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Food Safety: National Uniformity for Food Act

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Summary

For more than a century, national uniformity of food laws has been a long-sought goal of the food industry. While early statutes tried to improve uniformity, state and local requirements established in the 1800s continued in effect throughout the United States. Food traveling in interstate commerce frequently required manufacturers to meet different nutrition labeling and/or safety standards in different states, creating additional expense and confusion.

In 1990, passage of the Nutrition Labeling and Education Act (NLEA) achieved uniformity for nutrition labeling throughout the country. Provisions in the act required that all state and local provisions that were not identical to federal standards be preempted, once a study of all federal, state, and local requirements was completed. The study was conducted to determine which requirements would be preempted and which ones were unique to states/localities and should be allowed to remain in force. The NLEA allowed states to petition FDA for an exemption from preemption, if the requirement would not be in violation of any applicable federal requirement, or unduly burden interstate commerce, and provided it addressed a particular need not met by the requirements of the law. The original bill that became NLEA had contained a provision to preempt state food safety provisions, but it was dropped before passage.

Legislation has been introduced on food safety uniformity in every Congress since the 105th. In the 109th Congress, *The National Uniformity for Food Act of 2005* (H.R. 4167) would amend the Food Drug and Cosmetic Act (FDCA) to prohibit any state or other locality from establishing or continuing in effect for food traveling in interstate commerce any requirement not identical to an existing federal provision, including provisions related to adulterated food; raw agricultural commodities containing unsafe pesticides; unapproved irradiated foods; unsafe color or food additives; tolerances for poisonous ingredients; conditions for emergency permit control and their suspension; access for inspection and dietary supplement labeling regulations. The bill would allow a state to petition for an exemption or to establish a national standard related to food regulation. States would be allowed to establish requirements that otherwise would violate a FDCA provision, if the requirement is needed to address an imminent hazard that is likely to result in serious adverse health consequences. H.R. 4167 was passed by the House. *The National Uniformity for Food Act of 2006* (S. 3128) was introduced, with several changes from the House-passed version. A Senate hearing was held, but no final action was taken.

The food industry supports the bill, which it believes would improve interstate commerce by extending national uniformity to most aspects of food adulteration, preventing separate food safety notices by the 50 states and eliminating food safety warnings that are not identical with federal provisions. Opponents include food and drug officials, state attorneys general, national consumer and California groups. They believe the bill would have a serious impact on the nation's regulation of food safety and jeopardize the ability to fight bioterrorism. Opponents are also concerned about the impact of the bill on the cooperative programs for milk safety, shellfish sanitation and retail food protection. This report will be updated as action occurs.

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On March 8, 2006, the House passed the *National Uniformity for Food Act* (H.R. 4167) by a vote of 283-139. The bill would establish uniform requirements for food safety warning labels nationwide. Similar legislation (S. 3123) was introduced in the Senate, but no further legislative action was taken on either measure. Food safety labeling legislation was first considered in connection with the Nutrition Labeling and Education Act of 1990 (P.L. 101-535), but the food safety uniformity provision was dropped from the bill before passage. This report provides some background on food safety labeling, reviews past and current legislation, and discusses the potential impact of H.R. 4167 and S. 3128. It will be updated as new action is taken on future legislation.

Brief History of Food Safety Labeling Legislation

During the 1800s, early food law in the United States began in towns, followed by cities, counties, and states, all of which enacted requirements that initially addressed concerns about economic fraud and then food safety problems. While food was produced and consumed locally, these requirements were adequate for providing consumer protection. But as the country grew and food began to travel in interstate commerce, individual state requirements were frequently different and sometimes in conflict, and so a product in compliance with labeling and/or safety requirements in one state would not be in compliance in another state. There also was recognition that nutrient and food safety requirements generally were the same for most citizens.

In 1906, the Pure Food and Drug Law Act, the first federal statute administered by the Food and Drug Administration (FDA), defined which products were considered to be foods and regulated the adulteration and misbranding of these products. The Meat Inspection Act of 1906 granted the U.S. Department of Agriculture the power to conduct sanitary inspections in meat packing plants. Passage of the Federal Food, Drug and Cosmetic Act of 1938 (FDCA) gave FDA further authority over most food regulation, including providing a series of definitions elaborating on the concepts of adulteration and misbranding, control over all labeling of foods traveling in interstate commerce, detailed regulation of issues concerned with safety and wholesomeness of foods, and enforcement remedies available to the agency, when needed. Since 1938, FDCA has been amended numerous times to address various food safety and nutrition issues as science and regulation have evolved. Frequently, state and local requirements were the source of national standards and federal requirements that subsequently were adopted for the entire country. Nevertheless, national uniformity has not been achieved, because

state and local governments have continued to pass laws to address regional needs or cover gaps in federal law.

