other Commonwealth countries, requirements are quite different, as in New Zealand, where most productive farm land is permanent pasture and requirements for potash and nitrogen are small, but application of phosphates relatively heavy.

The expansion of the chemical fertilizer industry has had its effects on the export-import picture, both in raw materials and finished products. With the increased nitrogenous fertilizer production, produced from domestic raw materials, imports last year dwindled to a negligible amount. Phosphate rock is brought in from Algeria and Tunisia and almost sufficient phosphatic fertilizers are produced in Britain from these imported raw materials to supply her requirements; balance of phosphatic demand is supplied from imported finished product.

Late last year, 40% of the sulfuric acid produced in U. K. was being used in production of fertilizers, 25% to make superphosphate and similar phosphatic fertilizers and 15% for ammonium sulfate and other nitrogenous fertilizers. Imports of sulfuric acid exist only in form of raw materials. By last year, the acute scarcity of elemental sulfur had largely been solved. Nevertheless, development of the use of substitute raw materials continues in order to protect the expansion of the superphosphate industry. During past two years, the output of sulfuric acid industry has gone to satisfying U. K. requirements, greatly affected by increased fertilizer output, and exports of sulfuric have fallen sharply.

The U. K. fertilizer deficiency is most noticeable in potash. All potash rock is brought from the Continent, chiefly from France. In this respect, England suffered a great disappointment this year. ICI for the past seven years had been conducting exploratory work on large deposits which exist in North Yorkshire. Existing as sylvinite at 4000 feet below ground surface, deposits had been estimated to be sufficient to supply U. K. total requirements for 200 years, if extracted at 30% efficiency. ICI, which had spent over $1 million on the project, was not successful in developing a method of extracting the KCl, because of different solubilities of the two salts in sylvinite, and announced that it was abandoning the project. Fisons, which had been involved in the work along with ICI, has not indicated whether or not it will continue in an effort to find a way to make England independent of potash imports.

Congressman Miller: Two bills—one injunctive and one compromise

Food Additives Bills

Injunctive or licensing approach? New bills tend toward compromise with arbitrary powers of FDA limited

Licensing" power, or something near to that, for the FDA was characteristic of food additives bills early this season (Ag and Food, April 1955, p. 292). But near the end of April, Congressman Miller (R., Nebr.) took a different approach, aimed at reducing considerably the powers of FDA. Miller will soon introduce a compromise measure. Another bill, developed through collaboration of several interested groups, is reported nearly ready.

The licensing approach is favored by some groups within the food industry as a possible solution to the problem of food additives. These groups acknowledge that some food additives are necessary but would limit them as much as possible. The pre-Miller proposals all would require the manufacturer to present evidence that a proposed additive were not harmful but would leave the final decision of approval or disapproval of the additive up to the FDA.

Congressman Miller's bill HR 5927, in contrast to the existing proposals, is an expression of the "injunctive" point of view. The Miller proposal would not increase materially the arbitrary power of the FDA. Proponents of the injunctive approach believe that the FDA should remain fundamentally a policeman of the nation's food; as a policeman the proper weapon for operation of the FDA is the injunction.

Under congressman Miller's bill, a manufacturer whose application for approval had been turned down could override the FDA and announce that he intended to market an additive without approval of the Secretary of Health, Education, and Welfare. The secretary through the FDA would then go to court and get an injunction to restrain the manufacturer from using the additive. The FDA would subsequently be forced to present evidence to prove that a material could do harm if used. In effect the injunctive approach would require the FDA to prove the possibility of harm, in cases where the FDA did not accept the manufacturer's evidence that a proposed material could be used safely.

The Miller proposal would require the manufacturer to prove a proposed ingredient safe for food use. The difference between safety and harmlessness is of more than semantic interest in the question of food additives (See AG AND FOOD, page 191, March 1955). Safe and safety are defined by the Miller bill to mean without reasonable likelihood of hazard to the public health under normal conditions of use.

Congressman Miller intends to modify his original proposal in the near future. The modified bill will be an attempt at compromise between the two extremes of licensing vs. injunction.

Miller's new bill will cover additives in current use as well as proposed additives. Scientific evidence of the safety of a proposed additive must be forwarded to the FDA with the application for approval of the material. The FDA can then refer this scientific evidence to a committee of scientific experts for evaluation. The expert's opinion is presented to the Secretary of HEW, who in turn makes the final decision regarding approval of the additive.

The Secretary of HEW is responsible for deciding if the evidence presented by the manufacturer is adequate and also whether or not the additive would be safe for food use.

Under the new Miller proposal a manufacturer could go ahead with an additive over the objection of the Secretary, if the advisory committee had decided that the material were safe. This provision of the bill would be an assurance that the Secretary would not make unreasonable or illogical demands upon the industry. It would also place a limit on the degree of arbitrary power which the FDA would have over the food additives.

The Miller proposal would, in effect, place the final evaluation of the safety of an additive before a committee of scientific experts for scientific evaluation.

Of the bills which have been presented until now the Miller proposals seem to be more nearly an expression of the thinking of those who have an active interest in the future of chemicals in foods.

There are indications that another compromise proposal to be sponsored by the Manufacturing Chemists Association in cooperation with some food group may be presented in the near future.

Congressman Priest, Chairman of the Interstate and Foreign Commerce Committee, is still planning to conduct hearings on the food additives question before Congress adjourns. The question might come up toward the end of June.