

May 14, 2014,

The Honorable Harry Reid
Senate Majority Leader

The Honorable Dick Durbin
Senate Majority Whip

The Honorable Barbara Boxer
Chairwoman, Senate Committee on
Environment and Public Works

Food Safety, Consumer and Public Health Groups Opposing S.J. Res. 30

Dear Majority Leader Reid, Majority Whip Durbin and Chairwoman Boxer:

We, the undersigned consumer and public health organizations, write to strongly oppose the Congressional Review Act (CRA) resolution of disapproval, S.J. Res. 30, recently filed by Senator Mitch McConnell (R-KY), which targets a proposed rule currently under consideration at the Environmental Protection Agency. This attempt to circumvent established CRA procedures would set a dangerous precedent for Congressional oversight of proposed rules that could unnecessarily delay or revoke lifesaving regulations related to both food safety and public health overall.

The CRA does not and should not apply to proposed rules. The law intentionally creates a very limited process by which only final, binding rules or actions may be voided. If S.J. Res. 30 were to pass, it would set a dangerous precedent that could put every agency's standard-setting and enforcement capabilities on the chopping block.

Outbreaks of foodborne illness comprise a preventable epidemic that the Centers for Disease Control and Prevention estimate affect 48 million people – 1 in every 6 Americans – annually. Over 128,000 Americans are hospitalized every year and 3,000 tragically die. Those that recover often suffer severe long-term effects, such as kidney failure, chronic arthritis, and brain and nerve damage. The annual costs of these preventable illnesses to the U.S. economy in medical bills and productivity losses alone are over \$77 billion.

By applying the CRA to proposed rules, S.J. 30 threatens to create a dangerous precedent that could allow any Senator to block proposed agency actions related to food safety and public health, including rules required by the Food Safety Modernization Act (FSMA) which would prevent food from becoming contaminated and better assure the safety of imported food. The same precedent would also threaten several new rules under consideration or development at the U.S. Department of Agriculture (USDA) Food Safety and Inspection Service to protect consumers and improve the safety of meat and poultry products. Allowing CRA resolutions of disapproval targeting proposed agency actions to go forward would not only void the proposed rule, but would also eliminate an agency's ability to re-issue any similar rule or proposal.

Passage of S.J. 30 would create a dangerous precedent that could jeopardize any proposed rules related to food safety, public health or consumer protection undertaken by FDA and USDA. Therefore, we urge you to oppose this unprecedented and dangerous use of the CRA.

Respectfully submitted,

Center for Food Safety
Center for Effective Government
Consumer Federation of America
Empire State Consumer Project
Friends of the Earth
Government Accountability Project
Institute for Agriculture and Trade Policy
National Consumers League
Protect All Children's Environment
Public Citizen
Sciencecorps

Cc: Chairman Sheldon Whitehouse, Senate Subcommittee on Clean Air and Nuclear Power
U.S. Senate