

111TH CONGRESS  
1ST SESSION

# S. 2758

To amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 2009

Ms. STABENOW (for herself, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. SANDERS, Mrs. BOXER, Mr. BINGAMAN, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, 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 “Growing Safe Food  
5 Act of 2009”.

1 **SEC. 2. NATIONAL FOOD SAFETY TRAINING, EDUCATION,**  
 2 **EXTENSION, OUTREACH, AND TECHNICAL AS-**  
 3 **SISTANCE PROGRAM.**

4 (a) IN GENERAL.—Title IV of the Agricultural Re-  
 5 search, Extension, and Education Reform Act of 1998 is  
 6 amended by inserting after section 404 (7 U.S.C. 7624)  
 7 the following:

8 **“SEC. 405. NATIONAL FOOD SAFETY TRAINING, EDUCATION,**  
 9 **EXTENSION, OUTREACH, AND TECHNICAL AS-**  
 10 **SISTANCE PROGRAM.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) AGRICULTURAL PRODUCER GROUP.—The  
 13 term ‘agricultural producer group’ means a group—

14 “(A) the mission of which includes working  
 15 on behalf of agricultural producers, grower-  
 16 shippers, packers, distributors, and processors;  
 17 and

18 “(B) a majority of the membership and  
 19 board of directors of which are agricultural pro-  
 20 ducers, grower-shippers, packers, distributors,  
 21 and processors.

22 “(2) BEGINNING FARMER.—The term ‘begin-  
 23 ning farmer’ means a farmer who, as determined by  
 24 the Secretary—

25 “(A) has not operated a farm or who has  
 26 operated a farm for not more than 10 years;

1           “(B) materially and substantially partici-  
2           pates in the operation of the farm; and

3           “(C) provides substantial day-to-day labor  
4           and management of the farm.

5           “(3) CONSERVATION SYSTEMS.—The term ‘con-  
6           servation systems’ means conservation practices, ac-  
7           tivities, and management measures that are based  
8           on local resource conditions and the standards and  
9           guidelines contained in the Natural Resources Con-  
10          servation Service field office technical guides.

11          “(4) MARKET VALUE OF AGRICULTURAL PROD-  
12          UCTS.—The term ‘market value of agricultural prod-  
13          ucts’ means gross income derived from—

14                 “(A) the production of agricultural com-  
15                 modities and unfinished raw forestry products;

16                 “(B) the production of livestock and prod-  
17                 ucts produced by, or derived from, livestock;

18                 “(C) the production of farm-based renew-  
19                 able energy;

20                 “(D) the processing, packing, storing, and  
21                 transporting of farm and forestry commodities,  
22                 including renewable energy;

23                 “(E) the feeding, rearing, or finishing of  
24                 livestock (exclusive of the cost or other basis of  
25                 livestock purchased for resale); and

1           “(F) any other similar market activity re-  
2           lated to farming or forestry, as determined by  
3           the Secretary.

4           “(5) NATIONAL INTEGRATED FOOD SAFETY INI-  
5           TIATIVE.—The term ‘national integrated food safety  
6           initiative’ means the integrated research, education,  
7           and extension competitive grants program carried  
8           out under section 406.

9           “(6) SMALL AND MEDIUM-SIZED FARM.—The  
10          term ‘small and medium-sized farm’ means a farm  
11          on which the market value of agricultural products,  
12          averaged over the most recent 3-year period for  
13          which data are available (including the market value  
14          generated by all of the individuals or legal entities  
15          that operate or have an ownership interest in the  
16          farm) does not exceed \$1,000,000.

17          “(7) SMALL FOOD PROCESSORS.—The term  
18          ‘small food processor’ has the meaning given the  
19          term by the Secretary.

20          “(8) SMALL FRUIT AND VEGETABLE MERCHANT  
21          WHOLESALE.—The term ‘small fruit and vegetable  
22          merchant wholesaler’ has the meaning given the  
23          term by the Secretary.

