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FOOD SAFETY 2009

Numerous recent salmonella outbreaks, instances of product contamination and subsequent recalls have shone a bright light on the shortcomings of the American food safety system. It is, therefore, admirable that Congress now intends to overhaul the Food and Drug Administration (FDA) in an effort to curtail, if not eliminate altogether, food-borne pathogens and adulteration. With thoughtful policymaking, Congress can help ensure that Americans have a safe, affordable food supply. Notably, however, despite the availability of more than 50,000 wine labels in the U.S. today, the wine industry has not been embroiled in or implicated by a scandal or recall involving adulteration in recent history.

The ongoing congressional efforts to fix the broken food safety system have resulted in several pieces of legislation both in the House and Senate. One such bill, The Food and Drug Administration Globalization Act of 2009, was introduced in late January 2009 in the House Energy & Commerce Oversight and Investigations subcommittee. This bill seeks to provide FDA with adequate funding and authority to ensure the safety of the US food, drug, medical device and cosmetics industries. The bill also proposes that Congress establish an annual fee—currently, applicable to wineries—additional to the fee paid by food facilities (including wineries) as part of their annual bioterrorism registration. An earlier version of the bill proposed a \$2,000 annual fee. A similar bill is being considered by the Senate Committee on Health, Education, Labor and Pensions.

WineAmerica and the Winegrape Growers of America are opposed to this registration fee for several reasons:

- The wine industry is regulated by the Alcohol & Tobacco Tax & Trade Bureau (TTB) not the FDA. The industry should not be paying fees to an agency that does not have oversight of it.
- The wine industry pays a substantial amount of excise taxes to pay for TTB supervision.
- The wine industry does not pose a high risk for contamination because pathogens do not survive in wine.
- Many wineries are small businesses that would find an annual fee extremely onerous and perhaps fatal.
- It is not an expense that can be readily passed on by wineries to consumers.

WineAmerica is the national trade association of American wine producers with more than 800 wineries in 48 states. Questions should be directed to Bill Nelson President of WineAmerica, at (202) 783-2756 Extension 123.

Winegrape Growers of America is a federation of state winegrape grower organizations representing America's production of grapes for wine. For more information contact Fowler West at Clark and Weinstock, (202) 261-4000.