To provide for enhanced food-borne illness surveillance and food safety capacity.

IN THE SENATE OF THE UNITED STATES

JULY 29 (legislative day, JULY 28), 2008
Mr. REID (for Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for enhanced food-borne illness surveillance and food safety capacity.

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 “Improving Food-borne
5 Illness Surveillance and Response Act of 2008”.
6 SEC. 2. ENHANCED FOOD-BORNE ILLNESS SURVEILLANCE.
7 (a) IN GENERAL.—
8 (1) AUTHORITY.—The Secretary of Health and
9 Human Services (referred to in this section as the
“Secretary”) shall strengthen and expand food-borne illness surveillance systems to—

(A) inform and evaluate efforts to prevent food-borne illness; and

(B) enhance the identification and investigation of, and response to, food-borne illness outbreaks.

(2) Food-borne Illness Outbreak.—For purposes of this section, the term “food-borne illness outbreak” means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a common food.

(b) Food-Borne Illness Surveillance Systems.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(1) coordinating food-borne illness surveillance systems, including complaint systems, in order to—

(A) produce better information on illnesses associated with foods, including sources and risk factors for infections by emerging pathogens; and
(B) facilitate sharing of data acquisition and findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Food Safety and Inspection Service, and State and local agencies, and with the public;

(2) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(3) developing improved epidemiological tools for obtaining quality exposure data, microbiological methods for classifying cases and detecting clusters, and improved tracebacks to rapidly and specifically identify contaminated food products;

(4) expanding capacity of such systems for implementation of fingerprinting strategies for food-borne infectious agents, including parasites and hepatitis A, in order to increase pathogen discovery efforts to identify new or rarely documented causes of food-borne illness;

(5) allowing timely public access to de-identified, aggregate surveillance data;

(6) at least annually, publishing current reports on findings from such systems;
(7) exploring establishment of registries for long-term case follow-up to better characterize late complications of food-borne illness;

(8) increasing participation in national networks of public health and food regulatory agencies and laboratories to—

(A) allow public health officials at the Federal, State, and local levels to share and accept laboratory analytic findings; and

(B) identify food-borne illness outbreaks and attribute such outbreaks to specific foods through submission of standardized molecular subtypes (also known as "fingerprints") of food-borne illness pathogens to a centralized database; and

(9) establishing a flexible mechanism for rapidly supporting scientific research by academic centers of excellence, which may include staff representing academic clinical researchers, food microbiologists, animal and plant disease specialists, ecologists, and other allied disciplines.

(c) IMPROVING STATE SURVEILLANCE CAPACITY.—

The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Commissioner
of Food and Drugs, shall improve capacity for surveillance
in the States by—

(1) supporting outbreak investigations with
needed specialty expertise, including epidemiological,
microbiological, and environmental expertise, to as-
sist identification of underlying common sources and
contributing factors;

(2) identifying, disseminating, and supporting
implementation of model practices at the State and
local level for—

(A) facilitating rapid shipment of clinical
isolates from clinical laboratories to State pub-
lic health laboratories to avoid delays in testing;

(B) conducting rapid and more standard-
ized interviewing of cases associated with major
enteric pathogens, including prior to designa-
tion of clusters as food-borne illness outbreaks;

(C) conducting and evaluating rapid and
standardized interviews of healthy control per-
sons;

(D) sharing information on a timely
basis—

(i) within public health and food regu-
latory agencies;

(ii) among such agencies;
(iii) with the food industry;
(iv) with healthcare providers; and
(v) with the public;

(3) developing, regularly updating, and disseminating training curricula on food-borne illness surveillance investigations, including standard sampling methods and laboratory procedures;

(4) integrating new molecular diagnostic tools for parasites into web-based consultation services for parasitic infections to accelerate the identification of these food-borne infectious agents;

(5) supporting research to develop and deploy new subtyping methods for salmonella, E. coli, campylobacter, and other pathogens, to increase the speed and accuracy of diagnoses;

(6) determining minimum core competencies for public health laboratories, and developing self-evaluation and proficiency-testing tools for such laboratories;

(7) facilitating regional public health laboratory partnerships to leverage resources, including equipment and physical space, and increase surge capacity;

(8) providing technical assistance, which may include the detailing of officers and employees of the
Secretary, to State and local public health and food regulatory agencies;

(9) partnering with the Food and Drug Administration to increase communication, coordination, and integration of food-borne illness surveillance and outbreak investigation activities; and

(10) developing and periodically updating response and interview procedures so that such procedures are standardized and tested.