24          “(9) SOCIALLY DISADVANTAGED FARMER.—The  
25          term ‘socially disadvantaged farmer’ has the same

1 meaning given the term ‘socially disadvantaged  
2 farmer or rancher’ in section 355(e) of the Consoli-  
3 dated Farm and Rural Development Act (7 U.S.C.  
4 2003(e)) with respect to a farmer.

5 “(10) SUSTAINABLE AGRICULTURE.—The term  
6 ‘sustainable agriculture’ has the meaning given the  
7 term in section 1404 of the National Agricultural  
8 Research, Extension, and Teaching Policy Act of  
9 1977 (7 U.S.C. 3103).

10 “(b) ESTABLISHMENT.—

11 “(1) IN GENERAL.—The Secretary shall estab-  
12 lish a competitive grant program to provide food  
13 safety training, education, extension, outreach, and  
14 technical assistance to—

15 “(A) owners and operators of farms;

16 “(B) small food processors; and

17 “(C) small fruit and vegetable merchant  
18 wholesalers.

19 “(2) APPLICABILITY.—Food safety training,  
20 education, extension, outreach, and technical assist-  
21 ance provided under this section shall relate only to  
22 foods under the authority of the Commissioner of  
23 Food and Drugs and not to foods under the author-  
24 ity of the Secretary.

1           “(3) INTEGRATED APPROACH.—To the max-  
2           imum extent practicable, the Secretary shall carry  
3           out the program under this section in a manner that  
4           integrates food safety standards and guidance with  
5           sustainable agriculture and conservation systems.

6           “(4) PRIORITY.—In awarding grants under this  
7           section, the Secretary shall give priority to projects  
8           that target small and medium-sized farms, small  
9           processors, and small fresh fruit and vegetable mer-  
10          chant wholesalers.

11          “(5) COORDINATION.—

12                 “(A) IN GENERAL.—The Secretary shall  
13                 coordinate implementation of the program  
14                 under this section with the national integrated  
15                 food safety initiative.

16                 “(B) INTERACTION.—The Secretary  
17                 shall—

18                         “(i) in carrying out the program  
19                         under this section, take into consideration  
20                         applied research, education, and extension  
21                         results obtained from the national inte-  
22                         grated food safety initiative; and

23                         “(ii) in determining the applied re-  
24                         search agenda for the national integrated  
25                         food safety initiative, take into consider-

1           ation the needs articulated by the user  
2           community served by projects funded by  
3           the program under this section.

4           “(c) GRANTS.—

5           “(1) IN GENERAL.—In carrying out this sec-  
6           tion, the Secretary shall make competitive grants to  
7           support training, education, extension, outreach, and  
8           technical assistance projects to increase under-  
9           standing and implementation of food safety stand-  
10          ards, guidance, and protocols developed under chap-  
11          ter IV of the Federal Food, Drug, and Cosmetic Act  
12          (21 U.S.C. 341 et seq.), including, as appropriate to  
13          the targeted customer group—

14               “(A) good agricultural practices;

15               “(B) good handling practices;

16               “(C) good manufacturing practices;

17               “(D) produce safety standards;

18               “(E) risk analysis and preventative control  
19          mechanisms,

20               “(F) sanitation standard operating proce-  
21          dures;

22               “(G) safe packaging and storage systems;

23               “(H) recordkeeping for product sourcing  
24          and sales, including traceability standards if  
25          relevant;

1           “(I) food safety audits and certification;  
2           and

3           “(J) other similar activities, as determined  
4           by the Secretary.

5           “(2) ENCOURAGED FEATURES.—The Secretary  
6           shall encourage projects carried out using grant  
7           funds under this section to include features that pro-  
8           vide training, education, extension, outreach, and  
9           technical assistance in sustainable agriculture and  
10          conservation systems.

11          “(3) ORGANIC AGRICULTURE.—The Secretary  
12          may make grants under this section to projects that  
13          target farms that have, or are transitioning to, cer-  
14          tified organic production under the national organic  
15          program established under the Organic Foods Pro-  
16          duction Act of 1990 (7 U.S.C. 6501 et seq.).

