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Honorable Dave Freudenthal
Office of the Governor
State Capitol
200 West 24th Street
Cheyenne, WY 82002-0010

Honorable Colin Simpson
Speaker of the House
Wyoming House of Representatives
State Capitol
Cheyenne WY 82002-0010

Honorable John Hines
President
Wyoming State Senate
State Capitol
Cheyenne, WY 82002-0010

February 12, 2010

Dear Governor Freudenthal, Representative Simpson, Senator Hines:

I am writing to you concerning House Bill (HB0054) creating the "Wyoming Food Freedom Act" that is currently before the legislature. On behalf of the National Environmental Health Association (NEHA) and the thousands of environmental health professionals we represent, please know that we are strongly opposed to this proposed legislation. NEHA, in its seventy-three year history, has been a leader in advancing the profession and advocating strong environmental health practices that protect public health. Within this mission, there is no issue on which we have had more involvement than that of food safety.

We firmly believe that the statutory and regulatory changes envisioned in HB0054 will weaken the public health protection currently afforded the citizens of Wyoming. As you are no doubt no aware, food safety has become a major public health concern nationally over the past several years. From the spinach outbreak to the more recent peanut butter outbreak, life-threatening food borne illness events have been on the rise. To safeguard the public from these kinds of threats to their health, we believe that local health department oversight and education are called for (as is the case across the nation today). The regulatory repeal called for under this legislation will, in our view, compromise our ability to protect the public's health and likely lead to the unintended consequence of larger numbers of food borne illness outbreaks.

The clear trend in food safety today involves most food safety programs at both the state and local levels placing a greater emphasis on food service operator education than on more traditional regulatory approaches. The Wyoming programs are among the food safety programs utilizing this approach. It has proven to be an effective model in obtaining compliance with existing statutory requirements. It also results in creating beneficial partnerships between food service providers and their local health departments. And most importantly, it serves as a framework to meet their mutual goals of serving a safe product. We believe the approach in HB0054 will discourage and perhaps end the productive consultation that is now occurring between the provider and local public health.

I would also point out that beyond the significant threat to public health, allowing the unregulated sale of food products to the general public presents an enormous liability risk to the citizen/provider. The fact that the point of sale was a non-commercial event (e.g. church function or county fair, school event) will not change the liability for serving a contaminated food product. Perhaps the liability is even increased because the food was served absent any certification or inspection requirement.

We strongly urge you to reject what we believe to be this unnecessary and ill-conceived legislation. I thank you in advance for your consideration of our position.

Sincerely

Welford C. Roberts, REHS/RS, DAAS, PhD.
President, National Environmental Health Association