

# United States Senate

WASHINGTON, DC 20510

February 13, 2017

President Donald J. Trump  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20050

Dear President Trump,

We write today to bring your attention to an issue of concern for every American: the safety and security of our food production and inspection system. With today's release of the General Accounting Office (GAO) report, "A National Strategy is Needed to Address Fragmentation in Federal Oversight", we urge you to consider implementing the GAO's recommendations and work with Congress to improve the efficiency, uniformity, integrity, and responsiveness of the food safety system to ensure Americans' continued confidence in the safety of their food.

According to the Centers for Disease Control and Prevention (CDC), each year roughly one in six Americans (or 48 million people) get sick, 128,000 are hospitalized, and 3,000 die from eating unsafe food. The U.S. Department of Agriculture (USDA) Economic Research Service estimates the 15 most common foodborne pathogens impose an economic burden of more than \$15.5 billion, while CDC has estimated that the total health costs associated with foodborne illness is nearly \$36 billion annually.

The safety and quality of the U.S. food supply is governed by a highly complex system that has evolved on a piecemeal basis over many decades, typically in response to either health threats or economic crises. The result is a fragmented legal and organizational structure that gives responsibility for specific food commodities to different agencies and provides significantly different authorities to enforce food safety laws. Currently, at least 30 laws are collectively administered by 15 federal agencies. The agencies with primary food safety oversight responsibility are USDA's Food Safety and Inspection Service (FSIS) and the Department of Health and Human Services' (HHS) Food and Drug Administration (FDA). FSIS is responsible for the safety of meat, poultry, and processed egg products, and FDA is responsible for virtually all other food.

Under this convoluted regulatory framework, a frozen pepperoni pizza must meet USDA and FDA standards, whereas a cheese pizza must only meet FDA standards. Such distinctions are not only burdensome for food manufacturers, but also fail consumer interest: products containing meat receive several routine inspections before they reach store shelves, while meatless products, despite having their own food safety risks, are far less likely to receive federal inspection.

This fragmented federal food safety system has raised concerns for decades. The GAO has long reported that the system is in need of transformation and has resulted in inconsistent oversight, ineffective coordination, and inefficient use of resources. GAO has included federal oversight of food safety both on its High Risk List since 2007 and in its annual report to Congress, starting in 2011, on federal initiatives that have duplicative goals or activities.

Over the years, many proposals have been made to streamline the U.S. food safety system, but no action to date has been taken. For example, consolidation of the U.S. food safety system has been proposed in legislation introduced in Congress, reports issued by the National Academy of Sciences and the National Commission on the Public Service, and in several GAO reports and testimonies. In January 2015, Senate and House companion bills were introduced proposing the creation of a single, independent federal food safety agency. In addition, the President's fiscal year 2016 budget proposed consolidating USDA's and FDA's food safety functions within HHS. These proposals have offered preliminary observations on the benefits of consolidation, but a detailed analysis of alternative organizational structures has not been conducted.

Today's GAO report reinforces the urgent need to improve the food safety inspection system and opportunities to enact meaningful steps toward regulatory reform. We ask that you immediately move to:

1. Establish a National Strategy to address the existing shortcomings in food safety oversight with leadership that can effectively bridge agencies and establish supporting entities to facilitate collaborative work.
2. Create a government-wide performance plan that contains the five core recommendations as detailed by the convened panel of food safety experts including: purpose, leadership, resources, monitoring, and actions.
3. Work with Congress to request any additional statutory authority or budgetary consideration that is required in order to enhance the implementation of the government performance plan.

If the Administration does not feel that these recommendations are justified, we ask for detailed responses from the appropriate agency and department authorities as to why the current food safety system is considered adequate to address the Nation's food safety needs.

Thank you for your consideration on this important matter. We look forward to your action on food safety oversight and working with your Administration to create policies that promote the safety of our food supply and protect public health.

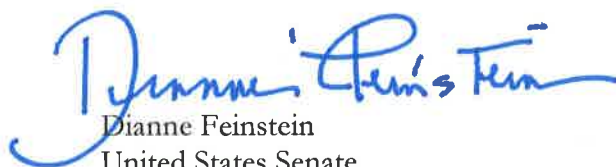
Sincerely,



Kirsten Gillibrand  
United States Senate



Richard J. Durbin  
United States Senate



Dianne Feinstein  
United States Senate



Richard Blumenthal  
United States Senate