

April 14, 2010

The Honorable Tom Harkin
Chairman
Health, Education, Labor and Pensions Committee
United States Senate

The Honorable Michael Enzi
Ranking Member
Health, Education, Labor and Pensions Committee
U.S. Senate

Dear Chairman Harkin and Ranking Member Enzi:

We appreciate your efforts and those of your staffs and other Senators and their staffs to fashion bipartisan legislation (S. 510) that takes a science- and risk-based approach to food and feed safety. In the months since markup of the bill by the Senate Health, Education, Labor and Pensions Committee, many of the undersigned national agricultural and agribusiness and food-related associations have worked with your staffs to suggest refinements that we believe would further improve the bill.

While we await word on the extent to which our suggested improvements have been incorporated, and because we have not seen final bill language, we want to bring to your attention two major concerns as you examine traceability language that may be under consideration for inclusion in S. 510. Specifically, we oppose any traceability or recordkeeping provisions that would prohibit or restrict the traditional receiving, storage, handling and shipping of agricultural commodities or food/feed ingredients on a commingled basis or that subjects farms and other facilities not registered under the Bioterrorism Preparedness Act to new recordkeeping requirements.

Regarding our first concern, it is imperative that any product-tracing or recordkeeping requirements imposed for grains, oilseeds and similarly handled raw agricultural commodities **not** be construed in a way that would restrict or prohibit the traditional receiving, storage, handling and shipping of such commodities on a commingled basis. This commingled commodity system is integral to the efficiency and cost-competitiveness of the U.S. agricultural and food system. Under a commingled commodity system, further processors are able, as required under the recordkeeping requirements of the Bioterrorism Act of 2002, to provide information on the multiple suppliers whose deliveries may comprise a processed food or feed ingredient product, narrowing potential sources based on the timeframes of receipt and distribution.

But expanding such recordkeeping to require processors to be able to link *specific* products processed from commingled commodities to the precise *individual* warehouse or farm from which the raw ingredient originated would be impractical and unachievable, and would not yield demonstrable improvements to food or feed safety. In essence, such a requirement would require the industry, including small entities, to begin receiving, storing and shipping commodities on a segregated, identity-preserved basis, requiring

construction of extensive new storage facilities and use of segregated rail, truck and barge transportation, depressing farm prices and totally undermining the ability of U.S. agriculture to provide an abundant, affordable and safe food and feed supply.

Second, it is imperative that any new traceability requirements initiated under S. 510 not subject farms and other non-registered facilities to new recordkeeping requirements. The Bioterrorism Preparedness Act already requires buyers of grains and similarly handled commodities, as well as other food/feed intended for U.S. distribution (e.g., initial warehouse operators) to maintain records of those from whom they purchase such products. Further, we understand that the traceability language being considered also would require restaurants and grocery stores to maintain records documenting direct deliveries from farms. Accordingly, new recordkeeping requirements on farms and other unregistered facilities would be redundant, as well as burdensome, particularly for small producers. We oppose such requirements.

We respectfully urge that both of these paramount concerns to U.S. agriculture regarding traceability be addressed in any such language incorporated into S. 510. The impracticality and cost of any new product tracing systems and recordkeeping requirements must not outweigh the intended public health benefit. We appreciate your consideration.

Sincerely,

American Bakers Association
American Farm Bureau Federation
American Feed Industry Association
American Frozen Food Institute
American Fruit and Vegetable
Processors and Growers Coalition
Association of Food Industries
American Malting Barley Association
American Soybean Association
Corn Refiners Association
Institute of Shortening and Edible Oils
International Association
of Refrigerated Warehouses
National Association of Wheat Growers
National Barley Growers Association

National Chicken Council
National Cotton Council
National Cotton Ginners Association
National Farmers Union
National Grain and Feed Association
National Oilseed Processors Association
National Renderers Association
National Sunflower Association
National Turkey Federation
North American Millers' Association
Pet Food Institute
US Canola Association
USA Dry Pea & Lentil Council
USA Rice Federation