety Modernization Act today by a vote of 73-25. The bill passed in the House of Representatives in July 2009, followed by the Senate Health, Education, Labor and Pensions (HELP) Committee in November 2009, but its progress was halted by Senate deliberations on healthcare and financial reform.



The food safety bill assigns greater authority to the Food and Drug Administration as it allows for more frequent inspections at food processing plants and assigns more governmental authority in recalling food. Likewise, it requires food processors to register with the FDA to detail food safety plans, and allows the FDA to create more food safety regulations. Moreover, it establishes stricter standards on food safety.

Additionally, *Congressional Quarterly* reports that the bill provides the FDA with “access to records of domestic food facilities in emergencies” and allows the agency to “bar importation of high-risk foods if the products lacked proper certification or if the U.S. inspectors were denied access to processing facilities.”

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According to [The Hill](#), the House version of the bill “is considered far more imposing on the food industry, such as implementing fees on food facilities to help finance the Food and Drug Administration’s food safety inspection efforts.”

However, those issues were addressed by the Senate, writes the [Associated Press](#): “Senate sponsors further softened the bill’s impact on the food industry — including eliminating some fees processors would have to pay and reducing the number of required inspections — to gain votes in the Senate and to make the bill more palatable in the House.”

The Hill explains, “The two version of the bill would have been reconciled in conference talks, but time is running out. The lame-duck session has a full agenda...Because of that, there is talk the House may approve the Senate version.”

The \$1.4 billion bill is touted by lawmakers as one that will target E. coli and salmonella outbreaks, which, according to the *Associated Press*, “exposed a lack of resources and authority at the FDA as the embattled agency struggled to contain and trace the contaminated products.”

However, the bill does not apply to meat, poultry, or processed eggs because those items are regulated by the Agriculture Department, which is responsible for significantly greater regulation than the Food



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and Drug Administration.

The Centers for Disease Control reports that tens of millions of Americans are made ill by food-borne illnesses, resulting in thousands of deaths every year. In an effort to prevent future outbreaks of such illnesses, the bill requires farmers and food processors to declare to the Food and Drug Administration how they are preparing the foods to keep them safe at various stages of production.

However, as noted by the [PPJ Gazette](#), the very culprit responsible for the food-borne illnesses is the same one being assigned more power by the food safety bill: the FDA. *PPJ Gazette* writes that 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.”

Despite the massive increase in government influence the bill allows, it managed to garner bipartisan support in Congress, and has the backing of President Obama as well. The bill had 20 co-sponsors, eight of whom were Republicans. The legislation also had the support of the U.S. Chamber of Commerce, though the group did caution that the bill provides too much discretion to federal regulators.

Democratic Senator Christopher Dodd defended the bill’s massive regulatory oversight. “Every day we consume products with a sense of security that what we’re ingesting or using is not going to cause us any great harm or put our lives in jeopardy. So it’s important, particularly when you deal today with the processing of food that occurs, that that reassurance, that sense of security — that all Americans would like to have — is going to be guaranteed to the maximum extent possible.”

Republican Senator Tom Coburn of Oklahoma did attempt to water down the legislation by proposing a substitute bill that would have provided significantly fewer regulatory provisions, asserting that the current bill creates too much bureaucracy, but Coburn faced opposition from Senator Tom Harkin, sponsor of the food safety bill, who asserted that Coburn’s version would have “gutted” the bill.

Likewise, the *Associated Press* reports that the bill came under fire “from advocates of buying locally produced food and operators of small farms, who said it could bankrupt some small businesses.”

As a result of those concerns, however, Senators provided exemptions to smaller businesses, allowing them to gain the support of farm-state Senators while irking bigger businesses.

The food safety bill has also gained the ire of constitutionalists, who view it as an assault on constitutional rights. *PPJ Gazette* asserts that the true focus of the bill, despite lawmakers’ assertions, is “to eradicate family and independent producers, to corner the agricultural markets, reducing competition, to force all food products produced in the US into exports markets, and to criminalize land and livestock ownership through the use of predatory licensing and regulation.”

The [John Birch Society](#) articulated similar sentiments as it encouraged Americans to contact their Senators and demand that the bill be rejected. The JBS wrote:

The Food Safety Modernization Act, S. 510, represents a massive expansion of government regulation of the food industry, even though there is no authorization in the Constitution for this. My right to produce, distribute, and consume the foods of my choice is part of my right to life and liberty under the Constitution.

Food safety is best achieved at the local level; small farmers and local food processors are part of the solution to the food supply, yet S. 510 would grant more power to an opaque and unaccountable agency, hyper-regulating small producers out of business, leaving the industrial food system with the highest ranking of problems of disease and illnesses, to commandeer the marketplace.



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The salmonella egg outbreak is no excuse for a government takeover of the food industry, one that has traditionally belonged to the states and to the individual.

Washington elitists, however, contend that they know what is best for Americans.

Harkin celebrated his victory and declared, "We have taken momentous steps toward strengthening food safety in America. The Food Safety Modernization Act will help bring America's food safety system into the 21st century."

As usual, the bill was laden with amendments that had nothing to do with the legislation, including one that would place a moratorium on earmarks, another that would have repealed a provision of ObamaCare, and others that dealt with lawmakers' pet projects. All the amendments were rejected.

Rotator photo: Sen. Tom Harkin, D-Iowa, left, and Sen. Mike Enzi, R-Wyo., talk to reporters on the Food Safety legislation that passed the Senate, Nov. 30, 2010, on Capitol Hill: AP Images



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