(d) Program Activities.—The Secretary shall carry out activities to support core food safety functions of State and local public health laboratories, including—

(1) establishing fellowships, stipends, and scholarships to address critical workforce shortages;

(2) training and coordination of State and local personnel;

(3) establishing partnerships between private and public laboratories to facilitate sharing of positive enteric specimens and improve surge capacity;

(4) strengthening capacity to participate in existing or new food-borne illness surveillance systems; and

(5) the purchase and maintenance of data systems hardware and software and laboratory equipment.
(c) PARTNERSHIPS.—Not later than 180 days after the date of enactment of the Improving Food-borne Illness Surveillance and Response Act of 2008, the Secretary shall establish a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of food-borne illness surveillance and implementation of this section, including advice and recommendations on—

(1) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on food-borne illness and its causes that can be used to prevent food-borne illness;

(2) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and between the Federal, State, and local levels of government;

(3) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to
food-borne illness surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(4) key barriers to improvement in food-borne illness surveillance and its utility for preventing food-borne illness at Federal, State, and local levels; and

(5) specific actions to reduce barriers to improvement, implement the working group’s recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

SEC. 3. LEVERAGING AND ENHANCING STATE AND LOCAL ROLES.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

“PART S—PROGRAMS RELATING TO FOOD

“SEC. 399JJ. PLAN TO IMPROVE FOOD SAFETY CAPACITY AT THE STATE AND LOCAL LEVEL.

“(a) GOALS.—The Secretary shall leverage and enhance the food safety capacity and roles of State and local agencies and integrate State and local agencies as fully
as possible into national food safety efforts, in order to
achieve the following goals:

“(1) Improve food-borne illness outbreak re-
response and containment.

“(2) Improve the contribution of food-borne ill-
ness surveillance and investigation to the prevention
of food-borne illness.

“(3) Strengthen oversight of food safety at the
retail level.

“(4) Strengthen the capacity of State and local
agencies to carry out inspections and enforce safety
standards in food processing establishments, as part
of a national strategy and plan to provide an ade-
quate level of inspection and achieve compliance with
safety standards in such establishments.

“(5) Make more effective use of the Nation’s
combined food safety resources to reduce the burden
of food-borne illness.

“(b) SURVEY.—In preparation for development of the
plan required by subsection (c), the Secretary shall, not
later than 1 year after the date of enactment of the Im-
proving Food-borne Illness Surveillance and Response Act
of 2008, complete a survey of State and local capacities,
and needs for enhancement, with respect to—
“(1) staffing levels and expertise available to perform food safety functions;

“(2) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

“(3) information systems to support data management and sharing of food safety information among State and local agencies and with counterparts at the Federal level;

“(4) legal authorities of State and local agencies to support the roles of such agencies in a national food safety system; and

“(5) organizational arrangements for managing and coordinating food safety activities.

“(c) PLAN.—Taking into account the goals established in subsection (a), results from the survey required in subsection (b), and consultations with State and local agencies and other food safety stakeholders, the Secretary shall, not later than 2 years after the date of enactment of the Improving Food-borne Illness Surveillance and Response Act of 2008, develop, publish, and begin implementation of a plan that includes the following elements:

“(1) Criteria for assessing the adequacy of State and local capacity to perform food safety functions as part of a national food safety system.
“(2) Priorities for enhancing the capacity of State and local agencies.

“(3) Action plans for meeting the highest priority capacity needs, including budget requirements and financing plans that take into account Federal, State, and local resources.

“(4) Improved coordination and information flow among Federal, State, and local agencies to strengthen food-borne illness surveillance, outbreak response, and investigation and to ensure that agencies at all levels have the information on origins and causes of food-borne illness that such agencies need to plan preventive measures.

“(5) Integration of the inspection and compliance programs in food processing establishments of the Food and Drug Administration and State and local agencies, including—

“(A) joint planning and priority setting to ensure that the collective effort has the greatest possible impact on achieving compliance with food safety standards and reducing food-borne illness;

“(B) elimination of barriers to the free flow of information among the Food and Drug Administration and State and local agencies
with respect to inspection and compliance pro-
grams and integration of State and Federal in-
spection and laboratory data systems;

“(C) steps to expand, and ensure the vigor
and consistency of, State inspection of proc-
essing establishments under contract to the
Food and Drug Administration; and

“(D) reliance by the Food and Drug Ad-
ministration on State inspection and food sam-
ple analyses in Federal enforcement activities.

“(d) FOOD SAFETY CAPACITY BUILDING GRANTS.—

“(1) IN GENERAL.—The Secretary shall make
grants to State and local agencies to enhance State
and local food safety capacity and programs and
support achievement of the goals established in sub-
section (a). In awarding such grants, the Secretary
shall take into account the criteria and priorities es-
tablished by the Secretary under subsection (c).

“(2) FUNDING.—There are authorized to be ap-
propriated to carry out paragraph (1), $25,000,000
for each of the fiscal years 2010, 2011, and 2012.

“(e) REPORT TO CONGRESS.—Not later than 1 year
after the date of enactment of the Improving Food-borne
Illness Surveillance and Response Act of 2008, and on an
annual basis thereafter, the Secretary shall submit to Con-
gress a report that describes—

“(1) progress made in implementing this sec-
tion, including any obstacles to such implementation;
and

“(2) any legislative recommendations or addi-
tional resources needed for full implementation.”.