103D CONGRESS 1ST SESSION H.R. 3646

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993 Mr. GUNDERSON introduced the following bill; which was referred to the Committee on Agriculture

A BILL

- To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

- 4 This Act may be cited as the "Meat and Poultry
- 5 Products Inspection Amendments of 1993".

1SEC. 2. FEDERAL AND STATE COOPERATION UNDER THE2FEDERAL MEAT INSPECTION ACT.

3 (a) REMOVAL OF INTRASTATE DISTRIBUTION LIMI4 TATION.—Subsection (a)(1) of section 301 of the Federal
5 Meat Inspection Act (21 U.S.C. 661) is amended by strik6 ing "solely for distribution within such State.".

7 (b) USE OF STATE INSPECTORS.—Subsection (a) of
8 such section is amended by adding at the end the following
9 new paragraph:

"(5) In addition to appointing inspectors under
section 21, the Secretary may enter into agreements
to utilize officers and employees of a State or the
District of Columbia to conduct such examinations,
investigations, and inspections authorized under this
Act as the Secretary determines practicable.".

16 (c) TERMINATION OF DESIGNATION OF STATE AS SUBJECT TO FEDERAL INSPECTION FOR INTRASTATE 17 DISTRIBUTION.—Subsection (c)(3) of such section is 18 amended by striking ", with respect to the operations and 19 transactions within such State which are regulated under 20 subparagraph (1), he" and inserting "with respect to all 21 22 establishments within its jurisdiction which do not operate 23 under Federal inspection under title I and at which any 24 cattle, sheep, swine, goats, or equines are slaughtered, or 25 their carcasses, or parts or products thereof, are prepared, for use as human food, and with respect to the distribution 26

of carcasses, parts thereof, meat, or meat food products
 of such animals within the States, the Secretary''.

3 (d) EXPANSION OF STATE INSPECTION AUTHOR-4 ITY.—Such section is further amended—

5 (1) by redesignating subsection (d) as sub-6 section (e); and

7 (2) by inserting after subsection (c) the follow-8 ing new subsection:

"(d)(1) Except as provided in paragraph (2), car-9 10 casses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, or equines prepared under 11 State inspection in any State (other than a State des-12 ignated under subsection (c)) in compliance with the meat 13 inspection law of the State shall be eligible for sale or 14 transportation in interstate commerce, and for entry into 15 and use in the preparation of products in establishments 16 at which Federal inspection is maintained under title I, 17 in the same manner and to the same extent as products 18 prepared at such establishments. 19

20 "(2) State inspected articles described in paragraph
21 (1), and federally inspected articles prepared (in whole or
22 in part) from such State inspected articles—

23 "(A) shall not be eligible for sale or transpor-24 tation in foreign commerce; and

1 "(B) shall be separated at all times from all 2 other federally inspected articles in any federally in-3 spected establishment that engages in the prepara-4 tion, sale, or transportation of carcasses, parts of 5 carcasses, meat, or meat food products, for foreign 6 commerce.

7 "(3) All carcasses, parts of carcasses, meat, and meat food products that are inspected in a program of inspec-8 9 tion in a State (other than a State designated under subsection (c)) pursuant to State law shall be identified as 10 so inspected only by official marks that identify the State 11 and are such design as the State shall prescribe. Federally 12 inspected articles prepared (in whole or in part) from such 13 State inspected articles shall be identified as so inspected 14 15 only by the same official marks as prescribed by the Secretary for articles slaughtered or prepared under title I. 16

"(4) Except as provided in paragraph (5), the operator of an establishment operated under Federal or State
inspection who wishes to transfer to State or Federal inspection, as the case may be, may do so only on October
1 of any year. Such transfer shall occur only if—

"(A) the operator provides written notice of the
intention to transfer to both inspection agencies at
least six months in advance of that date; and

"(B) the Secretary determines that the transfer
 will effectuate the purposes set forth in section 2
 and will not adversely affect the stability of the total
 State and Federal inspection systems.

