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COMMITTEE ON
INTERNATIONAL RELATIONS

SUBCOMMITTEE ON
EAST ASIA AND THE PACIFIC

Congress of the United States
House of Representatives
Washington, DC 20515

May 15, 2003

Mark B. McClellan, M.D., PhD
Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

Dear Commissioner McClellan:

As a lead author of the Public Health and Bioterrorism Preparedness and Response Act of 2002 and a founding member of the Congressional Food Safety Caucus, I appreciate your efforts to establish appropriate regulations to guide implementation of the new food safety provisions included in that landmark legislation.

I am writing to share a concern raised with me about the requirement for prior reporting of food shipments that are in-transit (i.e. cargo that is not being transported for a U.S. importer, will not be consumed by a U.S. consumer, and remains at port until shipped elsewhere.) The World Shipping Council (WSC) and the American Association of Port Authorities (AAPA) assert that requiring prior notification of these shipments, which will never reach U.S. consumers, is an unjustifiable and unworkable requirement. They also claim the required documentation is unnecessary, since the Customs Service already has an Automated Manifest System that provides the necessary information on such shipments 24 hours before the cargo is loaded on the vessel in a foreign port.

To ensure that the new regulations are implemented on a timely basis and are not subject to credible legal challenges in the future, it is important that any new requirements truly serve the goals of the Public Health and Bioterrorism Preparedness and Response Act and demonstrably improve the nation's ability to protect American consumers from public health and terrorist threats. In that context, I am requesting FDA reevaluate the pre-notification requirement for in-transit shipments to determine whether this requirement is, in fact, appropriate.

Thank you for your consideration.

Sincerely,


SHERROD BROWN
Member of Congress

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