

“Unconstitutional” food bill driven by Big Food lobby dollars

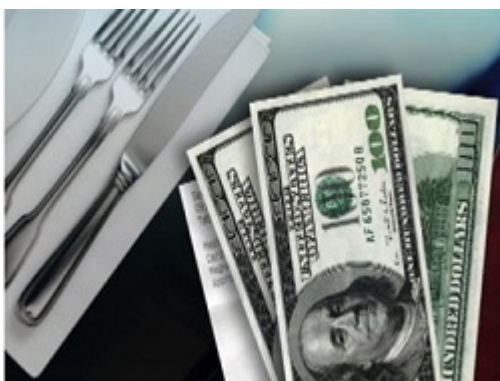
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While over 200 organizations lobbied on the Food Safety Modernization Act (S.510), no one seemed to notice an unconstitutional section in the bill until after it passed on Tuesday. That day, [Roll Call](#) advised that the bill contained a provision, Sec. 107, allowing the Senate to raise revenues. This violates Article I, Section 7, of the U.S. Constitution, granting that power exclusively to the House. S.510 opponents now [celebrate](#) the House’s use of the “[blue slip process](#)” to return the bill to the Senate.

The [Alliance for Natural Health](#) figures that, “The only possible ‘quick fix’ would be a unanimous consent agreement in the Senate to strike that revenue-raising provision from the bill—but Sen. Tom Coburn (R-OK) has already stated that he will oppose, so unanimity will be impossible.” ANH believes it is unlikely that the Senate will return to a debate on S.510, given its full agenda. Its only other option is to “allow the bill to die at the end of this Congress [which means] a new Food Safety Bill will be introduced next year.”

After S.510 passed, President [Obama issued a statement](#): “I urge the House — which has previously passed legislation demonstrating its strong commitment to making our food supply safer — to act quickly on this critical bill, and I applaud the work that was done to ensure its broad bipartisan passage in the Senate.”

Apparently, the Senate moved too quickly. Their overreach only supports the natural foods movement assertion that the entire bill is over-reaching as the federal government seeks complete control over local foods.

The Money and the Vote

In an email, Canada Health [whistleblower Shiv Chopra](#) noted, “It is all about corporate control of food and public health.” He’s not alone in believing that a ‘[hidden corporate](#)

[agenda](#)’ is driving the federal government to impose itself on local food production and distribution. This belief is bolstered by a detailed look at the financial contributors in support of food control legislation. [Open Secrets.org](#) reports that 208 groups lobbied on S.510. According to an analysis by [Maplight.org](#), financial supporters of S.510 include:

- * The US Chamber of Commerce ([no friend to small business](#));
- * Kraft Foods North America (the [world’s second largest](#) food and beverage company;
- * General Mills (which earned [\\$15 billion in revenue in 2009](#)); and the
- * American Farm Bureau Federation (a [Big Ag and insurance industry lobbyist](#) that supports the use of genetically modified foods).

According to data at [Open Secrets.org](#), AFB spent \$9.5 million since 2009 to lobby for S.510 and against the House version. [Food & Water Watch](#) noted that AFB president Bob Stallman “condemn[s] consumers and farmers who oppose the industrial model of agriculture, referring to them as ‘extremists who want to drag agriculture back to the day of 40 acres and a mule.’” Clearly, the American Farm Bureau Federation does not favor small farms.

Breaking agribusiness lobby spending down by sector, Open Secrets reports that in 2009, the:

- * Crop production and basic processing industry spent \$20.3 million;
- * Food processing and sales industry spent \$30.2 million; and the
- * Agriculture services and products industry spent \$34.4 million.

In 2009 and 2010, [Pepsi](#) spent over \$14 million and [Coca-Cola](#) spent \$4.5 million on both S.510 and HR 2749 (the House version). Other groups supporting S.510 include the International Bottled Water Association, International Dairy Foods Association, International Foodservice Distributors Association, and the Snack Food Association. Hardly advocates of small producers or natural foods.

Under the guise of food ‘safety,’ food control legislation has been widely supported by major food industry lobbyists, who spent [over \\$1 billion since 1998](#) to influence Congress. Do the American people even have a voice in food choice, when measured against the hundreds of millions of dollars multinational corporations foist on Congress to influence legislation?

Monsanto and the Tester Amendment

Two final comments are in order: one on the ineffectual Tester Amendment and the other on Monsanto’s influence over food safety.

First, the Tester Amendment “exemption” — defined as those generating less than \$500,000 a year in revenue – is ludicrously low. Kraft Foods generates that **every seven minutes** : it earned [\\$40 billion in revenue in 2009](#). There can be no single bill that adequately addresses food production when talking about producers as disparate as these. Small farms are in a different universe from multinational corporations.

A ten-million-dollar exemption is more reasonable. Farms earning less than \$10 million a year are much more similar to Mom & Pop operations than they are to Kraft Foods or

Monsanto. Farms earning between a half million and ten million annually are more likely than Mom & Pop to achieve product consistency and, because of a higher output, lower market price, thus appealing to locavores on three levels. That ludicrously low \$500,000 figure only highlights the overreach of an obese federal government.

Second, the Tester Amendment does not exempt small food producers as broadly as proponents claim. [Eric Blair noted](#) that “even a ‘very small business’ making less than \$500K per year, doing business ‘within 275 miles’ and directly with ‘end-user customers’ is still required to adhere to all of the [other] regulations” in the massive food control bill.

In order to qualify for exemption, he points out that small producers must file three years of detailed financial records, detailed hazard analysis plans, and detailed proof of compliance with local, county and state laws. Then, the Secretary of Health and Human Services must approve each exemption.

How many “food producers” who donate food to the homeless, or who supply homemade products at bake sales, county fairs, church bazaars, and community picnics are going to bother with such hyper-regulation? Obama’s vision of food “safety” destroys the local economy, and it destroys [community relations](#).

S.510 opponent [Sen. Tom Coburn](#) has repeatedly stressed that the bill will not make our food supply any safer and will “drive small producers out of business.” No wonder so many multi-billion dollar corporations support it.

Finally, let’s not forget that Obama has [stacked his administration](#) with former employees of Monsanto, making Michael Taylor his Food Czar. Anything this Administration supports in the way of food control will surely benefit Monsanto, while harming the natural foods industry and small producers. Indeed, the Food and Drug Administration is already [waging a bureaucratic war](#) on private food contracts and natural food producers.

Meanwhile, the battle for food freedom rages on, with a temporary reprieve now that S.510 has been recalled to the Senate Chamber

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