Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Health Ranking Member Anna Eshoo

Hearing on "Evaluating FDA Human Foods and Tobacco Programs"

September 10, 2024

Good morning, colleagues. Today we welcome two leaders from the Food and Drug Administration (FDA) to our Subcommittee who are testifying today for the first time, to discuss the work of the Center for Tobacco Products and the Human Foods Program. Dr. King and Mr. Jones, welcome.

The FDA oversees the safety of more than $3.6 trillion worth of food and drug products produced in the U.S. and abroad. Twenty-one cents out of every dollar spent by American consumers goes toward a product that is regulated by the FDA.

The Human Foods Program represents the often neglected 'F' in 'FDA' and oversees more than 78 percent of our nation's food supply. FDA regulations cover about 35,000 produce farms, 300,000 food establishments, and 10,500 vending machine operators.

The Center for Tobacco Products oversees more than 100,000 tobacco products in the United States, including cigarettes, cigars, smokeless tobacco products, e-cigarettes and vapor products. Central to your work is limiting preventable deaths. Tobacco is the leading cause of preventable death in the United States each year, with one in five deaths due to tobacco use.

One in six Americans suffer foodborne illnesses each year, contributing to more than 128,000 hospitalizations and 3,000 deaths annually. Americans depend on a strong FDA to protect their families. Last year, parents in Maryland discovered their child had six times the minimum level of lead in his blood after he consumed applesauce pouches containing contaminated cinnamon. Now they worry that their son will be developmentally delayed due to preventable lead poisoning.

In 2022, infant formula containing bacteria killed two babies and caused infections in many others, despite FDA receiving a whistleblower complaint a year before. The complaint was "inadvertently archived," according to the OIG of HHS. A high school student from Oklahoma had to re-learn how to talk and move after she was placed in a medically-induced coma after one of her lungs collapsed from vaping.

Your work touches the lives of every single American and you do it with less than a third of FDA's entire budget. Your Centers have long been overlooked and under-resourced. Today, we will examine several proposals to support your immense mission.

The *Tobacco User Fee Modernization Act* introduced by Rep. Jennifer McClellan (D-VA) reauthorizes the assessment and collection of user fees for tobacco products, critical to fund faster, thorough FDA reviews of tobacco products which we all agree is necessary.

The *Federal and State Food Safety Information Sharing Act* introduced by Rep. Deborah Ross (D-NC) authorizes HHS to share timely information on foodborne illnesses and recalls with state, local, and tribal government authorities.

The *INFANTS Act* introduced by Ranking Member Pallone (D-NJ), and Reps. Cardenas (D-CA) and Sykes (D-OH) requires baby food products to be tested for toxic heavy metals to better protect the youngest among us.

Taken together, these bills provide more funding and data to support the FDA's work. Several other bills we will discuss take action on decisions the FDA has long delayed regarding dairy products, domestically produced oranges, and honey.

I hope the FDA will make it easier to be an informed consumer, not more difficult, and I hope the FDA will act rather than wait for Congress to force its hand to make these changes.

I look forward to hearing from our distinguished witnesses today on how Congress can help the agency better manage its massive responsibilities. Thank you and I yield back.