

118TH CONGRESS
1ST SESSION

H. R. 5079

To direct the Secretary of Agriculture to publish criteria for the review of requests by certain meat or poultry establishments to operate at alternate inspection rates, to review and respond to such requests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2023

Mr. FINSTAD introduced the following bill; which was referred to the
Committee on Agriculture

A BILL

To direct the Secretary of Agriculture to publish criteria for the review of requests by certain meat or poultry establishments to operate at alternate inspection rates, to review and respond to such requests, 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. REQUESTS FOR ALTERNATE INSPECTION**
4 **RATES OF MEAT AND POULTRY.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of enactment of this Act, the Secretary of Agriculture
7 (referred to in this section as the “Secretary”) shall—

1 (1) publish in the Federal Register food safety
2 criteria that the Secretary shall consider in granting
3 a request submitted by any establishment to operate
4 at alternate inspection rates; and

5 (2) begin reviewing and responding to such re-
6 quests from such establishments.

7 (b) RESPONSE.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date on which a request from an establishment
10 to operate at alternate inspection rates is submitted,
11 the Secretary shall respond—

12 (A) in the case of a request that the Sec-
13 retary determines meets the food safety criteria
14 referred to in subsection (a)(1), by approving
15 such request; or

16 (B) in the case of a request that the Sec-
17 retary determines does not meet the food safety
18 criteria referred to in subsection (a)(1), by de-
19 nying such request in writing and explaining in
20 detail the reasons for such denial.

21 (2) FAILURE BY SECRETARY TO RESPOND.—In
22 the case of a failure by the Secretary to respond to
23 a request during the 90-day period referred to in
24 paragraph (1), such request shall be deemed to have
25 been approved by the Secretary.

1 (c) CONTINUATION OF OPERATIONS AT CERTAIN ES-
2 TABLISHMENTS.—In the case of an establishment oper-
3 ating at alternate inspection rates as of the date of enact-
4 ment of this Act, the Secretary shall authorize such estab-
5 lishment to continue operating at such rates—

6 (1) so long as the establishment maintains ef-
7 fective process control; or

8 (2) until such date that the Secretary, under
9 subsection (b)(1), approves or denies a request sub-
10 mitted by the establishment to operate at alternate
11 inspection rates.

12 (d) DURATION OF APPROVED REQUESTS.—An estab-
13 lishment may continue to operate pursuant to the terms
14 of a request approved under subsection (b)(1) so long as
15 the establishment continues to meet the food safety cri-
16 teria referred to in subsection (a)(1).

17 (e) NONCOMPLIANCE AND REVOCATION.—

18 (1) NOTICE OF NONCOMPLIANCE.—The Sec-
19 retary shall provide—

20 (A) in the case of an establishment oper-
21 ating pursuant to the terms of a request ap-
22 proved under subsection (b)(1) that fails to
23 meet the food safety criteria referred to in sub-
24 section (a)(1), written notice to such establish-
25 ment describing the nature of such failure; and

1 (B) in the case of an establishment con-
2 tinuing operations under subsection (c) that
3 fails to adhere to the requirements of such sub-
4 section, written notice to such establishment de-
5 scribing the nature of such failure.

6 (2) GRACE PERIOD; RESPONSE TO NONCOMPLI-
7 ANCE.—Following the 180-day period beginning on
8 the date on which an establishment receives a writ-
9 ten notice of noncompliance under paragraph (1), if
10 the Secretary determines the establishment has not
11 remedied the failures described in such notice, the
12 Secretary may—

13 (A) at the discretion of the Secretary, pro-
14 vide the establishment an additional oppor-
15 tunity to remedy the failures described in such
16 notice; or

17 (B) revoke the authority of the establish-
18 ment to continue operating at alternate inspec-
19 tion rates and provide written notice to the es-
20 tablishment describing the basis for such rev-
21 ocation.

22 (3) TIMELINE FOR ADJUSTING INSPECTION
23 RATES.—

24 (A) IN GENERAL.—The written notice of
25 revocation referred to in paragraph (2)(B) shall

1 include a timeline for adjusting inspection rates
2 at the establishment receiving such notice to in-
3 spection rates otherwise permitted under regu-
4 lations implementing the post-mortem inspec-
5 tion requirements of the Federal Meat Inspec-
6 tion Act (21 U.S.C. 601 et seq.) and the Poul-
7 try Products Inspection Act (21 U.S.C. et seq.),
8 in effect as of the date of enactment of this Act
9 (or successor regulations).

10 (B) MINIMIZATION OF NEGATIVE IM-
11 PACTS.—In establishing the timeline for adjust-
12 ing inspection rates described in subparagraph
13 (A), the Secretary shall—

14 (i) consider potential effects on live
15 animal production and sourcing; and

16 (ii) consult with the establishment to
17 which such rates shall apply to minimize
18 negative impacts—

19 (I) on the ability of the establish-
20 ment to fulfill any contractual obliga-
21 tions of the establishment in effect on
22 the date on which such timeline is es-
23 tablished;

24 (II) on animal producers or
25 growers; and

1 (III) on animal welfare.

2 (4) APPLICABILITY.—A revocation under para-
3 graph (2)(B) shall not limit the ability of an estab-
4 lishment to apply and be approved for alternate in-
5 spection rates under subsection (b)(1), so long as
6 the establishment otherwise meets the food safety
7 criteria referred to in subsection (a)(1).

8 (f) DEFINITIONS.—In this section:

9 (1) ALTERNATE INSPECTION RATES.—The term
10 “alternate inspection rates” means any rate in ex-
11 cess of the maximum rates permissible under regula-
12 tions implementing the post-mortem inspection re-
13 quirements of the Federal Meat Inspection Act (21
14 U.S.C. 601 et seq.) and the Poultry Products In-
15 spection Act (21 U.S.C. 451 et seq.), in effect as of
16 the date of enactment of this Act (or successor regu-
17 lations).

18 (2) ESTABLISHMENT.—The term “establish-
19 ment” means—

20 (A) an official establishment that is subject
21 to inspection under the Federal Meat Inspection
22 Act (21 U.S.C. 601 et seq.); and

1 (B) an official establishment that is sub-
2 ject to inspection under the Poultry Products
3 Inspection Act (21 U.S.C. 451 et seq.).

○