LEGISLATION AND REGULATIONS

Miller Bill passes . . . Congressman O'Hara introduces food additives legislation

With President Eisenhower's signature the Miller Bill, H.R. 7125, became law last week. The legislation provides a method for establishing tolerance of pesticide residues on raw agricultural products. Tolerance for agricultural chemicals will be established by the FDA, varying with the toxicity of the pesticide.

In 1950 the question of chemicals in foods came under exhaustive investigation by the Delaney committee, although no tolerances were ever established as a result of those hearings. Prior to these hearings, both the food and chemical industries had given a great deal of thought and study to the use of chemical additives in foods.

With the passage of the Miller Bill the basic problem of legislation regarding chemical additives to foods is still not solved. Action is still needed to regulate the deliberate addition of chemicals used in food processing and although action on this problem is not expected in this session of Congress, it seems certain that when or if the problem does come up there will be exhaustive discussion.

Congressman O'Hara (R. Minn.) has introduced two bills concerning this matter, H.R. 8418 and H.R. 9166. H.R. 8418 seems to be the basic unit of Congressman O'Hara's proposed legislation. This bill proposes that a food be considered adulterated if it contains any new chemical additive which has not been declared safe by the FDA. It allows interested parties to file data to establish the safety of a proposed additive with the FDA, with the requirement that the FDA would have to announce a decision on the safety of the proposed additive within 4 months after the manufacturer had filed. Public hearings for objection to the proposed additive and judicial review of the proceedings are also proposed.

In the more recent version of this legislation H.R. 9166 the factors on which the safety of the proposed additive are to be judged are enumerated. Included among the four criteria to be considered are: 1, the functional value of the proposed additive; 2, probable consumption of the material by the population; 3, cumulative effect of the proposed additive or chemically and pharmacologically related compounds; 4, appropriate toxicity testing data.

This later version of the O'Hara Bill probably represents the thinking of the leaders of the milling, dairy, meat, and baking industries (Ag and Food, Newsletter, Mar. 3, Page 219).

The Manufacturing Chemists Association has not yet announced the results of its attempts to draft a bill expressing the interests of the chemical industry. Sections 1 and 4 of the factors to be considered by the FDA in evaluating the safety of the proposed chemical additive are probably the sections of H.R. 9166 not designed in accordance with the chemical industry's thinking.