California's Proposition 65

In 1986, Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act of 1986) was approved in a California voter referendum. This consumer protection measure requires manufacturers to provide clear and reasonable warnings on products that contain chemicals listed by the State of California as reproductive toxins or carcinogens. The warnings apply to occupational exposures, ambient environmental exposures and exposures from consumer products, including foods. While foods in compliance with existing administrative standards would be expected to be unaffected by these provisions, the warnings would be required on food that contains or was exposed to chemicals known to cause cancer or birth defects at levels that pose a significant risk. Prop. 65 labeling for food requires, among other things, manufacturers to prove that their plastic packaging does not contain harmful levels of carcinogens (e.g., benzene). Elimination of Prop. 65 for food packaging would remove a barrier for manufacturers who must currently demonstrate that chemicals in the plastic do not leach into food at levels that would cause concern. The statute has had a wider impact in eliminating the use of certain hazardous chemicals altogether.

Since its adoption, Prop. 65 has been criticized by the food industry, because of its potential impact on food labeling. However, to date, there is no evidence of a problem affecting a food manufacturer who was required to provide different information on labels of the same product sold in different states as a result of the Prop. 65.[1] Nevertheless, since it passage, the food industry has sought to get Prop. 65 overturned in California, or preempted by a federal statute requiring uniform food safety labeling. It has also opposed passage of bills similar to Prop. 65 in states other than California.[2]

Nutrition Labeling and Education Act of 1990

Passage of the Nutrition Labeling and Education Act of 1990 (NLEA; P.L. 101-535) represented major food and nutrition labeling reform, following broad agreement among members of Congress, the food industry, and health and consumer groups that existing food labeling standards were outdated. The act made nutrition labeling mandatory for most foods, specified the information that was to appear, and allowed certain claims to be made. The law also required national uniformity for all nutrition labeling provisions, following a review and study of all state and local requirements. The study, which was conducted by the National Academy of Sciences' Institute of Medicine, was to determine which requirements would be preempted and which ones were unique to states/localities and should be allowed to

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[1] Letter to Member of Congress on H.R. 4167, the National Uniformity for Food Act, from the National Association of Attorneys General. Mar. 1, 2006, p. 5.

[2] Testimony of Susan Connelly, Manager, State Affairs Grocery Manufacturers of American Inc. Letter in Opposition to Connecticut Clone Bill Mar. 15, 2001, at [http://www.gmabrands.com/news/docs/Testimony.cfm].

remain in force.[3] FDA used the completed study to publish its final rule on preemption of state requirements in 1993.[4] While most state and local food labeling requirements were preempted, there were a number of state provisions that remained in force. Those included state labeling requirements unique to a specific locality (e.g., alligator meat in Florida and Louisiana), and labeling for specific food types for which FDA had yet to establish a federal standard (e.g., 23 state standards for honey). NLEA allowed states to petition FDA for an exemption from preemption, provided it would not be in violation of any applicable federal requirement or unduly burden interstate commerce, and so long as it addressed a particular need not met by the requirements of the act. At the time, many state requirements that were preempted had been on the books for decades and had never been rescinded, even though many requirements were no longer being enforced.

During legislative consideration of NLEA, food and grocery organizations voiced concern about the complex array of state and local food safety laws and regulations that required their compliance.[5] These groups argued that national uniformity for food safety requirements (both safety standards and labeling) was needed as much as nutrition labeling uniformity was needed. While national uniformity for food safety provisions was initially included in bill language, the final Act contained an exemption from national uniformity for state food safety notification labeling requirements. Uniform safety labeling requirements were seen as too controversial a provision at that time and threatened to undermine passage of the nutrition labeling reform, which was the primary focus of the legislation. As a result, the uniformity or preemption provision for food safety standards was dropped with the understanding among the interested parties in Congress and the food industry that the issue would be taken up at a later date.

