

**Statement of Rep. Henry A. Waxman**  
**H.R. 4167, "The National Uniformity for Food Act of 2005"**  
**March 2, 2006**

Today, the House takes up legislation that would overturn 200 state laws that protect our food supply.

A year ago, the House passed legislation that tried to dictate the private end-of-life decisions of Terry Schiavo and her family. This intrusion of the federal government into personal decisions was universally condemned.

And yet today, the House is once again trying to usurp powers that don't belong in Washington.

The only difference is that it's the authority of states and local governments to protect against food-borne hazards that's under assault.

In California, we have a problem with candies from Mexico that have lead in them, so our legislature passed a law regulating lead in candy. This is a sensible law that addresses an issue of special concern to Californians. Yet the authors of this bill – without holding any hearings or having any idea what they are doing – want to preempt it.

In Maine, there's a law that requires consumers to be warned about the dangers of eating smoked alewives. This isn't a problem in California, but apparently it's one in Maine. Yet again, it's preempted.

I could go on and on. Wisconsin knows a lot about cheese and has special labeling requirements for cheese. Florida has special labeling requirements for citrus. Mississippi and Louisiana have special rules for differentiating farm-bred from wild catfish. And Alaska has similar rules for salmon.

Ten coastal states have special laws protecting their residents from contaminated shellfish, and all fifty states have laws ensuring the safety of milk.

And all of these are preempted.

The arrogance of the House of Representatives appears to know no bounds. The attitude seems to be that all knowledge resides in Washington – and all power should too.

This is dangerous legislation. It's a direct threat to the safety of our food supply. The federal FDA can't protect the food supply all by itself. The agency is under-funded and over-worked. And it's failing even at its core mission of protecting consumers from dangerous drugs.

You don't have to take my word on why this legislation deserves to be defeated. Just listen to your own state attorney general, your own state agricultural commissioner, and your own state food and drug officials.

Yesterday, 37 state attorneys general – Republicans and Democrats – sent a letter to Congress opposing this radical legislation. They stated: “We write to urge you to oppose the National Uniformity for Food Act which undercuts states’ rights and consumer protection.” They go on to say: “State and local governments are often the first line of defense when problems emerge. Prohibiting state and local leadership and action in this area is a serious mistake.”

The bill is also strongly opposed by both the National Association of State Departments of Agriculture and the Association of Food and Drug Officials. These food safety experts know that passage of this legislation would create havoc and endanger families.

For years, I've heard my Republican colleagues preach the importance of states' rights and denounce a federal one-size fits all approach. But now, with no record, no Committee hearing, and no understanding of the consequences, the Republican leadership wants to eviscerate 200 state food safety laws to do a favor for food processors, grocery manufacturers, and their high-paid lobbyists.

This legislation is a dangerous give-away to special interests and ignores the enormous benefits of strong state consumer protection laws. It is bad for states and it is bad for American families.