

March 14, 2023

The Honorable Bernie Sanders  
Chair  
Senate Committee on Health, Education,  
Labor & Pensions  
428 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Bill Cassidy  
Ranking Member  
Senate Committee on Health, Education  
Labor & Pensions  
428 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Cathy McMorris Rodgers  
Chair  
House Energy and Commerce Committee  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Frank Pallone, Jr.  
Ranking Member  
House Energy and Commerce Committee  
2322 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chair Sanders, Chair McMorris Rodgers, Ranking Members Cassidy, and Ranking Member Pallone:

Our associations represent a diversity of FDA food safety stakeholders. We appreciate Commissioner Robert Califf's recognition that a significant redesign to the FDA's foods program is needed, and we applaud his proposal to create an empowered Deputy Commissioner for a new Human Foods Program. We are especially pleased to learn, as described in the attached March 9 letter to our organizations, that the Deputy Commissioner will have "full management and operational authority over all aspects of the food program and its resources," including field operations. *(Please note, the letter addressed to Consumer Brands Association is provided as an example; each signatory received an individualized copy.)*

As Commissioner Califf notes, the Deputy Commissioner will be empowered to make all decisions related to food safety, including decisions related to the field, and will be the "lead official establishing priorities for food program activities, including risk prioritization for inspections and compliance activities and a clear movement toward the preventive controls regime directed by the Food Safety Modernization Act."

Dr. Califf is confident that the Deputy Commissioner will be empowered to set priorities for all food safety activities, including inspections, and writes that "concept of operations documents and processes will be created that will clarify roles and responsibilities in such a way to dispel any doubts about my intentions to empower the Deputy Commissioner with the authority to oversee and manage the human foods program in its entirety." In particular, Dr. Califf intends to define decision rights and make other changes "from stem to stern" that will transform the entire field workforce.

While we appreciate his leadership and confidence, we believe structural changes also are needed to realize his vision, which we share. The problems in the FDA Foods Program have been well documented by a panel of experts convened by the Reagan-Udall Foundation (RUF) to recommend changes. The [panel found and documented](#) serious organizational, structural, and cultural obstacles to the program's success and outlined many recommendations for change.

Importantly, every option the RUF panel provided called for unifying all elements of the program under a new Deputy Commissioner with direct line management authority and accountability for the program's success. We believe establishing an empowered Deputy Commission position with direct line authority over all components of FDA's human and animal foods program is foundational to the agency's success.

We are concerned that Commissioner's plan, as announced and described in his March 9 letter, will fall short of what is needed to protect consumers and facilitate industry collaboration and innovation. While we largely share Dr. Califf's vision, we are concerned that his proposed changes to internal documents will not go far enough to eliminate the communication and organizational failures that contributed to the infant formula crisis or address the cultural challenges that continue to plague the FDA.

We request a meeting with you and your team to share our ideas in support of FDA's public health mission. We appreciate your attention to this matter and hope to meet with you soon.

Sincerely,  
American Frozen Food Institute  
Consumer Brands Association  
Consumer Reports  
Environmental Working Group  
International Fresh Produce Association  
STOP Foodborne Illness