National Uniformity for Food Act

Bills concerned with food safety labeling uniformity began being introduced in 1998. In the 105th Congress, the *National Uniformity for Food Act of 1998* (S. 2356 and H.R. 4383) was introduced by Senator Roberts and Representative Burr and referred to the Senate Committee on Labor and Human Resources, and the House Committee on Commerce. The measure would have preempted state and local food safety labeling requirements. In the 106th Congress, the *National Uniform Food Safety Labeling Act* (H.R. 1346) was introduced by Representative Pallone. It dealt with the addition of consumer information labels on specific food products (see discussion below). The *National Uniformity for Food Act of 1999* (H.R. 2129 and S. 1155) was reintroduced by Representative Burr and Senator Roberts in the same Congress. Both House bills were referred to the Committee on Commerce, and the

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[3] Institute of Medicine, 1992, *Food Labeling: Toward National Uniformity*. Committee on State Food Labeling, Food and Nutrition Board, National Academy Press, p. 239.

[4] U.S. Dept. of Health and Human Services. Food and Drug Admin, Food Labeling; General Provisions; Nutrition Labeling; Label Format; Nutrient Content Claims; Health Claims; Ingredient Labeling; State and Local Requirements and Exemptions; Final Rules. Federal Register, v. 58, no. 3, Jan. 6, 1993, pp. 2065-2941.

[5] Institute of Medicine. 1992. *Food Labeling: Toward National Uniformity*, Committee on State Food Labeling, Food and Nutrition Board, National Academy Press, p. 54.

Senate bill was referred to the Committee on Agriculture, Nutrition and Forestry. S. 1155, as an amendment in the nature of a substitute, was reported out of committee and placed on the Senate Legislative Calender, but no full Senate vote was taken.

Both Representatives Pallone and Burr reintroduced their bills with the same titles and virtually the same language in the 107th Congress, as H.R. 1816 and H.R. 2649, respectively. The bills were referred to the Committee on Energy and Commerce. In the 108th Congress, the bills were introduced again by the same members, as H.R. 1495 and H.R. 2699, and again referred to the Committee on Energy and Commerce. In the fall of 2003, the *National Uniformity for Food Act of 2004 (*H.R. 2699), Representative Burr's bill, was reported out of committee and placed on the Union Calendar; however, the measure was never brought to the House floor for a vote. The committee report (H.Rept. 108-770) indicated that the bill had been scored by the Congressional Budget Office (CBO) to cost FDA $106 million over five years to handle an estimated 120 petitions from states. CBO was anticipating the states would request that an existing requirement in their jurisdiction not be preempted (see discussion below of petition provisions). The Senate report listed the numerous groups that opposed the bill; no list of supporters was provided.[6] No hearings on any of the bills or the issue in general have been held to date.

Legislative Activity in the 109th Congress

The *National Uniform Food Safety Labeling Act* (H.R. 2235) was introduced by Representative Pallone on May 10, 2005. The bill amends FDCA to deem food misbranded, unless the label contains certain information on specific foods. For raw or partially cooked eggs, fish, milk, dairy products and shellfish, or unpasteurized juices, labeling must disclose that eating any food raw or in a partially cooked state may pose an increased risk of foodborne illness particularly for children, the elderly, pregnant woman, and persons with weakened immune function. Frozen fish or shellfish would be required to disclose prominently that the product has been frozen, unless it is smoked, cured, cooked or commercially sterilized prior to being frozen. For perishable agricultural commodities or derivatives, labeling would need to provide the country of origin. All products would be required to disclose the date upon which they should no longer be sold because of diminished quality, nutrient availability or safety. Products would only be allowed to use the term "natural" if the food contained no artificial or synthetic ingredient added after harvesting and had not undergone anything more than minimal processing. H.R. 2235 was referred to the Committee on Energy and Commerce, but no further action has been taken.

The *National Uniformity for Food Act of 2005* (H.R. 4167) was introduced by Representative Rogers on October 27, 2005, with 226 cosponsors, and referred to the Committee on Energy and Commerce. The bill would amend FDCA to prohibit any state or other locality from establishing or continuing in effect for food traveling in interstate commerce any requirement that is not identical to an existing FDCA provision, including provisions related to: adulterated food; raw agricultural commodities containing unsafe pesticides; unapproved irradiated foods; unsafe color

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[6] H. Rept 108-770, *National Uniformity for Food Act of 2004*, p. 25.

and food additives; tolerances for poisonous ingredients; conditions for emergency permit control and their suspension; and access for inspection regulations. The uniformity requirement would apply to warnings in food labels and labeling, advertising, posters, public notices and any other means of communication, whether adopted by statute, regulation or other administrative act. The measure would include any form of notification requirements, whether by a law specifically classified as a food statute, a consumer protection or unfair competition law, or a measure that more generally applies to all chemicals present in consumer products or the environment.

