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February 2, 2005

Dr. Lester Crawford
Acting FDA Commissioner
U. S. Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857-0001

Dear Dr. Crawford:

The New York State Attorney General designates one member of the Board of Directors of the Buffalo and Fort Erie Public Bridge Authority ("Authority"). The Authority is responsible for operations at the Peace Bridge, which spans the Niagara River and connects the United States with Canada at Fort Erie, Ontario and Buffalo, New York. In that capacity, and on behalf of numerous New York State businesses and consumers who rely upon food products imported from Canada, I am writing to request that the FDA significantly expand its hours of operation at all crossings along the New York-Canada border.

Canada is the Empire State's primary trading partner. In agriculture alone, New Yorkers imported \$1.2 billion worth of Canadian food products in 2003, including \$243 million in meat, \$168 million worth of sugars and \$127 million worth of vegetables. Much of that commerce entered New York via the Peace Bridge. The Peace Bridge is one of the nation's and New York's most important commercial ports. Approximately 1.3 million trucks and 5.6 million cars cross the Peace Bridge yearly, carrying \$40 billion worth of goods.

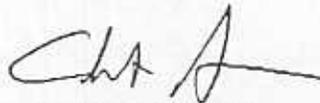
I am advised that the current FDA hours of operation at the Peace Bridge are: Monday-Thursday, 8 am to 11:30 pm; Friday, 8 am to 3:30 pm; no operations on Saturday or Sunday. While the current staffing levels and hours of operation may have been adequate years ago, commercial traffic at the Peace Bridge has increased by almost 30% just since 1994. By 2026, commercial traffic is expected to increase by another 33%. Moreover, implementation of the Bioterrorism Act of 2002 is now severely impacting cross-border commerce along the US-Canada border. The resulting delays are negatively affecting the economy of New York State, and more particularly, business growth and job creation in Western New York. Immediate action is required to remedy this situation.

I am aware that Peace Bridge officials as well as various Canadian interests have already contacted the FDA regional office in Buffalo concerning border delays due to inadequate FDA hours of operation. It has also been brought to my attention that not only are the current hours of operation inadequate, but that they actually put New York at a competitive disadvantage because the FDA staffs more convenient hours of operation at the Michigan crossings. It should come as no surprise that commercial traffic would bypass upstate New York in favor of Michigan if FDA clearance is more easily available in Detroit.

It is abundantly clear that the current system of operations is broken and places unnecessary costs and burdens upon New York State businesses and consumers. In 2004, US Customs officials were responsive to border delay complaints and agreed to increase Peace Bridge coverage. For the food transportation industry, however, Customs' expansion is only part of any needed solution: The same 24/7 coverage provided by Customs is now required from the FDA to speed food transport and ensure food safety. Accordingly, I urge you to take the steps necessary to enhance your operations along the entire NY-Canada border, and in particular at the Peace Bridge, with the staff and hours of operation required to eliminate the unnecessary delays which the current system has wrought.

I appreciate your consideration of my request, and I look forward to hearing from you in the near future about FDA plans to improve its cross-border operations.

Very truly yours,



ELIOT SPITZER
Attorney General

cc: Hon. George Pataki
Hon. Charles Schumer
Hon. Hillary Clinton
Hon. Tom Reynolds
Hon. Louise Slaughter
Hon. Brian Higgins
Mr. Robert Hart, Director,
FDA Buffalo Import Operations Branch
Mr. Ron Reinas, Executive Director
Buffalo & Fort Erie Bridge Authority