

**Committee on Energy and Commerce**  
**Opening Statement as Prepared for Delivery**  
**of**  
**Full Committee Ranking Member Frank Pallone, Jr.**

*Hearing on “Evaluating FDA Human Foods and Tobacco Programs”*

**September 10, 2024**

We’re here today for an update on the Food and Drug Administration’s (FDA) work to assure our food supply is safe and nutritious, and its work to protect consumers from negative health effects of tobacco use.

This hearing comes at an opportune time. Starting next month, FDA will begin to implement its human food reorganization to better position the agency to adapt to our increasingly complex food supply. It is clear that FDA needs to be nimble and evolve to prevent foodborne illnesses and diet-related chronic diseases. I look forward to hearing the agency’s priorities as they work to make this change.

In light of the listeria outbreak which has killed nine people, including one person in New Jersey, and the continuing response to the outbreak of H5N1 in dairy cattle, the importance of ensuring the safety of our food is clear. But protecting our food supply takes resources and authorities, which House Republicans repeatedly oppose. Even today, the bills that Committee Republicans have put forth would undermine FDA’s efforts to improve the public health, and other bills do not get at the critical issues that need to be addressed.

I am particularly concerned with H.R. 7563, the Food Traceability Enhancement Act, which would delay and dismantle implementation of the FDA’s Food Traceability Rule. Congress intended for FDA to create traceability requirements for retailers and their suppliers when we enacted the Food Safety Modernization Act in 2010.

Thankfully, some of the bills will bolster consumer safety by protecting our nation’s food supply. Specifically, I am pleased we are discussing both H.R. 6770, the INFANTS Act, introduced by myself and Representative Sykes and H.R. 9443, the Federal and State Food Safety Information Sharing Act of 2024, introduced by Representative Ross.

I am also pleased that the FDA has undergone rulemaking to update front-of-package food labeling requirements and apply consumer friendly labeling requirements. This rule addresses some of the key components included in H.R. 2901, the Food Labeling Modernization Act, which I introduced last year with several of my colleagues. These efforts will provide consumers with clearer nutritional information and rein in misleading marketing claims.

We are also here today for an update on FDA’s work to protect consumers from negative health effects of tobacco use and how we must continue to curb the youth tobacco epidemic that we’ve watched unfold in recent years.

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I have repeatedly voiced my concern with the increase in tobacco products that have come to market, including those that demonstrate the industry's ingenuity in developing new slick products that appeal to kids. We need quicker action, more inspections and increased enforcement to clear the market of unauthorized tobacco products that lack marketing authorization from FDA. I look forward to hearing the agency's concrete plans to work through the backlog of premarket tobacco applications currently pending before the agency for review.

While I am frustrated that so many products have not already been removed from shelves, I understand that there were millions of applications, and that FDA needs additional resources to protect the public health from the risks of tobacco usage.

That is why I am pleased we are discussing H.R. 9425, the Tobacco User Fee Modernization Act, introduced by Representative McClellan. This bill would update the tobacco user fee framework to extend tobacco user fee assessments to all regulated tobacco products, including e-cigarettes. There is no reason that manufacturers of e-cigarette products should not pay their fair share of user fees when these products are undoubtedly taking up the lion's share of FDA's time and resources. This should be a commonsense and bipartisan policy that I hope my colleagues on both sides of the aisle will support.

In closing, we simply cannot expect more from the agency without providing the necessary tools and resources.

And with that, I yield back the balance of my time.