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Food Additives Legislation

SEVERAL RECENT SESSIONS of Congress have brought forth legislative proposals to amend the Federal Food, Drug, and Cosmetic Act, under which existing food additives regulations operate. The current session is no exception, with three bills already under consideration in House committees.

The most recent of these bills, recommended by the Food and Drug Administration, closely resembles the Miller Pesticide Amendment enacted in 1954. Aimed at prohibiting the use in food of chemical additives which have not been adequately tested to establish their safety, it would require advance testing, by industry, of all proposed additives. FDA would then issue regulations outlining acceptable conditions for safe use.

Members of the food processing and chemical industries are not likely to see eye-to-eye with the FDA or with one another on all the proposals contained in this bill, or in the others under consideration. But surely all will agree that it is in order to review the existing laws occasionally, particularly in view of the rapid rate of technological change in the production, processing, and preservation of foodstuffs. And surely all must be reconciled to the likelihood that new laws will be passed—if not by the 85th Congress, then by the 86th, or the 87th.

Just now the problem is to get along as well as possible under the law as it stands, and to take whatever steps can be taken to assure that any legislative changes made will be in the best interests of all concerned. In their approach to both aspects of the problem, food processors and especially the manufacturers of food additive chemicals could do with some boning up on the existing laws.

Those who administer the laws have always, understandably, interpreted them within as narrow limits as possible, sometimes even issuing regulations under these laws that appear to thwart the legislators' intent. In many rulings, little or no room is left for the exercise of judgment or the exchange of opinions, and any questions that arise are almost certain to be decided in favor of the status quo.

If this is a fair evaluation of the current situation, industry needs to study in detail the wording of the Food, Drug, and Cosmetic Act and the related regulations that are now on the books. There is undoubtedly room for improvement in present industry-government relations, and industry could probably effect some improvement by anticipating, insofar as possible, every situation that could arise in connection with its proposed uses of chemicals, and providing data to prove that such situations will entail no hazard to the public within a literal interpretation of the law.

Familiarity with existing regulations is equally important in connection with possible future legislation. If industry wants to benefit from changes in existing legislation, it must study carefully the language in which present provisions are couched. Wherever there is any chance for doubt as to meaning, clarification is in order.

Assuming that those charged with administering the laws, present and future, will continue to interpret them within narrow limits, leaving little room for discussion or review, it behooves all interested parties to work for laws so precisely worded that strict interpretation will produce the desired results. Wording that can be understood may not be good enough; the need is for wording that cannot be misunderstood.

No responsible individual or firm seeks to lower the quality of the public's diet, or to diminish the degree of protection afforded by law. Food processors and the manufacturers of food chemicals must stake their future on their day-to-day programs of supplying to the public the most wholesome foods possible within economic reason. In this regard, they are as much interested as the government or the public itself in seeing that no substance enters our food supply in quantities potentially hazardous to health. Neither the law nor its interpretation should hinder progress in the growing, processing, or marketing of foods when no question of safety or healthfulness is involved.