H.R. 4167 would allow a state to petition for two different reasons: for an exemption so that they could continue to use a labeling requirement that the state had established, or to request the establishment of a national standard to replace existing state requirements. The petition must identify the state statute involved, the specific food or components affected, the warning or food safety requirements imposed on that food or component, and adequate data and information to justify the public health and safety need for the requirements either as an exemption from national uniformity or a national standard. FDA would have to act within 270 days of enactment to publish a notice concerning any petition and provide 180 days for public comment on it. FDA would have a year to take final agency action after the end of the comment period. The Secretary of Health and Human Services would be allowed to provide an exemption, if the requirement that is the subject of the petition protects a public interest that is otherwise not protected, and provided that it would not cause any food to be in violation of any federal law or unduly burden interstate commerce.

H.R. 4167 would allow a state to establish requirements that would otherwise violate an FDCA provision relating to national uniform nutrition labeling or the act, if the requirement is needed to address an imminent hazard to health that is likely to result in serious adverse health consequences (e.g., contaminated food). The bill does not preempt state and local laws relating to certain labeling provisions (including freshness dating, open date labeling, grade labeling, a state inspection stamp, religious dietary labeling, organic or natural designation, returnable bottle labeling, unit pricing or statement of geographic origin), or a consumer food sanitation advisory established or recommended by the Secretary. The bill was reported out of committee on December 15, 2005,[7] and was scheduled for a House vote on the Suspension calender the week of February 27, 2006. The House Rules Committee allowed an hour of debate on the bill on March 2, 2006.[8] Following debate on several amendments (see box below), a final vote of 283-139 in favor of the bill was cast on March 8, 2006.[9] The bill is currently before the Senate.

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[7] H.Rept. 109-379 on the *National Uniformity For Food Act of 2005*.

[8] Congressional Record-House. March 2, 2006. H530-539.

[9] Congressional Record-House. March 8, 2006. H727-758.

Amendments Adopted to H.R. 4167

— Amendment to clarify that uniformity in notifications requirements for warnings does not apply to dietary supplements; and ensures that states can set tolerances for substances in food when the federal government has not.

— Amendment to provide for expedited consideration for state petitions that seek adoption of national warning requirements or exemptions from uniformity for state warning requirements in cases where the requested warning: relates to cancer-causing agents; is related to reproductive effects or birth defects; or is intended to provide information that will allow parents or guardians to understand, monitor, or limit a child's exposure to cancer-causing agents or reproductive or developmental toxins.

— Amendment to state that the changes of law made by this legislation will not take effect until after the Secretary of HHS certifies to Congress, after consultation with the Secretary of Homeland Security, that implementation of H.R. 4167 will not pose an additional risk to the public health or safety from terrorist attacks relating to the food supply.

— Amendment to prevent H.R. 4167 from affecting any state requirement that establishes a notifications requirement regarding the presence or potential effects of mercury in fish or shellfish.

Based on information from FDA and a review of state requirements likely to be affected by the bill, CBO has estimated that states would submit about 200 petitions to FDA early in 2007 and an additional 40 petitions over the 2008-2011 period. CBO further estimates that, in implementing H.R. 4167, FDA would incur total costs of less than $500,000 in 2006 and approximately $100 million over the period of 2006-2011, at an average cost to the agency of about $400,000 per petition.[10] A legal analysis prepared for the National Uniformity for Food Coalition, which represents the food industry view (see below), estimated that H.R. 4167 would only affect 11 state laws and regulations as part of the effort to set national food safety standards and warning requirements.[11] In the industry's view, the bill should be re-scored, because CBO included certain state requirements that would not be preempted by H.R. 4167. An recent analysis completed by Center for Science in the Public Interest estimated that 220 state requirements would be preempted by the act.[12]

On May 24, 2006, *the National Uniformity for Food Act of 2006* (S. 3128) was introduced by Senator Burr with two cosponsors. The legislation is very similar to the House-passed bill (H.R. 4167), but with several changes that address concerns raised by opponents. The preemption language in the Senate version is modified to clarify that states may act on issues, such as setting a tolerance level in food, when the FDA has not acted. The Senate bill would not prohibit a state from conducting inspections involving food adulteration. It verifies that FDA must take final agency action on a petition concerning an exemption. The Senate bill calls for expediting

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[10] Congressional Budget Office. Cost Estimate. H.R. 4167 National Uniformity for Food Act of 2005, Feb. 27, 2006, p. 5.

