REMARKS OF

THE HONORABLE

HENRY A. WAXMAN,

CHAIRMAN,

SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

BEFORE

THE NATIONAL FOOD PROCESSORS ASSOCIATION

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ON FEBRUARY 17, 1981

I'M GLAD TO BE BACK IN CALIFORNIA WITH YOU TODAY AND GLAD TO HAVE THIS SHORT BREAK FROM THE RUSH OF THE NEW CONGRESS AND THE NEW ADMINISTRATION GETTING UNDERWAY. EVERYONE BACK THERE IS BUSY WITH NEW PEOPLE AND AMENDED BUDGETS AND DIFFERENT STAFFS.

AND EVERY GROUP THAT I TALK TO I HAVE TO TELL ABOUT PRESIDENT REAGAN'S 60-DAY FREEZE ON REGULATIONS, BECAUSE NO ONE--NOT EVEN THE WHITE HOUSE--REALLY KNOWS WHAT IT MEANS AND WHAT'S COVERED.

BUT TO THE NURSING HOME PEOPLE I HAVE TO SAY, "NO NEW SPRINKLING SYSTEMS."

AND TO THE ENVIRONMENTAL PEOPLE I HAVE TO SAY, "NO NEW POLLUTION STANDARDS."

AND I WAS AFRAID I WAS GOING TO HAVE TO TELL YOU, "NO MORE FOOD COLORING," BECAUSE THE FREEZE CAUGHT THE FDA JUST AS IT WAS GOING TO MAKE ITS ROUTINE RENEWAL OF 22 OF THE MOST COMMON COLORS, AND IT LOOKED LIKE THEY WOULD HAVE TO TAKE THEM OFF THE MARKET.

BUT I'M HAPPY TO SAY THAT YOU'VE GOT A SPECIAL WHITE HOUSE CONNECTION AND YOU'RE ALL RIGHT AFTER ALL: SOMEHOW AS SOON AS SOMEBODY POINTED OUT THAT NO FOOD COLORS MEANT NO MORE PINK JELLY BEANS AND NO MORE PURPLE JELLY BEANS, SOMEBODY TOOK CARE OF THE PROBLEM REALLY FAST.

BUT I'M AFRAID THAT THAT'S THE ONLY PROBLEM IN WASHINGTON THAT'S DISAPPEARED. MOST OF THE OTHERS ARE GOING TO REQUIRE A LOT OF LONG HOURS AND A LOT OF HARD WORK. THE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT, WHICH I CHAIR, HAS THIRTY-ONE HEALTH PROGRAMS AND THE CLEAN AIR ACT TO REVIEW AND REAUTHORIZE BY MAY 15TH. ADD TO THAT WHATEVER FOOD AND DRUG OR MEDICARE AND MEDICAID REFORMS WE MAY UNDERTAKE, AND YOU CAN SEE THAT IT'S GOING TO BE A VERY BUSY SEASON.

BUT BEFORE I GO FURTHER WITH PLANS AND PROGRAMS, LET ME GIVE YOU A SHORT OUTLINE OF THE CONGRESSIONAL COMMITTEES THAT DEAL WITH FOOD. I AM A MEMBER OF THE COMMITTEE ON ENERGY AND COMMERCE, FORMERLY CALLED THE INTERSTATE AND FOREIGN COMMERCE COMMITTEE. IT IS THE OLDEST OF THE HOUSE COMMITTEES AND CERTAINLY THE ONE WITH THE BROADEST JURISDICTION, INCLUDING ENERGY, COMMUNICATIONS, CONSUMER PROTECTION, HEALTH AND THE ENVIRONMENT. ALTHOUGH FEDERAL HEALTH PROGRAMS WERE SMALL UNTIL TWENTY YEARS AGO, FEDERAL REIMBURSEMENT AND GRANTS HAVE MADE THE HEALTH SUBCOMMITTEE ONE OF THE BUSIEST IN THE CONGRESS. WE HAVE MAJOR JURISDICTION OVER ALMOST ALL HEALTH MATTERS, RANGING FROM MEDICAID TO MENTAL HEALTH TO THE FOOD AND DRUG ADMINISTRATION. THE HOUSE AGRICULTURE COMMITTEE ALSO HAS JURISDICTION OVER SOME FOOD REGULATION BECAUSE OF ITS CONTROL OF MEAT AND POULTRY INSPECTION PROGRAMS, BUT ITS ROLE IS LIMITED TO THESE FUNCTIONS AND DOES NOT EXTEND TO FOOD SAFETY GENERALLY.

