

# United States Senate

WASHINGTON, DC 20510

November 13, 2009

The Honorable Tom Harkin, Chairman  
Committee on Health, Education, Labor and Pensions  
United States Senate  
Washington D.C. 20510

Dear Chairman Harkin,

Recent high profile food contamination incidents have highlighted serious gaps in the safety of our nation's food supply system. Without question, Congress must take action to address these deficiencies and restore confidence in the safety of our nation's food supply. We appreciate all the work that you have done to highlight this issue and advance legislation, S. 510 the Food Safety Modernization Act, to address these gaps.

As you continue your important work on this legislation, we write to request that you include provisions to make it easier for organic farms and sustainable agriculture to implement this legislation. Specifically, we request that the Chairman's mark include language to streamline food safety guidelines and regulations governing organic and sustainable farms.

In recent years, we have witnessed tremendous growth in the production of organic and sustainably grown foods. For each of the past ten years, organic food sales have grown between 15 and 21 percent, as consumers have shown an increased interest in the health and environmental benefits of organic and sustainably produced foods.

Under current law, organic food producers must conform to a series of United States Department of Agriculture (USDA) regulations, including annual inspections, in order to be eligible for organic certification. Separate from organic certification standards, organic and sustainable food producers must comply with food safety regulations, 80 percent of which fall under the jurisdiction of the Food and Drug Administration (FDA).

We are concerned that following enactment of S. 510, organic farms and sustainable agriculture will be subject to two potentially conflicting or duplicative sets of regulations issued by the two agencies. In order to avoid potential regulatory conflicts or duplication, we urge you to include language in the Chairman's mark of S. 510 to require the FDA and USDA to work together when developing food safety regulations, and to streamline the guidelines for organic producers and sustainable agriculture. In addition, we ask that the impact of requirements under this act on organic farms and sustainable agriculture be included in the appropriate reporting requirements of the bill.

We believe that a cohesive set of regulations will help ensure the viability of organic and sustainable food producers, while also increasing the safety of the foods these producers bring to market. We appreciate your

consideration of this matter, and we look forward to working with you to institute common sense practices that will help improve the safety of our nation's food supply system.

Sincerely,

  
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Senator Jeff Markley

  
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Senator Al Franken

  
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Senator Bernard Sanders

  
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Senator Sherrod Brown

  
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Senator Michael Bennet