17          “(4) MAXIMUM TERM AND SIZE OF GRANT.—

18                 “(A) IN GENERAL.—A grant under this  
19                 section shall—

20                         “(i) have a term that is not more than  
21                         3 years; and

22                         “(ii) be in an amount that is not more  
23                         than \$600,000 each year.



1           “(B) CONSECUTIVE GRANTS.—An eligible  
2           recipient may receive consecutive grants under  
3           this section.

4           “(d) GRANT ELIGIBILITY.—

5           “(1) IN GENERAL.—To be eligible for a grant  
6           under this section, the recipient shall be—

7           “(A) a State cooperative extension service;

8           “(B) a Federal, State, local, or tribal agen-  
9           cy;

10          “(C) a nonprofit community-based or non-  
11          governmental organization;

12          “(D) an institution of higher education (as  
13          defined in section 101(a) of the Higher Edu-  
14          cation Act of 1965 (20 U.S.C. 1001(a))) or a  
15          foundation maintained by an institution of  
16          higher education;

17          “(E) an agricultural producer group;

18          “(F) a collaboration of 2 or more eligible  
19          recipients described in this subsection; or

20          “(G) such other appropriate recipient, as  
21          determined by the Secretary.

22          “(2) MULTISTATE PARTNERSHIPS.—Grants  
23          under this section may be made for projects involv-  
24          ing more than 1 State.

25          “(e) PROJECT EVALUATION CRITERIA.—

1           “(1) IN GENERAL.—In making grants under  
2 this section, the Secretary shall evaluate proposals  
3 based on the extent to which the proposed project—

4                   “(A) demonstrates relevancy, technical  
5 merit, and achievability;

6                   “(B) demonstrates knowledge of the goals  
7 and requirements of chapter IV of the Federal  
8 Food, Drug, and Cosmetic Act (21 U.S.C. 341  
9 et seq.) that are directly relevant to the pro-  
10 posed project;

11                   “(C) benefits small and medium-sized  
12 farms, small processors, and small fresh fruit  
13 and vegetable merchant wholesalers;

14                   “(D) reaches beginning farmers, socially  
15 disadvantaged farmers, and underserved geo-  
16 graphic areas;

17                   “(E) demonstrates a successful track  
18 record in training and outreach programs with  
19 the community to be served;

20                   “(F) includes adequate outreach plans;

21                   “(G) demonstrates a capacity to reach a  
22 large percentage of eligible participants in the  
23 targeted customer group;

1           “(H) includes adequate plans for a  
2 participatory evaluation process and outcome-  
3 based reporting;

4           “(I) leverages cash and in-kind contribu-  
5 tions from State, local, and private sources;

6           “(J) includes substantive, funded collabo-  
7 rations between eligible recipients, including  
8 nonprofit community-based or nongovernmental  
9 organizations and agricultural producer groups;  
10 and

11           “(K) maximizes other appropriate factors,  
12 as determined by the Secretary.

13           “(2) REGIONAL BALANCE.—In making grants  
14 under this section, the Secretary shall, to the max-  
15 imum extent practicable, ensure—

16           “(A) geographic diversity; and

17           “(B) diversity of types of agricultural pro-  
18 duction.

19           “(f) RELATIONSHIP TO OTHER PROGRAMS.—

20           “(1) INTERAGENCY COORDINATION.—The Sec-  
21 retary shall coordinate implementation of the pro-  
22 gram under this section with the Secretary of Health  
23 and Human Services with respect to food safety  
24 standards, guidance, and protocols developed under

1 chapter IV of the Federal Food, Drug, and Cosmetic  
2 Act (21 U.S.C. 341 et seq.).

3 “(2) CONSISTENCY.—

4 “(A) IN GENERAL.—Projects funded by  
5 this program shall be consistent with—

6 “(i) sustainable agriculture;

7 “(ii) conservation practices (as de-  
8 fined in section 1240A of the Food Secu-  
9 rity Act of 1985 (16 U.S.C. 3839aa–1));

10 and

11 “(iii) conservation activities (as de-  
12 fined in section 1238D of that Act (16  
13 U.S.C. 3838d)).