ON THE SENATE SIDE, THINGS ARE DIVIDED UP A BIT DIFFERENTLY. THERE ARE TWO COMMITTEES THAT DEAL WITH HEALTH AND TWO MORE THAT DEAL WITH FOOD: THE FINANCE COMMITTEE CONTROLS MEDICARE

AND MEDICAID; THE COMMITTEE ON LABOR AND HUMAN RESOURCES CONTROLS THE GRANT PROGRAMS FOR HEALTH AND MOST OF THE REGULATORY FUNCTIONS OF THE FDA; THE SENATE COMMERCE COMMITTEE CONTROLS OTHER PARTS OF THE FDA, AND THE SENATE AGRICULTURE COMMITTEE DEALS WITH USDA.

WORKING WITH SENATE LABOR AND HUMAN RESOURCES COMMITTEE, MY COMMITTEE LAST YEAR PRODUCED THE COMPREHENSIVE MENTAL HEALTH SYSTEMS ACT.

WORKING WITH THE FINANCE COMMITTEE, MY COMMITTEE DREW UP MANY OF THE REIMBURSEMENT REFORMS WHICH WERE LATER INCORPORATED INTO THE BUDGET RECONCILIATION ACT.

AND WORKING WITH BOTH THE HUMAN RESOURCES COMMITTEE AND THE COMMERCE COMMITTEE, MY COMMITTEE EXTENDED THE SACCHARIN MORATORIUM.

THERE ARE NEW CHAIRMEN AT EACH OF THESE COMMITTEES NOW, SENATOR DOLE REPLACING SENATOR LONG, SENATOR HATCH REPLACING SENATOR KENNEDY, AND SENATOR PACKWOOD TAKING OVER FOR SENATOR CANNON.

BUT ALL OF THE RECENT LEGISLATION I HAVE JUST MENTIONED TO YOU HAD STRONG BIPARTISAN SUPPORT, EVEN IN THE LAST CONGRESS, AND ALTHOUGH MANY OF THE LEADERS IN THE ADMINISTRATION AND CONGRESS ARE NEWCOMERS TO THE HEALTH FIELD, I EXPECT THAT THEY WILL FIND, AS I HAVE, THAT THE ISSUES OF HEALTH AND SAFETY ARE NOT ESPECIALLY PARTISAN PROBLEMS AND THAT NONE OF THE PROBLEMS WILL BE EASILY SOLVED.

~~ONE OF THE MOST COMPLICATED OF THESE PROBLEMS WILL BE RAISED WHEN THE SACCHARIN MORATORIUM EXPIRES IN JUNE OF THIS YEAR.~~

~~IN HIS FIRST PRESS CONFERENCE SEVERAL MONTHS AGO, THE NEW SECRETARY OF AGRICULTURE MR. BLOCK REFERRED TO FOOD SAFETY AS "SOME SMALL THING" AND A PERIPHERAL ISSUE~~

~~I DO NOT AGREE.~~

THE EFFORT TO GUARANTEE BOTH THE SAFETY AND THE AVAILABILITY OF OUR FOOD SUPPLY HAS BEEN ONE OF THE MOST DEMANDING AND IMPORTANT PROGRAMS OF THE FEDERAL GOVERNMENT IN THIS CENTURY.

~~(IN ALL FAIRNESS TO MR. BLOCK, AND PERHAPS AS AN EXAMPLE OF THE NONPARTISAN SPIRIT OF HEALTH THAT I MENTIONED EARLIER, I SHOULD ADD THAT HE HAS CHANGED HIS MIND SINCE DECEMBER. LAST MONTH IN HIS CONFIRMATION HEARINGS HE TESTIFIED, "CERTAINLY FOOD SAFETY IS IMPORTANT. WE DON'T WANT TO SUBJECT PEOPLE TO SOMETHING DANGEROUS.")~~

WE HAVE COME A LONG WAY SINCE THE YEAR OF THE FIRST FEDERAL FOOD LAW, WHEN UPTON SINCLAIR'S NOVEL THE JUNGLE TOLD THE CONSUMERS OF 1906 WHAT SOME OF THE INGREDIENTS OF THEIR DIETS REALLY WERE. NOW WE CAN DESCRIBE THESE INGREDIENTS IN PARTS PER TRILLION.