[11] Coalition Analysis Sets Record Straight on Impact of Uniformity for Food Act; Eleven - Not 200- State Laws Affected at [http://www.gmabrands.com/news/docs/NewsRelease.cfm].

[12] [http://www.cspinet.org/new/200607261.html].

petitions for notification requirements that would enable pregnant women to understand, monitor or limit their exposures to toxins that could affect fetal development. Finally, S. 3128 does not contain the mercury amendment to the House-passed bill, at least in part as the result of the recent California ruling that rejected warning labels on canned tuna.[13] (A California state judge ruled that the state law conflicts with the federal FDA policies on tuna consumption, the mercury levels are not high enough to warrant health warnings, and tuna is exempted from warnings because mercury in fish is naturally occurring. This decision is viewed by some proponents of H.R. 4167 as a direct challenge to California's Proposition 65).

On July 27, 2006, the Senate Committee on Health, Education, Labor and Pensions held a hearing on S. 3128.[14] The industry witnesses described the benefits to the food industry of enacting a preemption statute for food safety and warnings comparable to other preemption provisions for food labeling, drugs, and pesticides. A cereal manufacturer described his experience of being sued under the provisions of Prop. 65. A former FDA deputy commissioner expressed concern that FDA did not have the resources to take on the tasks that the states have been handling for decades. However, the Senate took no final action on the bill in the 109th Congress.

Impact of the National Uniformity for Food Act

Numerous groups have lined up on either side of H.R. 4167/S. 3128. Supporters of the bill include the National Uniformity For Food Coalition, which lists 115 food companies and trade associations as members.[15] Those opposed to the legislation include certain governmental groups (e.g., the Association of Food and Drug Officials,[16] the National Association of State Departments of Agriculture,[17] the National Association of Attorneys General),[18] several national consumer groups, and various California groups.

The Coalition seeks food safety labeling uniformity to bring it in line with various other related areas of law, including food, drug, and pesticides. It believes that the legislation would improve interstate commerce by extending national uniformity to all aspects of food adulteration other than food sanitation, by preventing separate food safety notices by the 50 states, and by eliminating all food safety warnings that are not identical to federal safety warnings. National uniformity is not applied to food sanitation because states have traditionally provided a

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[13] California Judge's Ruling Scraps Senate Food Labeling Language, CQ Today, May 25, 2006.

[14] [http://help.senate.gov/Hearings/2006_07_27/2006_07_27.html].

[15] National Uniformity for Food Coalition at [http://www.uniformityforfood.org/aboutthecoalition.htm].

[16] Association of Food and Drug Officials at [http://www.afdo.org].

[17] National Association of State Departments of Agriculture at [http://www2.nasda.org/NASDA].

[18] National Association of Attorneys General at [http://www.naag.org].

leadership role throughout the country in regulating sanitary food practices at the state and local level. Proponents of the bills have conceded that one of the primary goals is to preempt California's Proposition 65 and prevent similar requirements from being implemented in other states.

Supporters of the legislation note that all states would be allowed to petition the FDA within 180 days of enactment to exempt their state food safety laws from elimination under the bill, and state requirements would remain in effect while FDA considers the request. States could also apply to FDA to nationalize their stricter state warnings, if they had scientific evidence that some food or additive was hazardous and not addressed by federal law. Supporters believe that the bill would continue to allow a state or local entity to address emergencies under its imminent hazard authority. The food industry analysis estimated that only 11 state requirements would be affected by enactment of the legislation.

Those opposed to the bills believe that it would have a serious impact on the nation's regulation of food safety and could jeopardize the ability to fight bioterrorism.[19] Opponents have expressed concern about the lack of full debate on the impact of the legislation. Opponents argue that states are viewed as the primary guardians of food safety and that the bills would eliminate every state and local requirement that provided for greater consumer protection and preempt all existing warnings about the safety of foods.

