

United States Senate

WASHINGTON, DC 20510

June 23, 2009

The Honorable Margaret Hamburg,
Commissioner
Food and Drug Administration
United States Department of Health and Human Services
White Oak Building 1
10903 New Hampshire Avenue, Room 2217
Silver Spring, MD 20993-0002

Dear Commissioner Hamburg:

We are writing to express our concern that the Food and Drug Administration (FDA) has yet to implement a national standard of identity for honey. Continued delay in implementing this standard poses a serious threat to U.S. food supply.

On June 13, 2007, fifteen U.S. Senators wrote to then FDA Commissioner von Eschenbach on this same topic. In that letter, the Senators emphasized the importance of a honey standard of identity and requested an update on the status of FDA's review of the proposed honey standard. Since 2007, we understand that the FDA has taken no further steps toward promulgating a final rule.

Imported honey currently accounts for nearly 70% of the U.S. honey supply, much of which is produced in and imported from China. Imported honey is an ingredient in a wide array of food products, including bread, cereal, snack foods, meats and beverages. Honey is also a common ingredient in health and beauty products. It is therefore imperative that agents of our Customs and Border Protection Agency (CBP) are given every tool possible to ensure the purity and safety of imported honey to safeguard American producers and consumers against those who seek to circumvent our trade and food safety laws.

As stated in the 2007 letter, there have been reports of adulterated Chinese honey entering the U.S. food supply. Additional incidents have been reported since 2007, further raising the importance of this issue. We understand that Chinese exporters have been mislabeling pure honey as "honey blends", thereby avoiding applicable antidumping duties. In other instances, we understand that "honey blends" have been falsely labeled and marketed as pure honey after entering the U.S. market.

These successful circumvention schemes raise serious concerns about the safety of imported honey and the ability of the U.S. Government to sufficiently protect U.S. consumers. While the FDA is not responsible for enforcing trade law, the agency is responsible for ensuring the safety of much of the nation's food supply. Establishing a national standard of identity for honey is a first and critical step in the right direction. Such a standard would provide CBP agents with a tool to ensure the purity of imported honey and to detect the existence of potentially hazardous additives. In addition to

safeguarding the food supply, this tool would allow agents to take appropriate enforcement actions against those who seek to exploit loopholes in our food safety system.

As you know, many foods have long had a standard of identity. There is no justification for treating honey differently from other food products. Given this serious issue, we request that you report to us in writing within two weeks of receipt of this letter on the status of your review of the pending standard of identity for honey, and that you promulgate an interim final rule providing this standard of identity within 3 months of receipt of this letter.

The continued circumvention of antidumping orders represents a significant loss of much-needed government revenue and places our domestic honey industry at a competitive disadvantage. Implementation of a standard of identity for honey will provide Customs and Border Protection with a significant enforcement tool that will result in a safer food supply and a deterrent to circumvention activity.

Sincerely,

Bob Carey, Jr.

Sherrill Brown

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John Cornyn

Kent Conrad

Jim Johnson

Arlen Specter

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Kay Bailey Hutchison
John

Sally Chaudhri

Tom Harkin