AND WE HAVE ALSO COME A LONG WAY SINCE THE DAY WHEN MOST AMERICANS ATE ONLY FRESH, UNPROCESSED FOODS. NOW OVER 1,800 CHEMICALS ARE ADDED ROUTINELY TO OUR FOOD SUPPLY.

THIS TRANSITION FROM A NATION OF FARMS AND LOCAL FOOD TO A NATION OF FACTORIES AND FOOD PROCESSING HAS, I THINK, BEEN REMARKABLY SUCCESSFUL.

AND MUCH OF THIS SUCCESS CAN BE TRACED TO THE CAUTIOUS COMMON SENSE OF THE FEDERAL FOOD AND DRUG LAW.

THE HISTORY OF THE LAW IS FAIRLY STRAIGHTFORWARD: FOOD IN AMERICA WAS ONCE A LOCAL COMMODITY--YOU DIDN'T NEED TO HAVE IT REGISTERED AND INSPECTED BECAUSE EVERYONE HAD SOME IDEA OF WHAT THEY WERE BUYING AND WHERE IT CAME FROM.

BUT ABOUT THE TURN OF THE CENTURY, THERE CAME NEW TRANSPORTATION THAT MADE THE WHOLE COUNTRY A SINGLE MARKET AND THEN CONSUMERS COULDN'T BE SURE WHERE THEIR FOOD WAS FROM.

AND, MORE IMPORTANT, THERE CAME PROCESSING, AND CONSUMERS COULDN'T ALWAYS BE SURE WHAT THE FOOD WAS.

SO THE FIRST FOOD LAW WAS VERY SIMPLY CONCERNED WITH "ADDED POISONS," AND IT PROMISED CONSUMERS ONLY THAT THE GOVERNMENT WOULD INTERVENE AND STOP THE DISTRIBUTION OF FOOD THAT WAS "INJURIOUS TO HEALTH."

BUT IT SOON BECAME CLEAR THAT THE 1906 LAW WAS NOT ENOUGH. UNDER THAT LAW THE FDA COULD FIND WHATEVER CONTAMINANTS AND POISONS IT COULD, BUT EACH BATCH OF FOOD HAD TO BE SEPARATELY INSPECTED AND ATTACKED: 100 CASES OF OYSTERS HERE, 20 CHICKENS THERE. IT WAS OBVIOUS THAT THE GOVERNMENT COULDN'T MOVE FAR ENOUGH FAST ENOUGH TO PROTECT PEOPLE AGAINST CONTAMINATED AND DANGEROUS FOOD.

SO IN 1938, THE FIRST COMPREHENSIVE FOOD LAW WAS PASSED. THAT LAW ALLOWED THE FDA TO BAN INGREDIENTS AS WELL AS CANS OF FOOD, AND IT SET UP A REGULATORY FRAMEWORK WHICH IS STILL IN EFFECT TODAY.

THAT FRAMEWORK WAS DEVELOPED THIRTY YEARS BEFORE MOST CONGRESSMEN HAD HEARD OF RISK/BENEFIT ANALYSIS OR REGULATORY TRANSACTION COSTS.

AND IT WAS SET UP A LONG TIME BEFORE ECONOMISTS HAD BEGUN TO TALK ABOUT THE ENFORCEMENT COSTS OF FEDERAL INTERVENTION.

BUT IN MANY WAYS, THE FOOD AND DRUG ACT, AS IT WAS PASSED AND AS IT HAS BEEN AMENDED, IS ONE OF THE MOST REALISTIC ATTEMPTS EVER MADE TO REGULATE A WORKING MARKET.

I SAY THIS BECAUSE THE CONGRESS DID NOT PRETEND TO BE REGULATING DIETS FROM SCRATCH: THE PROBLEMS OF MONITORING COFFEE HABITS WERE NOT TREATED THE SAME AS THE PROBLEMS OF EVALUATING NEW FOOD COLORS. THE CONGRESS RECOGNIZED THAT FOOD IS MORE THAN JUST SCIENCE: IT IS ALSO DIET AND TRADITION.

