

Dr. Susan Mayne
Director, Center for Food Safety and Applied Nutrition (CFSAN)
U.S. Food and Drug Administration

Douglas Stearn
Deputy Director for Regulatory Affairs, CFSAN
U.S. Food and Drug Administration

July 12, 2021

Dear Dr. Mayne and Mr. Stearn:

The undersigned organizations are writing to respectfully bring to your attention a concern related to recent developments in the state of New York pertaining to its food recall policies.

New York state recently updated its [recall manual](#) and included proposed threshold limits for certain contaminants, including heavy metals and allergens. While some of these limits align with established federal standards, others do not. Additionally, New York's process for establishing these limits is unclear, and there has been no opportunity for public comment. FDA has preeminent authority over contaminants and allergens in foods, and we respectfully request that the Agency consider exerting its primary jurisdiction in this case.

The food industry is supportive of federal standards for food products because such standards create a level playing field for companies and promote consistency and clarity regarding food safety for consumers. A patchwork of state-by-state requirements is extraordinarily burdensome for the industry due to the national food distribution system. Furthermore, we are concerned that New York's threshold limits would prevent industry from selling food in New York and create significant disruptions for the national food supply. Likewise, we are concerned about a challenging precedent being set for the food industry.

A patchwork of state laws would significantly impact the ability of American consumers to obtain safe, abundant, and affordable food, particularly at a time when the food industry is still recovering from the challenges created by the COVID-19 pandemic.

We respectfully request a virtual meeting with you to discuss our aforementioned concerns. If you could please provide a few dates and times in July or August that work for both of you, we would be happy to schedule a meeting.

Thank you very much and we look forward to hearing from you soon.

Sincerely,

American Bakers Association
American Frozen Food Institute (AFFI)
American Herbal Products Association (AHPA)

American Spice Trade Association (ASTA)
Consumer Brands Association
Council for Responsible Nutrition
FMI- The Food Industry Association
International Dairy Foods Association (IDFA)
International Food Additives Council (IFAC)
National Automatic Merchandising Association (NAMA)
National Confectioners Association (NCA)
National Pasta Association
National Seasoning Manufacturers Association (NSMA)
North American Millers' Association
Produce Marketing Association (PMA)
Refrigerated Foods Association
SNAC International
United Egg Producers