5 "(5) The Secretary may permit the operator of an 6 establishment to transfer from State to Federal inspection 7 at any time if the operator presents clear and convincing 8 evidence to the Secretary that the establishment intends 9 to, and will be able to, engage in foreign commerce to a 10 substantial extent in a manner which would require Fed-11 eral inspection.

12 "(6) For purposes of this subsection, the term 'inter13 state commerce' means commerce between States or be14 tween a State and the District of Columbia.".

(e) PROHIBITION ON ADDITIONAL OR DIFFERENT
STATE REQUIREMENTS.—Section 408 of such Act (21
U.S.C. 678) is amended to read as follows:

18 "SEC. 408. (a) Requirements within the scope of this 19 Act with respect to premises, facilities and operations of 20 any establishment at which inspection is provided under 21 title I, which are in addition to, or different than those 22 made under this Act may not be imposed by any State 23 or Territory or the District of Columbia. However, any 24 such jurisdiction may impose recordkeeping and other requirements within the scope of section 202, if consistent
 with such section, with respect to any such establishment.

3 "(b)(1) Except as provided in paragraph (2), marking, labeling, packaging, or ingredient requirements in ad-4 dition to (or different than) those made under this Act 5 may not be imposed by any State or Territory or the Dis-6 7 trict of Columbia with respect to articles prepared at any establishment under Federal inspection in accordance with 8 9 the requirements of title I or with respect to articles pre-10 pared for commerce at any State inspected establishment in accordance with the requirements of section 301(d). 11

12 "(2) A State or territory or the District of Columbia may, consistent with the requirements under this Act, ex-13 ercise concurrent jurisdiction with the Secretary over arti-14 15 cles distributed in commerce or otherwise subject to this Act, for the purpose of preventing the distribution for 16 human food purposes of any such articles which are not 17 in compliance with the requirements under this Act and 18 are outside of any federally or State inspected establish-19 ment, or in the case of imported articles, which are not 20 at such an establishment, after their entry into the United 21 22 States.

23 "(c) This Act shall not preclude any State or Terri-24 tory or the District of Columbia from imposing a require-

ment or taking other action, consistent with this Act, with
 respect to any other matters regulated under this Act.".
 SEC. 3. FEDERAL AND STATE COOPERATION UNDER THE
 POULTRY PRODUCTS INSPECTION ACT.

5 (a) REMOVAL OF INTRASTATE DISTRIBUTION LIMI6 TATION.—Subsection (a)(1) of section 5 of the Poultry
7 Products Inspection Act (21 U.S.C. 454) is amended by
8 striking "solely for distribution within such State.".

9 (b) USE OF STATE INSPECTORS.—Subsection (a) of
10 such section is amended by adding at the end the following
11 new paragraph:

12 "(5) The Secretary may enter into agreements
13 to utilize officers and employees of a State or the
14 District of Columbia to conduct such examinations,
15 investigations, and inspections authorized under this
16 Act as the Secretary determines practicable.".

17 (c) TERMINATION OF DESIGNATION OF STATE AS SUBJECT TO FEDERAL INSPECTION FOR INTRASTATE 18 DISTRIBUTION.—Subsection (c)(3) of such section is 19 amended by striking ", with respect to the operations and 20 transactions within such State which are regulated under 21 22 subparagraph (1) of this paragraph (c), he'' and inserting "with respect to all establishments within its jurisdiction 23 24 which do not operate under Federal inspection under this Act and at which any poultry are slaughtered, or any poul-25

try products are processed, for use as human food, and
 with respect to the distribution of poultry products within
 the States, the Secretary".

