

111TH CONGRESS  
1ST SESSION

# S. 1101

To amend the Federal Food, Drug, and Cosmetic Act to establish a Food Protection Training Institute, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

Ms. STABENOW (for herself and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to establish a Food Protection Training Institute, and for other purposes.

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 “Food Protection Train-  
5       ing Institute Act of 2009”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) There is no mandatory Federal training re-  
2           quirement for State, local, tribal, and territorial food  
3           protection officials, and training varies by State.

4           (2) In June 2000, the Office of the Inspector  
5           General (“OIG”) of the Department of Health and  
6           Human Services released a report on oversight by  
7           the Food and Drug Administration (“FDA”) of  
8           State food inspection contracts. In this report the  
9           OIG recommended that FDA take steps to promote  
10          equivalency among Federal and State food safety  
11          standards, inspection programs, and enforcement  
12          practices.

13          (3) Under contract with the FDA, State em-  
14          ployees perform over half of all FDA inspections at  
15          domestic food processing plants. Inspections are per-  
16          formed under State laws and authorities, the provi-  
17          sions of the Federal Food, Drug, and Cosmetic Act,  
18          or both. In fiscal year 2008, States conducted ap-  
19          proximately 10,500 FDA food contract inspections.  
20          Overall, States conduct nearly 80,000 inspections  
21          annually of food processing plants, but the majority  
22          of these inspections are not recognized by FDA as  
23          meeting any standard.

24          (4) No national accreditation process exists to  
25          assure State and local food protection programs pro-

1       vide adequate protections to ensure effectiveness or  
2       equivalency to Federal programs.

3       **SEC. 3. FOOD PROTECTION TRAINING ACTIVITIES AND IN-**  
4       **STITUTE.**

5       Subchapter D of chapter VII of the Federal Food,  
6       Drug, and Cosmetic Act (21 U.S.C. 379k et seq.) is  
7       amended by adding at the end the following:

8       **“SEC. 747. FOOD PROTECTION TRAINING ACTIVITIES AND**  
9       **INSTITUTE.**

10       “(a) DEFINITIONS.—In this section—

11               “(1) the term ‘food protection’ means govern-  
12       ment regulatory or public health activities and pro-  
13       grams at the Federal, State, or local level that are  
14       targeted at ensuring the safety or defense of the  
15       food supply—

16               “(A) from natural, accidental, or inten-  
17       tional contamination; and

18               “(B) through prevention, intervention, re-  
19       sponse to food contamination events, or recov-  
20       ery of food systems to restore economic stability  
21       and public confidence after a food contamina-  
22       tion event;

23       “(2) the term ‘food protection officials’—

1 “(A) means government employees at the  
2 Federal, State, or local level that have direct re-  
3 sponsibilities for food protection; and

4 “(B) includes environmental health work-  
5 ers, sanitarians, food regulatory officials, inves-  
6 tigators, communicable disease workers, epi-  
7 demiologists, laboratory workers, and toxi-  
8 cologists; and

9 “(3) the term ‘food regulatory officials’ includes  
10 inspectors responsible for enforcing the food protec-  
11 tion provisions of this Act.

12 “(b) AUTHORITY OF THE SECRETARY.—

13 “(1) GENERAL DUTIES.—The Secretary shall,  
14 not later than 120 days after the date of enactment  
15 of this section—

16 “(A) create a list of uniform food protec-  
17 tion training standards for Federal, State, and  
18 local food regulatory officials and food protec-  
19 tion officials as a part of overall regulatory pro-  
20 gram standards in consultation with—

21 “(i) a national association of food pro-  
22 tection officials that has membership open  
23 to food protection officials from all States;

24 “(ii) State agencies responsible for  
25 food protection; and

1 “(iii) local agencies responsible for  
2 food protection; and

3 “(B) ensure funding is used to advance  
4 food protection and the effectiveness and  
5 equivalency throughout the food protection sys-  
6 tem of the Nation through a responsive and  
7 preventive controls framework in an effort to  
8 build capacity and create a more integrated na-  
9 tional food protection system.

10 “(2) DUTIES WITH RESPECT TO THE INSTI-  
11 TUTE.—The Secretary shall, not later than 120 days  
12 after the date of enactment of this section—

13 “(A) in cooperation with the organization  
14 described in paragraph (1)(A)(i), provide finan-  
15 cial, technical, and other assistance to establish  
16 and maintain a Food Protection Training Insti-  
17 tute that—

18 “(i) conducts training activities that—

19 “(I) address food protection in-  
20 spection training standards as di-  
21 rected by the Secretary in paragraph  
22 (1); and

23 “(II) meet any program stand-  
24 ards developed by the Secretary under  
25 paragraph (1);

1 “(ii) prior to fiscal year 2010, applied  
2 for determination as, or had been deter-  
3 mined to be, an entity described in section  
4 501(c)(3) of the Internal Revenue Code of  
5 1986;

6 “(iii) has demonstrated the resources  
7 to commit to training no less than 750  
8 food protection officials during fiscal year  
9 2010 and no less than 3,000 food protec-  
10 tion officials during fiscal year 2013; and

