

From: "Jamison, Brooke" <Brooke.Jamison@mail.house.gov>
To: Poison Page <poisonpage@verizon.net>
Cc: "Avery, Megan" <Megan.Avery@mail.house.gov>
Sent: Wednesday, July 16, 2008 10:32:25 AM
Subject: RE: questions

Charles –

I'm sorry you are feeling ignored. I clearly looked into the problem and have emailed with you below. The problem, as you have clearly illustrated, is not the need for more laws because there are clearly already laws on the books that address this problem. The problem is with enforcement of the laws on the books. This is a far more difficult problem to address. You see, when a law is passed, an agency has to then implement the law which means they usually propose detailed regulations on an industry. I have been unable to find such regulations published in the federal register and therefore, that would explain why there is no enforcement. It will take more research to find this (which I'm happy to have your help). Once we can conclusively say that an agency is not following the law, then we can write a letter and publicize the situation in order to put pressure on the agency to promulgate regulations.

Brooke

From: Poison Page [mailto:poisonpage@verizon.net]
Sent: Tuesday, July 15, 2008 6:16 PM
To: Jamison, Brooke
Subject: Re: questions

Brooke this is a follow-up to the voice mail I left on 7/7/08 that you never replied to.

On February 17, 2007 I spoke to Congresswoman Kirsten Gillibrand in her Hudson Office about the Taco Bell lettuce scare. After explaining how the contamination could have happened during transportation Congresswoman Gillibrand told me this would be one of her top priorities.

Since then everyone I have tried to work with in Congresswoman Gillibrand office has not been interested in this issue including you. This makes it look like Congresswoman Gillibrand is either a liar and is not interested in this issue; or she has not told her staff what legislation is important to her; or has no control over her staff.

Brooke the link you sent me does not help with the safety of our food during transportation unless the truck/trailer has been contaminated in a hurricane affect area or/and has been subjected to flood waters.

What we need is to stop Motor Carriers from hauling toxins in the same truck/trailers as our Food Supply.

I believe if you go and review the letters I sent you on 5/1/07 and August 09, 2007 along with the documentation you may understand why the FDA is unable to find the smoking gun in the tomato scare of the last few months. Let me explain!

If a terrorist were to contaminate the tomatoes in the truck/trailer it will take the FDA forever to find it. So far the tomato farmers have lost over \$100 million dollars in revenue and the FDA is no closer then they were when they started.

Please read this carefully and try to understand it.

On August 10, 2005, President Bush signed into law the Sanitary Food Transportation Act of 2005 (2005 SFTA). This butchered the Sanitary Food Transportation Act of 1990 through 1998 (1990 - 1998 SFTA)!

The documentation I sent you on 5/1/07 was the Sanitary Food Transportation Act of 1990 through 1998.

The documentation on August 09, 2007 was a web article "Safeguarding the Food Supply – FDA Given Sanitary Food Transport Authority." Prepared by Diane B. McColl and Noelle C. Sitthikul Attorney's with the law firm of Hyman, Phelps & McNamara, P.C.. Washington. D.C.

In the Background Section of this article it states "Fifteen years ago, Congress enacted the Sanitary Food Transportation Act of 1990 (1990 SFTA), which instructed DOT to establish regulations to promote the safe transportation of food products. Congress was concerned by the practice of transporting wastes and potentially harmful nonfood products in the same vehicles that carry food, food additives, drugs, devices, and cosmetics."

In the Conclusion of this article it states "FDA acknowledged that the agency can access these records only when the BTA (The Bio-terrorism Preparedness and Response Act of 2002 (BTA)) statutory criteria are met (i.e., "when FDA has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals") FDA, Guidance for Records Access Authority Provided in Title III, Subtitle A. of the [BTA] (Nov. 2005). The 2005 SFTA should have no effect, therefore, on FDA's existing authority to access transporter records under the BTA.

If the Bush administration were concerned about Bio-terrorism they would have kept Section 5706 from the Sanitary Food Transportation Act of 1990 in the 2005 SFTA which calls for Dedicated vehicles to haul our Food Supply.
Sec. 5706. Dedicated vehicles

-STATUTE-

(a) Prohibitions. - The regulations prescribed under section 5703(a)(1) of this title shall include provisions prohibiting a person from using, offering for use, or arranging for the use of a motor vehicle or rail vehicle to transport asbestos, in forms or quantities the Secretary of Transportation decides are necessary, or products that present an extreme danger to humans or animals, despite any decontamination, removal, disposal, packaging, or other isolation procedures, unless the motor vehicle or rail vehicle is used only to transport one or more of the following: asbestos, those extremely dangerous products, or refuse.

(b) List of Applicable Products. - After consultation required by section 5709 of this title, the Secretary shall publish in the Federal Register a list of the products to which this section applies. The Secretary may amend the list periodically by publication in the Federal Register.

-SOURCE-

(Pub. L. 103-272, Sec. 1(d), July 5, 1994, 108 Stat. 857.)

-MISC1-

Historical and Revision Notes

Revised Section Source (U.S. Code) Source (Statutes at Large)

----- 5706 49 App.:2806. Nov. 3,
1990, Pub.

If you do not understand this concept of Motor Carriers hauling toxins one way and then hauling our Food Supply the other please E-Mail me and I will try to be more clear with the explanation.

Charles Lake

----- Original Message -----

From: "Jamison, Brooke" <Brooke.Jamison@mail.house.gov>

To: poisonpage@verizon.net

Sent: Friday, June 6, 2008 3:08:46 PM

Subject: questions

Dear Mr. Lake –

I spoke with the committee staff for the Energy and Commerce committee about the food contamination from trucks. They told me there is a FDA ruling pending on this subject.

Do you know about this?

Also, I found this regulation from the FDA online and it seems to address this issue.

What do you think? <http://www.cfsan.fda.gov/~dms/decongu2.html>

Thanks,

Brooke Jamison

Legislative Director

Congresswoman Kirsten Gillibrand

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