14 “(B) ORGANIC STANDARDS.—With respect  
15 to certified organic production, projects funded  
16 under this section shall be consistent with the  
17 national organic program established under the  
18 Organic Foods Production Act of 1990 (7  
19 U.S.C. 6501 et seq.).

20 “(g) REPORTING REQUIREMENTS.—The Secretary  
21 shall require grant recipients to submit—

22 “(1) annual reports; and

23 “(2) at the completion of the grant period, an  
24 evaluation of the project funded under this section.

1       “(h) CURRICULUM AND TRAINING MATERIAL CLEAR-  
2     INGHOUSE.—The Secretary may enter into a cooperative  
3     agreement with any entity eligible to receive a grant under  
4     this section for the purpose of establishing a nationwide  
5     online clearinghouse of information relating to the on-farm  
6     production, harvesting, packing, transporting, and proc-  
7     essing of safe food that makes available educational cur-  
8     ricula and training materials and programs that further  
9     the purposes of this section.

10       “(i) TECHNICAL ASSISTANCE.—

11           “(1) IN GENERAL.—The Secretary may use  
12     funds made available under subsection (k) to provide  
13     technical assistance to grant recipients to further  
14     the purposes of this section.

15           “(2) TYPES.—Technical assistance under para-  
16     graph (1) may—

17           “(A) be in the form of a train-the-trainer  
18     program; and

19           “(B) include or be provided by food safety  
20     extension teams of the National Institute of  
21     Food and Agriculture.

22       “(j) BEST PRACTICES FOR STATE PROGRAMS.—

23     Based on evaluations of projects funded under this sec-  
24     tion, the Secretary shall recommend on an iterative basis  
25     a set of best practices and models for food safety training

1 programs for agricultural producers and small food pro-  
2 cessors.

3 “(k) AUTHORIZATION FOR APPROPRIATIONS.—There  
4 is authorized to be appropriated to carry out this section  
5 \$50,000,000 for each fiscal year, of which—

6 “(1) not more than 3 percent may be used for  
7 a curriculum and training materials clearinghouse  
8 under subsection (h);

9 “(2) not more than 10 percent may be used for  
10 technical assistance under subsection (i); and

11 “(3) not more than 4 percent may be used for  
12 administrative costs incurred by the Secretary in  
13 carrying out this section.”.

14 (b) INTEGRATED RESEARCH, EDUCATION, AND EX-  
15 TENSION COMPETITIVE GRANTS PROGRAM.—Section  
16 406(c) of the Agricultural Research, Extension, and Edu-  
17 cation Reform Act of 1998 (7 U.S.C. 7626(c)) is amend-  
18 ed—

19 (1) by striking “Grants under” and inserting  
20 the following:

21 “(1) IN GENERAL.—Grants under”; and

22 (2) by adding at the end the following:

23 “(3) EMPHASIS.—In carrying out the food safe-  
24 ty initiative under this section, the Secretary shall  
25 emphasize integrated projects that address priority

1 research, education, and extension needs relevant to  
2 implementing this Act and other applicable agricul-  
3 tural research laws, including projects that—

4 “(A) aid in the development and repeated  
5 improvement of food safety standards, guid-  
6 ance, and protocols, including produce stand-  
7 ards and guidance;

8 “(B) analyze on an iterative basis the most  
9 critical points of risk in the food system for  
10 fresh produce and other raw agricultural com-  
11 modities;

12 “(C)(i) determine conservation and bio-  
13 diversity standards and practices that positively  
14 address food safety concerns; and

15 “(ii) develop education and decision sup-  
16 port tools to assist landowners with those  
17 standards and practices;

18 “(D) investigate methods to reduce the im-  
19 pact of animals of significant risk on contami-  
20 nation of food;

21 “(E) identify low-cost, effective food safety  
22 practices for highly diversified agricultural op-  
23 erations;

1           “(F) develop decision support tools to aid  
2           in the effective implementation of whole-farm  
3           food safety plans; and

4           “(G) address other similar topics, as deter-  
5           mined by the Secretary.”.

○