

February 23, 2012

The Honorable Harold Rogers
Chair, Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Jack Kingston
Chair, Agriculture, Rural Development,
FDA and Related Agencies Subcommittee
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Norm Dicks
Ranking Member, Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Sam Farr
Ranking Member, Agriculture, Rural
Development, FDA and Related Agencies
Subcommittee, Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Rogers and Kingston and Ranking Members Dicks and Farr:

Thank you for your leadership in ensuring that funding federal food safety activities is one of Congress's highest priorities. The below signed organizations are committed to making sure America's food supply is the safest in the world. We urge you to continue to adequately fund the food safety activities of the U.S. Food and Drug Administration (FDA) rather than support the imposition of any new food regulatory taxes on consumers and food makers.

As you know, the recently released 2013 budget plan for FDA includes a proposal to impose a food facility registration fee to fund agency activities required by the *Food Safety Modernization Act* (FSMA). The agency projects this it will collect \$220 million in fiscal year (FY) 2013 from food producers, makers and distributors if this new fee is authorized by Congress.

FDA's 2012 budget proposal also targeted raising revenue from new fees starting in 2013 to assist FDA implement FSMA. Congress rejected that proposal. Congress also considered and rejected such food facility registration fees during congressional consideration of the FSMA, which was signed into law on January 4, 2011.

The food industry has worked diligently with FDA over the past year to implement FSMA. We applauded the increase Congress gave FDA of approximately \$40 million in FY 2012 to support FSMA implementation. As you know, over the past five years, FDA has been one of the few federal agencies to receive discretionary funding increases through the annual appropriations process. If FDA requires additional funds to support FSMA implementation, the agency could have included such a request in its FY 2013 budget proposal, rather than seeking authorization of new regulatory taxes, which Congress has twice previously rejected.

We stand ready to work with Congress and the administration to find a better and less burdensome solution. A number of our organizations sent the attached letter to Health and Human Services Secretary Kathleen Sebelius and the Office of Management and Budget Director Jeffrey Zients before the 2013 budget was released urging the administration to request adequate congressional funding for FDA food safety activities and expressing our opposition to additional regulatory taxes.

Imposing new fees on food facilities would represent a food safety tax on consumers. As food companies and consumers continue to cope with a period of prolonged economic turbulence, the creation of a new food tax would mean higher costs for food makers and higher food prices for our consumers.

We urge Congress to adequately fund FDA's food safety responsibilities and to reaffirm its stated opposition to imposing new regulatory taxes on food producers and consumers.

If you have questions about our concerns, please contact any of the signatory organizations. Thank you again for your leadership.

Sincerely,

American Bakers Association
American Council of Independent Laboratories
American Feed Industry Association
American Frozen Food Institute
American Fruit and Vegetables Processors and Growers Coalition
American Meat Institute
Association of Food Industries
California League of Food Processors
Cheese Importers Association of America
Frozen Potato Products Institute
Independent Bakers Association
International Bottled Water Association
International Dairy Foods Association
Juice Products Association
Midwest Food Processors Association
National Association of Margarine Manufacturers
National Chicken Council
National Confectioners Association
National Fisheries Institute
National Frozen Pizza Institute
National Grain and Feed Association
National Meat Association
National Pasta Association
National Turkey Federation
North American Millers' Association
Northwest Food Processors Association
Pet Food Institute
Produce Marketing Association
Refrigerated Foods Association
Shelf-Stable Food Processors Association
Snack Food Association
United Egg Producers
United Fresh Produce Association