Opening Statement
Chairwoman Anna G. Eshoo
Subcommittee on Health
Committee on Energy and Commerce
Hearing on "Improving Safety and Transparency in America's Food and Drugs"
January 29, 2020

Twenty cents out of every dollar spent by American consumers goes toward food or medicine that's regulated by the FDA.

Today, we will examine ten mostly bipartisan bills to support the FDA's immense mission.

Our first panel will consider four bills to grant the FDA new authorities to tackle challenges that threaten our drug supply.

Chairman Pallone's legislation to create National Centers of Excellence to support research and development of continuous manufacturing technology will strengthen and modernize U.S. drug production.

The *Safeguarding Therapeutics Act* introduced by Representative Brett Guthrie will protect against counterfeit medical devices.

Representative Doris Matsui's *MODERN Labeling Act* will make sure generic drugs have up-to-date safety labeling.

Finally, the *Orphan Drug Exclusivity Act* introduced by Representative Madeline Dean will close a loophole so that orphan drug exclusivity can't be used to deny access to certain drugs, especially drugs for opioid use disorder.

Taken together, these bills improve the drug supply chain from the very beginning to the very end so that patients have access to quality products that are genuine and accurately labeled.

On the second panel, we'll consider six bills that affect the FDA's oversight of food products. Many of these bills take action on decisions that the FDA has long delayed.

For example, the *FASTER Act* introduced by Rep. Doris Matsui lives up to its name. The Act makes the FDA move faster in requiring food manufacturers to list sesame as an allergen on their products.

The bill also allows the FDA to add other food ingredients as major allergens based on the prevalence and severity of allergic reactions.

Over a year ago, the FDA issued a request for information about requiring the sesame allergen label but has not taken any steps since.
This allergen labelling is important for children and their families. An estimated eight percent of American children are affected by food allergies, and the NIH recently found that sesame allergy is common among children with other food allergies, occurring about 17% of the time.

But those parents and children can't easily avoid sesame since it's often not listed as an ingredient. Anyone who's ever known a child with a serious food allergy knows how dire a reaction can be.

The FDA needs to move faster to help curb the risks these children face. The *FASTER Act* will help the FDA do just that.

The *Keep Food Containers Safe from PFAS Act* introduced by Congresswoman Debbie Dingell forces the FDA to confront the issue of PFAS chemical contamination in food wrappers and containers.

PFAS chemicals have been found to easily accumulate in the environment or human body because they break down very slowly. Exposure to PFAS can lead to cancer, weaker immune systems, and liver and kidney toxicity.

The FDA has said that the PFAS approved for use on paper or cardboard to prevent grease stains can potentially migrate to food. The Environmental Working Group found that as much as 40 percent of fast food wrappers tested positive for perfluroinated chemicals, but the FDA has not yet limited PFAS in food packaging.

Instead, the FDA says that because of the growing scientific evidence, it will review whether the use of PFAS in food contact applications is safe. I hope the Agency takes more definitive action soon.

The panel will also consider bills to address unanswered questions around the FDA's regulation of dairy and cheese products, exportation of horse meat, and infant formula.

In total, the FDA oversees more than $2.6 trillion in consumption of food, medical products, and tobacco.

I hope today's hearing will help the agency better shoulder its massive responsibility.