FEDERAL AND STATE REGULATIONS

Food and Drug rides out congressional storm

CONGRESS HAS recently acted on two measures regulating the activities of the Food and Drug Administration. One of these, an appropriations bill in which FDA funds were cut, the other concerned the FDA rights to inspect food and drug processing plants.

Budget Cut

The House of Representatives has passed the budget bill of the Department of Health Education and Welfare as modified by the appropriations committee (AG and FOOD) June 10, page 423. The House appropriations committee under the leadership of Congressman John Taber (R., N.Y.) cut the originally proposed budget of the Food and Drug Administration by about $680,000. This was the budget which had been prepared by the Eisenhower administration as the minimum necessary for proper function of the FDA.

The bill has now gone to the Senate where that appropriations committee has been considering the budget question in executive session. There has been considerable alarm expressed regarding the implications of the budget cuts if they are allowed to stand. The FDA says that their inspection operations will have to be drastically cut. The economic standards inspection will have to be eliminated according to FDA. The economic inspections are concerned with standards of food identity and food composition. FDA also says that they will be forced to curtail the sanitary inspections by about 15 to 25%. At present the sanitary inspectors remove about 164 tons of filthy and decomposed food from interstate commerce each week. Food industry spokesmen have expressed concern over the cuts, which are the most far reaching in the history of the FDA.

There is still a possibility that the Senate committee will restore some of the funds held back by the House. If they should do this and the increased budget is approved by the Senate, then a conference committee composed of members of both the Senate and House must get together to draft a bill which can be passed by both legislative bodies.

Besides the curtailment of the inspections of the FDA there are other implications of the reduction in budget. FDA feels that cuts in the staff which they have built up over the years of experience could be a serious handicap in the future. Later appropriations which might restore funds probably could not restore this staff. Also one of the incentives for recruitment offered to scientists by the FDA has been permanent employment, their wages have consistently been lower than those payed by private companies, but they have been able to get trained technical prople with this inducement. Staff cuts, will perhaps not only hamper employment, but also experienced employees might decide to leave if the guarantee of permanent employment is withdrawn.

Inspection Rights

To add to the legislative difficulties of the FDA and its inspection procedures, unexpected opposition developed in the hearings on the bills introduced in the House to grant the FDA inspectors the rights to inspect food and drug processing installations. A series of bills were introduced early this session of Congress which proposed to give the FDA right of inspection. The Supreme Court having previously ruled that the existing food and drug law was too vague on inspection rights, decided that it only allowed the FDA to enter after it had received permission of the operators of the plants.

In the hearings, which were held in Washington recently, the majority of the witnesses who spoke on the proposed inspection bills were in favor of them. However, there were some objections and questions raised regarding the procedures involved in the inspections, which the FDA testified are vital to enforcement of the Pure Food Laws.

The Commerce committee of the House, before whom the hearings were held, has now completed its hearings and has prepared a report for the House and also a new bill HR 5740, introduced by Representative Charles A. Wolverton (R, N.J.). Wolverton's bill incorporates the changes recommended by the House committee. It seems that the right of inspection will be granted to the FDA but only after an unexpected struggle.