



ACTION ALERT

S.510 - Tell Your Representative to Oppose
December 7, 2010

Page 1 of 3

Send Fax through petition to Reject S.510

ACTION ALERT

Tell Your REPRESENTATIVE to OPPOSE S.510

On November 30, S.510 (FDA Food Safety Modernization Act) passed by a 73-25 vote in the Senate. Shortly after the bill passed, however, members of the House of Representatives objected that S.510 violated the Constitution because Section 107 of the bill contained a revenue-raising provision allowing FDA to charge user fees.

Article I, Section 7 of the Constitution provides, "All bills for raising revenue shall originate in the House of Representatives." The House now has the option of "blue slipping" or blocking a vote on S.510 as passed by the Senate. The bill is currently stalled.

There are several options to move the bill forward in either the Senate or the House. As it is more likely that the House is where the effort will be made to do so, **people need to call their Representative now to tell them to OPPOSE S.510.**

S.510 is a fundamentally flawed bill and is not in the best interest of small farmers, especially those who produce raw milk. The core problem is that S.510 will significantly increase the power of the FDA.

In response to our lawsuit challenging the ban on raw milk for human consumption in interstate commerce, **FDA stated on public record that the American people have no "fundamental right to their own bodily and physical health" and "do not have a fundamental right to obtain any food they wish"**. This agency should not be given any increased power!

TAKE ACTION

STEP 1. Tell your Representative to OPPOSE S.510

Call the **Capitol Switchboard at 202-224-3121**; ask to be connected to your Representative's office.
OR

Go to www.Congress.org; enter your zip code on the right side under "Get Involved" and click "Go". Click on your Representative's name then click the "Contact" tab to get office phone number(s).

Clearly state you are calling about S.510, the Food Safety bill; ask your Representative to OPPOSE S.510 and give your zip code.

If you get voicemail, leave a brief message with your zip code.



STEP 2. Send a message to your Representative through the online petition to Oppose S.510 at www.ftcldf.org/stopS510. The FREE service will FAX your message instead of emailing it; so be sure to send a message even if you've already used the petition before.

TALKING POINTS

1. FDA does not respect individuals' rights to obtain healthy, quality foods of their choice. The agency has stated, as a matter of public record, that:

"There is no absolute right to consume or feed children any particular food."

"Plaintiffs' assertion of a 'fundamental right to their own bodily and physical health, which includes what foods they do and do not choose to consume for themselves and their families' is similarly unavailing because plaintiffs do not have a fundamental right to obtain any food they wish."

FDA has even participated in armed raids on small-scale co-ops and membership organizations. This agency should not be given any additional power.

2. FDA has adequate powers under existing law to ensure food safety and effectively deal with foodborne illness outbreaks. FDA has power to inspect, power to detain product and can readily obtain court orders to seize adulterated or misbranded food products or enjoin them from being sold. The problem isn't that FDA needs more power; it's that FDA does not effectively use the power it currently has. The agency has power to inspect imported food yet inspects only 1% of food coming into this country from outside our borders.

3. FDA has used its existing power to benefit the pharmaceutical and biotechnology industries at the expense of public health (e.g., allowing the overuse of antibiotics in confined animal feeding operations and refusing to require labeling for genetically-modified foods). This bill does not address the fundamental problems at this agency in order to truly protect public health.

4. S.510 will expand FDA's involvement in regulating food in intra-state commerce, further interfering with local communities. State and local governments are more than capable of handling any problems related to food in intrastate commerce. All the major outbreaks of foodborne illness involve either imported food or food in inter-state commerce.

5. S.510 will hurt our ability as a nation to be self-sufficient in food production because it has more lenient inspection requirements for foreign than domestic producers creating an unfair advantage for food imports. Giving an advantage to foreign producers will only increase the amount of food imported into this country that does not meet our domestic standards. S.510 does not address food security--the ability of a country to produce enough food to meet its own needs.

6. S.510 does nothing to address many significant food safety problems in this country, such as those resulting from confined animal feeding operations (CAFOs), genetically modified organisms (GMOs), and various contaminants (e.g., BPA, pesticides, herbicides, etc.).

Last revised: 12/7/2010



ACTION ALERT

S.510 - Tell Your Representative to Oppose
December 7, 2010

=====

HYPERLINKS for PDF version:

Send FAX through petition to Reject S.510 - "Reject S.510" online petition =
<http://ftcldf.org/stops510>

S.510 (FDA Food Safety Modernization Act) – legislation webpage for S.510 =
http://www.farmtoconsumer.org/federal/111_Cong-S510.htm

73-25 vote – GovTrack roll call Senate vote on S.510 =
<http://www.govtrack.us/congress/vote.xpd?vote=s2010-257>

S.510 in its present form – Engrossed version of S.510 as passed by the Senate on 11/30/2010 =
http://www.farmtoconsumer.org/federal/S510_Senate_passed_113010.PDF

public record – Pete Kennedy, "FDA's Response to FTCLDF Suit over Interstate Raw Milk Ban", 6 May 2010 =
<http://www.ftcldf.org/litigation-FDA-status.htm>

www.Congress.org = <http://www.congress.org>

Oppose S.510 - "Reject S.510" online petition =
<http://ftcldf.org/stops510>

www.farmtoconsumer.org/stopS510 - "Reject S.510" online petition =
<http://ftcldf.org/stops510>