I THINK THAT FOR YOUR CONCERNS AS FOOD PROCESSORS, THE LAW RECOGNIZES THE NEED FOR DIFFERENT REGULATIONS FOR DIFFERENT TYPES OF FOODS. FOR EXAMPLE, FOODS WHICH NATURALLY CONTAIN SUBSTANCES THAT ARE HARMFUL -- SUCH AS THE NITRATES IN SPINACH OR THE AFLATOXINS IN PEANUTS -- THE LAW ALLOWS THE FDA TO INTERVENE ONLY IF THE EVERY DAY CONSUMPTION IS OBVIOUSLY DANGEROUS. BUT FOR DIRECT FOOD ADDITIVES, THE LAW ESTABLISHED A STRICT STANDARD OF SAFETY AND PERMITS NO RISK OF CANCER.

THE LAW ALSO RECOGNIZES THAT SOMEWHERE BETWEEN THESE TWO CLASSES IS AN EVEN MORE DIFFICULT GROUP OF SUBSTANCES WHICH ARE NEITHER NATURAL NOR NEW--THE ADDITIVES, INCLUDING SUGAR AND SALT, WHICH HAVE BEEN A PART OF THE AMERICAN DIET FOR SOME TIME AND ARE "GENERALLY RECOGNIZED AS SAFE," AND THE ADDITIVES WHICH HAD RECEIVED REGULATORY APPROVAL (AND INDUSTRY RELIANCE) BEFORE THE 1958 FOOD ADDITIVES AMENDMENT.

THESE ADDITIVES, BECAUSE OF THEIR TRADITIONAL USES, AND PRODUCERS' AND CONSUMERS' TRADITIONAL RELIANCE UPON THEM, HAVE A PRESUMPTION IN THEIR FAVOR: PROOF OF DANGER TO THE PUBLIC HEALTH MUST BE MADE BEFORE THEY CAN BE REGULATED, AND REMOVAL FROM THE MARKET HAS BEEN SUCCESSFUL IN ONLY A LIMITED NUMBER OF CASES.

WITH THIS FRAMEWORK, THE FDA HAS REMAINED A BUREAUCRACY WITHIN REASON and w/ some flexibility, KEEPING A SHARP WATCH ON NEW ADDITIVES TO PREVENT NEW DANGERS FROM ENTERING OUR DIETS AND MEANWHILE REFRAINING FROM INTERFERING IN THE EVERYDAY EATING OF TRADITIONALLY CONSUMED FOODS.

BUT THIS BASIC PROGRAM HAS AROUSED CONTROVERSY FROM ALL SIDES, MOSTLY IN RESPONSE TO THE FDA'S ATTEMPT TO BAN SACCHARIN AND OTHER FAMILIAR SUBSTANCES.

~~ONE CONSUMER WROTE TO TELL ME THAT IT WAS WORSE TO BE FAT THAN TO HAVE CANCER.~~

THE NATIONAL ACADEMY OF SCIENCES HAS DESCRIBED THE FEDERAL FOOD LAW AS "CONFUSING AND CUMBERSOME."

AND WITHIN THE PAST TWO YEARS THERE HAVE BEEN MORE THAN FORTY BILLS INTRODUCED IN THE CONGRESS TO REVISE FOOD SAFETY REGULATION.

AND I DO AGREE THAT SOME CHANGE, CAUTIOUS CHANGE, IS NEEDED. BECAUSE OF THE MANY CATEGORIES OF FOOD, REGULATION IS OFTEN INCONSISTENT. A SUBSTANCE OCCURRING NATURALLY MAY BE MORE CARCINOGENIC THAN A NEW ARTIFICIAL ADDITIVE, BUT ONLY THE ADDITIVE IS PROHIBITED. A HARMFUL SUBSTANCE MAY BE PERMITTED AS AN ENVIRONMENTAL CONTAMINANT, BUT PROHIBITED AS A FOOD ADDITIVE.

BUT INCONSISTENCIES IN SAFETY STANDARDS ARE NOT INHERENTLY BAD PUBLIC POLICY. WE MUST BE OPEN TO IMPROVEMENTS IN OUR FOOD LAWS, BUT WE SHOULD CHANGE THEM IN DIRECT RESPONSE TO REAL PROBLEMS.