11 “(iv) is governed by a board of direc-  
12 tors that—

13 “(I) as of the date of establish-  
14 ment, includes—

15 “(aa) a representative from  
16 a national association which has,  
17 as of fiscal year 2010—

18 “(AA) tax exempt sta-  
19 tus under section 501(c)(3)  
20 of the Internal Revenue  
21 Code of 1986;

22 “(BB) membership  
23 open to food protection offi-  
24 cials from all States; and

1 “(CC) governing offi-  
 2 cers who are State food reg-  
 3 ulatory program officials;

4 “(bb) a representative from  
 5 a private foundation with assets  
 6 in excess of \$5,000,000,000 as of  
 7 fiscal year 2010; and

8 “(cc) a representative of a  
 9 Land Grant university; and

10 “(II) as of fiscal year 2010, has  
 11 received financial support of at least  
 12 \$1,000,000 from a private foundation  
 13 with assets in excess of  
 14 \$5,000,000,000; and

15 “(B) ensure that the activities conducted  
 16 and assistance provided at such Institute at a  
 17 minimum include—

18 “(i) providing career-specific and ca-  
 19 reer-spanning skills training and con-  
 20 tinuing education for food protection offi-  
 21 cials and food regulatory officials that in-  
 22 clude—

23 “(I) entry level, core job training;

24 “(II) intermediate level and con-  
 25 tinuing education training;

1 “(III) advanced level training in  
2 specialized areas of food protection;  
3 and

4 “(IV) training of elite or expert  
5 level food protection officials;

6 “(ii) developing and using multiple  
7 and advanced training approaches to reach  
8 food protection officials including face-to-  
9 face courses, on-the-job training, multi-  
10 media approaches, distance learning, web-  
11 based courses, and other innovative and ef-  
12 fective methods;

13 “(iii) developing criteria and assessing  
14 measurable training outcomes;

15 “(iv) developing instructor curriculum  
16 and delivery assessment;

17 “(v) assessing and reporting to the  
18 Secretary of efforts leading to leveraging  
19 food protection capability and capacity to  
20 support a national integrated food protec-  
21 tion system; and

22 “(vi) establishing methods to provide  
23 timely training in response to emerging  
24 food protection events in order to minimize  
25 public health impacts and recovery.



1       “(c) DUTIES OF THE FOOD PROTECTION TRAINING  
2 INSTITUTE.—The Food Protection Training Institute es-  
3 tablished under subsection (b) shall carry out activities to  
4 improve the safety of the United States food supply, in-  
5 cluding—

6           “(1) advancing the effectiveness and equiva-  
7 lency throughout the food protection system of the  
8 Nation;

9           “(2) improving the response and prevention  
10 controls capabilities of the national food protection  
11 system;

12           “(3) building capacity and the integration of  
13 the national food protection system;

14           “(4) providing training and technical assistance  
15 with respect to food establishment inspections that  
16 meet any program standards developed by the Sec-  
17 retary under subsection (b)(1);

18           “(5) offering onsite and offsite training for food  
19 protection officials from all States;

20           “(6) establishing a national network of trained  
21 professionals to present training programs and  
22 workshops for food protection officials;

23           “(7) developing training materials for use in  
24 such programs and workshops;

1 “(8) acting as a clearinghouse for research,  
2 studies, and findings concerning all aspects of food  
3 protection programs, including—

4 “(A) conducting and funding research to  
5 improve the effectiveness of food establishment  
6 inspection; and

7 “(B) conducting and funding research to  
8 improve the effectiveness of the duties of food  
9 protection officials;

10 “(9) training food protection officials to comply  
11 with standards established by the Secretary through  
12 a national network of instructors or other means;

13 “(10) preparing informational materials to pro-  
14 mote more efficient and thorough food protection in-  
15 spections;

16 “(11) assisting State agencies in providing ad-  
17 ditional instructions and instructors, including train-  
18 ing personnel to comply with the guidance and ob-  
19 jectives established by the Secretary; and

20 “(12) any other activities determined appro-  
21 priate by the Secretary.

22 “(d) ACCOUNTABILITY.—

23 “(1) REPORT TO THE SECRETARY.—On an an-  
24 nual basis, the board of directors of the Institute es-  
25 tablished under subsection (b) shall submit to the

1 Secretary a report that describes the activities and  
2 progress of such Institute carried out under this sec-  
3 tion during the previous year.

4 “(2) REPORT TO CONGRESS.—On an annual  
5 basis, the Secretary shall submit to Congress a re-  
6 port that describes the activities and progress of the  
7 Secretary and the Institute established under sub-  
8 section (b) carried out under this section during the  
9 previous year.

10 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to carry out this sec-  
12 tion—

13 “(1) \$20,000,000 for fiscal year 2010;

14 “(2) \$25,000,000 for fiscal year 2011; and

15 “(3) \$30,000,000 for each of fiscal years 2012,  
16 2013, and 2014.”.

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