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1ST DISTRICT, CALIFORNIA

COMMITTEE ON
NATURAL RESOURCES
COMMITTEE ON AGRICULTURE

Congress of the United States
House of Representatives
Washington, DC 20515-0501

April 11, 2014

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The Honorable Margaret Hamburg, M.D.
Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Hamburg,

It has been brought to our attention that the Food and Drug Administration's (FDA) proposed rules under the Food Safety Modernization Act will have significant negative impacts on small breweries, which are experiencing rapid growth and creating thousands of jobs across the nation. While we appreciate that the FDA is working towards improved food safety, the unintended consequences of these regulations will increase costs, decrease efficiency and hamper the growth of breweries, particularly those which include restaurants. As you work toward a final rule, we urge you to take into account these unintended consequences and include revisions which would exempt such breweries from the new requirements.

For example, a well-known and leading Northern California brewery not only grows much of the grain used in its brewing operations, but also uses the spent grain as feed for cattle raised to supply beef to the brewery's restaurant. This brewery re-uses over 99% of its spent grain, yet the proposed rule would cause such significant hurdles and costs that it would be unable to do so. We believe that such efficiency is a laudable goal that the FDA should encourage, but the proposed rule would hinder or even eliminate such efforts by forcing these facilities to dry, package and inspect all food, including the spent grain used for cattle feed.

Breweries that incorporate restaurants into their facilities are already required to register with the FDA and maintain complete food safety records. Additionally, any facility that manufactures, processes, packs, or holds food that is intended for human or animal consumption must register with the FDA. Food manufacturers, processors, packers, and distributors, are already required to maintain records to allow FDA to better identify issues that may arise from these facilities. The registration requirement applies to any facility that conducts these activities, unless a facility is specifically exempted. Breweries already meet the record-keeping and safety standards which the proposed rule hopes to achieve.

We are pleased to see that the comment period of the proposed rule has been extended. As you consider revisions to the proposed rule, we urge that you ensure that small breweries be exempted from these counterproductive and onerous requirements. Protecting growing sectors of our economy and encouraging efficiency should be a goal of every federal entity, and we hope that you will agree.

Thank you for your consideration of this important request.

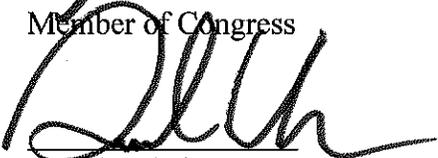
Sincerely,



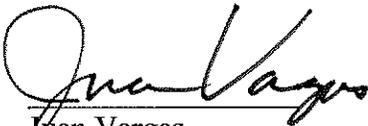
Doug LaMalfa
Member of Congress



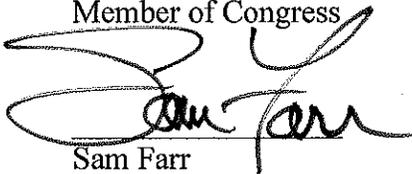
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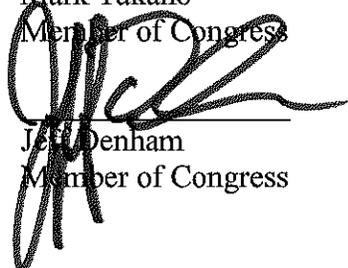
Juan Vargas
Member of Congress



Sam Farr
Member of Congress



Mark Takano
Member of Congress



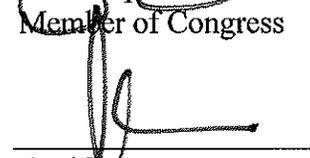
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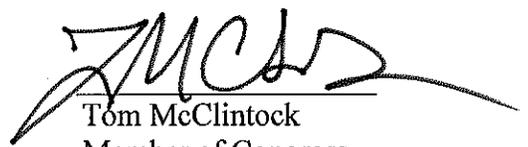
John Garamendi
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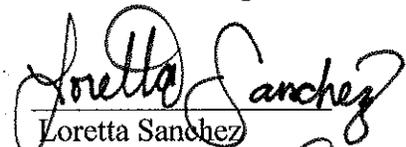
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