SEVERAL ALTERNATIVES HAVE BEEN PROPOSED. I MUST SAY THAT SOME OF THESE ALTERNATIVES SEEM LESS PRACTICAL THAN THE PRESENT SYSTEM.

LET ME DESCRIBE SOME OF THESE PROPOSALS AND MY RESPONSES TO THEM.

FIRST, AS ALWAYS, THERE ARE THOSE WHO SAY THAT THE FEDERAL GOVERNMENT OUGHT NOT TO REGULATE FOOD SAFETY AT ALL.

AT A TIME OF GREAT ECONOMIC STRAIN, WHEN IT HAS BEEN DEMONSTRATED THAT PREVENTIVE INTERVENTION CAN RETURN HUNDREDS OF DOLLARS FOR EACH DOLLAR INVESTED, I CAN'T SAY THAT THIS

PROPOSAL SEEMS REASONABLE TO ME. THIS YEAR THE FEDERAL GOVERNMENT ALONE WILL PAY OVER $50 BILLION ON HEALTH CARE AND THE REST OF THE NATION WILL PAY OVER $160 BILLION MORE, 9% OF THE GROSS NATIONAL PRODUCT. IF CANCER, BIRTH DEFECTS OR OTHER ILLNESS CAN BE REASONABLY AVOIDED, WE CANNOT AFFORD TO SAY NO.

THE INSTITUTE OF MEDICINE OF THE NATIONAL ACADEMY OF SCIENCES HAS FORMALLY DISCUSSED A SECOND ALTERNATIVE: ABANDON THE MULTI-TIER SYSTEM AND REGULATE FOOD SOLELY ON THE BASIS OF RISK.

THE INSTITUTE FOUND NO SCIENTIFIC BASIS FOR TREATING A FOOD DIFFERENTLY BECAUSE OF ITS NATURAL, ADDED, HISTORIC, OR SANCTIONED STATUS. THE ACADEMY'S 1979 SACCHARIN REPORT SAYS SIMPLY, "A GIVEN SUBSTANCE IS JUST AS SAFE OR JUST AS TOXIC WHETHER IT IS A NATURAL COMPONENT OR IS SYNTHESIZED IN A LABORATORY." THE REPORT THEN GOES ON TO RECOMMEND THAT THE GOVERNMENT BEGIN A SINGLE FOOD SAFETY SYSTEM THAT REGULATES ALL SUBSTANCES ALIKE.

WHILE I WOULD BE THE FIRST TO ACKNOWLEDGE THAT THE CURRENT LAW IS COMPLICATED WITH CATEGORIES AND EXCEPTIONS AND GRANDFATHER CLAUSES, IT ALSO CONTAINS MANY SOUND PUBLIC POLICIES WHICH BALANCE THE PUBLIC'S HEALTH WITH THE NEED FOR A PLENTIFUL FOOD SUPPLY. THE ACADEMY'S REPORT DESERVES CAREFUL AND OBJECTIVE ANALYSIS OF ITS GOALS AND ITS PROPOSED METHODS; BUT SO DO EXISTING POLICIES.

SCIENCE AND TECHNOLOGY ARE SPEEDING AHEAD, BUT THE ABILITY OF REGULATORY AGENCIES TO MAKE DIFFICULT EVALUATIONS OF THE RELATIVE RISKS OF DIFFERENT FOODS HAS CHANGED ONLY SLIGHTLY.

ATTEMPTS TO TEST EACH FOOD FOR ITS RISKS--POTATOES FOR THEIR SOLANINE, SPINACH FOR ITS NITRATE--WOULD BE COMPLICATED BEYOND IMAGINATION. IF THE FDA HAS NEVER MANAGED TO PRODUCE A DEFINITIVE LIST OF THE 600 OR SO INGREDIENTS THAT IT HAS GENERALLY RECOGNIZED AS SAFE, HOW LONG WOULD IT TAKE FOR THE AGENCY TO TEST ALL FOODS AND ASSIGN A RISK VALUE TO EACH? AND IF SUCH A CATALOGUE OF RISKS INDEED SUGGESTS THAT POTATOES AND SPINACH ARE HIGH-RISK FOODS, HOW COULD THE AGENCY BEGIN TO REGULATE THEIR CONSUMPTION?