Concern has been expressed about the interpretation of the term "identical" in the bill and the phrase "and for other purposes" in terms of preemption and the reach of the act's provisions. Opponents fear that interpretation of these terms could lead to preemption of all state and local requirements, including imminent hazard authority used to address emergencies. An imminent hazard to the public health exists when there is sufficient evidence to show that a product or practice poses a significant threat of danger to health. Such a threat creates a public health situation that should be corrected immediately to prevent injury and not be permitted to continue, while a hearing or other formal proceeding is being conducted. Many situations involving food safety that would be considered to represent an imminent hazard are identified during inspections, 80% of which currently are done by state and local inspectors.

Opponents have also raised concern about the cooperative programs for milk safety, shellfish sanitation and retail food protection, where the states carry out compliance and enforcement activities and FDA provides training, standardization, oversight and evaluation. They believe that states might lose their legal foundation under the legislation for conducting the FDA cooperative programs, if all state laws were preempted. FDA operates these cooperative programs by providing model ordinances or codes (which are not regulations that have undergone notice and comment) that states adopt into their laws and that rely on state funds, licences and permit fees to support the operation of the programs. Potentially these operations and the source of funding would be eliminated by the legislation's passage, requiring

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[19] Open Letter from Marion Alder, President of the Association of Food and Drug Officials to Members of the House of Representatives, Jan. 16, 2006 via Fax Transmission, p. 2.

FDA to promulgate regulations, that could take years to finalize. The 2003 House report estimated that 80 state laws in 37 states would be eliminated by the bill's passage.[20] The current CBO scoring of H.R. 4167 only addresses the estimated costs to review petitions. It does not address the costs of setting up programs that would replace the state's current efforts under their existing laws. The recent estimate by Center for Science in the Public Interest is that 220 state requirements would be affected.

Finally, opponents, particularly those from California, believe that the bills would prevent states from imposing warnings against cancer or other health problems, where FDA has not acted or when the FDA's standards are weaker than a state believes is necessary to protect its citizens.[21] While the petition process is available, many state officials view that process as very labor intensive and costly for states who choose to use it. The legislation is unclear on whether a state's warning label would be eliminated, if the federal government has no similar warning. While Prop. 65 has resulted in some warnings, its California supporters believe it has also created a market incentive to remove dangerous chemicals from foods and to bring safer foods to market.[22]

Several questions about this legislation remain to be answered. The significant difference in the estimates by CBO, CSPI, and the food industry of the number of state requirements that potentially would be affected by the bills is indicative of the different perspectives about the legislation's reach. Proponents claim that the impact of the legislation would be limited, because the bills would not preempt state laws on food sanitation, inspections, enforcement, nutrition standards, response to imminent hazards, state requirements identical to federal requirements, notification requirements (unless requiring warnings about food safety) or the safety of dietary supplements. Opponents believe that the bills' reach would be broad and would undermine the existing food safety system and it's protections, including the cooperative inspection programs, addressing imminent hazards and bioterrorism, and would require significant state resources to maintain the current level of protection. Another issue concerns the goal of national uniformity. The bills would achieve national uniformity by preempting certain food safety provisions, including Prop.65. However, the number of state laws that would not be preempted raises the question of the degree to which national uniformity actually will be achieved by passage of the

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[20] H.Rept. 108-770 suggested that state laws in the following areas would be eliminated by passage of the act: warning labels on shellfish; regulation of smoked fish; setting tolerances for adulterated pecans and other nuts; labeling requirements for the source of certain fish; labeling requirements for citrus fruits and juices; regulation of packing fish in casks, disclosure of whether uncooked fish and shellfish have been frozen and regulation of the labeling of packages of apples; laws allowing states to adopt tolerances for food and color additives that are more protective of human health than federal tolerances; laws imposing additional requirements for egg safety; and requirements for disclosure of the presence of specific toxic chemicals in foods.

[21] Myths and truth about H.R. 4167, *National Uniformity for Food Act*, at [http://www.consumersunion.org/pub/core_food_safety/003230.html].

[22] Zhang, Jane. *Food industry advances in labeling fight*. The Wall Street Journal, Jan. 9, 2006, p. A4.

legislation. Both sides sought the July 2006 hearing on the legislation with the hope that it would provide the opportunity to help sort out the divergent views and provide a clearer assessment of the legislation's impact on both the issues of reach and degree of uniformity.

No final action was taken in the Senate to pass the bill before the end of the 109th Congress. Since this issue continues to be of considerable concern to the food industry and state and federal regulators, bills are likely to be reintroduced in the 110th Congress. New legislation may provide an opportunity for proponents and opponents to previous bills to reach agreement on legislative provisions and achieve passage in the 110th Congress.