

111TH CONGRESS
1ST SESSION

S. 2819

To amend the Poultry Products Inspection Act, the Federal Meat Inspection Act, and the Federal Food, Drug, and Cosmetic Act to require processors of food products to certify to the applicable Secretary that the processed food products are not adulterated.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2009

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Poultry Products Inspection Act, the Federal Meat Inspection Act, and the Federal Food, Drug, and Cosmetic Act to require processors of food products to certify to the applicable Secretary that the processed food products are not adulterated.

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 “Processed Food Safety
5 Act of 2009”.

1 **SEC. 2. POULTRY SAFETY.**

2 (a) DEFINITION OF MISBRANDED.—Section 4(h) of
3 the Poultry Products Inspection Act (21 U.S.C. 453(h))
4 is amended—

5 (1) in paragraph (5)—

6 (A) by inserting “(A)” after “(5)”;

7 (B) by striking “showing (A) the name”
8 and inserting the following: “showing—

9 “(i) the name”;

10 (C) by striking “distributor; and (B) an
11 accurate” and inserting the following: “dis-
12 tributor;

13 “(ii) subject to subparagraph (B), an accu-
14 rate”; and

15 (D) by striking “count: *Provided*, That
16 under clause (B) of this subparagraph (5), rea-
17 sonable” and inserting the following: “count;
18 and

19 “(iii) an accurate description of each cut of
20 poultry or poultry product contained in the
21 package or other container; and

22 “(B) except that under subparagraph (A)(ii),
23 reasonable”;

24 (2) in paragraph (7)(B), by striking “(other
25 than spices, flavoring, and coloring)”; and

1 (3) in paragraph (9)(B), by striking “; except
2 that spices, flavorings, and colorings may, when au-
3 thorized by the Secretary, be designated as spices,
4 flavorings, and colorings without naming each”.

5 (b) PROHIBITED ACTS.—Section 9 of the Poultry
6 Products Inspection Act (21 U.S.C. 458) is amended—

7 (1) in paragraph (5), by striking the period at
8 the end and adding “or”; and

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

10 “(6) sell, transport, offer for sale or transpor-
11 tation, or receive for transportation, in commerce,
12 any poultry or poultry product that is capable of use
13 as human food, unless the person (including any
14 slaughterer, poultry products broker, renderer, proc-
15 essor, reprocessor, retail food store, or official estab-
16 lishment) affirmatively certifies to the Secretary
17 that—

18 “(A) each ingredient in the poultry or
19 poultry product that was added, modified, or
20 otherwise handled by the person has undergone
21 a pathogen reduction treatment in accordance
22 with requirements of the Secretary that will re-
23 duce the presence of pathogens of public health
24 concern and other harmful food borne contami-
25 nants; or

1 “(B) the person has tested and certified
2 that each ingredient in the poultry or poultry
3 product that was added, modified, or otherwise
4 handled by the person contains no verifiable
5 traces of pathogens.”.

6 (c) PHASE-IN PERIOD.—Paragraph (6) of section 9
7 of the Poultry Products Inspection Act (as added by sub-
8 section (b)(2)) shall not apply until the date that is 18
9 months after the date of enactment of this Act.

10 **SEC. 3. MEAT SAFETY.**

11 (a) DEFINITION OF MISBRANDED.—Section 1(n) of
12 the Federal Meat Inspection Act (21 U.S.C. 601(n)) is
13 amended—

14 (1) in paragraph (5)—

15 (A) by inserting “(A)” after “(5)”;

16 (B) by striking “showing (A) the name”
17 and inserting the following: “showing—

18 “(i) the name”;

19 (C) by striking “distributor; and (B) an
20 accurate” and inserting the following: “dis-
21 tributor;

22 “(ii) subject to subparagraph (B), an accu-
23 rate”; and

24 (D) by striking “count: *Provided*, That
25 under clause (B) of this subparagraph (5), rea-

1 sonable” and inserting the following: “count;
2 and

3 “(iii) an accurate description of each cut of
4 meat or meat food product contained in the
5 package or other container; and

6 “(B) except that under subparagraph (A)(ii),
7 reasonable”;

8 (2) in paragraph (7)(B), by striking “(other
9 than spices, flavoring, and coloring)”;

10 (3) in paragraph (9)(B), by striking “; except
11 that spices, flavorings, and colorings may, when au-
12 thorized by the Secretary, be designated as spices,
13 flavorings, and colorings without naming each”.

