



BEER INSTITUTE

## BI UPDATE

November 2007

**Import Safety Legislation** - Capitol Hill has paid considerable attention to food safety issues this fall. During a hearing by the House Agriculture Appropriations Subcommittee in late September, Food and Drug Administration (FDA) Commissioner David Acheson said his agency needs more powers to police the nation's food supply, particularly where imports (including beer) are involved. FDA regulations promulgated since 2001 in response to potential terrorist threats should have assisted officials in addressing more recent product safety problems; but lawmakers seem dissatisfied with federal efforts to monitor import safety and are considering additional measures. Federal law governing food safety applies to alcohol beverages. The FDA and the Alcohol and Tobacco Tax and Trade Bureau (TTB) have a memorandum of understanding delineating each agency's responsibilities. TTB has been in the process of negotiating cooperative agreements with China and Italy to ensure safety of imports and exports of alcohol beverages.

Section 1009 in the Food Safety title of the Food and Drug Administration Amendments Act of 2007 (H.R. 3580; P.L. 110-85), became law in September 2007, requires an annual report to Congress providing more detailed statistics on FDA-regulated food imports. Numerous other food safety bills are pending that address some aspect of food import safety.

- **The Safe Food Act of 2007**, introduced on February 15, would establish a single agency to oversee food safety. It would combine food safety functions of the USDA, the FDA, and the National Oceanic and Atmospheric Administration's seafood inspection program.
- **The Imported Food Security Act of 2007**, introduced on July 12, notes the rising volume of imported foods and calls for collection of fees on imports, establishment of research to produce testing methods that will be used for inspections, establishment of a certification program for imported food, and enforcement protocols.
- **The Human and Pet Food Safety Act of 2007**, introduced on May 2, amends existing law related to adverse effects, inspections and recalls and includes provisions for civil sanctions for violating notification and recall standards.
- **The Assured Food Safety Act of 2007**, introduced on July 11, would have the Secretary of Agriculture and the FDA commissioner require a certificate of assured safety for imported food items. The bill includes inspection requirements and assessments of fees on imports, and would allow U.S. citizens harmed by imported food to bring a civil action court against the importer.



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Many of the bills propose that producers in countries exporting to the U.S., and/or the countries themselves, first receive formal certification from U.S. authorities that their food safety systems demonstrably provide at least the same level of safety assurances as the U.S. system. Under some of these bills, certification could be denied or revoked if foreign safeguards are found to be insufficient, unsafe imports are discovered, or food-borne illnesses are linked to such products. A number of the bills also propose the collection of user fees from importers to cover the costs of inspecting foreign products at the borders. Some bills seek to require more physical inspections and testing by FDA at the border or within other countries, to authorize more research into inspection and testing technologies, or to restrict imports to specific ports. Meanwhile, the Administration unveiled on November 6, 2007, a wide-ranging import safety “action plan” and a separate “Food Protection Plan,” both of which would grant new authority to the FDA over food imports.

**Farm Bill in the 110th Congress** - The Farm Security and Rural Investment Act of 2002 (P.L. 107-171), the most recent omnibus farm bill, has many provisions that expired October 1, 2007. Reauthorization has stalled in the Senate and it is increasingly unlikely that the President will sign a new farm bill this year. The Beer Institute sent a letter to all Members of the House and Senate Agriculture Committees urging them to provide increased and equitable barley loan rates, target prices, and direct payments over the five-year period covered in the pending farm bill reauthorization. If enacted, this will help provide an adequate barley supply which is critical to the continued strength and success of American brewers.