



June 11, 2009

The Honorable Henry Waxman, Chairman  
House Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC, 20515

The Honorable Joe Barton, Ranking Member  
House Committee on Energy and Commerce  
U.S. House of Representatives  
2322A Rayburn house Office Building  
Washington, DC, 20515

Dear Chairman Waxman and Ranking Member Barton:

Food safety and clean, safe spices are the top priority of the American Spice Trade Association. ASTA is a trade association that represents the U.S. spice industry. It was founded in 1907 and represents the interests of approximately 175 members including companies that grow, dehydrate, and process spices. ASTA's members include U.S.-based agents, brokers, and importers, and companies based outside of the U.S. that grow spices and ship them to the U.S. and other companies associated with the U.S. spice industry. ASTA members manufacture and market the majority of spices sold in the U.S. at retail and to food processors

We applaud Chairman Waxman, Chairman Emeritus Dingell, Congressman Stupak and Congressman Pallone for developing the Food Safety Enhancement Act of 2009 because steps can and should be taken to make our food supplies safer. We support providing the U.S. Food and Drug Administration (FDA) the resources and authorities it needs to help make prevention the foundation of our food safety approach and increase consumer confidence in the safety of the food supply.

However, we have concerns with several provisions in the bill. One of our major concerns is the traceability provision. Traceability for some food is a laudable goal. However, for certain food ingredients, traceability back to the field is not feasible and there is little benefit when the ingredient will be further processed. Many raw ingredients, such as spices, coffee beans, cocoa beans, and wheat, to name a few, are commingled, blended to smooth out natural farm-to-farm variability and further processed.

Two examples are black pepper and red peppers. In many countries such as India and Vietnam, black pepper farming is a cottage industry. Thousands of small farmers grow the pepper, dry it and sell to a local collector. Their total crop may be one half to one metric ton but they typically will bring 50 to 200 pounds at a time to sell at a collection site. The processor/exporter buys at the collection site and commingles product. It is then cleaned, graded and shipped to the U.S. In many cases, the pepper is further processed and treated by using validated microbial reduction processes once it arrives in the U.S. The spice industry currently traces the full container load back to the exporter, who should be able to trace back to the collection site. However, it is not feasible to trace back to the farm.

A similar supply chain exists for red peppers or chilies. They are grown in small batches by thousands of individual farmers and brought to a local market where the chilies are dried and exporters purchase the raw material. The exporters clean, grind and further process the red

peppers before they are exported to the U.S. Again, tracing back to the exporter is feasible, but back to the farm is very impractical.

Another example of the difficulties related to traceability concern products such as rosemary and oregano that are sometimes wild growing herbs. They are collected mountainside by local residents and sold to collectors or processors. The processors clean and further process the spices before export. These would be nearly impossible to trace to a mountainside growing area.

We applaud the Subcommittee for making changes during mark up related to the traceability section. We support assessing the costs, benefits and feasibility of traceability technologies and holding public meetings and pilot projects before FDA moves forward with traceability requirements. We also support giving FDA the power to exempt foods when FDA determines that a tracing system for such food is not necessary to protect public health.

Given the challenges related to traceability posed by the nature of the spice industry, we believe food safety would be better enhanced by more inspections of food processing plants in the U.S., ensuring food products are processing using risk based preventive controls, and due diligence in supplier selection.

Another provision that we have concerns with is the country of origin requirement in the bill. Spices can be sourced from a variety of countries. For example, a company might buy black pepper from India, Malaysia, Indonesia, Brazil and/or Vietnam. The product packaged in June would be from India, but the product packaged in August would be from a different country, or a combination of countries. Constantly changing labels or listing the long list of possible countries the product could be from, would be very burdensome for the industry and would do little to increase food safety. We applaud the Subcommittee for removing the requirement that the country of origin for each ingredient in a processed food be posted on the company's website.

We are concerned about provisions, such as the country of origin, which would increase the cost of food for consumers, but would do little to make our food supply safer.

Again, we applaud your efforts and would like to work with the Committee to enact effective food safety legislation.

Please contact me if you have questions. Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to read 'Cheryl Deem', with a stylized, cursive script.

Cheryl Deem  
Executive Director