2014 Legislative Agriculture Chairs Summit

Resolution on Food Safety Modernization Act

Whereas, the State Ag and Rural Leaders, (SARL) is comprised of agriculture and rural leaders of state and provincial legislative bodies from the US and Canada; and

Whereas, the passage of the Food Safety Modernization Act (FSMA) created historic changes in food safety law on a national scale by authorizing increased enforcement capability for the agency, creating more accountability for the regulated industries and mandating enhanced partnerships between FDA and state and local agencies; and

Whereas, the Office of Foods and Veterinary Medicine was created in 2009 by Commissioner Margaret Hamburg to serve as a unified and enhanced means for the Agency to meet challenges and opportunities in food and feed safety; and

Whereas, current FDA organizational structure – with policy in one unit, namely Office of Foods and Veterinary Medicine, and operations/enforcement in a separate unit, the Office of Regulatory Affairs – impairs its effectiveness in serving the consumer, protecting public health, fostering compliance within the industry or working successfully with state and local agencies; and

Whereas, realignment of the policy and enforcement units would help to insure better uniformity in FSMA implementation and enforcement; and

Whereas, investigation work in new areas such as on-farm and feed mill assessments create an opportunity for the FDA to collaborate with state agencies, industry, national associations and academic subject matter experts to obtain the knowledge necessary to effectively regulate, however these assessments also have the potential to result in the issuance of documentation from FDA subject to interpretation and an impartial process to review documentation would be beneficial to the Agency and regulated industry; and

Whereas there is significant concern that FSMA rules as currently proposed will enact a heavy cost of implementation and force many produce farmers, food and feed producers to cease operation; and

Whereas specifically, rules requiring testing frequency of agriculture water, restrictions on the use of biological soil amendments, rules that conflict with existing conservation, environmental standards and third party audits, definitions of business size and expectations whose cost greatly exceed their benefits would result in significant unintended consequences that would be detrimental to all types of producers; and

Whereas the members of State Agricultural and Rural Leaders are confident that the proposed summer of 2014 rerelease that is to include more farmer friendly regulations will improve the rulemaking process for the proposed FSMA rules and bolster the overall process of the law's implementation; and now therefore be it

Resolved, that State Agricultural and Rural Leaders ask the U.S. Food and Drug Administration, to revisit proposed FSMA rules related to the production of food and feed and seriously consider the concerns of producers and mitigate the unintended consequences before releasing the final rules; and be it further

Resolved, the State Agriculture and Rural Leaders applauds FDA Commissioner Margaret Hamburg on the creation of the Office of Foods and Veterinary Medicine and calls on the Commissioner to expeditiously reorganize FDA food safety functionality by moving the Office of Regulatory Affairs under the Deputy Commissioner for Foods and Veterinary Medicine, and thus consolidating all food safety policy and operational functions under the Office of Foods and Veterinary Medicine; and be it further

Resolved, that the Commissioner establish an ombudsman/liaison position, reporting directly to the Deputy Commissioner for Foods and Veterinary Medicine, with authority to assist partners and the regulated industry in relations with FDA and assisted by a of a board consisting of FDA representatives as well as appointed representatives from industry, food and feed producers, state and local agencies, national associations and academia to serve as an impartial body to assist in the adjudication of issues resulting from FDA inspections; and be it further

Resolved, that Commissioner Hamburg initiate the development of a transparent and impartial review process that will serve as a resource to industry when questions arise regarding FDA inspections, issued inspection paperwork, untitled and warning letters or any similar documentation issued by the FDA/Office of Regulatory Affairs in an official capacity; and be it further

Resolved, that SARL asks that its Congressional representatives ensure that action is taken in Congress to amend the law and/or regulations, should the final rules result in the same concerns for producers that are found in the proposed rules; and be it further

Resolved, that this resolution be submitted to appropriate state and federal officials.