4 (d) EXPANSION OF STATE INSPECTION AUTHOR-5 ITY.—Such section is further amended—

6 (1) by redesignating subsection (d) as sub-7 section (e); and

8 (2) by inserting after subsection (c) the follow-9 ing new subsection:

"(d)(1) Except as provided in paragraph (2), poultry 10 products processed under State inspection in any State 11 12 (other than a State designated under subsection (c)) in compliance with the poultry products inspection law of the 13 State shall be eligible for sale or transportation in inter-14 15 state commerce, and for entry into and use in the preparation of products in establishments at which Federal in-16 spection is maintained under this Act, in the same manner 17 and to the same extent as poultry products processed at 18 such establishments. Poultry products complying with the 19 requirements of the poultry product inspection laws of the 20 State (other than a State designated under subsection (c)) 21 22 in which the products were processed shall be considered as complying with this Act. 23

24 "(2) State inspected poultry products described in25 paragraph (1), and federally inspected poultry products

processed (in whole or in part) from such State inspected
 poultry products—

3 "(A) shall not be eligible for sale or transpor4 tation in foreign commerce; and

5 "(B) shall be separated at all times from all 6 other federally inspected poultry products in any 7 federally inspected establishment that engages in the 8 processing, sale, or transportation of poultry prod-9 ucts for foreign commerce.

"(3) All poultry products that are inspected in a pro-10 gram of inspection in a State (other than a State des-11 ignated under subsection (c)) pursuant to State law shall 12 be identified as so inspected only by official marks that 13 identify the State and are such design as the State shall 14 15 prescribe. Federally inspected poultry products processed (in whole or in part) from such State inspected poultry 16 products shall be identified as so inspected only by the 17 same official marks as prescribed by the Secretary for 18 poultry products processed under this Act (other than this 19 section or section 11). 20

"(4) Except as provided in paragraph (5), the operator of an establishment operated under Federal or State
inspection who wishes to transfer to State or Federal inspection, as the case may be, may do so only on October
1 of any year. Such transfer shall occur only if—

"(A) the operator provides written notice of the
 intention to transfer to both inspection agencies at
 least six months in advance of that date; and

4 "(B) the Secretary determines that the transfer
5 will effectuate the legislative policy set forth in sec6 tion 3 and will not adversely affect the stability of
7 the total State and Federal inspection systems.

8 "(5) The Secretary may permit the operator of an 9 establishment to transfer from State to Federal inspection 10 at any time if the operator presents clear and convincing 11 evidence to the Secretary that the establishment intends 12 to, and will be able to, engage in foreign commerce to a 13 substantial extent in a manner which would require Fed-14 eral inspection.

15 "(6) For purposes of this subsection, the term 'inter16 state commerce' means commerce between States or be17 tween a State and the District of Columbia.".

18 (e) PROHIBITION ON ADDITIONAL OR DIFFERENT
19 STATE REQUIREMENTS.—Section 23 of such Act (21
20 U.S.C. 467e) is amended to read as follows:

21 "SEC. 23. (a) Requirements within the scope of this 22 Act with respect to premises, facilities and operations of 23 any official establishment, which are in addition to, or dif-24 ferent than those made under this Act may not be imposed 25 by any State or territory or the District of Columbia. However, any such jurisdiction may impose recordkeeping
 and other requirements within the scope of section 11(b),
 if consistent with such section, with respect to any such
 establishment.

5 "(b)(1) Except as provided in paragraph (2), marking, labeling, packaging, or ingredient requirements in ad-6 7 dition to (or different than) those made under this Act may not be imposed by any State or territory or the Dis-8 9 trict of Columbia with respect to articles prepared at any 10 establishment under Federal inspection in accordance with the requirements of this Act or with respect to articles 11 prepared for commerce at any State inspected establish-12 ment in accordance with the requirements of section 5(d). 13 Further storage or handling requirements found by the 14 Secretary to unduly interfere with the free flow of poultry 15 products in commerce shall not be imposed by any State 16 or territory or the District of Columbia. 17

18 "(2) A State or territory or the District of Columbia may, consistent with the requirements of this Act, exercise 19 concurrent jurisdiction with the Secretary over articles 20 21 distributed in commerce or otherwise subject to this Act, 22 for the purpose of preventing the distribution for human food purposes of any such articles which are not in compli-23 24 ance with the requirements of this Act and are outside of any federally or State inspected establishment, or in 25

the case of imported articles, which are not at such an
 establishment, after their entry into the United States.

3 "(c) This Act shall not preclude any State or territory
4 or the District of Columbia from making requirements or
5 taking other action, consistent with this Act, with respect
6 to any other matters regulated under this Act.".