OTHERS HAVE PROPOSED THAT THE FDA CONSIDER THE BENEFITS OF FOODS -- AS WELL AS THE RISKS -- BEFORE REJECTING OR BANNING A SUBSTANCE. THIS HAS CERTAINLY BEEN THE MOST DISCUSSED OF THE PROPOSALS.

THIS ARGUMENT HAS BEEN MADE AGAINST OTHER PUBLIC HEALTH PROGRAMS AS WELL, AND I AM SERIOUSLY CONCERNED BY THE CLAIM THAT RISK-BENEFIT -- OR COST-BENEFIT ANALYSIS IS SUFFICIENTLY ADVANCED TO DICTATE WHICH PROTECTIONS ARE WORTH HAVING AND WHICH ARE NOT.

I DON'T DISPUTE THE NEED TO EXAMINE THE BENEFITS AND RISKS A PROPOSED REGULATION CAN BRING. BUT WE CANNOT EXPECT ANALYSIS OF COSTS AND BENEFITS TO BE A NEAT CALCULUS FOR DETERMINING PUBLIC POLICY.

THE PROBLEM WITH THE INDISCRIMINATE USE OF RISK-BENEFIT ANALYSIS ARE CLEAR: WE CANNOT MEASURE ACCURATELY.

WHEN DEALING WITH CANCER AND BIRTH DEFECTS, STATISTICS BEGIN TO BE CONFUSED: FOOD SAFETY LAW IS PREVENTIVE AND A RISK OR COST ANALYSIS WOULD HAVE TO BE ABLE TO LOOK THROUGH UNPREDICTABLE LEVELS OF EXPOSURE AND UNCERTAIN LATENCY PERIODS TO DETERMINE THE VALUE OF THE REGULATION. THE ANALYST WOULD ALSO, OF COURSE, HAVE TO HAVE SOME WAY OF COUNTING LIVES NOT SHORTENED OR STUNTED. AND, IF THE CALCULUS IS ECONOMIC, HOW CAN WE PLACE MONETARY VALUES ON THE LIVES LOST?

IT IS EQUALLY CONFUSING TO ASSIGN NUMBERS TO THE BENEFIT SIDE OF THE RATIO: WHAT KIND OF BENEFITS ARE RELEVENT, AND BENEFITS TO WHOM? ARE ADDITIVES OR PRESERVATIVES WHICH INCREASE THE AESTHETIC APPEAL OF FOOD BENEFICIAL TO CONSUMERS? CAN ANYONE GUESS AT THE PERCEIVED PSYCHOLOGICAL BENEFITS OF DIETERS WHO GIVE UP SUGAR? ARE PROFITS AND LABOR BENEFITS ALWAYS APPROPRIATE CONSIDERATIONS?

FINALLY, ALTHOUGH IT SOUNDS LIKE GOOD PUBLIC POLICY TO SAY LET'S EVALUATE THE RISKS AND BENEFITS OF A PARTICULAR FOOD OR SUBSTANCE, I WONDER WHO IS KNOWLEDGEABLE ENOUGH TO ACTUALLY MAKE THIS BALANCE. IS THE CONSUMER, WHO IS INFORMED ONLY BY THE SIDE OF A CAN? IS THE FDA, WHICH IS INFORMED OF EATING HABITS BY BRIEFS AND LETTERS?

I believe

WE MUST PROCEED CAUTIOUSLY WHEN WE TALK OF OF SUCH SWEEPING CHANGES IN OUR FOOD LAWS. ~~I THINK THE PUBLIC BELIEVES THAT FOOD SAFETY REGULATION HAS BEEN REMARKABLY SUCCESSFUL, LARGELY BECAUSE OF ITS CAREFUL COMMON SENSE, AND WE MUST BE CAREFUL THAT MORE MODERN OR MORE SOPHISTICATED METHODS PRESERVE THIS FOUNDATION.~~

~~UNFORTUNATELY, IT ALSO APPEARS THAT~~ WHILE THE FOOD AND DRUG LAW GENERALLY WORKS WELL, SOME OF THE TECHNOLOGICAL PROGRESS IN RESEARCH MAY HAVE TAKEN THE CAUTION OF THE PRESENT LAW TO AN EXTREME CONCLUSION, AND THAT THE PROBLEM MAY NEED LEGISLATIVE ACTION.

