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August 2, 2010

Senator Richard J. Durbin
309 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin:

This letter is a follow-up to our correspondence from last year when the National Environmental Health Association (NEHA) joined with other public and environmental health organizations in support of S. 510, the FDA Food Safety Modernization Act. The purpose of this letter is two-fold—NEHA is concerned that this landmark legislation addressing so many systemic problems within the food manufacturing, importation, and distribution system has not been reported out of the Senate. NEHA strongly supports the version of S. 510 as it was introduced, although we have grave reservations about an amendment introduced by your colleague, Senator Tester.

The Tester amendment exempts “small business operators” from the regulatory structure within this legislation. In order to have an effective food safety system in place, NEHA’s viewpoint is there needs to be a holistic approach for *all* food distributed for human consumption. If the incidence and frequency of foodborne illness in the U.S. is to be reduced, then there must be a regulatory mechanism in place to ensure adequate surveillance and inspection of all food products for human consumption. There is simply no valid public health purpose served by exempting “small business operators.” Even more to the point, if a manufacturer, distributor, or importer of food products cannot meet the requirements of S.510, then they should not be in a position to distribute a potentially unsafe product.

NEHA’s Montana affiliate, the Montana Environmental Health Association (MEHA), has communicated their concerns to Senator Tester, and [their letter](#) is attached for your reference. NEHA commends you for introducing this significant piece of legislation, absent the unfortunate amendment. NEHA believes the requirements and regulatory enforcement procedures outlined in S. 510 will greatly enhance a shared goal of reducing—if not preventing—the currently all too frequent occurrence of foodborne illness and death in the U.S.

On behalf of NEHA’s Board of Directors and the thousands of environmental health professionals NEHA represents, let me assure you of our support for the “FDA Food Safety Modernization Act.” NEHA stands ready to assist you in any way that would be helpful in securing passage of this vitally important legislation.

Sincerely,

A handwritten signature in black ink that reads "Keith L. Krinn". The signature is written in a cursive, flowing style.

Keith L. Krinn, RS, MA, DAAS, CPHA
NEHA President
Attachment