



We're from the
government...

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So many regs...
...so little time

Federal Agencies

- Food Safety & Inspection Service
- Food and Drug Administration
- Agricultural Marketing Service
- Environmental Protection Agency
- Department of Transportation
- Treasury/IRS
- Access Board/DoJ
- Centers for Medicare & Medicaid Services
- Occupational Safety & Health Administration
- Federal Trade Commission
- Animal Plant Health Inspection Service
- National Organic Standards Board
- Food and Nutrition Service



And it may only get worse...

- “Elections have consequences”
- Pent-up frustrations
- Get stuff done now



Country of Origin Labeling: Regulatory

- **Seafood**
 - Interim final rule
 - Cost/benefit analysis
- **Meat/Produce**
 - Reopen original proposal
 - Sensitive to timing



Country of Origin Labeling: Montana

- State law, now in regulatory stage
- Would require store level placarding for “foreign” product
 - Country of origin or “country unknown”
- Usual paths haven’t worked
 - Can continue persuasion
 - Judicial??



Irradiated Food

- Currently, must label all irradiated food
- Proposal
 - Only label if material change
- Thoughts?



Food from Cloned Animals

- FDA Draft Risk Assessment
 - “As safe as conventional foods”
 - Unlikely to require labeling
 - Consumer pressure for voluntary labeling?



Food from Cloned Animals

- Clone vs. Progeny
 - Allow for easier voluntary labeling for only clones
 - Progeny: numerous
 - Clones
 - Expensive
 - Transfer docs
- Thoughts?



Posting Retail Consignees

- **March 2006 Proposal**
 - Consignee info gathered from recall effectiveness checks
 - Post on internet as obtained



Posting Retail Consignees

- “They just don’t get it,
do they???”

Retail Consignees

- Shifts consumer focus away from product
- Information late
 - No good to consumers
 - Food long removed and replaced
- Piecemeal
- Overinclusive
- Confidential

Retail Consignees

- Strategy
 - OMB
 - White House
 - Legislative route unlikely to be helpful
 - Judicial route -- expensive

“Gluten-Free”

- Mandate of Food Allergen Labeling and Consumer Protection Act
- Proposal
 - 20 ppm threshold
 - Qualifying statement if “naturally” gluten-free
 - Not statutorily required
 - Different from fat or cholesterol




Healthy Food Labeling

- Private programs on health characteristics of foods
- CSPI petition for ANPR
 - Single system to rate foods
 - Probably supported by manufacturers
 - Thumbs up/thumbs down
 - Mandatory



Healthy Food Labeling

- Analysis
 - Mandatory v. Voluntary
 - Although even a voluntary system might prevent existing systems
 - What does it look like?
 - Good/bad
 - “Traffic lights” for multiple nutrients
 - TMI??
- Thoughts??



Elections
Have
Consequences



2000 Election

- Ergonomics
- Death Taxes
- Tax Cuts



2006 Election

- Minimum wage
- COOL
- Death tax
- Card check

Farm Bill

Mandatory recalls

Ethanol

Stakeholder commission on improving food safety

FDA funding/new inspectors

COOL

Food from cloned animals

Carbon monoxide

WIC/Food Stamps

Consignee lists

HACCP for produce

Single food safety agency

“Healthy food” labeling

Animal ID & traceback

Increased inspections (imported foods)

Safe Food Act of 2007 (Durbin/DeLauro)

- Food Safety Administration
 - Independent
 - All current food safety laws and then some (eg, Humane Slaughter)
 - Applies to all food – including meat/poultry – but NOT dietary supplements
- Registration and categorization of all “food establishments” [BUT: retail not a “food establishment”]
 - Category level determines inspection frequency (eg, 1 = slaughter → daily)
 - Registration similar to BT Act
 - Retail: work with states to enhance food safety programs at retail

Safe Food Act of 2007

- New “preventative process controls”
 - “free of dirt and filth”
 - Limit presence of potentially harmful contaminants
 - Contaminants = bacterial, chemical, toxins, viral, parasite, prion, physical hazard, human pathogen
- Records
 - Broad new recordkeeping and access
- Reporting
 - Obligation to disclose to FSA any test that is positive for “any contaminant”



Safe Food Act of 2007

- New “official mark”
- No federal preemption
- Traceback
 - National system for tracing food and food producing animals from point of origin to retail sale
 - Applies to “food production facilities,” → farms, aquaculture, feeding facility



Safe Food Act of 2007

- Imports
 - Certification for “foreign government or foreign food establishment”
- New enforcement authorities
 - Expanded authority to seize or detain food
- Mandatory recall
 - Opportunity for voluntary recall
 - If not, FSA steps in and mandates recall