14 (b) PROHIBITED ACTS.—Section 10 of the Federal
15 Meat Inspection Act (21 U.S.C. 610) is amended—

16 (1) by striking “**SEC. 10. No person**” and in-
17 serting the following:

18 **“SEC. 10. PROHIBITED ACTS.**

19 “**No person**”;

20 (2) in subsection (c)—

21 (A) by striking “in commerce (1) any” and
22 inserting the following: “in commerce—

23 “(A) any”;

1 (B) by striking “which (A) are capable of
2 use as human food and (B) are” and inserting
3 the following: “that—

4 “(i) are capable of use as human food;

5 and

6 “(ii) are”; and

7 (C) by striking “(2) any” and inserting the
8 following:

9 “(B) any”;

10 (3) by redesignating subsections (a) through (d)
11 as paragraphs (1) through (4), respectively, and in-
12 denting appropriately;

13 (4) in paragraph (4) (as so redesignated), by
14 striking the period at the end and inserting “; or”;
15 and

16 (5) by adding at the end the following:

17 “(5) sell, transport, offer for sale or transpor-
18 tation, or receive for transportation, in commerce,
19 any meat or meat food product that is capable of
20 use as human food, unless the person, firm, or cor-
21 poration (including any slaughterer, meat broker,
22 renderer, processor, reprocessor, retail food store, or
23 official establishment) affirmatively certifies to the
24 Secretary that—

1 “(A) each ingredient in the meat or meat
2 food product that was added, modified, or oth-
3 erwise handled by the person, firm, or corpora-
4 tion has undergone a pathogen reduction treat-
5 ment in accordance with requirements of the
6 Secretary that will reduce the presence of
7 pathogens of public health concern and other
8 harmful food borne contaminants; or

9 “(B) the person, firm, or corporation has
10 tested and certified that each ingredient in the
11 meat or meat food product that was added,
12 modified, or otherwise handled by the person,
13 firm, or corporation contains no verifiable
14 traces of pathogens.”.

15 (c) PHASE-IN PERIOD.—Paragraph (5) of section 10
16 of the Federal Meat Inspection Act (as added by sub-
17 section (b)(5)) shall not apply until the date that is 18
18 months after the date of enactment of this Act.

19 **SEC. 4. FOOD SAFETY.**

20 (a) PATHOGEN REDUCTION TREATMENT.—Chapter
21 IV of the Federal Food, Drug, and Cosmetic Act (21
22 U.S.C. 351 et seq.) is amended by adding at the end the
23 following:

1 **“SEC. 418. PATHOGEN REDUCTION TREATMENT.**

2 “(a) IN GENERAL.—The Secretary shall promulgate
3 regulations requiring each facility registered under section
4 415 to apply pathogen reduction treatments to each food,
5 as the Secretary determines appropriate, that such facility
6 manufactures, processes, packages, or holds for consump-
7 tion in the United States.

8 “(b) CERTIFICATION.—The Secretary shall promul-
9 gate regulations requiring each facility described in sub-
10 section (a) to certify to the Secretary that—

11 “(1) each food manufactured, processed, pack-
12 aged, or held (including each ingredient of such food
13 that is added, modified, or otherwise handled) by
14 such facility contains no verifiable traces of patho-
15 gens; or

16 “(2) each food leaving such facility has received
17 pathogen reduction treatments, as required by the
18 regulations promulgated under such subsection.”.

19 (b) PHASE-IN PERIOD.—The requirements under
20 section 418(b) of the Federal Food, Drug, and Cosmetic
21 Act (as added by subsection (a)) shall not apply until the
22 date that is 18 months after the date of enactment of this
23 Act.

24 (c) TECHNICAL AMENDMENT.—Section 402 of the
25 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342)
26 is amended by adding at the end the following:

1 “(j) If the facility has not provided a certification re-
2 quired under section 418.”.

3 (d) LABELING WITH RESPECT TO SPICES, FLA-
4 VORING, AND COLORING.—Section 403 of the Federal
5 Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amend-
6 ed—

7 (1) in paragraph (g), by striking “(other than
8 spices,” and inserting “(including spices,”;

9 (2) in paragraph (i), by striking “; except that
10 spices, flavorings, and colors not required to be cer-
11 tified under section 721(c) unless sold as spices,
12 flavorings, or such colors, may be designated as
13 spices, flavorings, and colorings without naming
14 each”;

15 (3) in paragraph (k), by striking “The provi-
16 sions of this paragraph and paragraphs (g) and (i)
17 with respect to artificial coloring shall not apply in
18 the case of butter, cheese, or ice cream.”; and

19 (4) in paragraph (x), by striking “Notwith-
20 standing subsection (g), (i), or (k), or any other law,
21 a” and inserting “A”.

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