But rapid tech. progress in research must make us wondering whether we can proceed so cautiously.

WHEN THE ORIGINAL FOOD LEGISLATION PASSED, ANALYSIS IN TERMS OF PARTS PER THOUSAND WAS COMMON, BUT ADVANCES IN RESEARCH TECHNOLOGY HAVE NOW MADE IT POSSIBLE TO DETECT PARTS PER BILLION. AS A RESULT, THE MIGRATION OF PACKAGING MATERIALS, GLUE, AND TRACES OF IMPURITIES INTO FOOD ARE KNOWN AND THESE SUBSTANCES ARE OFTEN DEFINED AS ADDITIVES. THE REMOVAL OF THESE SMALLER AND SMALLER QUANTITIES OF ADDITIVES COULD BECOME PROHIBITIVELY EXPENSIVE. AND IF THEY AREN'T REMOVED AND ARE CARCINOGENIC TO ANY EXTENT, THEN THE DELANEY CLAUSE WOULD REQUIRE A BAN.

ON TOP OF THIS, THE DEBATES AND UNCERTAINTIES OVER CAUSES OF CANCER AND THE THRESHOLD LEVELS OF EXPOSURE MEAN THAT MORE AND MORE SUBSTANCES TO WHICH WE ARE ACCUSTOMED, LIKE SACCHARIN, ARE ALSO SUSPECT AND POSSIBLE DANGEROUS.

IF WE MAINTAIN THE DELANEY CLAUSE'S ABSOLUTE PROHIBITION OF CANCER-CAUSING ADDITIVES, THEN WE MUST ACKNOWLEDGE THAT THERE MAY BE DISRUPTIONS IN OUR FOOD SUPPLY, IN OUR PACKAGING AND TRANSPORTATION SYSTEMS, AND IN OUR METHODS OF FOOD PREPARATION. Does that make sense anyone? ~~ANY OF THESE DISRUPTIONS MIGHT REQUIRE US TO SHIFT OUR HABITS AND PREFERENCES TO OTHER, SAFER FOODS.~~

WHEN THE DELANEY CLAUSE WAS ORIGINALLY ENACTED, THIS WAS AN EASIER AND CERTAINLY A REASONABLE WAY OF DEALING WITH FOOD ADDITIVES.

IN THE LAST 23 YEARS, BECAUSE OF POLLUTION, WORKPLACE HAZARDS, TOXIC WASTES, AND RADIATION, WE ARE EXPERIENCING TRAGIC AND COSTLY INCREASES IN CANCERS, MANY OF THEM INDUCED BY OUR OWN HABITS. WE SHOULD NOT VOLUNTEER TO ADD MORE.

BUT THERE IS PRESSURE TO CHANGE THE DELANEY CLAUSE AND TO PERMIT THE CONTINUED AVAILABILITY OF SUSPECT FOODS. MY SUBCOMMITTEE WILL BE OPEN TO CONSIDERATION OF WAYS TO IMPROVE OUR FOOD SAFETY LAWS, BUT WE MUST DO SO WITH GREAT CARE.

AS YOU KNOW, MY SUBCOMMITTEE HAS TAKEN NO ACTION ON FOOD SAFETY MATTERS SINCE WE LAST CONSIDERED THE SACCHARIN MORATORIUM. THE RUSH OF EXPIRING AUTHORITIES HAS PRE-EMPTED ALMOST ALL OTHER MATTERS FROM RECEIVING THE COMMITTEE'S CONSIDERATION. THIS WILL PROBABLY REMAIN THE CASE UNTIL AFTER THE MAY 15TH DEADLINE FOR RENEWING THE PUBLIC HEALTH AND ENVIRONMENTAL PROGRAMS I MENTIONED EARLIER.

These are the kind of questions we will deal again with when the saccharin issue comes up this spring. Thereafter, we will examine the broader subject of food safety regulation at some time in the future. But, we want to make moves only in a way that make sense. And, we want your input into our deliberations. That is why I'm pleased to be here to discuss these issues w/ you & to work w/ you in the future for the goals we share.